

Women in the Arab World: Reading against the Grain of Culturalism

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As someone who has worked on women's rights issues in the Arab world for some time, I have always been concerned with the following dilemma facing many Arab women researchers and writers. If a woman novelist writes a novel criticizing patriarchal practices and ideas in Arab societies, she is obviously doing what novelists generally do, which is imaging her own society through her creative and observant eyes. If a female researcher is asked to give a talk on the status of Arab women and she is particularly critical of cultural and political practices, she, also, is doing what researchers are supposed to do. However, if the novel is translated into English, or if the researcher's talk is delivered to a Western audience, they both run the risk of being accused of betrayal or worse, of flirting with the West. It is a tricky situation. We cannot simply say, from the perspective of a women's rights activist, that these women are perfectly entitled to say what they want in whatever way they like and that their critics are totally misguided and have no business trying to silence them. Nor can we say that they are wrong and that they need to be more careful about what they say, given the tumultuous political situation in the Arab world, especially at present. What we need to acknowledge is that the meaning of stories, data, narratives and research articles is often determined or rather influenced by the geopolitics of production and reception.

The status of women in the Arab world has always been a highly sensitive political issue and it is always a challenge to address it. This sensitivity has certainly been multiplied in the last two years, especially with the escalation of violence and turmoil in the Middle East. On the one hand, we have the Arab Human Development Report (AHDR), published in 2002, which designated women's empowerment as one of the three major deficits impeding development in the Arab world. Within the context of this report, and of many more produced by other local, regional and international bodies, the gender gap demonstrated by statistical figures on women's political and economic participation, and their access to

health and education is compelling and self-evident. On the other hand, stereotypes of Arab women as victims of their oppressive societies which dominate the contemporary media are used to legitimize the neo-imperialist discourse of intervention and preemption against »rogue« Arab states. Hence, a discussion or analysis of the socio-political status of Arab women goes beyond the realm of social analysis and enters the arena of international relations and politics. It requires a kind of analysis that reads against the grain of biased assumptions, stereotyping and dismissive strategies of othering and marginalization and, most importantly, prejudice. Statistical data need to be contextualized and historicized.

The Data

According to the AHDR 2002, despite the considerable strides taken by Arab countries in the field of education, illiteracy rates remain extremely high for men (31 percent) but much higher for women (58 percent). The figures vary from one country to another but are nevertheless quite disheartening. In 1999, illiteracy rates in Jordan were 5.5 percent for men and 16.6 percent for women, in Saudi Arabia 16.5 percent for men and 34.1 percent for women, in Morocco 38.9 percent for men and 64.9 percent for women, and in Egypt 33.9 percent for men and 57.2 percent for women. Regarding women's participation in economic activities, we discover that women's share of non-agricultural wage employment is only 20 percent in Egypt, 27 percent in Morocco and 25 percent in Oman. As for the participation of women in political life, the picture is not very promising either. The percentage of women occupying seats in parliament is only two percent in Egypt, six percent in Algeria, ten percent in Syria, eleven percent in Morocco, and twelve percent in Tunisia. Women have no seats in parliament at all in Kuwait and Saudi Arabia. According to the United Nations Development Programme (UNDP) measure of women's empowerment designed in 1995, the Arab region ranks last but one compared to other regions. The gender gap in the Arab world is substantial and requires serious attention.¹

1. See the *Arab Human Development Report 2002*, UNDP and RBAS, Jordan; and the *Human Development Report 2003*, UNDP, New York and Oxford: Oxford University Press.

In addition to statistical data, an assessment of women's empowerment will also take note of significant actions and measures currently being implemented that have the potential to enhance the position of women and support their integration in socio-political life. The AHDR 2003 devotes a section to monitoring both negative and positive developments over the course of the year in respect of women's empowerment. It mentions the failure of women in Bahrain to win seats in the elections for municipal and legislative assemblies, having just gained the right to vote and to stand for election. On the positive side, it notes the entry of 33 Moroccan women into parliament due to the introduction of a quota system. The Report also notes the appointment in Yemen of a woman as State Minister for Human Rights and another who entered parliament after the elections.

