



# **Deconstructing Sexuality in the Middle East**

**Challenges and Discourses**

*Edited by*  
**Pinar Ilkkaracan**

ASHGATE e-BOOK

DECONSTRUCTING SEXUALITY IN THE  
MIDDLE EAST

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Middle East  
Challenges and Discourses

*Edited by*

PINAR İLKKARACAN  
*Bosphorus University, Turkey*

ASHGATE

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Published by  
Ashgate Publishing Limited  
Gower House  
Croft Road  
Aldershot  
Hampshire GU11 3HR  
England

Ashgate Publishing Company  
Suite 420  
101 Cherry Street  
Burlington, VT 05401-4405  
USA

[www.ashgate.com](http://www.ashgate.com)

**British Library Cataloguing in Publication Data**

Deconstructing sexuality in the Middle East : challenges  
and discourses

1. Sex - Political aspects - Middle East
  2. Sex - Social aspects - Middle East
  3. Sex role - Middle East
- I. İlkaracan, Pinar  
306.7'0956

**Library of Congress Cataloging-in-Publication Data**

Deconstructing sexuality in the Middle East : challenges and discourses / edited by Pinar İlkaracan.

p. cm.

Includes index.

ISBN 978-0-7546-7235-7

1. Sex--Political aspects--Middle East.
  2. Sex--Social aspects--Middle East.
  3. Sex role--Middle East.
- I. İlkaracan, Pinar.

HQ18.M628D43 2008

306.70956'09045--dc22

2007049169

ISBN 978-0-7546-7235-7



**Mixed Sources**

Product group from well-managed  
forests and other controlled sources  
[www.fsc.org](http://www.fsc.org) Cert no. SG5-COC-2482  
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Printed and bound in Great Britain by  
TJ International Ltd, Padstow, Cornwall

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# Acknowledgements

Many people have contributed to the realization of this book. First of all, I would like to thank all the contributors not only for their outstanding scholarship, but also for their cooperation, support and encouragement during the book's preparation. Research on sexuality in the Middle East is scarce, and their dedicated work in such a challenging field has made this compilation possible.

I am particularly grateful to Marlene Caplan for her invaluable and ardent assistance during the editing process of this volume and Gülşah Seral Aksakal for her remarkable perfectionism in the preparation of the final manuscript. Knowing them has been such a great joy for me, both professionally and personally, and I feel privileged to have worked with them on many publications, including this one.

Ashgate Publishing Ltd has been wonderfully supportive throughout the entire process with all their staff. Special thanks to Neil Jordan for always being there and having the patience to respond to all our questions, as well as to Mary Savigar for her enthusiastic support at the initial stage.

On a personal level, my very special thanks go to Karin Ronge and Liz Amado not only for being the best colleagues one can have, but also for their priceless friendship.

Finally, this book is in memoriam of Hammed Shahidian (1959–2005), who has been an avid supporter of my work on sexuality in the Middle East from the outset. He accepted my invitation to contribute to this volume despite his illness and continued working on his chapter even at his hospital bed with truly admirable devotion and zeal. He was tireless in his efforts to advance critical thinking on the region and its dynamics, producing a diverse and remarkable body of scholarship on social movements, gender, sexuality, ethnicity, exile, immigration and diaspora. His untimely death is a tragic loss to his family, loved ones and all of us working in this field, yet his strong legacy of commitment to social justice and critical and emancipatory scholarship will continue to inspire us.

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## Chapter 1

# Introduction: Sexuality as a Contested Political Domain in the Middle East

Pınar İlkkaracan

In September 2007, Iranian president Ahmadinejad delivered a speech at Columbia University in New York that made headlines worldwide. Ahmadinejad stated, ‘In Iran, we don’t have homosexuals like in your country. We don’t have that in our country,’ claiming there are no homosexuals in Iran. Ahmadinejad’s denial of homosexuals in Iran, which drew both ridicule and protests from around the world, was not a statement of personal conviction or manipulation but a political one, reflecting the stand of the majority of Middle Eastern governments on sexual freedom and rights.

Over the last couple of decades in various Middle Eastern countries, as is the case in a number of African and Asian countries, homosexuality has increasingly been constructed as a ‘Western’ practice that is ‘imported’ from the West, which threatens the social and moral order, although there is extensive evidence of sexual relations between people of the same sex, and of transgender cultures, throughout these countries, even if the way these practices and cultures are labeled and understood varies from place to place, and may well differ from Western lesbian, gay, bisexual and transgender (LGBT) identities and cultures.<sup>1</sup> Ironically, centuries ago, claims were made in the West that homosexuality was an Oriental or Muslim vice.<sup>2</sup>

Sexuality and gender equality, matters that are inextricably linked, have been highly politicized issues in almost all Middle Eastern nations ever since reforms towards modernization and/or Westernization were initiated in the nineteenth century. Although a general consensus on the need for modernization efforts in the technical, administrative and economic domains has been remarkably visible even among antagonistic political actors and movements, reforms targeting gender relations and the private sphere have remained notably controversial.<sup>3</sup> While

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1 Sylvia Tamale, ‘Out of the Closet: Unveiling Sexuality Discourses in Uganda,’ *Feminist Africa*, 2 (2003), <<http://www.feministafrica.org/fa%202/02-2003/sp-tamale.html>>; and Ruth Morgan and Saskia Wieringa, *Tommy Boys, Lesbian Men and Ancestral Wives: Female Same-sex Practices in Africa* (South Africa: Jacana Media, 2004).

2 Douglas Sanders, ‘Flying the Rainbow Flag in Asia’ (paper presented at the Conference on Sexualities, Genders and Rights in Asia, Bangkok, July 7–9, 2005), <<http://bangkok2005.anu.edu.au/papers/Sanders.pdf>>.

3 On controversial aspects of gender reforms in Muslim societies, see John L. Esposito, ‘Introduction: Women in Islam and Muslim Societies,’ in *Islam, Gender and Social Change*, ed. Yvonne Yazbeck Haddad and John L. Esposito (New York: Oxford University Press, 1998); and Nikki R. Keddie, ‘Introduction: Deciphering Middle Eastern Women,’ in *Women*

modernists have in general argued for gender equality and, to a degree, for sexual liberation, traditionalists/Islamic conservatives have subsequently and deliberately attempted to exert their control on issues related to sexuality, struggling to preserve their interpretation of their respective society's 'religious and moral values,' and to maintain, or in some cases regain their dominance especially in the private sphere, namely, regarding the status of women in the family and the regulation of sexual behavior.

The Middle East shows a great degree of diversity in the formulation of legal codes and their application to women's everyday lives, as is also the case in the rest of the Muslim world. The scope of the legal reforms that have redefined gender relations varies greatly between countries. While in Turkey, for instance, modernization included the adoption of Western legal codes and aimed at complete secularization, most Gulf countries preserved their interpretation of Islamic legal jurisprudence as the fundamental law in all juridical areas. It is striking that most other nations in the region abandoned Islamic jurisprudence but retained an 'Islamic' interpretation of the 'personal status law,' which includes mainly the laws on family (that is, the private sphere and the status of women), but with certain reforms, as in Egypt or Iran during the shah's reign. The reforms in Turkey were the most comprehensive, followed by those in Tunisia, and in Marxist Yemen, Syria, and Iraq.<sup>4</sup>

Despite the positive impact of all modern legal, educational and economic reforms on the position of women and the growing strength of feminist movements, the majority of women living in the region have not benefited from the opportunities created. In terms of the Gender Empowerment Measure (GEM), introduced by UNDP, the Arab region ranks lower than any region except sub-Saharan Africa. Arab countries have the lowest rate of women's participation in the workforce and the lowest rate of representation in parliaments. More than half of Arab women are illiterate.<sup>5</sup> The situation in Turkey, a non-Arab country in the region, is no different from its Arab neighbors. Turkey ranks 92nd out of 177 countries in the Gender Empowerment Measure of the Human Development Report for 2006.<sup>6</sup>

In this picture, the collective mechanisms aimed at controlling women's bodies and sexuality continue to be one of the most powerful tools of patriarchal management of women's sexuality, and a root cause of gender inequality in the region.

In the last decades, issues related to sexuality and women's bodies have increasingly become sites of political contestation in the Middle East due to the contradictory impacts of socio-economic and political developments. The rise of the

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*in Middle Eastern History*, ed. Nikki R. Keddie and Beth Baron (New Haven: Yale University Press, 1992).

4 Valentine M. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East* (Boulder: Lynne Rienner Publishers, 1993); John L. Esposito, 'Introduction: Women in Islam and Muslim Societies,' in Haddad and Esposito, *Islam, Gender and Social Change*, ix–xxviii; and Nikki R. Keddie, 'Introduction: Deciphering Middle Eastern Women's History,' in Keddie and Baron, *Women in Middle Eastern History*, 1–22.

5 United Nations Development Program, *The Arab Human Development Report 2002* (New York: UNDP, 2002).

6 United Nations Development Program, *Human Development Report 2006* (New York: UNDP, 2006).

Islamic religious right and the increasing mass support for religious right ideologies, which has recently gained new dimensions due to increased militarization and new wars in the region, including the US occupation of Iraq and the Israeli attack on Lebanon in 2006, has tightened the existing space for liberal reforms, including those concerning sexuality. On the other hand, the rise of new feminist and civil movements, globalization, the increasing influence of a global human rights discourse, and changing socio-economic conditions affecting population patterns have led to the emergence of new discourses, demands and patterns regarding sexual behavior, and a growing push for change from below.

Since the beginning of the 1990s, an increasing number of NGOs in the region have started advocating for sexual and bodily rights, on issues including the eradication of customary practices such as honor killings,<sup>7</sup> female genital mutilation (FGM) and forced virginity tests; sexuality education; penal code reforms to ensure legal recognition of women's sexual autonomy; and the human rights of LGBT persons.

Recently, sexual politics in the Middle East and customary practices such as honor crimes, FGM, or the stoning of adulterers have increasingly drawn media, academic and political attention in the West. The post-9/11 context has contributed significantly to the erroneous portrayal of such practices as Islamic, or as resulting from the conservative culture of the 'other,' that is Muslim. It is strikingly paradoxical that such practices are regarded as 'Islamic' in the West, considering that they have in fact come to the international agenda as a result of successful campaigns by Muslim feminist or LGBT movements, struggling to raise public consciousness that these practices are not only blatant human rights violations, but are also in contradiction with the essence of Islam.

The post-9/11 context has also increased the dilemmas faced by activists, scholars and health professionals advocating for human rights issues related to sexuality in Muslim societies, such as the eradication of customary practices, promotion of women's autonomy over their bodies, and recognition of different sexual identities. While on the one hand globalization has created an environment where international networking for human rights has gained importance, on the other, many feel that international engagement in the promotion of these rights ironically serves to exacerbate existing stereotypes both about the women living in the region – as suppressed, passive or unable to defend their rights – and about the region as a whole – as backward, static, and having a culture that is irreconcilable with 'Western values.'

The tendency in the West to view Islam and so-called Muslim culture as the sole parameters that determine sexual politics in Muslim societies, and the portrayal of the sexuality of Muslims as the 'other' remains strong and pervasive. For example, it is striking that although the Bush administration and its Christian conservative allies, including the Holy See, Poland, Malta and Ireland in the European Union, as well as certain Latin American countries attack issues such as sexual autonomy, sexual orientation, and the right to safe abortion at the national, regional or international levels, conservative and religious right politics on issues of sexuality tend to be

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7 Honor killing is a term used for the murder of a woman suspected of having transgressed 'acceptable' sexual behavior as defined and imposed according to tradition – specifically engaging in a pre-marital heterosexual relationship or suspected extra-marital affairs.



primarily and often exclusively associated with Islam, rather than with right-wing conservative ideologies.

