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## Women in Post-Saddam Iraq: One Step Forward or Two Steps Back?

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*This article examines the ever-changing position of women in post-monarchical Iraq. Ironically, many women's gains obtained under Saddam's Ba'athist regime were subsequently lost under the same regime. The end of Saddam's government in 2003 likewise led to contradictory outcomes for Iraqi women, empowering them in some ways and making them more vulnerable in others. Iraqi women themselves displayed a variety of dispositions, from the pre-2003 Ba'athist-controlled General Federation of Iraqi Women, to Shiite religious conservative women's groups, secular progressive Kurdish women's associations operating in autonomous Iraqi Kurdistan, and American-sponsored progressive women's organizations based in Baghdad. Disentangling the myriad experiences and trajectories of Iraqi women thus stands out as an important, complex, and overdue project for both gender studies and Middle East scholars. This article provides one of the first systematic and contemporary attempts to fill such a void.*

**Keywords:** gender / women / Iraq / Middle East / social movements / Kurdish / Shiite / Arab / Sunni

The fall of Baghdad on 10 April 2003 brought Iraq and the women living there into an uncertain transition period. In the post-World War II period, Iraq was often touted as one of the Middle Eastern countries that offered its women more liberties with regard to education and employment. The Iraqi Ba'ath Party, which came to power in 1963, included in its ideology provisions for women's equality. Despite this, traditional Iraqi society outside the major urban center of Baghdad still relegated Iraqi women to a very inferior position vis-à-vis men. Additionally, the repression that all Iraqis suffered under Saddam's regime, as well as the consequences of his wars, applied to the female half of the population as well. After the disastrous eight-year Iran-Iraq War, Saddam's regime moved away from Arab socialist ideals and closer to traditional interpretations of Islam in the region, including less tolerance for female autonomy in the public realm.

The Coalition forces came to Iraq in March 2003 promising, among other things, to improve the lives of Iraqi women. In this vein, Security Council Resolution 1483 sought to establish a "rule of law that affords equal rights and justice to all Iraqi citizens without regard to ethnicity, religion, or gender" (United Nations Security Council Resolution 1483 2003). This has been, of course, easier said than done, and although one

hopes that the new Iraq will be a true regional model of women's rights enshrined in a stable democratic system, there are huge obstacles to the realization of this ideal. Unfortunately, the most significant obstacles in this area appear to reside in the popular mindset—the patriarchal traditions and societal outlook of much of the Iraqi population. Furthermore, there are national feelings of inferiority and helplessness dating back to the Iran-Iraq War (1980–1988), the sanctions period, and now the American occupation. Iraqi men not only feel that by restricting female freedom they provide protection for the weaker sex, but also they try to gain a sense of authority and moral order in a country that has seen little in the last decades. The most promising route to improving the situation of Iraqi women today, therefore, resides in a top-down approach wherein government promotes and empowers the minority of Iraqi societal actors who support a progressive women's agenda, in the hopes that this perspective will spread and the acceptance of women's equality will again become part of the Iraqi social fabric. This has, in fact, been the somewhat successful approach adopted in Iraqi Kurdistan to date. The larger problem of developing a widespread sense of confidence and empowerment in Iraq unfortunately depends on a host of other factors and lies outside the scope of this paper.

## **A Brief History of Women in Iraq**

Iraq, since its founding in the 1920s, allowed its women far more freedom than many other countries in the area. In the 1930s, Iraqi women were vital in the fight for independence from Britain, collecting donations, providing food for soldiers, and petitioning for the release of Iraqi soldiers. At the same time, a number of independent women's groups were established (Neshat 2003, 54). The League for Defense of Women's Rights, created in 1952, a subsidiary of the Iraqi Communist Party, became particularly large and influential. By their own reckoning in 1959 they had 25,000 members (Batatu 1978, 897). Women were particularly unhappy with the British colonialists who tried to deny their requests for the right to education (Neshat 2003, 56). With the close of British indirect rule of Iraq, these women's groups staged massive protests for their civil rights. The introduction and development of the Personal Status Law was greatly influenced by prominent women in the General Federation of Iraqi Women and the Iraqi Women's League (Efrati 2005, 579). The Personal Status Law, introduced in 1959 just after Iraq became a republic, and the amendments made in the following decades removed judiciary power regarding issues of divorce, inheritance, and child custody from the *ulama* (religious scholars), coded them and placed them within the realm of civil administration. Although the Personal Status Law was based in principle on “those rules

of the Shari'a that were generally agreed on," it made many groundbreaking reforms (Efrati 2005, 580). The new laws granted equal inheritance for men and women, gave women some recourse to divorce and checked the grounds on which men could declare divorce, introduced laws to restrict forced marriage, included provisions concerning child support, and drastically limited polygamy.