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It is interesting how the reception of the AHDR is actually very similar to the reception of many women's rights activists in both the Arab world and the West. The report was quoted repeatedly by Colin Powell and George W. Bush. It was also referred to extensively in the Greater Middle East Initiative proposed by the US administration. The attraction for the Bush administration was that this was a report produced by Arabs themselves exposing failures in their own societies. »What more proof do we [Americans, the ›international‹ community] need to justify taking action and intervening to bring democracy to these nations lagging behind the rest of the world?« On the other hand, the Report was welcomed in many circles in the Arab world as a solid document of self-criticism, but was also criticized by many for giving the Bush administration the justification to meddle in Arab affairs.² The arguments are pretty familiar. They are exact replicas of the kind of arguments made to celebrate or denounce women's rights activists or women writers and researchers who dare to criticize Arab societies.

Biased and stereotypical representations of Arab women have a long and complex history in both nationalist and colonial discourses. An awareness of this history and its contemporary reproductions in modern

2. Cf. the contribution by Nader Fergany in this issue.

media and international debates is crucial in any attempt to map the socio-political status of Arab women in the twenty-first century.

An Old/New Problem

An article entitled »The True Clash of Civilizations« published in *Foreign Policy* in 2003 about the findings of a World Values Survey conducted in 1995–1996 and 2000–2002 argued as follows: »Samuel Huntington was only half-right. The cultural fault line that divides the West and the Islamic world is not about democracy, but sex (...) Muslims and their western counterparts are still worlds apart when it comes to attitudes towards divorce, abortion, gender equality and gay rights – which does not bode well for democracy's future in the Middle East (...) In other words, the values separating the two cultures have much more to do with eros than demos.«³

When Samuel Huntington published his essay on the »Clash of Civilizations« in 1993, later elaborated in his book »The Clash of Civilizations and the Remaking of the World Order« in 1996, it became very popular among American policy-makers, but was dismissed as simplistic and superficial by many analysts working in the cultural field. The argument depended on superficial generalizations, resorted to outdated binary opposites, and did not hold up well at the level of plain logic. Nevertheless, it succeeded in triggering a heated debate in world politics. Written in the aftermath of the Cold War, the essay is an attempt to reconstruct international power relations after the collapse of the Soviet Union and its decline as a superpower. With communism as a competing ideology opposed to capitalism out of the way, Huntington's theory constructs another public enemy to justify the expansionist designs of the only superpower left in the international arena. Future conflicts will not be triggered by ideologies but by the clash between civilizations. Focusing on Islamic civilization as the future »public enemy«, Huntington draws upon rigid colonial logic that pits »us« against »them«, essentializing both sides and disregarding diversity and various hybrid forms of identity. In another reading of Huntington's theory, Edward Said saw it as a

3. Ronald Inglehart and Pippa Norris, »The True Clash of Civilizations«, in *Foreign Policy* (March–April 2003), pp. 67–75.

manifestation of anxieties of identity prevailing in the USA in the closing decades of the twentieth century.⁴

Generalizations that lead to essentialist conclusions necessarily hide the diversity which exists in both the East and the West.

Huntington's aim of constructing fault-lines and marking essentialist differences between the Muslim world and the West draws upon a long history of Orientalist representations of the East. What is interesting, however, is that in the nineteenth century, as pointed out by Edward Said in »Orientalism«, the East, in the work of Flaubert and many other European writers and travelers, represented licentiousness and sexual freedom and was seen as the essential Other to Western institutionalized gender relations and proper morality.⁵ The problem with the East then, or what marked it as essentially different from the West, was its excessive liberalism regarding sexual relations. More than a hundred years later, and according to a World Survey on Values, the problem is its lack of liberal attitudes towards sex. I think Said's evaluation of Huntington's theory as a manifestation of anxieties of identity holds up well when we are talking about gender. The point here is that an attempt to map the socio-political status of women in the Arab world without integrating a comparative perspective that acknowledges Western angst and processes of othering in defense of the self can only produce a distorted or, at best, a lop-sided picture.

