

# THE ARAB WOMEN'S MOVEMENT: STRUGGLES AND EXPERIENCES

## Introduction

*The last three chapters surveyed the situation of Arab women within the framework of human development from three angles: acquiring human capabilities, utilising them and levels of human welfare. They indicated that, in spite of significant gains, the rise of women remains a distant goal. This chapter traces how women's movements in the Arab countries were instrumental in securing these initial achievements and presents an analysis of the challenges that they faced as early proponents of women's development. The experiences of these movements today, as social forces seeking to improve women's standing in society, are also examined. To this end, the most important historical milestones that have distinguished the rise of women in Arab countries are reviewed.*

The women's movements that Arab societies have come to know arose and developed in a specific environment and within social and economic contexts – local, regional and international – that governed their trajectory. At all times, these groups were sharply tested. Sadly, even today whenever the situation of Arab women is raised as an issue, the ensuing debate tends to be heated, defensive and attended by a volley of questions. Is the Arab women's liberation movement at odds with the demands and needs of society as a whole? Is it anti-male? Do Arab women activists have an authentic agenda drawn from the reality of Arab societies? Are Arab feminists merely imitating women's liberation movements in the West? How is one to interpret Western interest in the situation of women in the East? Do women's liberation movements work against the interests of the Arab family? Is there a hidden agenda to destroy the Arab family? Do demands for women's rights seek to undermine religion?

Finally, is there such a thing as an Arab women's movement committed to bringing about wide-scale social change? (Elsadda, background paper for the Report).

To respond to these questions, it is necessary to answer a number of others that sum up the situation of Arab women's movements. The most important of these questions concern the factors that have intervened to prevent changes in the condition of Arab women and to preserve the gender status quo despite the spread of women's organisations. Indeed, a retreat is beginning to be observed in the number of legal regulations formulated to serve women's interests, which requires an explanation. How is this retreat compatible with the fact that Arab countries have entered the twenty-first century still dragging behind them the dead weight of such issues as a woman's right to education, work and political activity, matters long resolved elsewhere? Is it imaginable that some Arab societies still debate whether a woman has the right to travel without her husband's permission or to drive a car?

This examination and evaluation of the history of the women's movement covers three closely linked, complementary phases. Each phase is important for an understanding of the women's cause as a movement that seeks to enable women to claim their full and uncompromised right to integration within society. The first period is tied to the trauma of imperialism and its impact on women, families and extended families. The second concerns the building of the post-independence nation-state, the tensions arising from the concept and nature of this process, and the parties involved in it. The third relates to the emergence of a new women's consciousness whose strength is an extension of the female body itself and which derives its support from the international

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discourse on women's liberation, empowerment and integration (Malki, background paper for the Report). Each of these historical phases played a role in establishing women's awareness of their status in their societies, on the one hand, and in shaping the character of the reformist discourse that was maturing, under varied and multiple influences, on the other.

The most influential factor in the history of the Arab women's movement may have been its involvement in the struggle for liberation from imperialism before it embarked on the struggle for women's liberation within Arab societies. The history is therefore divided into two stages: the first examines the movement's involvement in national liberation, the second, its role in establishing women's awareness of their own issues during the period following independence.

### **THE WOMEN'S MOVEMENT AND ITS ROLE IN THE PROCESS OF LIBERATION**

Credit for the growth of the women's movement must go to its pioneers, the women who first came to see their inferior status in society and to understand that such inferiority was not a divinely ordained fate that they were obliged to

accept. The emergence of these early women's movements coincided with that of the reformist movement, whose first stirrings arose at the end of the nineteenth century.

What those pioneering women achieved was neither negligible nor easily accepted at that historical juncture. This was a time of sharply competing visions, divided between those dazzled by the discovery of the civilisation of the Other and those who completely rejected that civilisation, demanding instead a stubborn fidelity to the ways of their righteous forbears.

Several observations can be made about this period:

It is clear that the first generation of women's associations was focused on charitable work. They emerged amid the wealthy classes and their standard was carried by aristocratic women or women from ruling families. This observation does not diminish the value of charitable work per se; however, when such work becomes the unique goal of the women's movement, it becomes an isolating wall that restricts the discourse on the rise of women. Charitable work is a job for society as a whole; it should never become the sole domain of women or men alone (Al-Shatti and Rabw, in Arabic, 2001, 26).

Historically, Egypt was distinguished from the other Arab countries by its large number of women's associations. Indeed, the first "women's educational society" was founded there in 1881 with raising public awareness of women's rights as a key objective.

These associations were distinctive in raising issues relating to women's inferior status, the most significant of which was their call to re-examine the personal status laws. The Mohammad Ali Charity Association was founded on this basis in 1908, as was the Instructive Women's Union in 1910.

Women's movements did not attain a degree of maturity until the 1940s, a period marked by the resistance of Arab societies under imperialism. Most of the claims around this time were focused on issues such as polygamy and women's right to education. It is noteworthy that these associations were present in nearly all Arab countries: Egypt gave rise to the Egyptian Women's Party in 1942 and the Daughters of the Nile association in

#### **Luminary: Huda Sha'rawi (June, 1879 - December, 1947)**

Huda Sha'rawi founded The Society for the Care of Children in 1907, and in 1908, she persuaded the Egyptian University to set a hall aside for women's lectures. The notable political work of her husband, 'Ali al-Sha'rawi, during the 1919 revolution had a major effect on her own activities, and she led several women's demonstrations that year. She also founded and supervised the Wafd party's Central Committee for Women.

In 1921, during the reception for Sa'd Zaghlul on his return to Egypt, Sha'rawi called for the minimum age for marriage to be raised to sixteen for girls and to eighteen for boys while striving to put restrictions on men's powers of divorce. She worked for women's education to enhance their professional and political roles and against polygamy. She also called for the removal of the veil and she herself went unveiled.

Source: "Sunshine for Women." (2001). <http://www.pinn.net/~sunshine/whm2001/huda2.html> (Accessed 18 April, 2006).

Sha'rawi founded the Egyptian Feminist Union in 1923, occupying the post of president until 1947. She was a founding member of the Arab Women's Union and supported the establishment of the Union's bulletin, "The Arab Woman". In 1925, she established the magazine *L'Egyptienne* and, in 1937, *al-Misriyya* ("The Egyptian Woman").

In 1938, Sha'rawi organized a women's conference for the defence of Palestine and called on women to organise the collection of foodstuffs and clothes, and to volunteer for nursing and first aid.

#### *Works*

*'Asr al-Harim* ("The Age of the Harem") recounts the memories of Egyptian women in the period from 1880 to 1924; it was translated into English by the British journalist, Margot Badran.

1948. In Tunisia, the Union of Tunisian Women emerged in 1944, while in Morocco the Union of Moroccan Women was founded in 1944, the Association of the Sisters of Purity in 1946, and the Association of Moroccan Women in 1947. In Lebanon, the Lebanese Women's Council came into being in 1943, the Association of Lebanese Women in 1947, and the Committee of Lebanese Women's Rights in 1947. Iraq witnessed the establishment of the Iraqi Women's Union in 1945, while in the Sudan, the Cultural Girl's Syndicate was set up in 1945 as was the Association of Women's Enhancement. 1945 was also the year in which the Society of the Jordanian Women's Union was founded (ESCWA, in Arabic, 2006a, forthcoming).