A recent article by Norris and Inglehart, published in *Foreign Policy*, goes so far as to argue that the basic cultural fault line that divides the West and Islam concerns issues of sexual liberalization and gender equality, and not, as Samuel Huntington asserts in his popular thesis on ‘the clash of civilizations,’ political values.<sup>8</sup> Norris and Inglehart conclude that ‘the cultural gulf separating Islam from the West involves Eros far more than Demos.’<sup>9</sup> An editorial in *Middle East Report* responding to Norris and Inglehart’s article declares that their conclusions serve to obscure ‘the endlessly bitter battles that rage within the US’ over gay marriages and abortion.<sup>10</sup> As Radhika Coomaraswamy, the United Nation’s Special Rapporteur on Violence against Women notes:

The fight to eradicate certain cultural practices that are violent to women is often made difficult by what may be termed ‘the arrogant gaze’ of the outsider. Many societies feel that the campaign to fight cultural practices is often undertaken in a way as to make the third world appear as the primitive ‘other,’ denying dignity and respect towards its people... This ‘arrogant gaze,’ many feel, has increased since 11 September.<sup>11</sup>

Contrary to the prevalent view in the West, in recent decades, there has been a surge of scholarly interest and activism in the Middle East and North Africa around issues related to sexuality. For instance, a mere two weeks after 9/11, a conference was held in Istanbul with academicians and representatives of prominent women’s NGOs involved in advocacy and lobbying on issues related to women and sexuality in the region.<sup>12</sup> The meeting aimed at an analysis of women’s human rights issues related to sexuality, power, and gender roles. While many meetings in the region and around the world were cancelled for fear of further attacks and possible military escalation after 9/11, the great majority of invited participants were adamant that the meeting should not be postponed despite the atmosphere of threat and insecurity, underlining the significance of sexuality as a political issue for women activists in the region.

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8 Pippa Norris and Ronald Inglehart, ‘The True Clash of Civilizations,’ *Foreign Policy*, 135 (March–April 2003): 63–70. For Huntington’s thesis on ‘the clash of civilizations,’ see Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996).

9 Pippa Norris and Ronald Inglehart, ‘Islam & the West: Testing the ‘Clash of Civilizations’ Thesis’ (working paper, John F. Kennedy School of Government, Harvard University Faculty Research Working Papers Series, 2002).

10 ‘Editorial,’ *Middle East Report*, 230 (Spring 2004): 46.

11 Radhika Coomaraswamy, *Integration of the Human Rights of Women and the Gender Perspective: Violence against Women* (report to United Nations by the UN Special Rapporteur on Violence against Women, Doc. E/CN.4/2003/75. Geneva: Commission on Human Rights, 2003).

12 The meeting ‘Women, Sexuality and Social Change in the Mediterranean,’ was organized by Women for Women’s Human Rights (WWHR)–NEW WAYS, and held in Istanbul between 23–27 September 2001. The participants included NGO representatives and academicians from Algeria, Egypt, Lebanon, Morocco, Pakistan, Palestine, Syria, Tunisia, Turkey, Yemen, and the UN.

This was also reflected in a press statement issued at the end of the meeting, emphasizing the link between sexuality and political power:

Sexuality is not only a private issue, but it is also linked to systems of power politics and domination in society. The means to control sexuality are institutionalized not only in cultural and social norms and customs, but also in legislation and the administration of justice. For instance, various legal systems sanction crimes committed against women, such as early and forced marriage, virginity tests, discriminatory divorce laws, female genital mutilation, or murders committed in the name of family honor... During periods of militarization and war, oppression of sexuality is exacerbated because such systems promote rigid notions of masculinity and femininity and perpetuate a culture of aggression and intolerance.<sup>13</sup>

The solidarity network Coalition for Sexual and Bodily Rights in Muslim Societies (CSBR) that emerged in the aftermath of the Istanbul meeting has expanded to include more than 60 leading women's and human rights NGOs and academics in the Middle East, North Africa and South/Southeast Asia since 2001, aiming to break taboos on sexualities and sexual rights in the Muslim world.<sup>14</sup>

### Sexuality as a Contested Political Domain in the Global Arena

The notion of 'sexual rights' first appeared on the international agenda during preparations for the 1994 United Nations International Conference on Population and Development (ICPD) held in Cairo. Put forth by advocates from the international women's health movement, the term was ultimately not incorporated into the final consensus document of the conference, the ICPD Program of Action, as reaching a consensus on the term 'reproductive rights' proved challenging enough; however, the document did include several allusions to sexual rights.<sup>15</sup> A year later, 'sexual rights' became a topic of major debate at the Fourth World Conference on Women held in Beijing in 1995, where an alliance of conservative Muslim and Catholic delegations strongly objected to its use. Issues of sexuality – especially sexual orientation, women's control of their bodies, and abortion – were the most controversial issues at the Beijing conference. Barbara Klugman, a participant at both conferences, identifies several key factors that influenced delegates' positions on the concept of sexual rights: the relative openness of their constituency to public discourse on

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13 'Press statement,' 30 September 2001, <[http://www.wwhr.org/meetings\\_conf\\_workshops.php](http://www.wwhr.org/meetings_conf_workshops.php)> (accessed 26 October 2007).

14 For more information on the activities of the network, see Liz Erçevik Amado, *Sexual and Bodily Rights as Human Rights in the Middle East and North Africa: A Workshop Report* (Istanbul: WWHR–NEW WAYS, 2004); and WWHR–NEW WAYS, 'The Coalition for Sexual and Bodily Rights in Muslim Societies,' <<http://www.wwhr.org/csbr.php>> (accessed 26 October 2007).

15 Barbara Klugman, 'Sexual Rights in Southern Africa: A Beijing Discourse or a Strategic Necessity?' *Health and Human Rights*, 4, 2 (2000): 145–73; and Sonia Correa, 'From Reproductive Health to Sexual Rights: Achievements and Future Challenges,' *Reproductive Health Matters*, 5, 10 (November 1997): 107–16.

sexuality; the impact of religion on women's ability to make independent decisions regarding their sexual and reproductive lives; and the perceived importance of sexual rights as a development priority within their society and the prevailing social attitude towards discrimination based on sexual orientation. As well, many representatives from various organizations and nations were concerned that inclusion of 'sexual rights' in the text would mean the creation of new rights at the UN level.<sup>16</sup>

Despite fierce opposition from conservative forces to the inclusion of 'sexual rights,' a global alliance of women from all religious and cultural backgrounds succeeded in the inclusion of paragraph 96 in the Beijing Platform for Action: 'The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.'

The Vatican and conservative Muslim and Catholic states, backed by some African and Latin American countries, have continued to oppose inclusion of diverse sexual rights in UN documents since the Beijing Conference. Several subsequent UN events – the Beijing+5 conference in 2000, the UN General Assembly Special Session on HIV/AIDS in 2001, the UN Special Session on Children in 2002, the Fifth Asian and Pacific Population Conference in 2002, the 59th and 60th Sessions of the UN Human Rights Commission held in 2003 and 2004 and the 10-year review and appraisal of the Beijing Platform for Action by the 49th session of the UN Commission on the Status of Women (CSW) held in March 2005 – witnessed ferocious battles over issues of sexual rights, sex education, abortion, and sexual orientation.

The battle-lines dividing the delegations on issues related to sexuality have displayed oscillating patterns over the years. The existence of strong national women's movements and the influence of effective lobbying of official delegations by national NGOs play a critical role in changing the attitudes of particular states. For example, at the Beijing+5 Conference in 2000, as a result of the powerful and effective pressure of women's groups, Turkey, a country with a predominantly Muslim population, became a proponent of sexual rights for the first time and played a key role in the inclusion of marital rape, honor crimes and forced marriages in the outcome document.<sup>17</sup> This was the first time honor crimes and forced marriages were addressed in an international consensus document.<sup>18</sup> Moreover, for the first time in its history, Turkey supported language on sexual orientation, that is the inclusion of sexual orientation in the list of barriers women encounter in enjoying their human rights, along with European countries, the US, Canada, New Zealand, Japan, South Africa, and Cuba.

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16 Barbara Klugman, 'Sexual Rights in Southern Africa.' Klugman was a member of the South African Delegation at the 1994 ICPD and 1995 Beijing Conferences.

17 The author was a member of the official Turkish delegation for the Preparatory Committee Meeting of the 23rd Session of the UN General Assembly, Beijing+5, held in New York in March 2000.

18 Françoise Girard, 'Beijing Plus Five: IWHC's Analysis of Negotiations and Final 'Further Actions' Document,' 11 July 2000, <<http://www.iwhc.org/docUploads/BeijingPlusFiveiwhcanalysis.doc>> (accessed 2 June 2004).

However, what has until recently remained constant is an alliance of conservative Muslim and Christian states with the Vatican, opposing any references to sexual, bodily, and reproductive rights. This has shifted of late, as under the current Bush government the US has become a powerful champion of this perspective, particularly in its stand against abortion and sex education, and its promotion of sexual abstinence as the best form of HIV/AIDS prevention, as evidenced by US rhetoric and policy on related international development and national issues.<sup>19</sup> By various means, including intimidation, censorship on research, pressure on Christian organizations working overseas, and selective funding limited to research and NGOs which support its ideology, the Bush government has attempted to hinder the use of condoms and pushed for abstinence-only programs for HIV/AIDS prevention, though many experts unrelentingly criticize this approach as endangering the lives of millions of people across the world.<sup>20</sup> US-based HIV/AIDS groups that do not abide by the Bush administration's moralistic messages on sex are being harassed by the US Health and Human Services Inspector General, through investigations to determine 'if their program content is too sexually explicit or promote sexual activity.'<sup>21</sup> Organizations that have worked for years on sexual health are threatened with reduced funding if they disagree with the administration's policies on sexuality.<sup>22</sup> The so-called ABC approach to AIDS prevention, adopted by Bush under the influence of the Christian right, calls for A – abstinence, B – being faithful and C – condoms, but condoms are to be used only for high risk groups, such as sex workers and drug abusers, while sexual abstinence should be the objective for all unmarried young people.<sup>23</sup>

Since 2001, the US government has been withholding its obligatory contribution to the United Nations Population Fund (UNFPA), claiming – falsely – that the UNFPA supports coerced abortion in China. In 2004, in an attempt to isolate the Population Fund, the Bush administration quietly threatened to cut its financing to other key agencies, including UNICEF, if they continue to work with UNFPA.<sup>24</sup>

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19 For a detailed study of the Bush government's policies on sexuality, see Francoise Girard, *Global Implications of US Domestic and International Policies on Sexuality* (New York: International Working Group on Sexuality and Social Policy, 2004); and IWHC, 'Bush's Other War: The Assault on Women's Sexual and Reproductive Health and Rights,' 10 June 2005, <<http://www.iwhc.org/resources/bushsotherwar/index.cfm>> (accessed 26 October 2007).

20 See for example Center for Health and Gender Equity (CHANGE), *Debunking the Myths in the US Global AIDS Strategy* (MD: CHANGE, 2004); Robert Walgate, 'Bush's AIDS Plan Criticized for Emphasizing Abstinence and Forbidding Condoms,' *British Medical Journal*, 329 (2004); Ed Susman, 'Analysis: US AIDS Message Draws Ridicule,' *The Washington Times*, 13 July 2004; and Peter Gill, 'Experts Attack Bush's Stance in AIDS Battle,' *The Observer*, 11 July 2004.

21 Girard, *Global Implications*, 15.

22 Mireya Navarro, 'Experts in Sex Field Say Conservatives Interfere With Health and Research,' *New York Times*, 11 July 2004.

23 Ibid.

24 Christopher Marquis, 'US is Accused of Trying to Isolate UN Population Unit,' *New York Times*, 21 June 2004.

On the issue of sexual orientation, however, a majority of Muslim states remain at the forefront of opposition to any attempts to recognize sexual orientation as a UN-protected human right. At the 1995 Beijing Conference, the majority of the twenty states opposed to the inclusion of references to sexual orientation in the outcome document were Muslim, and not a single Muslim country was among the thirty-three states expressing support for their inclusion.<sup>25</sup> Five years later, at the Beijing+5 Conference in 2000, sexual orientation was again one of the two most contentious issues (the other being abortion), and the opposition was led by Pakistan, Libya, Iran, Iraq and Sudan in alliance with the Vatican and Nicaragua.<sup>26</sup> In 2003 and 2004, a resolution introduced by Brazil at the 59th and 60th Sessions of the UN Commission on Human Rights in Geneva, urging states to protect and promote the human rights of all persons regardless of sexual orientation, created a storm. The first attempt to introduce the resolution in 2003 was blocked by Pakistan, Saudi Arabia, Malaysia, Libya, Egypt, and Bahrain, with the support of various other countries under pressure from the Vatican. Mexico and Costa Rica, which initially stood in favor, eventually bowed to pressure from the Vatican to oppose the resolution.<sup>27</sup> Speaking in the name of the Organization of Islamic Conference (OIC) states, Pakistan stated that the text directly targeted Islam and that they were not 'going to let them impose this system of values.'<sup>28</sup> In a letter addressed to all delegates, the OIC urged them to vote against the resolution, claiming it was politically incorrect and 'a direct insult to the 1.2 billion Muslims in the world.'<sup>29</sup> A year later in 2004, the resolution was postponed yet again, in the face of pressure from the OIC, Arab states and the Vatican. Middle Eastern states, in particular, Iran, Egypt, Pakistan, Libya, Iraq, and Sudan, have taken the lead in opposing any rights related to sexual orientation.