The Ba'ath party, which seized power in 1968, turned back some gains (for example, a girl's inheritance was limited to half of a boy's portion) and extended others: women were admitted into universities, government and public employment sectors, and to a more limited extent into the private sector. In 1970, the provisional constitution was drafted, which declared men and women equal under the law. The prosperous years of the 1970s and 1980s saw efforts toward eradicating illiteracy among women, in an attempt to enlarge the stretched war-time labor force. At one point during Saddam's 24-year reign, the percentage of women in the civil service even reached 40 percent (Ciezadlo 2003). The attempt to eradicate illiteracy by making education compulsory for all and by running literacy classes for the older generations caused the literacy gap between men and women to shrink significantly. In 1980, one year after Saddam Hussein's ascendance to the presidency, women also were given the right to vote and hold office.<sup>1</sup>

However, Saddam's great reputation for positive treatment of women is not quite as categorical as it might appear. Too often Western sources cite nominal rights granted to women in Iraq as proof of Saddam's progressiveness on the issue. For example, while Iraq did sign onto the Convention on the Elimination of All Forms of Discrimination Against Women, this does not mean that Saddam was by any means bound by the document or that he respected it. While Saddam insisted that he fully supported the women's cause, his uncle and mayor of Baghdad, Khairallah Tulfah, sent his vigilantes to paint women's legs black if they were showing too much skin (Rath 2003). As Patrick Basham, a senior fellow with the Center for Representative Government of the Cato Institute said, "Patriarchal societies in which women play a subservient role to men are also societies in which men play subservient roles to other men, and meritocracy takes a backseat to connections and cronyism" (Basham 2004, 5). Of course, Saddam's dictatorship over the country also extended to women who, like other sectors of society, were not permitted to organize themselves. They were instead recruited into the corporate authoritarian structures of the regime. Hence women in the country never learned the organizational and mobilization skills that their sisters in Latin America, Asia, and Africa often did. The General Federation of Iraqi Women (GFIW)—the only women's organization allowed, was under the strict watch of the Ba'athist government and became a tool of the Party—members were forced to join. In the 1960s, the president of the GFIW wore a veil at a time when Iraqi

women were free to wear mini skirts, compete in sporting events, and even wear bathing suits on international television. Rather than focusing on the fight for women's advancement and equality, the group was designed to mobilize women against "imperialism, Zionism, reactionary trends, and backwardness" (Neshat 2003, 54). The advances offered to women did not reflect feminist ideals in the Ba'ath party, but rather Arab nationalism and socialism. As Deniz Kandiyoti argues, "Emancipatory measures directed at women (education, employment, legal reforms) by post-colonial states were never intended to lead to a renegotiation of men's existing privileges but merely to endow women with additional capabilities and responsibilities" (1996, 11). Furthermore, while women were legally accorded many rights, Saddam had the power and authority to nullify these rights when it suited him, via the constitution's Article 8. This article allowed the Revolutionary Command Council the right to put forward any edict no matter how many other articles of the constitution the new edict violated.

Women were also a favorite instrument of Saddam's regime for finding and extracting information from dissidents and suspected dissidents and for putting pressure on opposition members abroad. A preferred regime tactic involved sending dissidents video tapes of their female relatives being raped by members of the secret police. Hence women were threatened, jailed, murdered, and raped in pursuit of control within, to use Kanan Makiya's term, a "Republic of Fear" (Makiya 1989). The Iraq Research and Documentation Project conducted by Harvard University even found the government personnel card of one Aziz Salih Ahmed, identified as "fighter in the popular army" and whose activity was "violation of women's honour" (Iraq Research and Documentation Project 2002, 8).

What's more, the situation of women in Iraq degenerated significantly after 1990 when Saddam's war-weary regime sought support from neighboring Islamic states and traditionally minded Muslim men within the country. Saddam publicly acknowledged the moral authority of Islam and this acceptance led to an unfortunate reduction in women's rights that so often accompanies a patriarchal interpretation and implementation of the Koran. Men were allowed to marry additional wives, and women lost many of the rights they had accumulated with respect to divorce, child custody, and inheritance. Prostitutes were publicly executed. Rates of honor killings—the practice of murdering women who, through "suspicious behavior," premarital sex, or even by being the victims of rape, have dishonored the family's name—rose dramatically when Saddam introduced Article 111 into the Iraqi Penal Code in 1990.<sup>2</sup> This article exempted from punishment men who killed women in defense of family honor.

Furthermore, UN sanctions on Iraq and Saddam's perversion of the "Oil for Food" program caused poverty in Iraq to soar.<sup>3</sup> As is so often the case, women were the hardest hit in these worsened national circumstances. Girls were the first to be kept back from school when family finances ran

short. The effect of this was stark: In 1987, 75 percent of women were literate; by the end of 2000, this number had fallen to 25 percent (UNOCHR 2003). Furthermore, as unemployment grew, women were pushed out of public sector jobs and back into more traditional roles in order to employ larger portions of the male population.