Generalizations that lead to essentialist conclusions necessarily hide the diversity which exists in both the East and the West. Participants in the Survey had to respond to statements such as »A woman has to have children in order to be fulfilled« or to questions such as »If a woman wants to have a child as a single parent, but she doesn't want to have a stable relationship with a man, do you approve or disapprove?« The logic of the survey is grounded in the concept of individual freedom as a marker of liberal thinking and progress and disregards other systems of thought that seek to strike a balance between the needs of the individual and those of the community. This is not the place to get into a compli-

4. Edward Said, »The Clash of Definitions«, in *Reflections on Exile*, ed. Edward Said, London: Granta Books, 2001, pp. 569–90.

5. Edward Said, *Orientalism*, New York: Vintage Books, 1979, pp. 149–97.

cated debate, but suffice it to say that surveys of this kind often lack a basic degree of cultural background that would allow them to formulate questions to suit diverse audiences. What is really striking, however, is the statements intended to confirm the traditionalism and conservatism of Islamic societies with reference to their illiberal attitudes regarding the issue of abortion, for example. I am not going to suggest that abortion is by any means generally tolerated in the Arab world, but I cannot help pointing out that it is not exactly an issue that has been settled once and for all in the West either. We need only recall that George W. Bush's recent ban on partial abortion and the restrictions he imposed on giving federal and state money to pro-choice groups was received with anger and protest by women's rights groups in the USA. Furthermore, as recently as April 26, 2004 a huge rally was organized in Washington DC in support of abortion rights. How can attitudes on abortion be marked as the cultural fault-line between the Muslim world and the West, unless of course the USA by sending its troops to Iraq has joined the ranks of the East? It seems to me that things are a little more complicated and less simplistic than the »sexual clash of civilizations« theory suggests.

Socio-Political Contexts of Change

Again, how are data to be interpreted? The figures mentioned above on Arab women's representation in parliaments certainly indicate their marginalization in politics. This is not unexpected considering the absence of democratic institutions in most Arab countries, a situation that is not conducive to citizen participation in political structures at all. In fact, it is this absence of democratic processes rather than gender that requires us to pause and to reconsider figures on the participation of social agents across the board, not just women. What do the figures say? Egypt, which had a history of democratic governance in the early part of the twentieth century only had two percent representation of women in parliament in 2003. Women's representation in Morocco (11 percent) and Tunisia (12 percent) must be compared with that in some of the oldest democracies in the world where the figures are not significantly better: in France women hold 12 percent of the seats in parliament and in the USA only 14 percent (House of Representatives). This weak representation in democratic countries merits more attention and analysis, I would argue, than the situation in undemocratic regimes.

There is no ready means for measuring gender bias, and contradictions exist everywhere. If we look at labor laws in different countries, particularly the maternity leave benefits given to women to support their working as well as reproductive roles, the picture is diverse, even erratic. Denmark stands out in the realm of gender equality as women get 18 weeks' maternity leave on full pay, while France gives between 16 and 26 weeks of maternity leave on the same terms. Egyptian women get 12 weeks' fully paid maternity leave, but in the USA women get 12 weeks of *unpaid* leave, making it extremely difficult for them to keep their job and have a family at the same time. Not granting women paid maternity leave is tantamount to telling them that if they want to have careers they must forget about being mothers and wives. The only explanation is blatant gender discrimination.

Again, in most Arab countries women's share of non-agricultural wage employment is low compared to most developed countries. But what does this mean? In Egypt, where the majority of women work in agriculture or in the informal sector, which accounts for a major part of economic activity, we can conclude that there is some kind of institutionalized bias, but that women do have access to the public sphere and can engage in economic activity. It is worth noting, however, that since the socialist era in Egypt in the 1950s and 1960s, the public sector has been the largest employer of women. Women have succeeded in reaching top positions in government bodies. A visitor to departments of languages in national universities, in which the majority of students are women, will notice that the majority of staff members are also women. This is not necessarily the case, for example, in American and European universities, where the ratio of female members of staff to male members is usually not proportionate to the ratio of men and women amongst students. Also, in the USA whereas women constitute 46 percent of the labor force, they occupy only 2.4 percent of top executive positions and receive 1.9 percent of high executive salaries. Institutionalized bias? Certainly!