Women more than men suffered from the effects of a deep split resulting from different factors. Women in colonised countries found themselves thrust into fields that had formerly been the sole preserve of men whether through their participation in the struggle for independence or as wage earners in units of production introduced during the spread and indigenisation of colonialism.

Limited scope and modest intake notwithstanding, women's schooling opened their eyes to the importance of education for a woman's fulfilment and to the resources available for her self-emancipation. Although compared to the Mashreq (eastern Arab countries) the Maghreb (western Arab countries) were relatively late in calling for women's liberation and in founding associations to support it,<sup>1</sup> their elites closely followed the calls of Arab renaissance intellectuals for the education of girls and their release from the worn-out traditions that shackled their potential.<sup>2</sup> The Association of the Sisters of Purity, for example, was founded in the Moroccan city of Tetuan – a Spanish colony during the 1940s. In 1944, the Independence Party also created the first women's cells. On the heels of the Palestinian Nakba of 1948, the Association held its second conference, announcing a package of demands. These included the abolition of polygamy except in cases of extreme necessity,

the judicial management of divorce in order to preserve the equilibrium of the family, and the prohibition of marriage before the age of sixteen (Daoud, in French, 1993, 248).

At this time, the women's movement in Egypt evinced greater political awareness of women's issues and of the need to prioritise them. In 1948, Duriya Shafiq founded the Daughters of the Nile association. In her Arab-revivalist discourse, Shafiq was careful to demand full equality of political rights between men and women. In spite of being criticised for being elitist, this movement dared to confront the opponents of the rise of women. In so far as the movement succeeded, this was because it linked women's liberation to liberation from colonialism.

The lesson of the colonial period lies in realising the dislocation in the structure of Islamic society brought about by occupation. Colonial occupation had shaken traditional Arab economic, social, cultural and moral frameworks to the ground. In all affected countries, it thus became necessary to marshal national sentiment and consciousness in order to conduct national struggles of liberation as the overriding priority. As a result, social development, and the rise of women as a part of it, remained hostage to the drive for national independence, falling much lower on the list of priorities.

The 1940s and 1950s were also notable for moulding women's discourse. Political parties started to form women's associations under their own banners, bringing men into the women's movement. Undoubtedly, the move partly reflected men's wish to monopolise the women's discourse, hold it within limits, rally it to their flag and act as ventriloquist. This politicisation of the women's quest may have been, historically, the first trap into which the movement fell.

Following the end of the Second World War, women's associations of a particular character sprang up throughout the Arab world. The communist parties created a number of these, including the Union of Tunisian Women

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<sup>1</sup> Muhammad Ali founded a school for midwives and organised opportunities for training young women in factories producing yarn, textiles, tarbushes and garments to equip the army with its clothing requirements. His grandson, Khedive Isma'il, did the same when, in his turn, he founded The Exalted School, the first for girls, in 1873. Other schools were opened in Iraq, Lebanon, Syria and other Arab countries.

<sup>2</sup> One thinks mainly of the writings of Al-Hajawi, Morocco's Minister of Cultural Affairs at the time. See his work, *The Education of Girls*.

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(1944), the Union of Moroccan Women (1944), the Algerian Women's Union (1945), and the Association of Lebanese Women (1947). Others were the offspring of the conservative parties, such as the Association of the Sisters of Purity (1946) in Morocco, which was supported by the Al-Shura Party, and the Muslim Sisters Association in Iraq (1951), supported by the Conservative Party of that time. Among these associations, too, were those that sprang from the womb of the socialist parties, such as the Union of Tunisian Women (1955), supported by the Tunisian Socialist Party.

Under the heavy sway of the general political consciousness of the day among men as among women, the women's movements came close to forgetting, in those difficult circumstances, their founding objectives. All women's movements in the Arab world were affected by this consciousness, which embraced most women, regardless of class. It was reflected in their discourse, which argued that society's consideration of women's issues should be subordinated to national liberation and that solutions to these issues might well be a natural outcome of it. Indeed, how could this not happen when women in their struggle for liberation were standing side by side with men and had tasted real equality?

#### **WOMEN'S CONSCIOUSNESS OF GENDER ISSUES TAKES ROOT AFTER INDEPENDENCE**

It is a delicate matter to talk of "the rise of women" at this period in the history of the Arab States because of the mass of historical forces that governed the process. One of the most important of these was the Arab States' recovery of their sovereignty, which took place at different periods. To this should be added the fact that government in these countries took two forms: constitutional monarchy and popular nationalism. Each had its impact on how women's status was envisioned and on the scope of change permissible. Nevertheless, whatever the form of governance, the genuine determination behind the movement was unmistakable.

It was a resolve conditioned by a host of factors and shaped by the tactics of officialdom against the movement during this period.

Governments tried to amalgamate many of the women's associations, which they then named "unions". The regime in Tunisia resorted to dissolving the two women's organisations, The Muslim Women's Association and The Tunisian Women's Union, and compelled the women affiliated with the Government's Destour Party to form a new Tunisian women's union. From that time, women's activism became subservient to the principles of loyalty to the ruling authority and obedience to its directives on choices and priorities.

These changes took place in an atmosphere abounding in hopes and radiating confidence that the original aspirations of the women's movements were about to come alive. It was believed that the ruling regime, which after all had won the nation its independence, would be able to make light of all difficulties, and why should women's liberation not be among these since women had contributed to independence?

The Arab women's movement went through a host of sweeping changes during this period as a result of social transformations. These include the spread of education among females; the entry of many women into the higher professions (as doctors, university faculty, engineers, lawyers and other professionals); the accession by some women to leadership positions in political parties and governments; the development of a well-rooted consciousness of the situation in which Arab women were living; and an increase in society's sympathy for women's issues. In addition, specialised international organisations emerged and started to have an impact on local movements. These factors played an essential role in impelling women's movements to take women's issues single-handedly upon themselves and to commit themselves to their defence (Guessous, background paper for the Report).

The movement also faced a host of difficulties, however, and was forced to do battle on numerous fronts, which can be termed the political, the social and the goal-driven.

#### **THE POLITICAL FRONT**

As noted earlier, governments attempted to bring many women's associations together into amalgamated bodies called "unions".

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This is illustrative of a phenomenon common to the Arab States, namely, their confinement of women within a framework monitored and directed by the male power structure. Women who wanted to participate in public life were prohibited from doing so except within the framework of the official women's organisations subject to the regime. This turned their discourse into that of the men in power, who themselves maintained silence on the problems faced by women.

The prevailing vision of women's issues was tied to social problems, the most important of which were:

- Widespread illiteracy, especially among women, in all Arab countries. This made education of major importance on the agendas of all social movements (parties, trade unions, civil and women's associations).
- Entrenched traditional conceptions of the role of women and their place in society, and the restriction of women to their reproductive role, i.e., that of mother, child raiser and housewife.
- The conception of women's work as merely a temporary material requirement resulting from need and not as something intrinsic to their existence or life choices.

The discourse of the ruling parties started from these basic assumptions, deleting certain old formulations and introducing new and more restrictive ones. Some scholars describe this as the feminisation of the ruling discourse.