The taboos surrounding sexual orientation in the Middle East constitute a profound example of hypocrisy, as there is extensive evidence and general, widespread recognition that homosexuality has been widely practiced in the region for centuries. Despite the relative visibility of male transvestite popular singers and artists, the 'public' silence shrouding non-heterosexual behavior remains exceptionally strong. However, whether the picture drawn by the voting patterns of Middle Eastern

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25 The twenty states opposed were Algeria, Bangladesh, Belize, Benin, Cote d'Ivoire, Egypt, Ghana, Guatemala, Iran, Jordan, Kuwait, Libya, Nigeria, Senegal, Sudan, Syria, Uganda, United Arab Emirates, Venezuela and Yemen. See Douglas Sanders, 'Human Rights and Sexual Orientation in International Law' (2003): 24, <[http://www.ai-lgbt.org/resources\\_other.htm](http://www.ai-lgbt.org/resources_other.htm)> (accessed 12 July 2004).

26 The International Service of Human Rights, 'Special Session Beijing+5,' *Human Rights Monitor*, 52 (2000): 10–11.

27 Daniel J. Lee, 'Human Rights and Sexual Orientation,' *Combat Law*, 2, 4 (October–November, 2003), <[http://www.combatlaw.org/information.php?article\\_id=330&issue\\_id=13](http://www.combatlaw.org/information.php?article_id=330&issue_id=13)> (accessed 25 June 2005).

28 'Muslim Countries Block UN Move on Sexual Orientation,' *Pakistan Daily Times*, 24 April 2003.

29 Aide-Memoire sent by Pakistan's ambassador to the member states of the United Nations Human Rights Commission, on behalf the Organization of the Islamic Conference, <[http://www.thegully.com/essays/gaymundo/030425\\_UN\\_gay-res\\_pak\\_let.html](http://www.thegully.com/essays/gaymundo/030425_UN_gay-res_pak_let.html)> (accessed 25 June 2005).

governments at UN meetings on issues related to sexuality is representative of general attitudes in the region is questionable. Over the last decade, despite a threatening environment and laws criminalizing homosexuality except in Turkey, Tunisia and Iraq, sexual minorities have become more and more visible. In Turkey and Lebanon, there are various NGOs and initiatives with the publicly declared aim of working for the recognition of human rights of LGBT people.<sup>30</sup> The effective use of the Internet by sexual minorities has contributed significantly to the creation of new informal and formal networks, information channels and opportunities for gays, lesbians and transgender people on both the national and regional levels, even in countries where homosexuality is criminalized. Yet, the strong threat of legal prohibitions, as well as social stigmas associated with homosexuality, continue to severely constrain public advocacy efforts by members of LGBT communities. Nonetheless, despite prevailing taboos and stigmatization, Asma Jahangir, the UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, a Muslim woman from Pakistan, was the first UN rapporteur to include individual cases of human rights violations of sexual minorities in her reports to the UN Human Rights Commission.<sup>31</sup>

### **Sexual Politics and the Changing Context in the Middle East**

In the Middle East, policies and practices that aim to control sexual autonomy and confine sexuality within the framework of marriage, lead to human rights violations of women, young people and those with non-conforming sexualities. The Coalition for Sexual and Bodily Rights in Muslim Societies (CSBR) demands the right to non-conforming sexualities in Muslim societies, calling for an inclusive approach:<sup>32</sup>

In particular, considering the national contexts in the Middle East and South/Southeast Asia, where sexuality per se and sexual rights are repeatedly being oppressed and manipulated with ever rising conservatism, nationalism and militarism, a single faceted or fragmented approach to sexual rights ... may be even detrimental to advocacy efforts around sexual rights and freedoms. Thus, adopting ... forming fruitful alliances rather than reinforcing divisions are ... more useful choices. The right to non-conforming sexualities should include all sexualities which fall outside the heteronormative, patriarchal social constructs of 'expected or accepted' sexual behavior. In this respect, in addition to LGBTIQ, the term also refers to women, and in some instances men, who choose to live outside the norms of a heteronormative patriarchal society, e.g. women who choose not to get married, women with multiple partners, women who express their sexual desires openly, young women who experience their sexuality different than what is already defined by their families and society etc.

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30 For example, Lambda and Kaos GL in Turkey, and Helem in Lebanon.

31 Douglas Sanders, 'Human Rights and Sexual Orientation in International Law,' *International Journal of Public Administration*, 25 (January 2002): 13–45.

32 Liz Erçevik Amado, 'Inclusive Approaches to Sexualities in Muslim Societies' (report of the Consultation Meeting organized by Hurriyat Khasa and Women for Women's Human Rights (WWHR–NEW WAYS), Beirut, 16–18 December 2005).

Despite changing socio-economic factors and demographic and epidemiological patterns – including increased premarital sex among young people and the spread of sexually transmitted diseases (STDs) and HIV/AIDS – that necessitate programs addressing sexual health and sex education, and despite the growing number of NGOs involved in such efforts, reforms addressing sexuality are met with various obstacles: social taboos, particularly concerning any sexual behavior outside of marriage including adolescent sexuality, non- and extra-marital or same-sex relationships; alliances between political systems and conservative religious groups; male attitudes and traditional gender constructs; legal and policy restrictions; and finally, the threat of stigmatization for those working on issues related to sexuality.<sup>33</sup> Increasing militarization, often used by autocratic regimes to restrict the space for liberal reforms, augments the strength of nationalist ideologies, further constricting opportunities for advancing reforms concerning sexuality.

Moreover, the post-9/11 context has enhanced already existing antagonism towards the West in the region, and further facilitated the construction of the West as a threat, and its perceived culture as an ‘enemy.’ This perceived threat has been exploited by religious right movements, enabling them to reconstruct a Muslim identity based on extremely polarized notions of so-called ‘Western’ and ‘Muslim’ values, particularly targeting the regulation of sexuality and gender relations. Efforts of the religious right to reconstruct a ‘Muslim’ sexuality that opposes ‘Western’ sexuality includes increased pressure on women to become bearers of (constructed) national or religious identities – for example, through the most visibly political symbol of veiling; by claiming diverse customary practices that aim to control women’s sexuality are Islamic; and the portrayal of sexual autonomy and homosexuality as products of the West that will undermine and degenerate Muslim societies.

However, efforts of the Islamic religious right to redefine and tighten the parameters of ‘appropriate’ sexual behavior constitute only a fragment of a complex and contradictory picture, and are challenged by numerous elements of change regarding sexual behavior and politics in the region. As indicated by many authors in this volume, changing socio-economic conditions and demographic patterns necessitate urgent reforms. In many Middle Eastern societies, the ’90s witnessed the emergence of new feminist movements that are increasingly questioning the control of women’s sexuality by men and society. Emerging social movements such as the gay and lesbian movement are challenging the strong taboos that surround sexual orientation. Moreover, international pressure on governments in the region to tackle issues of sexual and bodily rights has also increased considerably in recent years.

In the 1980s and early 1990s most governments in the region, even secular ones, responded to the challenge of the fundamentalist movements by incorporating religious conservative politics and policies to undercut the Islamist opposition and retain or regain legitimacy. In this context, the most easily compromised issues were seen to be those related to gender equality and sexual autonomy.

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33 Faysal El-Kak, ‘Sexuality and Sexual Health: Current Status, Obstacles and Opportunities’ (paper presented at the Meeting on Sexual and Bodily Rights as Human Rights in the Middle East and North Africa, Malta, May–June 2003).

## **Challenges and Discourses around Sexuality in the Middle East: Multifaceted Dynamics**

The main concern of this volume is to explore the contemporary political and social dynamics pertaining to sexuality in the Middle East. The chapters illustrate that the discourses, debates and challenges that surround sexuality are complex, and cannot be reduced to a single underlying factor, be it religion, culture, or a simple binary opposition between the religious right and advocates of feminism – or secularism. Thus, examining the impact of both common and diverse legal, political, social and religious aspects that shape sexuality in various countries in the region remains a crucial endeavor.

The book begins with a chapter by Sherifa Zuhur, which is the first comparative study to offer an in-depth historical and contemporary analysis of criminal laws, women, and sexuality, as well as constructions of gender and sexuality in the penal/criminal codes in the Middle East.

The criminal or penal code of a given country is often a good indicator of how sexuality and gender is constructed by that state. Laws related to the definition of sexual crimes such as rape, sexual abuse in the family, and sexual harassment; the parameters of ‘permissible’ sexual relations and conduct, with regards to adultery; the range of sexual behaviors criminalized; same-sex relationships and population policies related to abortion are all addressed and regulated by criminal law. However, although there has been much debate and activism on the reform of the civil codes or family laws, or personal status codes in many countries in the region, actual attempts at penal or criminal code reform have until recently remained very rare.

Zuhur provides a historical perspective and insight into the amalgamation of tribal, religious, colonial laws and their impact on the existing criminal/penal codes in the region, arguing that the criminal codes in the Middle East consistently remind us that the primary social identification of women is as reproductive and sexual beings who are constrained by men, the family, and the state.

Regarding the development of existing penal/criminal codes in the region, she maintains that the current codes, despite their diversity, often reflect the dual influence of Ottoman legal codes and the impact of the colonial regimes of Britain and France and their penal codes at the time. Providing a thematic comparative study on the constructions of and the penal codes in the region regarding honor crimes, adultery, rape, sexual abuse of children, sexual harassment, homosexuality, transgender people, abortion, new reproductive technologies and sex work/trafficking in women and female genital mutilation (FGM), she explores how human rights violations in the domain of sexuality are legitimized by law.

Zuhur argues strongly that these codes require re-evaluation and reform, as they continue to legitimize human rights violations related to sexuality in both the private, and the public spheres.

The next two chapters attempt to capture the complex and multifaceted political and social dimensions of two nationwide campaigns on issues related to sexuality and penal codes, initiated by platforms of women’s groups in Turkey and in Jordan at the turn of the twenty-first century; the Campaign of Turkish Penal Code from a



Gender Perspective (2002–2004) and the Campaign to Eliminate So-called Crimes of Honor in Jordan.

In Chapter 3, Pinar İkkaracan discusses how the Campaign for the Reform of the Turkish Penal Code from a Gender Perspective, spearheaded by a broad coalition of women's organizations as well as LGBT groups, was successful in achieving a holistic and groundbreaking reform of the Turkish Penal Code, with more than thirty-five amendments in the code towards recognition of women's right to sexual and bodily autonomy, despite strong opposition from the governing Islamist Justice and Development Party.

The former Turkish Penal Code of 1926, adapted from the Italian Penal Code after the foundation of the Turkish Republic in 1923, constructed sexuality, especially women's sexuality as a potential threat to public order and morality that had to be regulated by laws. The premise of the Code was that women's bodies and sexuality were the property of men, family or society, and this was apparent in several articles. The campaign, led by more than 30 women's and LGBT organizations in Turkey, was successful in achieving a radical reform of the Turkish Penal Code despite Turkey's ruling religious conservative government, radically transforming the code's underlying philosophy and the state's conception of sexuality in Turkey. Major accomplishments of the campaign include the transformation of the underlying philosophy of the law so as to recognize all women's autonomy over their bodies and sexuality; a radical shift from 'the law as the protector of the nation's morality' to 'the law as the protector of people's sexual and bodily integrity,' and the removal of all references to traditions such as morality, chastity, honor or virginity in the Code.

The public debate generated by the campaign underlined the tension between the traditional nationalist and religious conservatives' use of sexuality as a major tool in constructing national or religious identities in Turkey, and the efforts of feminist and LGBT groups to reconstruct notions of sexuality. The campaign triggered three years of widespread and intensive national debate concerning the reconstruction of sexuality in Turkey, and entered international political arenas when, shortly before the reforms were to be accepted in parliament, the religious conservative government attempted to re-criminalize adultery. This initiative drew sharp criticism of the European Union (EU), from whom it was seeking membership, and prompted the biggest crisis between Turkey and the EU since accession talks began, illustrating how sexuality might become a site for transnational and global political conflicts and debates.