Let us now consider the issue of women judges in the Arab world. Recent news from occupied Iraq revealed the rise of a new wave of conservatism that threatens to curtail women's rights. We hear of clerics and religious authorities declaring their refusal to accept the integration of women in the judiciary. Also, in 2003 Egypt announced the appointment of the first woman judge, indicating that until 2003, and throughout the twentieth century, women had not been allowed access to the judiciary. How was this news reported in the world? Against the background of theories on the sexual clash of civilizations and media stereotyping of

Arab cultures as oppressive of women, as well as notoriously racist anti-Arab statements by prominent American and European officials, the news was interpreted as just another indication of Arab despotism and oppression of women. By way of explaining to the public the reasons for this state of affairs, TV »experts« used a culturalist argument to give voice to opinions issued by Islamic religious authorities many centuries ago. Rarely does the public get a chance to listen to serious socio-political analysis of why things are the way they are and why it is simplistic to make the easy argument that it can all be explained with reference to culture.

To understand what is happening as regards an issue such as the exclusion of women from the judiciary in some, not all Arab countries, we need to factor in the diversity that exists in the region, and the historical context of each country.

To begin with, Iraq, together with other Arab countries – Syria, Morocco, Tunis, Algeria, Sudan – has had women judges for more than three decades. In Algeria, 50 percent of judges are women. Considering the long history of the women’s rights movement in Egypt, the Egyptian judiciary is in fact quite unique in the region in its resistance to the integration of women in the system. The situation is nothing less than disgraceful. All the cultural and religious justifications for this bias have been attacked many times. Many women are quite active in challenging the bias and have taken various forms of action to try to gain entry to the judiciary. As early as 1949, Aisha Rateb, who later became a professor of law and then Minister of Social Affairs, filed a lawsuit at the State Council when the prime minister refused to accept her application for appointment to the Council, a prerequisite for embarking on a career as a judge. She had passed all the required examinations and had gained the approval of the members, but he still rejected her application on the pretext that it was against state policy. Other law suits were filed but to no avail. In 1998, the appointment of women judges was put in the limelight as a campaign was launched to pressure policy-makers and the judiciary to appoint women. The campaign, organized by the Alliance of Arab Women, held a major regional meeting at the Club of Judges and invited prominent women judges from all over the Arab world. Simultaneous media programs and shows hosted women professors of law, lawyers and activists who demanded immediate action to redress the gender imbalance. The

appointment in 2003 of Tahani el-Gebali as the first woman judge in the Supreme Court came in response to strong pressure from social activists. The situation is still far from satisfactory as the way is still blocked at the level of the preliminary courts, but a first step has been taken.

The point here is that to understand what is happening as regards an issue such as the exclusion of women from the judiciary in some, not all Arab countries, we need to factor in the diversity that exists in the region, and the historical context of each country. The point is not to posit a culturalist analysis which over-simplifies complex socio-political struggles.

Women's Status in the Family: Contradictions and Contestation

Another issue that merits careful consideration and analysis is the status of Arab women in the family. Family Laws or Personal Status Laws (PSL) in Arab countries vary quite significantly. Amongst the blatant contradictions that characterize women's status in many Arab countries is the incongruity between their private and public rights. In 1956, Egyptian women got the vote, the right to be elected, and most equal opportunity rights guaranteeing fair and equitable access to the public sphere. The state encouraged women to join the labor market and to participate in the development of their country. Nevertheless, the legal modifications introduced in 1956 did not touch the PSL which regulate relations between men and women in the private sphere. This led to a peculiar situation in which women felt empowered in the workplace but remained subordinate to the authority of male family members in the private sphere. Professional women who reached top positions would still worry and feel insecure regarding a number of issues, for example, their right to divorce, child custody, and legal guardianship over their children. These contradictions led to some bizarre situations: until only three years ago, for example, a woman minister of finance in Egypt could not travel on an official mission without obtaining the permission of her husband. He had the right to stop her at the airport and cancel her trip. And a university law professor could not deal officially with her children's school, for example, in relation to money matters, because she is not their legal guardian.