The modernisation project that reform-minded Arab countries launched took upon itself the task of conditioning the citizen to a particular concept of society. While the politicisation of motherhood in the nationalist movement was a step forward for women, it had a high price: women could not be acknowledged as individuals. The same was true with respect to the women's movements that had been split up into numerous charitable associations. In spite of their important work in bringing women, and especially middle-class women, out into public, the charitable work of these associations, by its very nature, entrenched the prevailing view of the woman as a mother and child carer. A woman's role in the family was thus extended to the whole of society as her defining function.

In this way, charitable work provided a socially acceptable means for linking women's private and public spheres without threatening the prevailing social construct based on male-female stratification (Guessous, background paper for the Report).

### *THE SOCIAL FRONT*

At this time, Arab societies witnessed a proliferation of civil associations in general and of women's associations in particular, all springing up to champion women's causes. This period also saw efforts to monopolise the discourse of Arab renaissance for the ends of these associations.

This phenomenon coincided during the last three decades with another significant development: the rise of Islamic movements and the spreading influence of proselytizers urging a return to the Islam of the "venerable forebears" (*Salafism*). This movement-based discourse rose on fertile ground, amid traditions and customs that continued to appeal to societies that failed to distinguish between the sacred and the cultural. These were the customs that rallied women's movements in the first place. Most social groups found it easy to respond to the messages of the Islamic movements because they did not require any change in the social status quo. The alarming spread of illiteracy among women reinforced this since it prevented them from networking.

Islamic movements concentrated on holding women responsible for the difficulties that society was undergoing. They based their attacks on the idea that equality in public life would, by its nature, reduce men's opportunities in the job market and that the man was the master of the family and the woman was his dependant. Thus, the only natural place for a woman was the home. They urged that the role of women should be limited to caring for husbands and children and called on women to abandon unrealistic aspirations.

Here it is important to draw attention to a difference that distinguishes the Salafite currents from the school of the Muslim Brotherhood in terms of their proclaimed positions vis-à-vis women. The position of the Salafite movements is clear: a woman's place

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is in the home and her role is to care for the family as opposed to leading an active civic life. This is an espousal of a basic vision of the division of labour where women are limited to childbearing, motherhood and nurturing and are warned against mixing in society, and where the most that they could aspire to would be a public life dedicated to charitable social services. The Muslim Brotherhood, on the other hand, adopts a principled position in support of women's political rights and endorses their inclusion in electoral life. The Muslim Brotherhood has not, however, dealt with ongoing reforms in the area of personal status, such as polygamy, the woman's right to control over her own body and children, and divorce.

Preoccupied with their own struggle, women's associations did not realise the extent of the danger posed by the Salafites and how seriously they meant to attack the rise of women as a movement and social priority. Society itself did not find the Salafite's Islamic view of women's role surprising at the time. The situation of the women's movement at this time partly reflects the severe economic crises that the Arab countries were undergoing. Women thus found themselves offered up as sacrifices again: asked to yield their rights once more as they were forced to do during the resistance to colonisation. The situation became more serious as conservative currents gained strength in the Arab political arena and as most nationalist, Arabist, liberal and socialist currents shrank.

Starting with the 1975 First United Nations World Conference on Women in Mexico and under the influence of international mechanisms working for the rise of women, new instances of the so-called "feminisation of the State" began to emerge. Countries committed themselves to develop their legislation in accordance with international conventions calling for the abolition of all forms of discrimination against women. A host of centres, foundations and organisations concerned with women's affairs grew up in the region.

A new trend emerged at this stage that saw first ladies adopt the cause of women's advancement. Jihan Al-Sadat, for example, considered herself the embodiment of Egyptian

women and their spokesperson. Al-Sadat's position enabled her to realise gains for Egyptian women through high-level manoeuvres and without involving women's organisations. In return for concessions granted from on high, the State placed obstacles before the popular independent women's movements, the very groups that could have consolidated and defended such progress. Thus it was an easy matter for regimes to annul these achievements later, as in Egypt and Iraq.

A number of Arab regimes saw in the Islamic groups a means to weaken leftist and labour forces. Their encouragement fed the growth of the Islamic revivalist movement, whose concerns extended to all spheres of public and private life and whose discourse attracted broad segments of youth, especially young women. In the Sudan, for example, revivalists forced in discriminatory personal status regulations based on concepts of gender inequality garbed in religious authority. They also came close to achieving success in Algeria and their influence became deeply embedded in the sentiments of the middle class and the poor in most countries – Lebanon, Morocco, Tunisia and the Gulf States. The situation became yet more dire in Egypt, where Islamic associations founded schools, hospitals and banks and the country experienced the beginning of a re-envisioning of the domain of Islam – a vision that argues for the structuring of Islamic societies along the lines of traditional Islamic jurisprudence.

The Islamist discourse resonated with traditionalists in Arab society and gained ground with the middle class, whose hopes of reaping dividends from the various post-independence projects had been disappointed and who had lost faith in change. Many sought refuge in introversion, abasing themselves for sins committed against "this nation" of Islam. Women's associations such as The New Woman in Egypt and The Tunisian Association of Democratic Women declared that it had become necessary to restrict Islam to the realm of personal belief and spiritual values. They vehemently rejected the Islamists' contention that secularism was an anomalous condition connected to the European experience. Other associations in Jordan, Morocco, the

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### Women's Rights: Political Struggle versus the Constitution

In the 1970s, Egypt witnessed three initiatives to change its personal status laws in favour of women.

In Law 44 of 1979, the State adopted certain proposals to provide women with a modicum of protection and security. The new law stipulated that the husband must give notice of the names of any wife or wives to whom he was married before contracting a new marriage and required the marriage registrar to notify any existing wives of the name of the new wife by registered mail. In the case of the husband taking another wife, the law gave the first wife the right of divorce as an injured party without requiring proof of injury provided she filed for divorce within one year after learning of her husband's second marriage. In addition, the law gave the divorced wife the right to independence within the matrimonial home for the duration of her oversight of any small children in her care unless the husband who had divorced her provided her with an alternative dwelling.

In 1985, a court determined that Law 44 of 1979 was unconstitutional and referred it to the Supreme Constitutional Court which abrogated it in May 1985 on formal grounds relating to the procedures of its publication, preceding which it had not been subjected to material review. Law 44 of 1979 had been issued by presidential decree while the People's Assembly was on vacation and it had not been subjected to review for approval following the reconvention of the Lower House, as required by the Constitution. At the same time, the law did not treat of a matter of emergency that would have justified the use by the President of the Republic of his exceptional powers. Furthermore, the law was linked to the name of the President's wife, Madam Jihan al-Sadat, with the result that the debate over its legality became entangled with opposition to the regime. In other words, the law suffered from its links to State-sponsored feminism.

Source: Elsadda, background paper for the Report.

When news of a possible judgment of unconstitutionality against the 1979 law leaked out, various women's activist groups started a broad campaign to oppose its cancellation and retain the gains for women that it offered. The Committee for the Defence of the Rights of the Woman and the Family was formed and held its first meeting at the Huda Sha'rawi Society, chosen because of the historical and moral values that it represented. The Committee attempted to rally the largest possible number of women, posting notices of its meetings in the newspapers, while participants wrote press and magazine articles.