Throughout Iraq, there are also millions of women who lost their husbands or who, due to the shortage of men in a war-ravaged country, have not had a chance to marry. Although there has been no recent or accurate survey of widowed women in Iraq, Nermin Al-Mufti, a well known Iraqi journalist, estimates that there are three million women in Iraq today who have lost their husbands to the wars and sanctions (Basarudin and Shaikh 2003, 1).<sup>4</sup> These women have been left destitute, often the sole family breadwinners in a society that, in a psychological reaction to the desperate situation, was becoming less accepting of women in the workforce (Amowitz et al. 2004; Rahim and Shwan 2003). While at the beginning of the 1980s widows of war heroes were given a generous stipend from the government, by the latter part of the decade this practice had ended. Thus, particularly in more traditionally conservative rural areas, most Iraqi women were simply thrown deeper into poverty by Saddam's military adventurism. This contrasts starkly with Europe and North America, where war and a shortage of manpower often led to the empowerment of women. Since the fall of Saddam Hussein, women who make up part of the large displaced population in Iraq are also finding it difficult to return to their former homes if their husbands, fathers, or sons have been killed and there is nobody to fight for their land.<sup>5</sup>

The dearth of marriageable men in Iraq has also caused problems. In Muslim societies, women who have not married are often marginalized. Both the stress of running a household in economically hard times and the pressure of finding a husband has led many women in Iraq to commit suicide. This dilemma is one of the arguments being put forward today in defense of polygamy.<sup>6</sup>

Hence while Iraq was experiencing an economic boom and relative security, women were given many freedoms and rights. However, when the country began to suffer the effects of war and sanctions, Saddam perceived a kind of traditionalist patriarchal pressure from a threatened male population within Iraq and from his Islamic neighbors. He consequently removed many of Iraq's provisions for women's rights. Without the capacity and the know-how to organize and create a support system, women saw a huge deterioration in their rights and thus in their quality of life as well. It is important to note that even before these backward steps, Iraq was a model of *de jure* women's rights but not of women's empowerment. Creating independent civil society in Iraq is vital to promoting an empowered female population and lasting gender equality.

## **The 2003 Iraq War and Its Aftermath**

The 2003 Iraq War undoubtedly had an immediate effect on women all over the country. A majority of women expected the American removal of Saddam's regime to deliver them greater freedom from both government tyranny and the discrimination they faced in the home, in society, and in the workforce. Saddam's son Uday, and to a lesser extent his younger son Qusay, symbolized the Iraqi regime's acceptance and even encouragement of violence against women. Rapes, molestation, and public beheadings of women were Uday's sadistic trademark. According to a Physicians for Human Rights survey in southern Iraq, five percent of women (in a sample size of more than 16,000) personally knew somebody who had suffered regime-related sexual assault (Amowitz et al. 2004, 1475). One Iraqi woman stated before the war, "Saddam, right now, is terrorizing women, Iraqi women. He's using the excuse of infidelity. He's using the excuse of women being unfaithful to their husbands and the honor killings—he's actually allowed honor killing to come back to society, where something that really, for a long time, was not in Iraqi society . . . once Saddam is gone, I believe that these things are all things that will disappear from our society again [sic]" (Naam 2003).

Unfortunately, Iraqi women soon realized that the Americans are not the ultimate harbingers of freedom from fear; they cannot deliver all that they promised, and their stated intention of offering greater rights and opportunities to women plays second fiddle to other priorities, such as that of stabilizing and rebuilding Iraq.

## **Iraqi Kurdistan (Northern Iraq)**

The situation in northern Iraq differs from that of the center and the southern part of the country. The government has promoted women's rights, and the last fourteen years of Kurdish self-rule have allowed women's organizations and shelters to spring up in far greater numbers than elsewhere in Iraq. However, Kurdistan has still not thrown off a popular culture that relegates women to an inferior position in society. Although there has been much work among Kurdish elites and authorities dealing with women's rights, bottom-up civil society pressure for women's rights has not emerged as nearly as significant a force as the Kurdish administrations' own initiatives on women's issues.

The Kurdistan Regional Government has shown several significant advances regarding women's issues since its creation in 1991. Women are represented in the government and have become high-ranking judges. Their expertise became valuable in the interim Iraqi government appointed by

UN envoy Lakhdar Brahimi on 1 June 2004. For instance, Nasreen Barwari, the new Iraqi Minister of Public Works, was formerly the Minister for Reconstruction and Development in the Kurdistan Regional Government. Narmin Othman, the Minister of State for Women, is a former Patriotic Union of Kurdistan (PUK) *peshmerga* (Council on Foreign Relations 2004).<sup>7</sup> Most of the women's organizations and shelters that exist today in Iraq were in fact established in northern Iraq during the Kurdish autonomous rule there. The Kurdistan Democratic Party (KDP) and the PUK,<sup>8</sup> contrary to some reports, have typically been very supportive and even encouraging toward women trying to work themselves up in society.<sup>9</sup> The Penal Code introduced by Saddam in 1990, for example, which made honor killings legal, was renounced by the Kurdistan Regional Government in 2000, a giant step forward for women's rights in the area. Unfortunately, both the KDP and PUK have still not done enough to enforce their new laws prohibiting honor killings by meting out severe punishments for those guilty of this horrendous crime.<sup>10</sup> The eradication of honor killings thus remains a large part of the agenda for women's organizations in Iraqi Kurdistan. It is important that women do not accept legislation as a fulfillment of their work but rather strive to see that nominal equality actually leads to equity and justice in practice.