I will briefly attempt to explain the origins of these contradictions. I argue that the roots of the problem can be traced back to the nineteenth

century where we find that the introduction of »the woman question« to the Arab cultural scene coincided with the emergence of the modern state, and a very close link was established between the modern project of nation-building and the need to improve the status of women. From a colonial point of view, what was perceived as »the backward status of women« – in Egypt, for example – was both indication and proof of the backward status of the country, which therefore needed colonial rule. The same assumption was made by many early reformers, who made the goal of improving the backward status of women a prerequisite of the development of the nation and its entry into the modern world. This close link

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between »the woman question« and the challenges facing the modern nation-in-the-making resulted in the transference or projection of all the problems of the modernization project onto women's issues. For example, reformers at the turn of the twentieth century struggled with the question of how to modernize Arab societies, which immediately meant following the Western model of modernity, while dealing with the ugly face of Western colonialism, a tangible reality at the time. How do you fight and embrace something at the same time? For women this dilemma had serious consequences. »Woman« became the symbol of the threatened cultural identity that needed protection from the onslaught of outside influences. Her place was the private sphere, the home, which was to be governed by traditional laws and cultural practices that have not been touched by »modern« ideas and changes. Personal Status Laws or Family Laws in Arab countries stipulate that the Shari'ah is the main source of legislation, emphasizing the cultural/religious inclinations of the lawmakers. This claim has been the main reason behind the major obstacles put in front of all efforts to change or modify PSL in Arab countries. But what does it really mean to have PSL based on Shari'ah laws?

Any discussion of Shari'ah laws regulating gender relations must acknowledge the diversity of principles and rules due to the differences between the various »madhahib« (schools of jurisprudence). It is not my intention to go into the details of these differences, and definitely not into the complicated field of religious hermeneutics; I only want to point out that when we talk about Family Laws in Arab Muslim countries, we must

remember that these laws differ significantly from one country to another, with obvious implications for gender relations. One reason for the differences is the major »madhahib« followed in a particular country: for example, »Hanafi law« constitutes the main source of legislation in Egypt, while »Maliki law« is the dominant school in Morocco. The second point to remember is that these laws are modern Shari'ah laws that are not necessarily the same as those enforced by Islamic courts under Ottoman rule. As Amira Sonbol argues, Egypt, for example, essentially followed Hanafi law »except when it suited the hegemonic order, then Maliki law was used, plus a good dose of Western-inspired laws that were ›infused‹ under the pretext of making the laws fit with modern times«. She goes on to point out that, in accordance with modern codification, these laws were systematized, which meant »that not all the interpretations of these madhahib, with their founders, and the commentaries of their disciples and heirs, would be a source of law from which a judge can pick and choose given the specific context of the case and the general conditions of the time, which allowed for greater maneuverability depending on the details of the particular case.«⁶ Also, more importantly, differences between Muslim Arab countries are largely due to their socio-political histories. As already mentioned, after independence in Egypt, the laws passed in 1956 guaranteed women many public rights but left the PSL intact, disregarding the demands of women. This was not the case in Tunisia where modifications introduced in 1956 by the new independent nation-state were quite revolutionary as regards gender relations, and Tunisian Family Law became almost unique in the Arab world. Amongst many other changes, the law banned polygamy and extra-judicial divorce, and emphasized the principle of gender equality and equal rights within the family.