The Committee encountered fierce opposition from conservative elements in society, its members were defamed and harassed, and it was not always able to find a public space for its meetings. It thus often convened in the houses of members, who made strong team efforts to keep the campaign to save the law coordinated. The Committee succeeded in bringing the issue of women's rights to the court of public opinion, presenting the government with suggestions and demands for the defence of the gains of women. It also benefited from international developments and the imminence of the 1985 World Conference on Women in Nairobi, which helped speed up the review by the People's Assembly of the new law replacing the one that had been cancelled. Law 100 of 1985 was issued, with clauses similar to those contained in the 1979 law. The new law, however, contained concessions designed to pacify conservatives, one of the most important of these being the cancellation of a woman's right to divorce without proof of injury if her husband took another wife. Instead, the new law stipulated that she must prove material or moral injury that would make the continuation of her life with him impossible.

occupied Palestinian territory and the Gulf States, however, adopted a modified position. They demanded that the door to independent religious thinking (*ijtihad*) be opened on questions connected with women in the belief that enlightened readings of the regulatory Qur'anic verses would establish a new discourse on women nourished by the heritage.

#### THE GOAL-DRIVEN FRONT

The political and social contexts directly influenced the quality of the demands put forward by the women's movement, which, by their nature, reflect a tension between social circumstances and the movement's priorities at a given time.

It became necessary for the movement to adopt programmes that responded to the conditions described earlier. The second half of the 1970s witnessed the first steps towards the founding of women's organisations independent of official political organisations.

In 1978 in Tunisia, a women's club known as the Al-Tahir Al-Haddad Club was established. Its founders, a group of female students with a leftist orientation, conceived it as a reaction to the one-sided treatment of women's issues, their monopolisation by the State and their exploitation in party political discourse. It was also clearly a reaction to a spreading Salafite discourse that confiscated the freedoms and gains that women had only recently won. Debate centred on the inadequacy of, and loopholes in, the Personal Status Code in terms of gender equality in spite of its pioneering nature in comparison with family legislation in most other Arab countries. The arguments also concentrated on forms of violence inflicted upon women and on how this violence was reflected in their status in society.

The women's movement saw a qualitative upswing in the 1980s in the establishment and extension of associations. In Morocco, in addition to the official associations (e.g., the National Union of Moroccan Women,

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1969) and the many associations of an institutional character that had been active since independence, there now appeared associations with a political agenda, connected to the parties. At the same time, however, these associations strove to make their respective causes a strategic priority in party programmes. In 1985, the Democratic Association of Moroccan Women was founded, connected with the Party of Progress and Socialism. In 1987, the Women's Labour Party was created,

in alliance with the Popular Democratic Labour Association. In 1988, the Independent Women's Organization came into being, connected with the Independence Party. They were followed by the Democratic League for Women's Rights, with allegiance to the Vanguard Party and by the Democratic Women's Forum, linked to the Socialist Union of Popular Forces.

The 1980s were also a crucial period in the transformation of the women's movements, especially in the Maghreb countries. Their independent-mindedness and courage distinguished these movements as they trod a path strewn with obstacles and thorns, under siege from, and beset by, the ruling regimes. For example, a group of female academicians created the Tunisian Women's Association for Research on Development in 1987, with the sole objective of supporting and encouraging women's research. In 1989, the Association of Democratic Women was founded with the basic intention of abolishing all types of discrimination against women. The Association was so named to stress its independence, neutrality and departure from allegiance to the ruling party as well as its defiance of Islamic discourse. It was also based on an unambiguous call for the firm establishment of secular discourse and the separation of State and religion. This Association believed that women's citizenship would remain deficient as long as the reformist goals were not accomplished and as long as all reservations against the Copenhagen Declaration on Social Development by Arab States remained in place.

Not by coincidence, the names of the new women's associations included words such as "democratic", "progressive" and "rights". In Algeria, women belonging to parties of the left founded a number of independent women's associations.<sup>3</sup> These included the Association for Equality between Men and Women before the Law, the Association for Women's Liberation, the Association for Equality and Citizenship, and the Association for the Advancement and Defence of Women's Rights.

These associations came into being conscious of the limited room for manoeuvre permitted to them in advancing and defending

#### **Luminaries: The Women and Memory Forum, Cairo**

The scholarly members of the Women and Memory Forum seek to read Arab history from a perspective that takes into account the cultural and social formation of gender. This forum brings together women researchers with diverse and widely differing specialisations from a variety of institutions and hence with diverse approaches, visions and objectives. Huda al-Sadda, professor of English literature at Cairo University and one of the major participating scholars, asks and answers the question, "Why does this group exist?" Her response gives us the following important, stimulating and significant insight: "We are trying hard to adopt a collective style since collective work is not often found in our immediate cultural context. Indeed, we are united in a genuine and insistent desire to surmount the isolation imposed on many women interested in scientific research. We are thus determined to work together and to establish our presence in a positive atmosphere that grows out of the effective sharing and exchange of experience at many levels".

Researchers of the Women and Memory Forum attempt to reread Arab history, taking into consideration the cultural and social formation of gender for primarily political ends. These efforts are not restricted to epistemological or academic goals that take knowledge as an end in itself. Rather, they consider academic enquiry to be an expression of life and are interested in participating positively in cultural and social reality, with the goal of bringing about change or development towards a more equitable and balanced cultural and social life for all members of society.

Source: Fouad, background paper for the Report.

Accordingly, the Forum's members engage in reinterpreting Arab history from the perspective of gender. They start from the fact that women form a major part of society and that they have been important actors in making and moulding Arab history. They are mindful that women have been excluded from the official historical record for reasons connected with the dominance of a multilayered and masculine conceptual and moral construct. The group believes that the marginalisation of women and the limited public space open for their contributions have led to the misrepresentation of history and of the collective memory. The latter is of major and special importance in the formation of identity and in defining the elements of adherence and connectedness among the members of any given society. It is what gives the historical dimension its special importance.

The various activities of the Women and Memory Forum range from seminars and conferences to the issuing of innovative books and other publications. For example, the Forum has published an important collection of research papers entitled *Zaman al-Nisa' wal-Dbakira al-Badila* (1996), which constitutes the output of a conference convened by the group under the name of "Reading History from the Woman's Point of View: Women's Time and the Alternative Memory". Contributing to the rich and lively research perspectives at this conference were women scholars from Lebanon, Morocco and Palestine, Egyptians resident in the United States and male scholars concerned with the issue.

<sup>3</sup>These associations could have been founded only in the favourable conditions that resulted from the passing of a special law in 1989 on the organisation of associations.



their causes. How small that space was will become clear by reviewing just one aspect of the pressures confronting them, namely, that exerted by the ruling party, which deemed these associations hybrid movements tantamount to opposition parties. As a result, society's view of these associations became damagingly warped: the various groups ceased to be seen as movements founded to call attention to the declining status of women and came instead to be identified with their position vis-à-vis the regime. The haste with which such associations rushed to express their sympathy with some of the progressive opposition parties and, above all, with rights organisations contributed to the prevailing view of them.