Another huge concern, according to one report (Rashid 2000), is female genital mutilation (or "circumcision") that has made a disturbing appearance in Iraqi Kurdistan, a region that had no history of this practice.<sup>11</sup> Both honor killings and female genital mutilation are more rampant in outlying villages than in urban areas. It is difficult to find accurate statistics on the prevalence of the practice, but one study conducted by a German nongovernmental organization (NGO), Association for Crisis Assistance and Development Co-operation (WADI), found that in one region south of Suleimaniyah (Germiyan), 60 percent of women interviewed had undergone the procedure. The women there insisted that the practice was mandated by Islam and thus unquestionable. While few, if any, very senior Sunni clerics condemned the practice, liberal clerics in Suleimaniyah agreed in 2001 to declare a *fatwa*, an Islamic legal pronouncement, against female circumcision. This might make women's organizations' important battle against the practice more hopeful (IRIN 2005).

Also confounding the advancement of women's rights is the fact that much of the Iraqi elite in the North remains adamantly misogynistic, despite official statements of respect for equality. For example, the Shiite Turkmen director of the Iraqi Institute for Human Rights in Kirkuk expressed the following fear in a recent interview:

There are no laws. It is true that the new constitution guarantees the rights of citizens, but this constitution is based on western models. Iraq is an Islamic country. This constitution will plant the seeds of rebellion between the different

ethnic groups. Also they are using the example of women's rights to impose western ideas on us. How can the Iraqi man be a prisoner of the women! Islam has guaranteed many rights for women. They are planting the seeds of conflict between men and women (Moayeed 2004).<sup>12</sup>

On the one hand, this elite's attitude reflects the great obstacles that are manifest in the beliefs of some Iraqi men, but on the other, it shows that women must be advancing quickly enough to frighten this "Human Rights" representative. Many Iraqi men may have a similar outlook, as a recent opinion poll seems to indicate: when asked about the new Iraqi constitution's provision of equal rights for all Iraqis ("e.g., to work, vote, attend university"), 53.2 percent of respondents felt that the constitution does too much in this regard (Oxford Research International 2005, 20).

In Iraqi Kurdistan, the population most positively affected by the American-led war was that which had been living under the control of radical Islamic Wahabi groups such as Ansar al Islam and the Islamic Group of Ali Bapir. Both these groups took control of a string of formerly PUK-held Kurdish mountain hamlets near the Iranian border in the fall of 2000. When these radical Islamists established control in remote villages such as Biyara, Sargat, and Khormal, local women were forced to cover themselves completely in black, stop attending school, throw out their televisions and radios, and live with the knowledge that they were being watched constantly—even with binoculars—in their own homes, lest they deviate from the strict set of laws laid down by their new rulers. When American and PUK troops sent the Islamist radicals fleeing for Iran, the village women shed a few layers of clothing while the men shaved the beards they had been forced to grow. Fighting on the front lines of these battles was the Female Peshmerga Force that had been established by the PUK in 1996 and has since reached a membership level of 500.<sup>13</sup> International NGOs have now arrived in the area to set up schools and income-generation programs as well as to rebuild the houses that were destroyed in the battles and in the previous "anti-insurgent" campaigns of Saddam's government. For instance, the cousin of the village Imam in Biyara told the authors that she was proud of her literacy and her attendance at additional classes in the new NGO-run schools (Anonymous 2004a). She had left Biyara during Ansar's occupation, and she looked back at that time as one of great sorrow that the whole village was happy to leave behind. Such a brief look at what life would be like under radical interpretations of Sharia law may motivate these particular women to fight to make sure that their rights are not again taken away in the future.

While radical groups like Ansar suffered a major defeat in spring 2003, moderate Islamic groups are still gaining popularity in Iraqi Kurdistan. Although at first glance this appears to be a positive development, the trouble is that many moderate groups advertise their multi-party, democratic,

liberal ideologies while privately holding and promoting beliefs and policies extremely inimical to women's advancement in society. The Islamic Union of Kurdistan's (IUK's) representatives in Suleimaniyah, for instance, made much of the IUK's moderate nature when interviewed by the authors. Contradictions in their stated positions emerged, however, when they professed great friendship with the extremely conservative Islamic Group of Ali Bapir and defended their position that inheritance law is only fair if a man receives a greater share than his sister, since men have more responsibilities than women and Koranic law stipulates that women receive a fraction of the inheritance allotted to men (Anonymous 2004b). Later, two local experts on radical Islamic parties in the area also informed the authors that these friendly and apparently moderate members of the Islamic Union of Kurdistan were offering money to families and women who subjected their daughters to female genital mutilation (Anonymous 2004c). This party won 17 percent of the vote in the municipal elections as well as in the student elections held in 2004 at the University of Suleimaniyah. Finally, the "moderate" Islamist groups also often act as a steppingstone for young men on their way to membership in more hard-line groups.

Since the March 2003, American-led war, however, women have upped the volume of their activities. In the North, where women's groups began to emerge with the creation of the Autonomous Zone in 1991, women's organizations are taking advantage of greater international attention and funds to proceed with their work. While aid money coming into Iraqi Kurdistan has increased, the Arab parts of Iraq have claimed a much larger per capita share of aid money from international donors and the United States. Northern Iraq is seen by many to be in less need of aid compared to the rest of the country. Many Kurdish women view this as a sort of punishment for their past achievements and a failure to recognize the many enormous challenges that must still be overcome in Iraqi Kurdistan.