In Egypt, efforts to change the PSL continued throughout the twentieth century. It is noteworthy that the demand to reform the Egyptian PSL was adopted by most pioneers of the reformist movement, both men and women. The Egyptian legislator introduced several changes between 1920 and 1950, such as Law 56 of 1923 regulating the minimum marriageable age, but no major provisions to ensure gender equality within the family were introduced. The 1970s witnessed a concerted effort to change

6. Amira E. Sonbol, »Law and Gender Violence in Ottoman and Modern Egypt«, in *Women, the Family, and Divorce Laws in Islamic History*, ed. Amira E. Sonbol, Syracuse, N.Y.: Syracuse University Press, 1996, p. 279.

the PSL. The blatant injustice inflicted on Egyptian women due to discriminatory practices under the PSL became the subject of one of the most popular films with a social message in the history of Egyptian cinema, namely »I Demand a Solution«, released in 1974. The film highlighted the everyday hardships and miseries of Egyptian women in pursuit of their rights in Egyptian courts. Three initiatives were undertaken in an attempt to change the law. In 1975, Aisha Rateb, the Minister of Social Affairs, set up a committee of experts to prepare a draft proposal for a more equitable PSL. The law was defeated by conservative opponents and was not submitted for parliamentary review. In 1977, a number of women's organizations launched a project to address the PSL and also formed a committee of experts which eventually sent its recommendations to the government.

What matters in this story is that the PSL is a controversial site that is subject to contestation and change.

Finally, in 1979 Sadat issued an emergency decree introducing some major modifications to the PSL, which angered conservatives, although it still fell short of guaranteeing gender equality. The law gave women the right to divorce, without having to prove harm, should their husband decide to take another wife. It also addressed a major social problem faced by divorced women who had to find a place to live in a country with a serious housing problem. The law gave these women a right to live in the marital home so long as they retained custody of their children. In 1985, the Supreme Constitutional Court struck down the 1979 law on the grounds that it was unconstitutional. This setback led to action on the part of women's groups and activists. A committee for the defense of the family and women was formed. Meetings were advertised in newspapers and members called upon women to unite against the conservative onslaught. Needless to say, members of the committee were severely attacked by conservatives but they still succeeded in turning the fight into a public issue. Moreover, the international scene was conducive to their demands as the International Conference on Women in Nairobi was approaching and the government was under pressure to address the issue. A new law was passed in 1985 and included many provisions similar to the 1979 law. Compromises were made to appease the conservatives, however, and the right of a wife to initiate divorce without proving harm if her husband took another wife was withdrawn. In January 2000, the law

was modified and a number of significant provisions were introduced, notably the right of a woman to initiate no-fault divorce in return for giving up her financial rights. What matters in this story, though, is that the PSL is a controversial site that is subject to contestation and change.

Morocco provides a good example of successful strategies adopted by women's rights groups in modifying Family Law. Supported by a political will to reform, a more equitable Family Law was approved by parliament in February 2004. The law gives adult women self-guardianship and wives are not legally obliged to obey their husbands. Strict restrictions were imposed on polygamy and on men's right to unilateral divorce. Other measures were introduced ensuring gender equity and a promise of cultural and social transformation. It is probably worth noting that all modifications were inspired by liberal interpretations of Shari'ah.

Conclusion

I have tried to present a picture of diversity, social action and change. My experience of working on women's issues in the Arab world is one of struggle, gains and defeats. It has nothing in common with the fixed, static images I see in the media of women frozen in time and of discussions that ask men about opinions produced five or six hundred years ago. An attempt to map the socio-political status of Arab women needs to beware of reducing cultural differences and diversity to an ideological culturalism, defined as an »ensemble of intellectual orientations that crystallize methodologically around the reduction of social and historical questions to abstract questions of culture.«⁷ Women in the Arab world have a lot to do and a long way to go. The journey began a long time ago and will continue.

7. Arif Dirlik, »Culturalism as Hegemonic Ideology and Liberating Practice«, in *Minority Discourse*, ed. Abdul R. Janmohamed and David Lloyd, New York and Oxford: Oxford University Press, 1990, p. 398.