The new generation of women's associations is distinguished by its qualitative closeness to women's issues. In spite of their affiliation with democratic parties, these associations clearly emphasise that women's issues are no longer a minor detail among party preoccupations and concerns. On the contrary, the constitutions of these new associations, the resolutions passed at their conferences and their writings in the press all underline that these issues have become, perforce, no less central than those of democracy, development or human rights.

The international dimension has been no less important for the way in which this new feminist consciousness has evolved. The global discourse on women has been a significant influence on the Arab women's movement and a driving force in the latter's reformulation of its goals and perseverance in its struggle. It has helped in Arab women's efforts to bring laws and national legislative initiatives into line with universal objectives. It has also provided support and backing through networking, which has influenced the organisational structure of women's movements in the Arab countries as elsewhere in the world.

If, as previously noted, women's organisations with a political agenda emerged in the region during the latter half of the 1980s, their new consciousness was reinforced at international conferences, chiefly those convened under the auspices of the United Nations. These include the Conference on Environment and Development of 1992 in Rio de Janeiro, the World Conference on Human

### Luminaries: The Lebanese Women Researchers Group

The Lebanese Women Researchers Group is a diverse group that is active across many fields of specialization, focusing on the conditions of women in contemporary Arab societies. Scholars publish research in specific areas on a regular basis. Topics of particular interest to which they have turned their attention include: "Women and the Authorities", "Women and Writing", "Humanities Research and Researchers in the Arab World", "The Position of Women in Politics in Lebanon and the Arab World", "Media and Communication in Our Societies" and "Universities in the Arab World".

These titles reveal the nature of the areas that the group is concerned about

Source: Fouad, background paper for the Report.

analysing or whose explicit and implicit interconnections they seek to uncover. Male participation is noticeably broader than in the case of the Women and Memory Forum, for example, a fact that may be attributable to the production demands of their periodic publications, in which a number of male writers participate.

In 2001, in collaboration with the Women and Memory Forum and the Centre for Arab and Middle East Studies, Beirut, the Lebanese Women Researchers Group convened an important and successful conference on "Arab Women in the Twenties: Presence and Identity".

Rights of 1993 in Vienna, the International Conference on Population and Development of 1994 in Cairo, the 1995 World Summit for Social Development in Copenhagen, and the Women's World Conference in Beijing in 1995. All of these shared the same approach, which, in essence, holds that democracy, development, human rights and peace are inseparable and that there can be no democracy and no development without the effective participation of women (Malki, background paper for the Report).

Such was the goal-driven front that the women's associations active in the 1980s took upon themselves to mount and defend. The new approach aimed to dislodge traditional views that still clung to the women's question. Thus, personal status laws were the most important targets among these goals, followed by the enactment of legislation guaranteeing the equality of women and men in political and economic life. Women's associations were also active in urging Arab governments to implement the international agreements that they had approved, especially the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The 1990s are considered to have been difficult years for Arab society, filled with contradictions, tribulations and successive, bitter disappointments. A new sense of realism materialised as many Arabs came to see that their progress as a civilisation had

*The new generation of women's associations is distinguished by its qualitative closeness to women's issues.*

*The international dimension has been important for the way in which this new feminist consciousness has evolved.*

*How can the discrepancy between the proliferation of activist organisations and the absence of women in administrative and decision-making positions be explained?*

*Despite there being 87 women's associations in Yemen, the proportion of women in decision-making positions does not exceed 6 per cent.*

been marginalised compared to that of other world regions. Many segments of society were abandoned to their own fate, and the gap between the ruling regimes and their societies widened.<sup>4</sup>

The result was a perceptible proliferation of licensed activist associations. In 2000, the number of independent associations in Egypt and Lebanon rose to between 200 and 250 (Ben Nefissa, in French, 2000) and the number increased to 225,000 for the entire Arab world in 2003 and 2004 (UNIFEM, in Arabic, 2004). The phenomenon differed, however, from country to country. This explosion gave the impression that Arab societies were on the move or seeking to improve their conditions, but the question must be asked as to how effective these associations proved to be. How can the discrepancy between the proliferation of these associations and the absence of women in administrative and decision-making positions be explained? Their proportion of representation may have reached 45 per cent in Lebanon and 42 per cent in the occupied Palestinian territory but it is only 18 per cent in Egypt.

Despite there being 87 women's associations in Yemen, the proportion of women in decision-making positions does not exceed 6 per cent (ESCWA, in Arabic, 2006a, forthcoming).

Indeed, women are absent even from associations for the defence of civil rights: out of a total of 25 members of the steering committee of the Tunisian League for the Defence of Human Rights only three are women. The same is true of Egypt and Morocco.

In spite of the explosion in the number of civil associations, the presence of women had no impact at this critical stage. This paradox can be explained only by attributing it to the pressure exerted by international organisations. Women's representation arose as a concession on the part of many Arab countries. The latter accepted the formal incorporation of women into their cultural projects on condition that they remain a mute, motionless presence.

The establishment of the Arab Women's Organisation falls into the same category. The organisation was launched in 2002 by the signing of a founding agreement. At the

regional level, efforts have since concentrated on institutionalising the entity and designing its 2004-2007 plan of action, which was approved at the Organisation's second summit meeting, which was held in Bahrain on 12 June 2005. As of that date, 15 Arab States had become members. They agreed to study a programme that would include the totality of Arab States. While the Organisation is a joint institution of the governments included in its founding charter, since its inception, it has striven to cooperate with NGOs on the same basis as international organisations working in this field.

The founding of the Arab Women's Organisation reflects the special attention that Arab governments are now giving to women's issues. Nevertheless, the entity faces many challenges, among the most serious of which are resource mobilisation, opening up to civil society in the different Arab States and avoiding the stifling bureaucracy that has left its stamp on other regional bodies. One is anxious to discover whether this organisation is indeed capable of moving the situation of women in a positive direction (Kiwan, background paper for the Report).

It lies beyond the power and resources of the women's movement to influence this entangled socio-political situation by itself, which only confirms that the fight for women's freedom is the fight of Arab societies as a whole. This explains the modest returns to date on the exhausting efforts expended, yet none of this has discouraged the movement from taking advantage of all means available to it to influence the life of society. These means are the major axes that underlie the struggle and evolving discourse of the women's movement as it endeavours to improve women's conditions in the Arab countries.

## **EVALUATING ACHIEVEMENTS FOR WOMEN**

Without doubt, the participation of women in these national movements helped women and conferred legitimacy on their demands in society's eyes. In Egypt, for example, the period between 1920 and the 1950s, when women's movements were numerous and diverse, is

<sup>4</sup> See AHDR 2004.

considered to have been one of the most active and rich. In 1923, Huda Sha'rawi founded the Egyptian Feminist Union, which played an important social and political role in raising awareness of women's issues and in demanding their rights. The Union used the collection of signatures to mobilise public opinion and exert pressure on the political authorities to respond to women's demands. It entered into a political conflict with the Wafd Government (despite its early links to it) when the members of the Union adopted a radical position with regard to issues of national liberation, democracy and Arab solidarity, a conflict that reached its climax when the Union opposed the Treaty of 1936. In Tunisia, a strong liberal reformist movement arose around Al-Tahir al-Haddad, connecting the rise of women to the modernisation of the homeland and also giving priority to the national liberation agenda. In Algeria in 1958, when France called on women to burn their veils in one of the main squares of Algiers while shouting "Algeria is French!" (Nasiri, in Arabic, 2003), women started wearing the veil to show their national allegiance and agreed to postpone their political and social demands in favour of working for independence.