Although disappointed, women in northern Iraq have not been deterred from their work. Many new projects are focused on creating new shelters and branches in areas with large Kurdish populations that, until the recent war, were under Saddam's control. Furthermore, they are working to create links and share ideas with women in the rest of Iraq. For example, Al Amal, an NGO working in Baghdad, is trying to implement human rights awareness programs for women, modeled on previous programs carried out in Kurdistan. Networking meetings between women's organizations across the country have been held sporadically where women can discuss their successes, failures, and ideas. A similar networking system existed in Iraqi Kurdistan, limited to the Autonomous Zone, between 1991 and 2003. While these intra-country meetings have seen some successes, many Kurdish woman activists claim that Arab women refuse to listen to their Kurdish counterparts, seeing them as inferior and rebuffing the notion

that they hold more experience in women's independent organizations and activities. Hopefully, with time this sectarian bickering will decrease, and Iraqi women from all areas will learn that by working together they will be able to achieve their common goals more easily.

## Central and Southern Iraq

While the center of the country has seen much freedom for women in the past, since the American-led war, the deteriorating security situation has confined many women to their homes. There has been a great push for increased attention to be paid to women's issues from the international NGOs, the Coalition Provisional Authority (CPA), and some Iraqi elites. However, they are working against fierce resistance wherein the threat of violence and general lawlessness seriously hampers any possible progress. Women working with NGOs, as well as individual female members of the general population, have been the targets of both random and targeted violence. For example, Yanar Mohammed, the outspoken leader of the Organization of Women's Freedom in Iraq, has received numerous death threats. In April 2004, a leading women's advocate was killed in a roadside ambush on her way back from a meeting celebrating the 9 March signing of the interim constitution. Average women in Baghdad and many other areas also fear rape or kidnap if they leave their homes (Human Rights Watch 2003).

The increasing influence of Islamic groups in Iraq has further restricted the movements and participation of women in the new society. Whereas typically in traditional Muslim cultures honor killings and punishments for disregarding Sharia law were meted out by the perpetrator's family, today women are also being accosted by strangers on the street, upset upon seeing unveiled and "immodest" women walking unabashedly. Since the fall of Saddam, particularly in the more conservative Shiite areas, Iraqi women and hospitals are reporting increased numbers of girls suffering acute acid burns from attacks by irate conservatives on the streets. While senior religious officials condemn these attacks, they condone efforts to encourage women to wear the hijab: "Our country is a Muslim country and women should respect this by wearing veils and long cloaks. I'm against the use of acid but something should be done to force them into wearing the clothes," said Sheik Hussan Abbas, a radical Shiite leader in Baghdad (IRIN 2005).

One fifteen-year-old girl explained the increased attention paid to dress codes in the new "cultural climate" of Iraq:

People have changed now because of the increasing economic and various other difficulties of life in Iraq. They have become very afraid of each other. I think because so many people have lost their jobs and businesses, they are having

loads of time to speak about other people's lives, and they often interfere in each other's affairs. I also think that, because so many families are so poor now that they cannot afford buying more than the daily basic food, it becomes so difficult for them to buy nice clothes and nice things and, therefore, it is better to wear hijab. Most people are somewhat pressured to change their lives in order to protect themselves from the gossip of other people—especially talk about family honor. (Al-Ali 2003)

Hence, the huge numbers of qualified women, who are invaluable tools for societal advancement in general and women's advancement in particular, have been largely sequestered to their homes by lack of security in the southern part and especially the center of the country. Still, in Baghdad and the center of Iraq, new women's organizations are emerging with the help of international women's groups that have arrived to provide support and assistance. This is occurring despite the lack of security and thanks to the overthrow of Saddam's regime. Even women who are vehemently against the American presence in Iraq—for example, Yanar Mohammed of the Organization of Women's Freedom in Iraq—could not return to Iraq to conduct their work for Iraqi women until the fall of Saddam's regime.

In the South, as opposed to the center of Iraq, the security situation has been under more control. However, there has been no top-down approach to advancing women's positions there, and certainly none from the bottom up. The main problem facing women in the South since 2003 has been the strong influence of elites and groups with very patriarchal interpretations of Islam. Many Shiite women also have internalized and accepted such interpretations of Islam. In any case, whether due to conviction or practicality, extremely rarely will one see a woman out of the hijab in these regions, and those who dare uncover their heads are shunned or even subjected to various forms of violence. Even Christian women have begun to cover their heads in southern Iraq (IRIN 2004a). There are plenty of educated women in Shiite areas—lawyers, engineers, teachers—however, it is expected that once a woman marries, which every respectable Shiite woman must do, household work will claim priority and outside employment will cease.