Stefanie Eileen Nanes documents a recent campaign against honor crimes in Jordan, using this as a departure point from which to explore the potential for, and limits to, the development of civil society and democratization in the country. The Campaign to Eliminate So-called Crimes of Honor was initiated by Jordanian activists in 1999 and aimed at the annulment of Article 340 of the Jordanian Penal Code that granted reduced penalties to perpetrators of honor crimes. Nanes argues that the campaign constitutes a unique example of the emergence of a democratic, civil society in Jordan, underlining the campaigners' emphasis on voluntary action, democratic participation and national citizenship, which contributed to overcoming the kinship ties and communal loyalties that dominate the Jordanian politics. The campaigners attracted a large number of supporters and stimulated public debate on

an issue that was until then considered taboo, by collecting signatures for a petition calling the government to repeal Article 340. As was the case in the campaign against FGM in Egypt, the effort incited vociferous opposition from the conservatives and the religious right in both parliament and society. Nanes observes that the interventions of the Jordanian state throughout the campaign had a significant impact: through the imposition of restrictive measures the state not only limited the campaigners' ability to act, but also co-opted the campaign through an unpopular rally, organized by the royal family when it became evident that there was dissent on the issue within parliament. The intervention of the royal family weakened the campaign and divided the campaigners. While some supporters believed the backing of the royal family was crucial for success, others were adamant that the campaign should remain an independent movement, autonomous from the state.

Chapters 5 and 6 explore the contested nature of sexuality through an analysis of competing discourses between various social and political actors – modernists and traditionalists, Islamists and feminists, religious authorities and health professionals – and look at the impact of social, demographic and socio-economic transformations on these discourses. Azzah Shararah Baydoun presents a sophisticated account of the controversial public debate in Lebanon on sex education, ignited at the end of the 1990s as a result of a proposed sex education curriculum, prepared by a Lebanese coalition of over 30 experts and representatives from various backgrounds, who came together under the umbrella of the Educational Center for Research and Development (ECRD). The curriculum met with strong opposition from Muslim religious leaders, who exerted pressure on the political authorities to halt its implementation. Beydoun argues that the Muslim leaders were tacitly supported by leaders of the Christian schools, despite the fact that some of them actually participated in designing the curriculum, but were ambivalent about its adoption. Muslim leaders of various Lebanese sects argued that sex education would provoke students to perversion, encourage a light-hearted attitude toward sexual practices, and be synonymous with surrendering to the dominance of the corrupt 'promiscuous West.' Beydoun's analysis shows that the Lebanese government intervened early in order to abort debate between supporters and opponents of sex education, withdrawing the program from the middle school curriculum and introducing a modified version at the high school level, thus overlooking sex education entirely for twelve-to-fourteen-year-olds, the program's intended target audience.

Hammed Shahidian's elaborate analysis of the impact of the Islamic revolution on discourses of sexuality in Iran sheds light on the growing public discussion of sexuality in post-revolutionary Iran. Through a critical review of the increasing number of books and essays on sexuality published in recent years, he highlights some basic similarities and differences among competing Islamic, scientific and feminist discourses of sexuality in the Islamic Republic of Iran. Shahidian illustrates how recent Islamic authors, who are faced with the novel challenge of monitoring the construction and regulation of sexuality within the context of *shari'a*, try to accommodate new scientific and pseudo-scientific information on the physiological, medical and psychological aspects of sexuality with cultural norms, religious beliefs and *shari'a* laws in Iran. He argues that this Islamist discourse is counteracted by a scientific discourse – mostly based on Western literature – emanating from health

professionals, as well as a feminist discourse, engaging head-on with sensitive and taboo issues including virginity, sexual violence against women, prostitution, and the double standards in relation to sexuality in general. Yet, as he points out, the Islamist and the scientific discourses converge not only in their aim to categorize and regulate sexual behavior – though for dissimilar reasons – but also in their approach to sexuality, where both women’s and men’s individual voices on how they experience and define their sexuality are muted. Shahidian notes that personal voices are audible only in feminist texts on sexuality, where women and men are encouraged to speak from their own intimate experience and search for commonalities.

The impact of militarization, war and nationalist ideologies on the construction of sexuality and gender relations, as reflected in state policies, popular culture and women’s lives, is the common theme of the following three chapters. Achim Rohde detects two critical turning points in the construction of sexuality and gender in Iraq under the Ba’th regime: first in 1974, when the regime sought to solidify its grip on society and enforce its version of state-sponsored feminism aimed primarily at enlarging the labor force; and then in the mid-1980s, when the regime’s push for gender reforms was greatly reversed under the impact of the war with Iran. Drawing from material that appeared in the Iraqi media, he argues that a controversial public debate concerning issues of (female) sexuality surfaced in the Iraqi print media during the early years of Ba’thist rule, within a general atmosphere of departure from traditional social norms, bearing connotations of sexual freedom and including feminist voices that demanded women’s autonomy over their bodies and sexuality. However, this debate had disappeared from the Iraqi press by 1974, under the repression of the Ba’th regime. The regime rhetorically continued to refer to ‘women’s liberation,’ but was in fact interested in women only as a potential labor force and carried an ambivalent attitude towards the prevailing cultural norms. Rohde argues that in the mid-1980s, the regime notably departed from its previous policies in support of ‘gender equality,’ and propagated gendered and sexualized images with extremely polarized notions of masculinity and femininity to support the massive militarization of Iraqi society at that time.

Women’s bodies and the ‘sexual’ as a terrain of projection in the construction of nationalist or militarist ideology is the theme of Rubina Saigol’s chapter, which also concentrates on the imagery of desire, eroticism, and the male gaze in poetry, songs, plays, and popular films in Pakistan. Stressing that gender ideology lies at the heart of nationalist and militarist thought, she depicts how women’s bodies come to signify the country and the nation as the object of ‘male desire and gaze,’ reflecting the displacement of private passion into the public sphere of the nation. The complementary construction of masculinity/femininity (as active/passive) is also reflected in war imagery, which associates strength, valor, and bravery with masculinity; and defeat, weakness, and the need for protection with femininity, thus enabling militaristic national ideology to be absorbed by the whole population.

Nadera Shalhoub-Kevorkian examines predominant attitudes toward rape in contemporary Palestinian society, drawing from her first-hand clinical experience with victims of rape in the Israeli occupied territories of the West Bank and Gaza. She analyses the impact of socio-cultural factors on the social and psychological reactions of women rape survivors, as well as on the health professionals who assist

them. She illustrates the critical dilemmas faced by victims and clinicians in dealing with the dualistic perception of women in Palestinian society – on the one hand, the perceived elevated status of women as participants in the political struggle of the nation, and on the other, the fear that Palestinian women are especially vulnerable to exploitation and abuse by the enemy due to their activism. Shalhoub-Kevorkian argues that socio-cultural factors, such as taboos in relation to rape, the significance attached to women's virginity, and a tendency to privatize the crime in order to safeguard family honor and reputation, lead to the silencing and re-victimizing of rape survivors.

In the concluding chapter of the volume, Leyla Gülçür and Pinar İlkkaracan focus on the experiences and working conditions of Eastern European women who travel periodically from the former Soviet Union to Turkey to undertake sex work. After the collapse of the Berlin Wall in 1989, Turkey became both a destination and transit country for tens of thousands of women migrants from the former Soviet Union, due to its geographic proximity and weaker border surveillance and visa requirements compared to other European countries. Shortly after this wave of migration started, these women came to embody the 'other,' portrayed in the Turkish media as 'hot, passionate, blond bombshells available and willing for any sexual acts required of them' (p. 205). 'Natasha,' a generic term to signify all women from the former Soviet Union, became a major topic of national discourse in the 1990s. The name was not only used interchangeably with the word prostitute, but also as a means to refer to all women from the ex-Soviet Republics in Turkey, regardless of whether they were sex workers or not. Using newspaper articles, participant observation, and interviews with key informants including migrant sex workers, the authors document their experiences of sexual harassment; the various forms of violence they are subjected to by Turkish society, clients, pimps, and the police; and their lack of access to health services. The interviews indicate that the majority of women are not trafficked, but migrate on their own, mostly compelled by the need to access economic opportunities. It is argued that policy debates regarding sex work should focus not so much on whether women 'choose' to enter this profession, but instead concentrate on the need to ameliorate migrant women's living and working conditions by addressing restrictive and abusive immigration policies, and decriminalizing sex work.

The chapters in this book analyze diverse issues, debates and discourses on sexuality, as well as the socio-political contexts underlying them, reflecting the diversity in the region. Despite this diversity, common themes emerge throughout the volume. Sexuality remains central to political and social struggles in the Middle East and North Africa. Recent factors such as increased militarization in the region, increasingly autocratic regimes in some cases, globalization, the parallel emergence of opposing social movements, and socio-political changes are some of the factors that have intensified the complexity of these struggles. The religious right and the ideologues of political Islam, in their zeal to gain political legitimacy and power, have placed the construction of an 'Islamic' sexual identity at the top of their agendas. They employ various methods to construct this 'Islamic' version of sexuality and restrict women's sexual autonomy, leading to an escalation of sexually repressive practices and discourses in many Muslim societies. The rise of the religious right has also increased the threat to individual women, and to women's and LGBT groups

who voice demands for sexual autonomy. National governments in general play an impeding role in this state of affairs as they attempt to maintain sole control over reforms and minimize the influence of social movements, while inadequately responding to national and global changes.

As this volume demonstrates, in addition to being a matter of political debate on the international level, sexuality and gender remain highly politicized issues in the Middle East and North Africa, with continuously emerging debates between various national actors, such as modernists and traditionalists, or Islamists and feminists. The outcomes of these political debates will be shaped by the evolving dynamics of national and global politics.

## Chapter 2

# Criminal Law, Women and Sexuality in the Middle East<sup>1</sup>

Sherifa Zuhur

### Introduction

Many of the proposals for legal transformation of women's status in the Middle East have concerned family law, commonly referred to in the region as personal status law. Indeed, many further reforms in this area are necessary. However, reforms in family law by themselves will not suffice to achieve legal and actual transformation of women's status.

In order to overcome human rights violations and discrimination against women, it is clear that other areas of law, including penal or criminal codes, require re-evaluation and reform, as they continue to legitimize violations of women's human rights in both the private and public spheres.

Criminal codes in the Middle East and the Muslim world consistently remind us that the primary social identification of women is as reproductive and sexual beings who are constrained by men, the family, and the state.

In the Middle East, there is some diversity in the legal systems. In some countries, such as Lebanon, Jordan, and Egypt, civil penal codes were created, whereas family law or personal status codes, remained under the authority of the *'ulama* (religious scholars) for Muslims, whereas Copts in Egypt and non-Muslims in Lebanon went to their own religious courts for divorce, inheritance issues and other matters of family law. In a few countries, the *'ulama* have remained the source of legal interpretation. In Saudi Arabia, *shari'ah* (Islamic law) is uncodified, while in Iran, penal codes were reissued using *shari'ah* principles, but these could be debated within a legislative context.

International criticism has focused on states that impose, or have re-imposed, the most severe Islamic punishments, known as the *hadd* (the collective term for the primary category of capital crimes under *shari'ah*, the plural is *hudud*). Thus in recent years there have been executions of adulterers and homosexuals, and amputations for theft, generating criticism from women's movements and such bodies as the United Nations or the World Organization Against Torture (OMCT). If we look

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<sup>1</sup> This chapter is partially adapted from Sherifa Zuhur, *Gender, Sexuality and the Criminal Laws in the Middle East and North Africa: A Comparative Study* (Istanbul: Women for Women's Human Rights–New Ways, 2005).

systematically at these issues, we see that all of the modern codes, not only those that employ *hadd* penalties, exhibit statutory discrimination on the basis of sex.

Colonial powers like Britain and France had several effects upon legal developments in the Middle East, North Africa, and the Muslim world. First, they actually encouraged the spread and regulation of *shari`ah* courts in some areas, for instance, East Africa, Aden (Yemen) and India.<sup>2</sup> Colonial regimes also influenced the codification and legal modernization process already underway. In leaving matters of personal status up to religious authorities and allowing tribes or communities to settle criminal matters prior to appearance before a magistrate, colonial authorities were merely following the established trends of local rulers. Despite this, penal codes were altered and often reflect the dual influence of Ottoman legal codes, and European codes, either pre-modern British or continental legal principles.