Regrettably, and notwithstanding some palpable gains by women as a result of social transformations in the national liberation movements, this proved to be a poor bargain as far as affirmations of women's capability and effectiveness or the legitimacy given to their demands are concerned. One consequence of the movement's sacrifice was that after independence – and here Algeria is a sad but clear example – the new nationalist governments pretended to forget or simply ignored some or most of these demands, especially those relating to the personal status codes, important differences among the Arab countries notwithstanding. In general, and with the exception of the modifications made to the personal status laws in Tunisia, unequal relations of power within the family survived. Women thus entered into a new phase of contradictions at the heart of the social structures and concepts.

Generally speaking, the number of women's associations and organisations in the Arab world can be counted as a positive

phenomenon, indicating a healthy multiplicity at the level of discourse and activities. These associations or groupings work in a wide variety of fields. Some are rights organisations concentrating on changing legislation. Others are research organisations active in changing cultural concepts hostile to women's rights. Diversity also flourishes at the level of discourse. Some organisations take a religious stance to defend women's rights from within a religious framework, whether Islamic or Christian. Others adopt a secular approach, and still others seek to mould a new discourse that transcends the modernist view, which presupposes a contradiction between authenticity and contemporaneity or between the secular and the religious.

All women's groups are united in affirming that women's rights are national rights; indeed, in Iraq and the occupied Palestinian territory especially, the issue is of the highest priority (Elsadda, background paper for the Report).

Everyday reality remains the best witness to Arab women's status at the present time and the best marker of the point that they have reached to date. Nonetheless, it remains true that, since women initially resolved to change their circumstances, they have travelled further and faster on the road that they have paved than many believed possible.

It can be said that the objectives for which the women's movement was founded since the latter part of the nineteenth century have not been fully achieved yet and, indeed, that most women's groups are subject to a new reformist vision. This is hardly surprising since the challenges faced by the women's movement are complex and are primarily a function of political and economic circumstances. This is how it is possible to explain the impasse in the feminist discourse and its tendency to become mired in the same issues over time.

The impact of the women's movement has varied from one Arab country to another. It may be argued that its principal achievement has been increased awareness among women of their inferior status and of the need to work to change it. This awareness has reached Arab women of every creed, class or cultural affiliation, arising from an ethos that has been growing among them for more than a century.

*Everyday reality remains the best witness to Arab women's status.*

*The objectives for which the women's movement was founded have not been fully achieved.*

By concentrating its scrutiny on personal status laws, the movement has impelled a number of Arab States to take tangible steps to improve family law and legislation on marriage and divorce in general. Two country examples of these achievements are described in the following section.

#### Luminary: A'isha Bilagha

A'isha Bilagha was born in 1916 in Casablanca to a Tunisian father (Uthman bin Umar, a lawyer, a journalist and editor of the newspaper *al-Haqiqa*).

She obtained her baccalaureate in 1937, becoming the third Tunisian woman to do so, following in the steps of Tawhida bin al-Shaykh and Hasiba Ghallab.

In 1947, she delivered a lecture on women's liberation before the Society of Former Students of al-Sadiqiyya College.

Bilagha fought against French colonialism to liberate women and

improve their condition. She was a founding member of a number of non-governmental associations, such as "Education and the Family", the "Human Rights Organisation" and the "African Women's Union".

She also contributed to the launching of the National Union of Tunisian Women and presided over it during its founding period from 1956 to 1958, when it held its first conference.

Bilagha occupied the post of director of the Institute of Marseilles from 1961 until her retirement from public office in 1979.

Source: Naila Silini

in the work of this committee, taking part in the drafting, study and discussion of the elements, chapters and sections of the code. The committee came up with the Code of Shari'a Law, which was divided into two parts, one for personal status and the other for fixed property. The Code was approved by the leading religious scholars of the time, among them Shaykh Muhammad 'Abbas, the shaykh of the Hanafi rite; Shaykh 'Ali bin al-Khujja, the Hanafi mufti; the Learned Shaykh Fadil bin 'Ashur; and the Learned Shaykh 'Abd al-Rahman bin Yusuf. (Decree on the Shari'a Code, 1952, issued by the Ministry of Justice in Tunisia, 3 July 1952, archives of the Ministry of Justice).

Though prepared in line with due governmental procedures, the Code had not been promulgated by the time that Tunisia achieved full independence. The Government of Tunisia decided to revive the project and commissioned experts in the law, Islamic jurisprudence and the judiciary to work on it. The latter prepared a new code in the form of a contemporary law and in step with the principles of the age without contravening the spirit of Islam (Majallat al-Qada' wal-Tashri', in Arabic, 1975, 145). It is evident that the issuing of the Shari'a Code was, in essence, a response to social demand. It may also be noted that this demand was felt by Tunisian society even while it struggled for liberation, because its view of freedom was comprehensive, one in which the political was complemented by the social.

Many accomplishments in health and in the economy as well as in professional fields followed the issuance of the Personal Status Code. Since these laws are interrelated, for the sake of brevity, those relating to the family are listed in the following table, which sets out the various laws and their revisions in the course of half a century as an indication of how legislation and society changed over time.

These are examples of achievements that prepared the way for the rise of Tunisian women. It must be pointed out that other regulations are also in force and are permitted by the Personal Status Code. For example, family law does not stipulate the religion of the spouse. Thus a Tunisian woman (or man) may wed a partner from another faith. It follows that

### THE TUNISIAN EXPERIENCE

The Tunisian experience remains a model among the Arab States. Half a century has passed since the issuing of the Personal Status Code, through which Tunisian law gave legal effect to the principle of women's equality with men. The Code has been further developed during the intervening period through the application of original legal thinking to keep it in step with changing issues in Tunisian society. It can thus be said that the changes to family law instituted by former President Habib Bourguiba sprang from a reformist movement that encouraged the rise of women on the social, economic and political levels.

Likewise, it cannot go unremarked that the laws of the Personal Status Code sprang from an initiative by two schools of Islamic jurisprudence: the Maliki and the Hanafi. In 1948, during the reign of Muhammad Amin Bay (1962), a twenty-two member committee, was formed under the chairmanship of the then Minister of Justice to look into the provisions of the Shari'a Code. Muhammad al-'Aziz Ju'ayt the Maliki Shaykh al-Islam for the Tunisian territories (1970), played a fundamental role

*The Tunisian experience remains a model among the Arab States.*

TABLE 5-1

**Family laws in order of promulgation**

Laws	Section	Date	Content of Law
Prohibition of polygamy	18	1956	Imprisonment for violator.
Divorce a prerogative of the courts	30	===	
Legal age for marriage	5	1956	17 years for girls, 20 years for boys.
Request for divorce an equal prerogative of both husband and wife	31	===	
Marital obligations	23	1956	The wife must comply with her husband as the head of the family and obey his orders.
		1993	Deletion of the expression "obey": the husband, as head of the family, must provide for the wife and children according to his means and their needs. The wife must contribute if she has money.
Custody of the children	154	1956	If the child does not have a father or legal guardian, the judge must appoint a legal guardian.
		1993	If the mother has been made responsible for the child's upbringing, she shall have jurisdiction over matters pertaining to the child's travel, study and financial dispositions.
Creation of a fund to guarantee the payment of support and alimony.	65	1993	

a Tunisian woman married to a foreigner can pass on her nationality to any children she has by him, whether they were born in Tunisia or abroad, subject only to the father's agreement.