The new freedom of the Shiites to teach freely and to act politically has led to greater religious education for Shiite women while simultaneously restricting their rights. For example, with the removal of Saddam, Shiites are now free to conduct religious classes. Previously, Shiite men risked attending these religious courses under pain of imprisonment. Women were even more fearful of such forbidden activities because the punishment was much harsher for them—their whole family could be taken into custody (Rida 2003). Special theological courses for women left out of the earlier underground classes have now begun, allowing them the chance to examine the Koran and question experts face to face. Unfortunately, these women tend to talk about the technicalities of the rules of Islamic law and

about other safe topics, rather than larger questions related to patriarchal interpretations of the religion. Shiite women have tended to stand with their religion before they stand with their sex. Thus, this upward mobility is not likely to lead to equality.

In the southern and Shiite areas, far fewer NGOs are present than in the North and center of the country, but the situation is just as, if not more, dire. The few writings on the southern areas of Iraq show that violence against women is very widespread and accepted there. According to a Boston-based Physicians for Human Rights report, of 2000 families surveyed in Basra, 50 percent reported abuse in their household either in the form of beatings, torture, or murder (IRIN 2004b). Iraqi law does not include physical violence as a cause for divorce. There have been very few initiatives put in place to provide shelter to these threatened women and to educate them about their human rights (IRIN 2003).

It seems unlikely, for the time being, that very much pressure to rectify the problems faced by women in southern Iraq will come from the bottom up. Female Shiite solidarity with orthodox Shiism rather than with other women was demonstrated when Kurdish and Baghdadi women protested on 25 January 2004 against Resolution 137, which was intended to repeal the Personal Status Law that Saddam introduced. The Kurdish and Baghdadi women protested against the repeal of these laws because they perceived the alternative—leaving each religious group in Iraq responsible for marital and family law—as a serious threat to women’s status and future advancement. Instead of joining their Kurdish and Baghdadi sisters in the protest, however, a group of 500 Shiite women in Najaf held a counter-demonstration to support the repeal of the Personal Status Law and the reversion to religious law. Fortunately, after two months of negotiations and according to the wishes of probably most of the country’s women, the Personal Status Law was not repealed. Following the 30 June 2004 transfer of sovereignty, however, this issue may well arise again, only this time without the counterweight of the American-controlled Coalition Provisional Authority (CPA) to back a progressive Personal Status Law.

## **Working Toward the Future**

During the writing of the interim constitution in February 2004, the Personal Status Law was again the cause of much contention when thirteen Shiite draft writers walked out of the meeting on the day the draft was to be published, in anger over others’ refusal to make Islamic law the basis for marriage and inheritance issues. Thankfully, their tactics failed and for the time being, the old laws regarding women’s rights (put in place in 1959 by respected Iraqi President Abd al Karim Qasim) remain (Al Jazeera 2004). This is another example of the Kurdish and Coalition Authority’s

resolve to support Iraqi women in their struggle to regain and surpass the modicum of rights they were provided prior to 1991—it was mainly these two actors that fought hard against the reversion to strictly Islamic law.

The interim constitution, signed on 8 March 2004 (International Women's Day), also guaranteed women 25 percent of seats in the National Assembly, despite the fact that there were no women on the drafting committee. Only five other countries in the Arab world have electoral quotas for women (four of these are in North Africa); in the 22 Arab league states, the average proportion of women in parliament is a mere 3.4 percent; on average, worldwide, the percentage of women in parliament is only 14 percent; and the average in countries that do have a quota is still only 17 percent (Ciezdlo 2003).

The interim government appointed by the CPA achieved an 18 percent rate of female representation, while the elections held in January 2005, managed to fulfill the quota by mandating that one of every three candidates on each party's ballot be female. Eighty-seven women won seats on the interim national assembly (at 31% this surpasses the quota). Women were assigned to lead six of the 30 ministries including agriculture, displacement and migration, environment, and labor and social affairs (MiddleEastReference 2006). Such a quota promoting women's participation in parliament might, unfortunately, be harder to respect in the future, once Coalition forces and advisers leave Iraq, given the apparent attitudes of most of the prominent Iraqi political forces in the country today. The good news is that Iraqi women have proven unwilling to accept the current quota as the upper limit of women in politics. Although ultimately unsatisfied, there were demands that the constitution, which was presented in a referendum in October 2005, and ratified, include a 40 percent quota. The question remains, however, as to whether fulfilling the required quota, whatever it is set at, will lead to a larger focus on progressive gender legislation.

The wording of the newly ratified constitution—only a few women (conservative Shiites) were involved in its drafting—has many Iraqi feminists extremely worried. Article 2 of the constitution states that Islam is a "fundamental source" of legislation (Iraqi Constitution Draft Document 2005, n.p.). This mildly diluted version of what the Shiite drafters first proposed ("the source" of legislation) as well as Paragraph A, which states that parliament may not pass legislation that contradicts "established provisions of Islam," may come into conflict with the section of the constitution that forbids legislation that contravenes "principles of democracy" (2005, n.p.). Particularly for women, accepted Islamic interpretations of their rights are often in complete discord with democratic interpretations of their rights. From democracy's inferior place in the Article, it seems that the Islamic interpretation might trump the democratic. Furthermore, Article 39 states that "Iraqis are free in their commitment to their personal

status according to their religions, sects, beliefs, or choices. This shall be regulated by law" (2005, n.p.). This clause seems an omen for the return of Resolution 137.