Criminal law had earlier evolved from tribal or customary law (*`urf*) and Islamic law (*shari`ah*). Historically, tribal clans held authority over women and men, and their bodies. This control shifted in part to the *ummah* (the community of Muslims) and its governing officials. Ideally, the Islamic state should have served as the ultimate guardian of women's rights. There is no space here to address its failure.<sup>3</sup> Suffice it to say that women today lack full rights as individuals. Our aim should be to ensure such rights, as for example the right to contract and register one's own marriage, apply for one's own passport or pension, file for divorce, and seek justice in cases of rape or sexual abuse.

To understand the contemporary situation *vis-à-vis* women's legal status in Middle Eastern contexts governed by codified national laws some knowledge of *`urf* (tribal or customary law) and *shari`ah* (Islamic Law) is necessary. In the ancient world, imprisonment and rehabilitation were not the goals of punitive systems, and retaliatory punishments were preferable to lengthy incarceration. The purpose of such and other severe punishments was to deter crime and prevent vendettas. Islamic legal scholars held a similar view on severe public punishments.<sup>4</sup>

Under all types or schools of *shari`ah*, crimes are organized according to their severity, with those committed against God at the forefront, and punished with the most severe *hadd* penalties, followed by the *qisas* crimes, the penalty for which could be retaliation (*talion*, or equivalent injury) or payment of *dhiyya* (blood payment). The third category was *ta'zir* crimes, for which the punishment is formulated by a judge, and is not pre-specified.

While this chapter deals with the legal treatment of rape, adultery, honor-killings, abortion, sexual abuse, homosexuality, trans-sexuality, sex work and new reproductive technologies in the Middle East, a brief discussion of honor, retaliatory punishments, and murder is necessary prior to discussion of these issues.

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2 J.N.D. Anderson, *Islamic Law in Africa* (London: Her Majesty's Stationery Office, 1954), 11–12.

3 Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford: Oneworld Publications, 2001).

4 Fateh M. Sandeela, 'Ethics of Punishments: Islamic and Western Dispensations,' in *Criminal Law in Islam and the Muslim World: A Comparative Perspective*, ed. Tahir Mahmood (Delhi: Institute of Objective Studies, 1996): 105–11.

### ***Ardh / Sharaf* (Honor)**

Ancient and modern Arabs, as well as many other Muslim and Mediterranean peoples, adopted ideas of honor that reinforce the ties of an individual to their clan or extended family. Among Arabs, one type of honor, *sharaf* applies to men and can be attained through family reputation, hospitality, generosity, chivalry, and to some degree, socioeconomic status or political power. Another variant of honor, *ardh* pertains specifically to women's chastity and sexual virtue. The honor of the clan was compromised if unmarried women lost their virginity or married women were unfaithful.<sup>5</sup> The ultimate violation of *ardh* took place if a woman gave birth to an illegitimate child.

Anthropologists have described the codes of honor as a dynamic pole of honor/shame.<sup>6</sup> Regional ideals of masculinity and femininity incorporate this tension. There have always been instances of flexible and rigid interpretations of these ideals. Contemporary popular discourse in much of the Muslim world proclaims that rigid interpretations are the 'norm' and that exposure to Western practices is 'corrupting' society.

### **The Legacy of Retribution and Blood Payment**

Under tribal law, family members could avenge a murder, manslaughter or grave injury in kind (*talion*, or retaliatory actions) or accept *dhiyya* (blood payment). *Talion*, or retaliatory actions were not subject to punishment as their intent was to put an end to any feuding cycle, or vendetta. *Talion* must uphold the principle of equivalent harm, meaning the harm inflicted cannot exceed that of the original offense. As Islamic law was systematized, this approach to such crimes was by and large maintained. Notably, a *dhiyya* for a woman was half of that for a man, and was paid to her family, not her husband. Slaves, children, and non-Muslim victims' families also received a reduced *dhiyya*.<sup>7</sup>

Among tribes still adjudicating such cases earlier in the twentieth century, however, one *shaykh* said that women's value should be reckoned at four times that of men, since four potential sons were lost upon a woman's death.<sup>8</sup> In some

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5 Sherifa Zuhur, 'Honor,' *Dictionary of the History of Ideas* (New York: Charles Scribner, 2005).

6 David Gilmore, ed., *Honor and Shame and the Unity of the Mediterranean* (Washington, DC: American Anthropological Association, 1987); and Daniel G. Bates and Amal Rassam, *Peoples and Cultures of the Middle East* (New York: Prentice-Hall, Inc., 1983): 211–39.

7 This principle also held in Muslim Africa. Anderson, *Islamic Law*, 196–97, 360–61.

8 Shaykh Humayd al-Sufi of the Tarrabin tribe of Rafah said the blood payment for a woman should be four times that of a man. M.J.L. Hardy, *Blood Feuds and the Payment of Blood Money in the Middle East* (Leiden: Brill, 1963): 84, 94; also see Joseph Ginat, *Blood Revenge: Family Honor, Mediation, and Outcasting* (Brighton, England: Sussex Academic Press, 1997).

Other efforts to regulate penalties can be seen in Article 16 of Pakistan's Hudud Ordinances, which reads: 'Compounding of *qisas* in *qatl-l-'amd* (5) *Badal-i-sulh* may be paid on demand or on a deferred date as may be agreed upon by an offender or the convict and the *wali* (legal



areas `urf legitimized the abduction of women, who were held until they bore sons to replace the tribe's loss. While laws endeavored to regulate this tradition, and other 'exchange marriages'<sup>9</sup> tribal councils in some areas still recommend *talion*, exchanges of women, and even retaliatory sexual punishments. A Pakistani tribal council settled a feud arising from a 2001 murder by giving two young girls, ages 11 and six, in marriage to the 46-year-old father and the eight-year-old brother of the victim as a compensation package. The girls were too young to marry according to Pakistani civil law, but the government took no action.<sup>10</sup>

Under *shari`ah*, murder, manslaughter, and injury fall in the secondary category of crimes, *qisas*. As under `urf, sanctions for *qisas* crimes are talion or *dhiyya*, subsequently termed compensation, rather than 'blood money.' As neo-Islamization has swept the Middle East, some countries *have* reinstated Islamic law and penalties. The Taliban enacted their understanding of *qisas* in consultation with the families of victims, carrying out *talion* in public execution sites.<sup>11</sup> The Iranian government also enforces *qisas*, or the *dhiyya*, which for a murdered woman is half of that for a murdered man.<sup>12</sup>

### Murder in Modern Penal Codes

While traditionally murder was compensated for by the tribe or clan of the perpetrator, under modern legal systems prison terms for individuals have replaced acts of retaliation or payment of *dhiyya*. As Islamization, or neo-Islamization has swept the MENA region, Iran, the Sudan, Pakistan, Afghanistan, Libya, and an area of Nigeria and Malaysia have reinstated the earlier system of penalties followed in *shari`ah* law. Meanwhile, in countries that applied modernized penal codes, one would expect male and female murderers to receive similar sentences for murder. However, in crimes of honor or passion sentencing of men has been more lenient due to the wording (and interpretation) of the penal codes. And, as in the West, the 'deviance' of women who kill is sometimes sensationalized in the media.

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guardian). Provided that the offer by the accused for the hand of a girl in marriage to the deceased's *wali* shall not be a valid condition of agreement for the compoundability of the offence.' Tahir Mahmood, 'Reform of the Indian Penal Code in Pakistan to Enforce Islamic Criminal Law,' in Mahmood, ed. *Criminal Law in Islam*, 471. The reference to *badl-i-sulh* (which refers to an exchange of a female as a feature of the agreement, or reconciliation of two disputing parties) shows that such exchanges were taking place.

9 Tribal Courts Law of 1936 (Palestine). Tribal courts were forbidden to approve the handing over of girls by way of *dhiyya* however the practice continued among some tribes. Hardy, *Blood Feuds*, 86. One sees laws trying to regulate these practices like Article 16 of Pakistan's Hudud Ordinances, see note 8. This refers to the adding on (compounding) of *qisas* penalties and a 'deal' made by exchanging a girl for peace between families.

10 Amnesty International Press Release, 'Pakistan: Tribal Justice System Must Be Abolished or Amended,' (19 August 2002).

11 Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven: Yale Nota Bene, 2001): 2-4.

12 Article 300 of the Iranian Penal Code.

## Adultery

Under *shari`ah*, adultery and fornication are strictly prohibited. Sex is only sanctioned within marriage. While in theory men are also subject to punishment for sexual activity outside of legal relationships, they (unlike women) may contract multiple marriages, and *Shi`i* men (in Lebanon, post-Saddam Iraq, and Iran) are also permitted to contract additional temporary marriages. In the past, men were allowed to have sexual relations with slaves or concubines, and women could not legally do so.

*Zina* (adultery/fornication) is one of the seven serious crimes in *shari`ah*. The punishments of whipping for unmarried persons and stoning for married persons fall into the modern classification of torture. Conservatives respond that Islam's deep concern for society is at stake here, and that western standards, which treat immorality as a 'social grace,' are unacceptable.<sup>13</sup>

The Iranian Penal Code (Articles 100 and 102) spells out in horrifying detail the stoning of adulterers.<sup>14</sup> Also of interest are discriminatory evidentiary rules. In past interpretations of *shari`ah*, women were not allowed to testify in *hadd* cases at all. In Iran today, women may testify, however, if a woman's testimony is not accompanied by that of two men, it will be rejected as proof, and may invalidate a charge or defense of adultery.<sup>15</sup>

Some Muslim scholars and juridical experts recommend the use of *ijtihad* (independent juridical interpretations of the sources of Islamic law) to reform *hadd* punishments. Tariq Ramadan, a Swiss Muslim scholar and grandson of the founder of the Muslim Brotherhood Hassan al-Banna, and regarded as a 'progressive Islamist' has called for a moratorium, or suspension of the *hadd* in 2005.<sup>16</sup> Defenders of conservative Islamic legal process argue that adultery is difficult to prove, as four witnesses of impeccable character are required. However, in fact when such witnesses are lacking, the system of oath-swearing allows these cases to proceed. The witness system can be misused, as in rape cases in Pakistan where women had

13 Sandeela, 'Ethics of Punishments,' 106–07.

14 Article 100. The flogging of an adulterer shall be carried out while he is standing upright and his body bare except for his genitals. The lashes shall strike all parts of his body – except his face, head and genitals – with full force. The adulteress shall be flogged while she is seated and her clothing tightly bound to her body.

Article 102. The stoning of an adulterer or adulteress shall be carried out while each is placed in a hole and covered with soil, he up to his waist and she up to a line above her breasts.

15 Iranian Penal Code Article 74. Adultery, whether punishable by flogging or stoning, may be proven by the testimony of four just men or that of three just men and two just women.

Article 75. If adultery is punishable only by flogging it can be proven by the testimony of two just men and four just women.

Article 76. The testimony of women alone or in conjunction with the testimony of only one just man shall not prove adultery but it shall constitute false accusation which is a punishable act.

16 Tariq Ramadan, 'An International Call for [a] Moratorium on Corporal Punishment, Stoning, and the Death Penalty in the Islamic World,' 30 March 2005, <<http://www.tariqramadan.com>>.

to provide four witnesses to their rape or face charges of false witness. Also, in some schools of *shari`ah*, pregnancy is taken as evidence of *zina*, as in the case of Nigerian teenager Bariya Ibrahim Magazu.

While in certain Muslim countries – Turkey and Tunisia – adultery has been decriminalized, in other criminal codes, men’s adultery is less serious than women’s and not defined as broadly. For instance, Article 274 of the Egyptian Penal Code specifies a sentence of not more than two years for a married woman convicted of adultery, while the sentence for a married man should not exceed six months.<sup>17</sup> In Article 277, a man’s (but not a woman’s) adulterous act was so defined only if it took place in the marital home.

Adultery is differentiated from rape because it is assumed to be consensual. If a rapist claims that sex was consensual, then the penalties for adultery may be invoked against the victim.

The use of such accusations to intimidate victims of sexual crimes compounds women’s lack of access to adequate legal status and protections.