Important as these accomplishments are, in order for their benefits to be fully realised, they still require all the other reforms that the independent women's movements have taken it upon themselves to demand. Even though the Personal Status Code contains some modifications to the regulations concerning inheritance, it still maintains the male's share at twice that of the female. This has created a predicament for broad sectors of society and in particular for those fathers who, over the last fifty years, have been equally supportive of their daughters.

To the present day, equal inheritance remains difficult to achieve, and many are impelled to resort to loopholes in Islamic law to guarantee the principle of equality. For example, a father may make a pro forma sale of a portion of his assets to his daughter, or he may divide up his wealth among his children while he is still alive. A father who has not been blessed with male children may convert to Shiism, which is more flexible in these matters.

It is also noticeable that these positive

revisions to family laws have coincided with restrictions on the freedom of action of activist women and with State monopolisation and monitoring of the movement's discourse, leaving only limited scope for women's initiatives and demands. The tendency to transform the rise of women into a political tool for enhancing of the State abroad, even at the expense of women, has become all too clear.

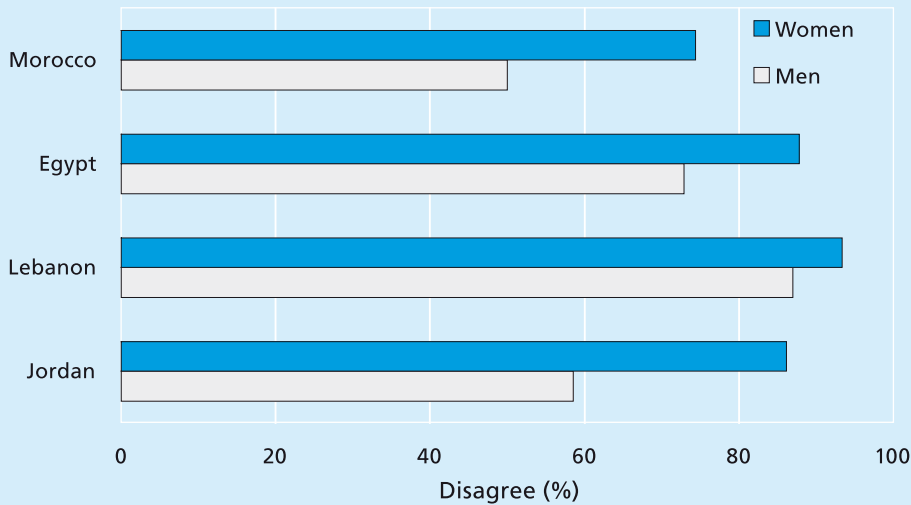
The regime in Tunisia, for example, has tried to exploit the conflict between the Association of Democratic Women and the Islamist current. Faced with the former's determined independence, it has imposed various restrictions on it, such as starving the Association of funds while lavishing large amounts on government-sponsored women's groups. The headquarters of the Association is under constant security surveillance in order to scare off its members. Those steadfast women who still frequent it have been physically and verbally abused and have had their activities disrupted. In addition, there has been a complete media blackout on news about the group.

It is noticeable, too, that these official reforms in favour of the family have been accompanied by a tendency to marginalise independent-minded women who refuse to

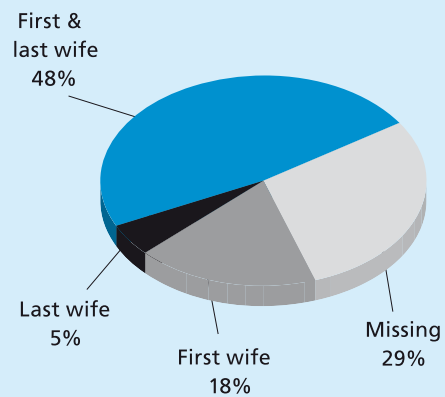
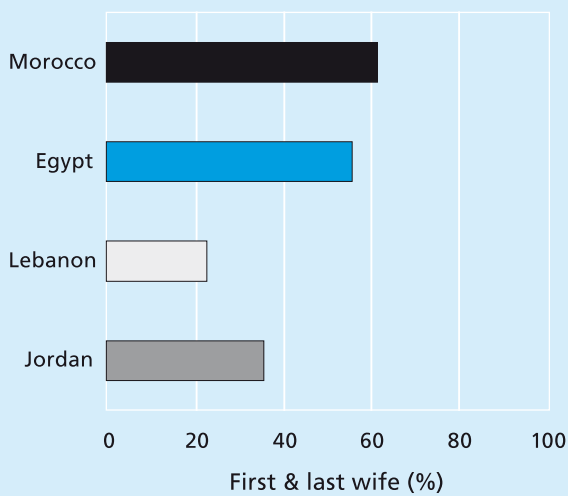
*The tendency to transform the rise of women into a political tool for enhancing the image of the State abroad has become all too clear.*

**Public Opinion on Aspects of the Rise of Arab Women, Four Arab Countries, 2005**

**Rejection of polygamy, by country and gender**



**Polygamy should be subject to the consent of wives concerned**



A majority of both male and female respondents did not support polygamy. Respondents who supported polygamy linked their approval to the agreement of the wives concerned.

allow their academic and social successes to be exploited to improve the regime’s political image. Attempts to bring forward women loyal to the ruling party in their stead, even at the expense of efficiency, are quite common. In fact, this phenomenon is a feature in all the Arab countries, a political peculiarity that springs from the nature of the official ruling

regimes. Mentioning it here, in the context of the revolutionary accomplishments of women in Tunisia, does, however, pose a question. Can any model of the rise of women that is kissed by Arab political authorities truly contribute to changing the political culture of States and to propelling them towards a comprehensive renaissance?

## THE MOROCCAN EXPERIENCE

The new consciousness of the Moroccan women's movement arises from its conviction that amending the Personal Status Code is the key to women's ownership of their own issues. On 8 March 1991, the Women's Labour Union launched a campaign to collect one million signatures on a radical petition. The document demanded that: the law should view parity between the spouses as the basis of the family; the principle of equality between women and men should be established, implying that a woman would be eligible to engage in legal transactions at the age of legal maturity; divorce should become a prerogative of the courts; polygamy should be conditionally prohibited; and women should be granted guardianship of their children.