Although Coalition authorities have been criticized for relegating women's issues to a point that is fairly low on their agenda, they also have made some efforts to aid and sponsor the establishment of women's centers and projects throughout the country. For example, the Research Triangle Institute, a nonprofit organization based in the United States and one of the main recipients of United States Agency for International Development (USAID) funds, has held conferences all over Iraq for women who are in, or who want to join, the workforce. These conferences are typically attended by high government officials and experts available for questions and proposals. Furthermore, Secretary of State Colin Powell announced two new initiatives in February 2005, aiming to increase women's participation in society and government: the 10-million-dollar Iraqi Women's Democracy Initiative and the U.S.-Iraq Network. These initiatives partly fulfill Deputy Secretary of State Richard Armitage's promise to rectify the neglect shown in the area of gender equality. In Armitage's own words, "If there's an area where I feel thus far we've fallen short, but having realized that, we're going to correct it, it is in the representation of women" (Women for Women 2005).

The United States has been accused of merely playing lip service to the advancement of women's rights in Iraq, but it is not solely the responsibility of the Americans to deliver those rights. Under Saddam, the rights that women held were not achieved by the concerted effort of women but rather handed to them to be withdrawn on any whim. If the rights accorded to women this time around are bought with the sweat and effort of women and are not merely given to them, they are more likely to become part of the traditions and the pride of Iraqi women and therefore more difficult to remove. Antifeminist Iraqis will not be able to call women's rights an ideal imported by Americans and foreign aid to the Iraqi way of life. In the Kurdish north of Iraq, for example, feminist ideals have been internalized—although in practice women's rights there may not always be respected, the official promulgation of these rights has become a point of pride for most Iraqi Kurds. Future advancements in the position of women are thus unlikely to be widely spurned as a foreign imposition. There is no reason why similar such norms could not be accepted in the rest of Iraq as well, which has a rich history of powerful women to draw upon. In fact, it might be a drawback and quite dangerous for the Americans to become too involved in the quest for gender equality in Iraq.

The Coalition forces' most important role in Iraq now is to help create a secure environment. This is also the most positive way to help Iraqi women. While the creation of women's institutes and shelters remains a positive development, they can spring up in private residences and local

community centers without much American assistance. They are also not much use if the situation is so insecure that women are afraid to leave their homes or join the groups. Furthermore, the international community should assist the fledgling Iraqi government with all available means to make the delivery of basic necessities and services possible. In the absence of tangible benefits for supporting the government, Iraqis will turn to religious groups to provide them with social and physical security. The fear is that women will trade in their personal freedoms for the physical and social security that fundamental religious parties promise to provide. A Women for Women survey conducted in Baghdad, Hillah, and Karbalah showed, for example, that while only 5.5 percent of women believed that the government had done something to improve their lives over the past year, 12.7 percent thought that religious groups had (Women for Women 2005). Finally, it bears repeating that men are usually less likely to be attracted to patriarchal and severely misogynist norms when they feel secure in themselves. America's largest concern should be to create an environment in which Iraqis can feel pride nationally and individually—which would seem to predicate a withdrawal of U.S. forces sooner rather than later.

Since the transfer of power to the Iraqi interim government, the question of the role and rights of women has remained a hot topic of debate among the new members of government. Although the women of the assembly clearly believe that women deserve certain rights and a degree of power (if they did not they would not be there themselves), there still exist large areas, mainly pertaining to family law, that are vigorously argued over. Although the two camps are nominally divided into the secularists and the religious conservatives, no political force is pushing for a completely secular Iraq. Secular women such as Nasreen Barwari and Dr. Raja Kuzai agree that Western ideals are not always suitable for the Islamic climate of Iraq, but are frightened that the hard-line Islamic parties are liable to suffocate differing interpretations of Islam and force their own misogynist traditions on the whole country.

At the same time, women such as Barwari and Kuzai also remain tied to traditions and their religions. Nasreen Barwari recently married Ghazi al-Yawar, an assembly member and former interim president, to become his third wife. Kuzai insists that sections of the Koran pertaining to family law remain state law (the 1959 Personal Status Law is in fact heavily based on an interpretation of Sharia law). As one female Baghdadi lawyer explained, "We cannot encroach on God's boundaries, the Koran did not deny me my rights. It only set limits to it" (Faramarzi 2004). Women such as Barwari and Kuzai remain, however, against the transfer of the Personal Status Law to the prerogatives of separate religious institutions, and believe that Sharia should be only "one source among others" in Iraqi legislation. Fearing that the new constitution foreshadows an Islamic state along the lines

of Iran, Kuzai has recently spoken of the upcoming government: "This is the future of the new Iraqi government—it will be in the hands of the clerics" (Cole 2005, A21).

On the other hand, more than 50 percent of the female members of the national assembly are part of the cleric-backed United Iraqi Alliance—a conservative party that states that the implementation of Sharia law is "non-negotiable" and also pushes for the repeal of the 1959 Personal Status Law. Some of their opponents have argued that these women are merely silent tools of the party, which was compelled by law to include a certain percentage of women on their candidate list. Many do not attend meetings and, according to some critics, merely back the conservative Islamic agenda of their male counterparts rather than fighting for the rights of women.