### **Honor Crimes**

Honor killings take place when family members murder a woman for a perceived sexual violation, or for compromising their honor through gossip or suspicion. Honor crimes also encompass crimes of passion. Killings sometimes result from a thwarted cousin-marriage, when a customary pay-off has not been made, or an unresolved kidnapping/elopement. A woman’s *wali* (legal guardian) or next of male kin in a particular order of consanguinity is responsible for guarding and punishing women’s sexual lapses. Premeditated selection of a murderer by family assemblies may take place.<sup>18</sup> Although people associate honor killings with Islam, or Islamic values, Christian families also commit honor crimes, as in the 2005 killings of Samar Hassan, a 23 year old Palestinian living inside Israel, by her father and his brothers, or Faten Habash, aged 22, of Ramallah. Both young women wanted to marry Muslim men. Faten was beaten and her pelvis broken, perhaps in attempts to escape from home. When returned by authorities to her family, she ran away. A Bedouin mediator again returned her when her father promised not to hurt her, and then her father killed her with an iron bar.<sup>19</sup>

It is difficult to ascertain the frequency of honor crimes. In Yemen more than 400 women were reported killed in the name of honor in 1997.<sup>20</sup> In Pakistan, 461 honor killings were reported in 2002. Lebanese lawyers estimated about one honor killing

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17 Mona Zulficar, *Women in Development: A Legal Study* (Cairo/New York: UNICEF, 1995): Appendix 15, 151.

18 Women for Women’s Human Rights–New Ways, *The New Legal Status of Women in Turkey* (Istanbul: WWHR, 2002): 56.

19 Chris McGreal, ‘Murdered in the Name of Family Honor,’ *Guardian*, 23 June 2005.

20 Douglas Jehl, ‘Arab Honor’s Price: A Woman’s Blood,’ *Polyzine* (20 June 1999), <<http://polyzine.com/arabwomen.html>> (accessed 1 March 2003).

a month, but believed there were even more.<sup>21</sup> In Jordan sources estimate 15–35 honor crimes per year, whereas others estimate that a third of Jordan's homicides are honor crimes. In many countries, the cause of death may be inaccurately reported, as for instance, 'falling in a well' or 'suicide.' The average sentence served in Jordan is seven-and-a-half months for an honor killing.<sup>22</sup> Minors may be delegated to kill their relatives since sentencing may be lighter, or they might be released upon majority.<sup>23</sup>

Modern laws have not appropriately penalized the practice, and indeed some modern penal codes may reinforce the notion that men have a 'right' to punish women (and their alleged sexual partners) for improper sexual behavior. Article 630 of the Iranian Penal Code, for instance, states that if a man witnesses his wife committing *zina* and knows that she is a willing participant, then he may kill both parties. If she has been coerced, he may kill the man. In Kuwait, a man who kills his wife and/or her sexual partner is eligible for a sentence reduction; men are commonly sentenced to three years or less. Legal codes frequently contain references to the inflamed emotions of males arising from the misdeeds of their womenfolk that result in murder, and allow judges to reduce or do away with sentences. In contrast, when women kill their husbands, the standards of evidence required are different, the penalties imposed may be more stringent, and there is no exemption from penalty as with men. It is worth repeating that honor crimes can and do result merely from gossip and suspicion. The specter of honor crimes serves a powerful deterrent to women, causing them to defer to family wishes, accept the social premium placed on virginity, or engage in sexual relations in secret and at great risk.<sup>24</sup>

Lama Abu Odeh examined the penal code articles that pertain to honor killings in Syria, Jordan, Lebanon and Egypt. In these codes, definitions of female relatives first derive from the Ottoman Penal Code of 1858 (which in turn is based on *shari`ah*): 'He who catches his wife or one of his (female) unlawfully<sup>25</sup> committing adultery with another in an unlawful bed, and kills, wounds, or injures one or both of them is exempt from penalty.'<sup>26</sup> A second clause derives from the French Penal Code of 1812

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21 Kim Ghattas, 'Beirut Hosts Honour Killing Conference,' *BBC News*, 2001, <[http://news.bbc.co.uk/2/hi/middle\\_east/1328238.stm](http://news.bbc.co.uk/2/hi/middle_east/1328238.stm)>.

22 Suzanne Hammad, 'Violence against Women: Honor Crimes in Jordan,' *Civil Society: Democratization in the Arab World*, 7, 44 (December 1998), <<http://www.ibnkhaldun.org/newsletter/1998/dec/essay2.html>> (accessed 24 February 2004); also see Kerry Kennedy Cuomo, 'Honor Killings,' *Speak Truth to Power: Voices from Beyond the Dark* (8 October 2000) Public Broadcasting Service (PBS), <<http://www.pbs.org/speaktruthtopower/rana.html>>; and Suzanne Ruggi, 'Commodifying Honor in Female Sexuality: Honor Killings in Palestine,' *Middle East Report*, 28, 206 (Spring 1998): 12–15.

23 'Honoring the Killers: Justice Denied for Honor Crimes in Jordan,' Human Rights Watch, April 2004.

24 Lama Abu-Odeh, 'Feminism, Nationalism, and the Law' (SJD thesis, Harvard Law School, 1993).

25 The *mahram* must control the *maharim*. The *maharim*, a man's female relatives who are so closely related to him that he is forbidden to marry them – hence, the translation 'unlawful.'

26 Abu-Odeh, 'Feminism, Nationalism, and the Law,' 52–53; Lama Abu-Odeh, 'Crimes of Honor and Construction of Gender in Arab Societies,' in *Women and Sexuality in Muslim*

and specifies that a reduction of penalty may occur if a man kills a female relative he finds in ‘questionable, or compromising circumstances’ (*attitude équivoque*).<sup>27</sup> ‘Provocation’ due to a woman’s sexual attitude or ‘suspicious behavior’ (for instance being alone with a man) provides a defense similar to that of ‘diminished capacity.’

While Abu Odeh considers the shift in legal definition of some types of murder from ‘honor crimes’ to ‘crimes of passion’ to be progressive, and this progress, we may assume came from the clauses modeled on the Napoleonic Code, these clauses still refer to female relatives – not only wives. Further, their interpretation did not excuse the killing of a woman found not to be a virgin on her wedding night.<sup>28</sup> Women do continue to be killed in such instances, and we know that in fact the penal codes were not used in the progressive manner this legal evolution might suggest.

In 1999, Lebanon was the first Arab country to alter one of the relevant articles that did away with the exemption or reduction of penalty for ‘honor killings.’ Yet honor killings continue; many men are unaware of the change in the law, quite a few are never tried for this crime, and apparently, judges need not refer to this change.<sup>29</sup> Moreover, not all relevant articles have been dealt with. For example, Article 252 provides a commuted sentence for a perpetrator ‘if he carried out the crime while in extreme anger because of an unjust and dangerous act committed by the victim.’ A very similar clause exists in the Jordanian Penal Code.

In Jordan, an active campaign to amend Article 340, which had provided a similar exemption, ended with the Lower House of Parliament twice defeating the proposed amendment, despite its passage by the Upper House in 1999 (see chapter 4 in this volume, by Stefanie Eileen Nanes). The campaign was unpopular with many Jordanians and politicians, who pronounced it an attack on the family. Finally, in 2001 the government cancelled the exemption from the death penalty contained in Article 340. However, Article 98 of the Jordanian Penal Code is utilized far more frequently for the same purpose, so the cancellation of Article 340 has not solved the problem.<sup>30</sup>

Similar exemptions or allowances for sentence reduction are found in the Moroccan Penal Code (Article 418) and the Egyptian Penal Code (Article 17). In Egypt, a judge objected to a repeal of Article 17, arguing that judicial discretion for reduction or exemption of sentences is universal.<sup>31</sup>

In Iraq, after the first Gulf War, and the establishment of the flyover zone, the Kurdish government gained limited autonomy in northern Iraq and, along with non-governmental organizations (NGOs), began to address honor crimes. A few women’s shelters were introduced, and the National Assembly of Iraqi Kurdistan

*Societies*, ed. Pinar İkkaracan (Istanbul: Women for Women’s Human Rights–New Ways, 2000): 363–80.

27 As in Syrian Penal Code Article 548.

28 Abu-Odeh, ‘Feminism, Nationalism and the Law.’

29 Ghattas, ‘Beirut Hosts Honor Killing.’

30 Rana Hussein, ‘“Crimes of Honor:” One Year In, Amendments to Article 340 Appear to Have Made Little Difference,’ *The Jordan Times*, <[http://www.amanjordan.org/english/daily\\_news/wmprint.php?ArtID=570](http://www.amanjordan.org/english/daily_news/wmprint.php?ArtID=570)> (accessed 22 December 2002).

31 Marlyn Tadros, ‘Like a Match Stick,’ *Al-Ahram Weekly Online*, 573 (14–20 February 2002).

revoked Articles 128, 130, and 131 of the Iraqi Penal Law No. 111 of 1969, and issued Law No. 14 in 2002 which removed the ‘honor loophole.’<sup>32</sup> In the Popular Union of Kurdistan’s (PUK) territory, the number of honor killings declined from 75 in 1991 to 15 in 2001, and in the area dominated by the Democratic Party, from 96 in 1991, to 32 in 2001. Nevertheless, women in shelters feared that if they were released, their families would kill them.<sup>33</sup>

Rampant violence against women and girls took place in Iraq from the 2003 US invasion through to 2007. Criminal rings abducted women (also men and children), and a wave of assassinations of women politicians, translators, business-owners and professionals, women who did not wear *hijab* and women who drove automobiles in certain neighborhoods (even if they wore *hijab*) took place. Honor killings also targeted some of the survivors of rapes and kidnappings.

While not part of the usual pattern of honor killings, In Palestine, nearly 100 women labeled ‘collaborators’ and moral offenders were murdered during the ‘first’ *intifadhah* in the Occupied Territories. Acting like vigilantes, members of Palestinian organizations created a dangerous connection between the national cause and women’s sexual or moral behavior.<sup>34</sup>

Honor killings also take place in the diasporas and have received extensive public and media attention in countries like the US, the UK, Sweden, and Germany. In England, attempts to arrange forced marriages, or prevent women’s self-chosen unions have ended in murder.<sup>35</sup> Middle Eastern women in the west also face severe sanctions in their attempts to escape domestic violence. Women who choose to go to shelters for protection face total ostracism from their families and communities of origin.<sup>36</sup>

In the Middle East, very few women’s shelters are available. In Jordan women are held in prisons for protection. But when women flee, or seek shelter in other nations, they face other serious obstacles. The US Immigration and Naturalization Service (INS) has refused to grant asylum on the basis of fear of honor killings. When a Jordanian woman appealed a deportation decision because her father had asked her

32 Law No. 14, Article 1: It is no longer possible to refer to articles 128, 130 and 131 of Penal Code No. 111 of 1969 as a pretext for the clearance of one’s family honor through an act of murder.

33 Joshua Kucera, ‘Political Changes Reduce Kurdistan Honor Killings,’ 7 July 2002, Women’s e-News, <<http://www.feminist.com/news/news64.html>> (accessed 3 January 2004).

34 The Israeli Information Center for Human Rights in the Occupied Territories, ‘Morality, Family Honour and Collaboration,’ in *Collaborators in the Occupied Territories: Human Rights Abuses and Violations* (Jerusalem: B’Tselem, January 1994): 89–99.

35 Hannana Siddiqui, ‘The Ties that Bind,’ *Index On Censorship*, 1 (2000): 50–53; and ‘Two Given Life for Honour Killing,’ *BBC News*, 14 July 2006, <[http://news.bbc.co.uk/2/hi/uk\\_news/england/london/5179162.stm](http://news.bbc.co.uk/2/hi/uk_news/england/london/5179162.stm)>.

36 Dina Abdulrahim, ‘Gender and the Policies of Exile: Palestinians in West Berlin,’ in *Islamic Family Law*, ed. Chibli Mallat and Jane Connors (London: Centre of Islamic and Middle East Law, at the School of Oriental and African Studies, 1990): 194–95.

brothers to kill her, the INS Board ruled that her fear of death was ‘speculative’ and derived from a ‘personal family dispute,’ not an organized persecution.<sup>37</sup>

Women’s organizations in the Middle East have been strongly advocating against honor crimes for the past two decades. Due to their efforts, international organizations like the United Nations have specifically addressed honor killings as a violation of basic human rights. Opponents of the legal reforms that activists propose usually argue that family values and cultural heritage is at stake (see Chapter 3 in this volume by Pinar İlkkaracan).