The document was heavily criticised; indeed, its signatories were considered to be "participating in the crime of apostasy". In short, conditions were not yet ripe for the amendment of the legal code, and the weight of resistance to change continues to press heavily on the Moroccan body politic. Just as King Muhammad V defined the authoritative judicial framework for promulgating the legal code in 1957, so, too, he moved to cut off discussion of any modification to it. His intention was to prevent the issue from escaping from his jurisdiction and becoming hostage to political tussles and party one-upmanship.<sup>5</sup>

The amendments incorporated into the Personal Status Law in 1993 may be read in two ways. The first turns on the idea of evolution. It assumes that if the amendments do not go far enough in achieving the objectives of the women's movement, they do at least provide a potential for change worthy of investment. The second interpretation sees the amendments as merely marking time and that conservatism and traditionalism remain triumphant, leaving the discriminatory structure of the legal code untouched. One clear objection to the amendments of 1993 is their failure to adopt international standards pertaining to women and children. As a matter of fact, at that time,

Morocco had not yet completed its accession to the agreements and treaties in question and had registered reservations with respect to articles of CEDAW, citing their inappropriateness to Morocco's religious, moral and social particularities. Morocco also registered a reservation with regard to Article 16, which relates to arbitration when a dispute arises between two or more countries regarding the interpretation or application of the agreement (Malki, background paper for the Report).

Significant developments took place in Morocco between the issuing of the amendments to the Personal Status Code (1993) and the end of the twentieth century. On the one hand, the accords that brought together the royal establishment and political parties descended from the nationalist movement were crowned by the appointment of a government headed by the nationalist elite, which had been excluded from power for more than 35 years. At the same time, after the transfer of power, royal speeches in more than one venue emphasised the importance that the women's issue had assumed. If internal developments played a major role in spurring the diverse actors in the Moroccan women's movement to intensify their struggle, international dynamics also contributed to honing women's consciousness and expanding their horizons.

The draft revision of the legal code, which began during 2003, focused on four priority axes: the involvement of women in education, the improvement of reproductive health, women's integration into economic development, and women's self-empowerment. The amendments recommended for incorporation into the legal code were progressive. They included: raising the legal age for marriage to eighteen years to conform with the International Convention on the Rights of the Child; relegation to secondary status of the "guardianship" or "custody" (*walaya*) of one spouse by the other; facilitation of divorce by granting both husband and wife the right of resort to the courts following the irrevocable breakdown of the marriage; prohibition of polygamy except by licence from a judge; and affirmation that individuals

*The new consciousness of the Moroccan women's movement arises from its conviction that amending the Personal Status Code is the key to women's ownership of their own issues.*

<sup>5</sup> King Hasan II, in a speech on 29 September 1992, emphasised that "women's issues were his first priority, and that he would take over the role of defending women's interests himself." He also asked women's associations to present him with their demands, which revolved around custody, alimony, child raising, the seeking and granting of divorce, and polygamy.

*The Family Code that entered into force on 3 February 2004 ... was a major turning point along a long road of struggle by Moroccan women.*

*Egyptian women won their political rights in 1956 after a struggle lasting more than 50 years.*

of both sexes shall be considered minors until the age of fifteen years. The amendments also covered other areas concerning the marriage of divorced mothers, alimony, the distribution of spousal assets following divorce, the creation of family courts, and the recognition of the right of women judges' to carry out documentation procedures relating to matters of personal status.

A draft of this nature could not go far without arousing opposition and conflict. This time, however, consequences were not limited merely to clashes among points of view but reached a point of real social tension verging on civil strife.

The Family Code that entered into force on 3 February 2004 did not come out of the blue nor was it bestowed as a favour or gift. Rather, it was a major turning point along a long road of struggle by Moroccan women, a journey marked by stumbles and triumphs. This struggle was, however, not limited to women; men also shared in it, and both internal and international democratic forces lent their support to it.

Despite this, much remains to be done and what has been accomplished needs to be carefully defended, nurtured and deepened. Further progress will depend on the extent of women's own capacity to continue to take charge of their own cause freely and responsibly. The distant goal of women's liberation, empowerment and advancement entails transforming the social imagination of the individual Moroccan by linking the rise of women to the twin values of democracy and modernism (Malki, background paper for the Report).

#### OTHER ARAB EXPERIENCES

While the previous section focused on only two Arab countries that have made substantial efforts to promote the rise of women, this is not to slight the many determined efforts in other States to revise some articles of their legal codes. Examples of such efforts are described below.

##### **Egypt**

Egyptian women won their political rights in 1956 after a struggle lasting more than 50

years. The government of the Revolution adopted many of the demands of the existing women's organisations, especially those relating to political rights, education and work. Fortunately, the demands of the women's movement coincided with the need of the State for additional labour while the prevailing socialist ideology was in harmony with the broadening of popular participation in parliamentary life. As a result, the Constitution of 1956 was modified to realise some of the aspirations of the active women's movement of the time. Legislative gains followed, and the Constitution of 1971 confirmed the gains found in that of 1956. Article 14 stipulated that occupation of public posts was the right of all citizens, women and men; articles 10 and 11 stipulated the duty of the State to protect mothers and children and that the State was charged with reconciling the duties of the woman towards the family and her work in the public sphere. Further legislation was issued that guaranteed equal rights to education and work and provided social and insurance guarantees to working women. As a result of these legislative changes, women entered political life. No laws, however, were issued to regulate women's position within the family and the personal status laws of 1925 and 1929 were left as they were despite the efforts of many women to have them changed. At the present time, Egyptian women have only managed to win the right, granted in 2000, to initiate divorce proceedings (khul') after waiving certain financial rights entailed in other forms of divorce. They have also won the right to travel without their husbands' permission and to obtain Egyptian nationality for their children by a foreign husband.

##### **Jordan**

Jordan has raised the legal age for marriage to 18 years for both spouses and granted women the right to obtain a passport without their husbands' permission.

##### **Lebanon**

An assembly of a number of NGOs has prepared a draft civil status law that will repeal 18 laws governing civil status according to the laws of the various religious and doctrinal sects.



## Algeria

Family law still groans under the weight of the shackles that hamper women, among them the persistence of polygamy. Legislators have, however, worked hard to circumscribe the latter by making it conditional upon the consent of the first wife. A further burden is the law's view that the husband's guardianship or custody of the wife is a condition for the validity of the marriage. Nevertheless, there are certain positive landmarks between the laws of 1984 and the revisions issued in 2005. Thus, for example, Article 31 of the 1984 law regarding mixed marriage stipulates that "a Muslim woman may not marry a non-Muslim man". This was abrogated in 2005 in favour of

the principle of equality between women and men with regard to marriage to foreigners of other religions (Majallat al-Risala al-Qanuniyya, in Arabic, 2005). Article 72, revised in 2005, establishes the husband's duty to assure a dwelling for his children from his divorced wife if she has taken on their care (Majallat al-Risala al-Qanuniyya, in Arabic, 2005).

These are achievements, modest as most of them may be. It is hoped that they may be an indication that the march of change is under way in the Mashreq (Egypt, Jordan and Lebanon) and in the Maghrib (Algeria and Morocco) even if it appears to be slower in the Arab Gulf States.

## SUMMARY

An optimistic assessment would acknowledge the wide-ranging movement and activities in the area of women's rights. A forward-looking perspective would require that there be consensus regarding the general social, political, economic and cultural conditions that necessarily impact women's empowerment. At the same time, however, there is an obvious knowledge deficit when it comes to assessing the achievements of the women's movement. There is an urgent need for a gendered research lens in Arab countries that would cover all areas and formulate new questions and, by implication, a new discourse to override the current paradigms. Re-evaluating the position of women as a *sine qua non* for a stronger civil society demands a conviction that can overrule the pretext for inaction that rejects all forms of development in this area as part of the culture of "the Other".