Finally, some women are calling for the abolition of the Personal Status Law but not for its replacement with Sharia. The Personal Status Law created in 1959, did not, in their opinion, legislate gender equality. The Personal Status Law should be revamped at this critical period and should be based on a system of law where religion and state are kept separate.

## **One Step Forward or Two Steps Back?**

From the analysis above, it should be clear that both the policies of Saddam's regime and the Iraq War of 2003 had a mixed impact on the situation of women in Iraq. While early Iraqi government policies introduced some progressive policies and legislation for Iraqi women, these were offset by the societal impact of ceaseless wars, domestic authoritarian control and repression, and a shift to more conservative patriarchal government policies after 1990. Although the removal of Saddam in 2003 has allowed for the entry of a myriad of progressive NGOs and new government policies more favorable to women and independent women's organizations, the current lack of security in Iraq as well as resurgent Islamic, tribal, and generally conservative forces in the country bodes ill for women there. In stark contrast to the center and south of Iraq, the northern Kurdish autonomous region continues to make progress toward increasing women's empowerment, autonomy, and integration into public life. Nonetheless, many challenges remain—women's status in Kurdistan may be described as more positive in relative Iraqi terms but still lags far behind countries in the West as well as most of Latin America, Sub-Saharan Africa, and Asia.

If Iraqis hope to establish a healthy degree of democracy in the country, they must do so in a manner that promotes women's advancement and liberation as well. Leaving the liberation of Iraqi women to a later date, after democracy and the liberation of Iraqis in general has been achieved, decreases the chances of achieving either. Furthermore, Iraqi democracy

must avoid the creation of a “dictatorship of the majority,” a situation in which Shiite religious leaders could force their Sharia-based laws upon the rest of the country, restricting the gains that Iraqi women have made in other parts of Iraq such as Kurdistan. A federal political structure may go a long way toward protecting the center or northern Iraq from such a dictatorship of the Shiite majority but would not do much for women in the southern Iraq. Constitutional guarantees of anti-discrimination on ethnic, religious, and gender grounds, as well as civil, political, and religious freedoms, constitute another important strategy for addressing the problems of Iraqi women. As mentioned earlier, however, a significant number of Iraqis (53.2%) may oppose such constitutional equality. Particularly due to the relative absence of organized, effective pressure for women’s interests from the population at large (the bottom-up approach), the best hope for Iraqi women remains those Iraqi governing elites, international NGOs, foreign governments, United Nations personnel, and current occupying authorities willing to support progressive gender initiatives.

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## Notes

1. This was still relatively late compared to Iraq’s neighbors, Turkey and Iran, who granted women the vote in 1930 and 1963 respectively.
2. For more on this issue, see “Iraqi Women Under Saddam’s Regime: A Population Silenced,” Fact Sheet, Office of International Women’s Issues, 2003.
3. In 1996, the United Nations began implementing UN Resolution 986, which allowed Iraq to sell oil and use the proceeds to import food, medicine, and other goods that did not have any likely military applications.
4. Al-Mufti, however, does not cite a source for this statistic, which should therefore be treated with caution.

5. At the same time, the authors visited a refugee camp in Khanaquin on 16 March 2004, where some women complained that NGOs and other humanitarian groups were concentrating most of their projects and aid work on these widows. Many joked that they wished their husbands were dead so that they could get the same benefits.
6. The authors could not, however, locate any statistics for the rate of polygamous versus monogamous marriages in Iraq.
7. *Peshmerga* is a Kurdish term referring to guerrilla combatant, literally meaning "one who faces death."
8. The Kurdistan Regional Government at the time of this writing was still divided into two separate administrations, run by the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). Both these parties field large militias and trace their origins to guerrilla opposition to Baghdad.
9. Houzan Mahmoud cited the closure of a Kurdish women's organization in 2000 as proof of the PUK's opposition to the women's movement (2004). However, the PUK was actually acting against the Iraqi Workers' Communist Party, with whom the women's group was aligned.
10. These murderers have become adept at covering their crimes and the government has not put enough effort into uncovering their stories and enacting punishment—for more on honor killings in Iraqi Kurdistan, see David Morgan (2000).
11. Although it is difficult to say for certain, the arrival of conservative, Gulf-financed Islamic schools, charities, and political parties in the area may have contributed to the promotion of female circumcision. Female circumcision, or forced genital mutilation, originates in pre-Islamic patriarchal traditions of several East African and Arabian societies, and while some contemporary Islamist leaders condemn the practice, others support it.
12. Interviews were conducted in Arabic by Karim Khallaayoun; recordings of the interviews also were translated into English and transcribed by Karim Khallaayoun. All personal interviews were conducted by Inter-University Consortium for Arab and Middle East Studies (ICAMES) team: Lucy Brown, Michael Boag, Karim Khallaayoun, and David Romano (team leader).
13. Women have always been *peshmerga*, usually holding typically female jobs within the ranks such as cooks. This was the first formal female fighting unit.

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