## Rape

Tribal law treated rape as both an act of physical damage, and a theft of sexual property that diminished a virgin female’s financial worth. Under Islamic law, rape falls into the category of *hiraba*, which includes public disruption, killing, and brigandry. Ibn ‘Arabi, a Muslim philosopher who also wrote on *fiqh* (jurisprudence), called rape ‘*hiraba* with the private parts,’ implying theft of property reserved for a woman’s husband. Jurists who felt there was an element of doubt (*shubha*) in a rape might simply require the rapist to pay the *mahr* (bride price) as well as compensation (*dhiyya*) to the victim.<sup>38</sup>

Rapists often claim their victims had engaged in consensual sex. Victims can then be punished for adultery, *zina*. Under the Hudud Ordinances of 1979, Pakistani women claiming rape had to provide four male witnesses to the rape who could convince the court of the victim’s honest and righteous character; otherwise a rape victim would be charged with *qadhif*, false witness. Numerous situations in Pakistan where rape victims faced *zina* charges outraged observers. In November 2006, the Pakistani legislature passed the Protection of Women (Criminal Laws Amendment) Bill to address the bias in the Hudud Ordinances. The new Bill has been reviled by Islamist parties.

In Saudi Arabia a victim known as ‘Girl of Qatif’ was gang-raped by seven men. At her 2006 trial, she was sentenced to 90 lashes for being alone in a car with a man to whom she was not married. The rape was not established in the trial, however to date four of the men have been sentenced to one to five years in prison and lashings. Saudi citizens wrote public letters protesting both her sentence, and the arbitrary nature of recent judgments.<sup>39</sup>

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37 *Washington Post*, 2 February 2000, cited by Yotam Feldner, “‘Honor’ Murders – Why the Perps Get off Easy,” <<http://www.ourjerusalem.com/arabpress>> (accessed 7 February 2003).

38 ‘*Tirmidhi in the hadith idra’u al hududa bi’ shubha*’ [‘drop the hadd punishments in cases of doubt’], ‘*al-hudud tusqat bil shubha*’ [‘hadd punishments are suspended in doubtful cases’], Ibn Rushd, *Bidayat al-Mujtahid*, 6, 113. Tucker discusses cases in Ottoman Egypt in which ‘punishment was routinely muted by the legal fiction of *shubha*.’ Judith Tucker, *House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley: University of California Press, 1998): 161.

39 Donna Abu-Nasr, ‘Rape Case Calls Saudi Legal System into Question After Victim Punished by Judge,’ *Associated Press*, 21 November 2006.

Modern codes began to treat rape as a crime against public order, as opposed to previous designations as crime against a woman's family or husband. The discrepancy between the actual victim of rape – the woman – and the legal emphasis on rape as a crime against family, clan, political faction, or society underlines women's historic lack of self-ownership. Contemporary penal codes, in their treatment of rape, typically allow for categories which distinguish between forced sexual intercourse and 'consensual' sexual acts (that rape can be argued to be consensual is puzzling but telling), and distinguish between rapes of minors and adults.

With the exception of Turkey, marital rape is not a crime.<sup>40</sup> The links between marital rape and other forms of violence against women may seem evident, but in the Middle East the social construction of 'husbands' rights' is difficult to challenge.

In several countries laws dating from the nineteenth century refer to rape-kidnappings.<sup>41</sup> 'Marital kidnapping' is still common in some parts of the Middle East, particularly rural areas, and is often – but not always – pre-arranged.<sup>42</sup> Whether or not the rapist knew his victim, authorities or mediators were supposed to convince the kidnapper-rapist to marry his victim, thereby avoiding shame and perhaps death for the victim, and incarceration, or perhaps death, for the perpetrator as well. Again in contemporary penal codes in the region we see a continuity of principles derived from tribal law and *shari`ah* with the inclusion of articles excusing kidnapper/rapists from punishment if they married their victims. Amira Sonbol notes the transition of these laws from the Islamic court system was not necessarily advantageous to women. The courts were often biased against witnesses presented by women, and even evidence of lost virginity might be insufficient to obtain a conviction.<sup>43</sup>

In Egypt, Law No. 214 introduced a death sentence for rapist-kidnappers, which was expanded in 1993. In 1999, the People's Assembly in Egypt passed legislation to repeal Article 291 of the Egyptian Penal Code, which had permitted an abductor to marry his victim to avoid punishment. Article 522 of the Lebanese Penal Code, similar to the voided Egyptian Article 291, still stands.<sup>44</sup>

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40 Women for Women's Human Rights–New Ways, 'Gender Discrimination in the Turkish Penal Code Draft Law: Summary Report'; and see Zuhur, *Gender, Sexuality and the Criminal Laws*, 35, 39.

41 Amira Sonbol, 'Rape and Law in Modern Egypt,' in *Women and Sexuality in Muslim Societies*, ed. Pınar İlkkaracan (Istanbul: WWHR–New Ways, 2000): 314–18.

42 Sherifa Zuhur, 'Islamization on the Margins: Women and the *Shi`i* Community in Postwar Lebanon,' in *Women and Gender in the Middle East and the Islamic World Today*, ed. Sherifa Zuhur, (Berkeley: University of California Press and CIAS, 2003), and forthcoming.

43 Sonbol, 'Rape and Law in Modern Egypt,' 314–18.

44 'In the event a legal marriage is concluded between the person who committed any of the crimes mentioned in this chapter [including rape, kidnapping and statutory rape], and the victim, prosecution shall be stopped and in case a decision is rendered, the execution of such decision shall be suspended against the person who was subject to it.

Prosecution or the execution of the penalty shall be resumed before the lapse of three years in cases of misdemeanors and five years in cases of felonies, in the event such marriage ends by the divorce of the woman without a legitimate reason or by a divorce which is decided by court in favor of the woman.'



In Iraq, under the Coalition Provisional Authority, the Penal Code of 1969 was revived. Human Rights Watch reported on the difficulty in reporting or obtaining police or military police follow-up for abductions and sexual violence against women, and problematic laws that provide an 'out' for kidnappers. Article 427 of the Penal Code (as of 2003) allows an abductor to marry his victim without prosecution: 'If the offender mentioned in this section then lawfully marries the victim, any action becomes void and any investigation or other procedure is discontinued and, if a sentence has already been passed in respect of such action, the sentence will be quashed.' Article 398 states that marriage between a perpetrator and a victim is a 'legally mitigating excuse' for rape, sodomy or indecent assault.<sup>45</sup>

Rape may also be used to dishonor political opponents as in mass rapes of Bengali women by the Pakistani army, which occurred during the Bengali liberation movement and during the Lebanese Civil War (1975–1990). Under Saddam Hussein political prisoners were raped in Iraqi prisons. In Afghanistan, women were raped in refugee camps and by the Taliban.<sup>46</sup> In Algeria, extremists used women as sex slaves, licensing their actions through temporary marriages, or *mut'a*. Under such legal fictions, extremists also raped virgins before killing them, as it would not be 'lawful' to kill a virgin.<sup>47</sup> In Pakistan, well-publicized cases like those of Rahila Tiwana and Veena Hayat stimulated discussion of politicized rape.<sup>48</sup>

### **Incest and Sexual Abuse of Children**

Incest and sexual abuse of children has taken place throughout history, but the term and indeed concept of 'abuse' are contemporary. Rules about incest and debates about the age of sexual maturity are legally relevant. Incest is outlawed under *shari'ah*, as established in the Qur'an (4:236) and is punishable in the same way as rape.<sup>49</sup> Penal Code Article 82 of the Islamic Republic of Iran requires execution for crimes of incest. In Egypt, Article 267 of the penal code increases the penalties for those committing sexual intercourse with a child (specified as a female child), to a life sentence if that person is a relative or 'has authority over the child.'<sup>50</sup>

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45 Human Rights Watch, 'Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad,' <<http://hrw.org/reports/2003/iraq0703/index.htm>> (accessed July 2003).

46 Sima Wali, 'Muslim Refugee, Returnee and Displaced Women,' in *Faith and Freedom*, ed. Mahnaz Afkhami (London: I.B. Tauris, 1995): 178–9; and Rosemary Skaine, *The Women of Afghanistan under the Taliban* (Jefferson, North Carolina: MacFarland & Co., 2002): 74, 101.

47 Karima Bennoune, 'SOS Algeria: Women's Human Rights under Siege,' in Afkhami, *Faith and Freedom*, 184–208.

48 Shahla Haeri, 'The Politics of Dishonor: Rape and Power in Pakistan,' in Afkhami, *Faith and Freedom*, 161–74.

49 Al-Bukhari, 8, 526.

50 (i) Any person who copulates with a female without her consent is punished by penal servitude for life or for a certain period of time. If the offender is related to the child or responsible for the child's upbringing or having authority over the child or serving her against salary or one of those previously mentioned, penalty of penal servitude of life is inflicted.

Incest and sexual abuse of children is still a taboo subject in many countries of the Middle East. One reason for this is the lack of public discourse about the issue. Fay Afaf Kanafani's autobiography caused a shock when she revealed that her father had sexually abused her, and for that reason, she was not willing to publish it in Arabic.<sup>51</sup> Nevertheless, a Palestinian women's center estimated that 75 percent of sexual assault cases involve close male relatives, with four-to-thirteen-year-old girls being most at risk.<sup>52</sup> Articles 285 and 286 of the Jordanian Penal Code (which apply in the West Bank) carry a sentence of only three years. Only a male relative of the assaulted girl may file a complaint in a case of incest.<sup>53</sup>

Incest or sexual abuse may result in death for the victim through an honor crime (as in 10 percent of the cases studied in Palestinian shelters), thus only the most serious cases of sexual abuse are likely to be reported. Subterfuge or 'nullification' through abortion or hymen repair, are common recourses.<sup>54</sup> According to NGOs working with street children in Egypt and Lebanon and Human Rights Watch, such children are frequently abused, sexually and physically, by the police or adults or other children, and forced into prostitution at an early age.<sup>55</sup>

## Sexual Harassment

Amnesty International has documented numerous complaints in the region regarding sexual crimes against prisoners. In Lebanon, there were horrifying reports of torture, withholding of legal rights, and gender-based abuse (as well as rape) of both local and migrant women.<sup>56</sup> Another problem in the region is the abuse of foreign workers who serve as a 'fourth-world' workforce. These include domestic workers and cleaners in the Gulf States, Jordan, Egypt, Lebanon and elsewhere. In Lebanon, more than 10,000 Sri Lankan women arrive for employment annually and many struggle with physical and sexual abuse or non-payment of their wages. A well-known Sri Lankan actor, Ranjan Ramanayka reported on intense abuse of his compatriots in Lebanon

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51 Fay Afaf Kanafani, *Nadia, Captive of Hope: Memoir of an Arab Woman* (New York and London: M.E. Sharpe, 1999).

52 Women's Centre for Legal Aid and Counseling, 'A Gap Analysis Report on the Status of The Palestinian Women in the Context of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): Summary Report,' <<http://www.wclac.org/cedawengeditedfinal.htm>> (accessed 7 May 2003).

53 Women's Centre for Legal Aid and Counseling, 'A Gap Analysis Report.'

54 Nadera Shalhoub-Kevorkian, 'The Politics of Disclosing Female Sexual Abuse: A Case Study of Palestinian Society,' *Child Abuse & Neglect*, 23, 12 (1999): 1275-93.

55 Reem Leila, 'Without Refuge,' *Al-Ahram Weekly*, 823, (21-27 December 2006); Human Rights Watch, 'Charged with Being Children: Egyptian Police Abuse of Children in Need of Protection' 15, 1 (February 2003); and Consortium for Street Children, 'Information about Street Children - Lebanon' in *A Civil Society Forum for North Africa and the Middle East on Promoting and Protecting the Rights of Street Children*, 3-6 March 2004, Cairo, Egypt.

56 Amnesty International, 'Lebanon: Torture and Ill-Treatment of Women in Pre-Trial Detention: A Culture of Acquiescence,' (25 September 2001).

including a situation where Sri Lankans who appealed to their embassy were forced into a prostitution ring.<sup>57</sup>

The idea of confronting sexual harassment in the workplace is still new in the Middle East. Part of the popular mythology is that traditional separation of the sexes and the honor code translates to less abuse and harassment than in the west. Yet scores of working women endure such experiences and indeed any woman moving about in public and especially using public transportation is likely to suffer harassment. In November 2002, a young Tunisian hospital worker attempted to file a sexual harassment complaint, and her hospital disciplinary board moved to silence her. Police surrounded the hospital and threatened the complainant and her attorneys with rape.<sup>58</sup>

Verbal and physical harassment in the street is common in Egypt, Syria, Lebanon, Saudi Arabia (where it may come from the *mutawa'in*, the religious morals police, who are no longer supposed to hit women for infractions) and other countries. During Eid al-Fitr in 2006, scores of men physically abused veiled and unveiled women in the streets of Cairo for hours without interference by authorities. While Article 306 of the Egyptian Penal Code calls for one month imprisonment for lewd behavior affecting women's modesty, the law is ignored. In the United Arab Emirates (UAE), a casual survey of 605 women found that about 14 percent of respondents admitted to sexual harassment, and revealed that a higher percentage of UAE women as compared to Indian, Pakistani, or Western women had been targets of harassment.<sup>59</sup>

## Homosexuality

Under *shari'ah*, the crime of *zina* included homosexual acts. Quranic verses condemning sex between men are found in Surah VII: 80–81, XXVI: 165–6 and IV: 16, and imply the natural condition of heterosexuality.<sup>60</sup> Various *hadith* refer to the Prophet's abhorrence of homosexual acts. Nonetheless, homosexuality was often tolerated, as various texts make clear. For example, al-Jawami, a scholar and historical source for the early Islamic period, wrote about a whore of Mecca

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57 Monica Smith, "Model Employees': Sri Lankan Domestic Workers in Lebanon," *Middle East Report*, 238, (Spring 2006): 39–41.

58 Organisation Mondiale Contre La Torture (OMCT), Case TUN 141102 VAW.

59 'Inside the Minds of Women in the UAE,' *GulfNews.Com*, 25 October 2005, <<http://www.gulfnews.com/yoursay/yougov/188567.html>>.

60 'And Lot! (Remember) when he said unto his folk: 'Will ye commit lewdness such as no creature ever did before you? Lo! Ye come with lust unto men instead of women. Nay, but ye are wanton folk.' Surah VII: 80–81 (trans. Pickthall) (Dawood translates: 'Truly, you are a degenerate people.')

'Of all creatures in the world, will ye approach males. And leave those whom Allah (God) has created for you to be your mates? Nay, ye are people transgressing all limits?' Surah XXVI: 165–6. *The Meaning of the Holy Qur'an*. Trans. By Abdullah Yusuf Ali. (Beltsville, Maryland: Amana Publications, 1989 [1408 h.]).

'If two men among you commit indecency, punish them both. If they repent and mend their ways, let them be. Allah is ever Relenting, Merciful.' Surah IV: 16. *The Koran*, trans. N.J. Dawood, revised fifth edition (London: Penguin Books, 1990).

who researched women's lesbian preferences. They cited their fear of pregnancy, yet women utilized various forms of birth control,<sup>61</sup> so this rationale is not fully explanatory.

In the Islamic Republic of Iran, sodomy is a *qisas* crime, punishable by death, or, if confessed less than four times, by flogging. Lesbianism is punishable by 100 lashes.<sup>62</sup> Most countries using modern penal codes punish sodomy with fines and/or prison terms.

In Egypt, 52 men were charged in 2001 with 'obscene behavior' and 'contempt for religion' by the Emergency Security Court for Misdemeanors. The charge of obscene behavior under Law No. 10 on the Combat of Prostitution allows for a sentence of three months to three years. 'Contempt for religion' carries a prison sentence of six months to five years. Only two of the defendants faced charges for the latter, and a number of the cases were dropped, but 23 men were sentenced. Since homosexuality is certainly known to exist in Cairo, and the men's arrest on a touristy Nile boat restaurant confirmed this, observers tried to understand why the security services and the government energetically pursued this case, at that particular time. Human rights advocates believed that this was a means for government to demonstrate its 'Islamic values' when it was also being criticized for repressing Islamic groups.

Under the Taliban, homosexuals were crushed or suffocated to death by collapsing a wall on top of them.<sup>63</sup> Yet homosexuality was not unknown or infrequent in the Pakistani *madrasas* (religious schools) in Kabul or in Kandahar, and warlords' pursuit of young boys was known.<sup>64</sup> In Saudi Arabia, homosexuality may be punished as *zina*. There are numerous reports of beheadings, including those of three Yemeni men put to death in Jizan in July 2000 after being found guilty of homosexual acts and molesting young boys.<sup>65</sup> Just a few days earlier, three Saudi men (charged with engaging in homosexual acts, 'imitating women,' and raping and photographing children) were executed in Abha.<sup>66</sup> However, not all private acts are found out, or punished so severely as when they involve crimes against minors.

One might surmise from all of this that there is no 'gay culture' in the region. In fact it has probably always existed, but openly gay businesses, meeting places, or publications are not possible since homosexuality (with the exception of Turkey) is outlawed. Somewhat questionable efforts to document it are giving way to updated coverage.<sup>67</sup> Also some organizations, like the Helem Association for the Defense of Gay Rights or the convening of International Day against Homophobia in 2005 and 2006 in Beirut indicate its presence in that city. However, region-wide, bisexuality

61 B.F. Musallam, *Sex and Society in Islam: Birth Control before the Nineteenth Century* (Cambridge: Cambridge University Press, 1983): 154, note 8.

62 Under Article 129 of the Iranian Penal Code (Articles 127–34) unless the lesbian repents.

63 Ahmed Rashid, *Taliban: Militant Islam, Oil, and Fundamentalism in Central Asia* (New Haven: Yale Nota Bene, 2001).

64 *Ibid.*, 115.

65 *BBC News*, 14 July 2000.

66 *Reuters*, 11 July 2000.

67 Stephen O. Murray and Will Roscoe, eds., *Islamic Homosexualities: Culture, History, and Literature* (New York: New York University Press, 1997).

still appears to be far more common than homosexuality,<sup>68</sup> given the cultural and legal values of gender as described in this chapter.

### Transsexuals/Transvestism

Religious objections to transvestism include the *hadith*: 'Cursed are those men who wear women's clothing and those women who wear men's clothing.' The *khanith* of Oman, a specific third sex category in Oman, are men who behave like women, service men sexually, yet may one day 'become a man' and give up their lifestyle for marriage and children.<sup>69</sup> A female-to-male transvestite tradition in Southern Iraq has been recorded,<sup>70</sup> as have other literary references to 'warrior-women' in disguise.

One variant of transvestism dates back to the Ottoman era, when for example, by order of Muhammad Ali Pasha, female performers were forbidden from appearing in public in the capital, Cairo. For street performances, singers and dancers were male (female entertainment receded temporarily to the hinterlands or private homes). In dramatic troupes, the actors were all males.<sup>71</sup> Two of the most popular contemporary classical Turkish music performers include a transvestite, the late Zeki Müren, and Bülent Ersoy, a transsexual.<sup>72</sup>

Contemporary discussions in the region around homosexuality and sex-changes involve debates tinged with Islamist discourse and dichotomously conceived categories of gender. The west is generally attacked for 'introducing' transgender surgeries and for decriminalizing homosexuality.

### Children Born Out of Wedlock

One purpose of honor killings is to prevent the birth of illegitimate children, whose mothers are guilty of *zina* simply by virtue of their pregnancy. In Morocco, a woman may be imprisoned for six months for bearing a child out of wedlock. Thus infanticide is one unfortunate option, and another is subterfuge, as when a mother claims her daughter's child as her own. Such actions by women take place all throughout the

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68 Ibid; and 'Islamic World,' in *Routledge International Encyclopedia of Queer Culture*, ed. David A. Gerstner (New York: Routledge, 2006).

69 Unni Wikan, *Behind the Veil in Arabia: Women in Oman* (Chicago: University of Chicago Press, 1993), 168–86.

70 Sigrid Westphal-Helbush, 'Institutionalized Gender-Crossing in Southern Iraq,' (trans. Bradley Rose) in Murray and Roscoe, *Islamic Homosexualities*.

71 Sherifa Zuhur, 'Orientalism, Sex and Bellydance: An Egyptian Product and its History,' Mainz, Germany, World Middle East Studies Association meetings, 2001; and Mona Mikhail, 'Revisiting the Theater in Egypt,' in *Colors of Enchantment: Theater, Music, Dance and Visual Arts in the Middle East*, ed. Sherifa Zuhur (Cairo: American University in Cairo Press, 2001).

72 John Morgan O'Connell, 'In the Time of Alaturka: Engendering the Past in Turkish Vocal Performance,' 21 May 2001; and Martin Stokes, 'The Tearful Public Sphere: Turkey's Sun of Art, Zeki Muren,' in *Music and Gender: Perspectives from the Mediterranean*, ed. Tullia Magrini (Chicago: University of Chicago Press, 2003).

countries of the Middle East. One legal subterfuge is to refer to ‘celibate mothers’ meaning single mothers, and their children fill the inadequate government provided homes for this purpose.

In Egypt, though thousands of children over the last few decades have been born as a result of ‘temporary marriages,’ (*urfi*) such marriages have only been legally recognized since 2000. A problem for many is that their fathers are not Egyptian, which excludes them from state benefits, and this must be addressed through laws pertaining to citizenship and not through the penal codes. The point here is that the penal codes negatively affect children born out of wedlock as well as their mothers.

## Abortion

Except for Tunisia and Turkey, where abortion is widely legalized, in other countries of the Middle East, legal abortions are heavily restricted, and illegal abortions are widely performed. In Islamic law, jurists considered the fetus to be ‘ensouled’ at 120 days. Hanafi scholars permitted abortion up to that date, allowing women to abort even without their husband’s permission.<sup>73</sup> However, most Maliki opinions (like the Ja’fari school) prohibited abortion, with only a few jurists allowing it up to 40 days, while Hanbali and Shafa’i law differed in the definition of the date up to which abortion could be allowed. Zaydi jurists permitted abortion ‘unconditionally’ until ‘ensoulment.’<sup>74</sup> Male withdrawal during sexual intercourse, known as *’azl*, was a preferred method of birth control, and arguments justifying its use are similar in logic to those that defended abortion.<sup>75</sup> The reason this is an issue is that women have a right in Islam to sexual intercourse with their husbands, and they should assent to withdrawal. If this was licit, then other barrier or herbal methods of contraception, or even abortion (prior to 40 days) might be as well.

Here, some interpretations of Islamic law were more lenient than European-influenced law. In Lebanon,<sup>76</sup> as in other countries influenced by French law,<sup>77</sup> abortion is illegal, carrying a prison sentence of six months to three years for self-induced abortion and one to three years for an abortion performed by someone else. Health professionals could be barred from practicing if found guilty of abortion. However, Presidential Decree No. 13187 of 1969 permits abortion if a woman’s life is in great danger.<sup>78</sup> In Jordan, abortion is criminalized under Law No. 16. However, as in Lebanon, abortion may be utilized to save the mother’s life or health under Public Health Law No. 20 of 1971 (section 62a).

73 Musallam, *Sex and Society in Islam*, 57.

74 Ibid, 57–8.

75 Ibid, 58. See also Donna Lee Bowen, ‘Abortion, Islam, and the 1994 Cairo Population Conference,’ *International Journal of Middle East Studies*, 29, 2 (May 1997).

76 Under Articles 539 to 546 of the 1 March 1943 Penal Code (1983 version).

77 Bartha M. Knoppers, Isabel Brault and Elizabeth Sloss, ‘Abortion Law in Francophone Countries,’ *American Journal of Comparative Law*, 38, 4 (Fall 1990): 889–922.

78 ‘Lebanon,’ *The Population Policy Data Bank*, Population Division of the Department for Economic and Social Affairs. United Nations, 81–2.

In Iran under the Pahlavi rule, abortion was illegal except to save the life of the mother. By 1976, physicians could perform abortions if the woman was less than 12 weeks pregnant, parental permission was granted or the couple provided social or medical grounds. Following the Islamic Revolution, abortion became a *qisas* crime, which requires *dhiyya* to be paid to relatives on behalf of the fetus. The payment accorded with stage of development of the fetus, based on Quranic passages XXII: 4 and XXIII: 12–14. In 2003, the Iranian Parliament approved a bill permitting abortion up to four months if the mother's life is in danger or if the fetus is malformed.<sup>79</sup> Other Middle Eastern countries include one or more grounds under which abortion can be permitted. Of the Arab states, Tunisia and Bahrain allow abortion under the broadest conditions, corresponding with Bahrain's early provision of family planning services and Tunisia's liberalization of other laws affecting women.<sup>80</sup>

### New Reproductive Technologies

New reproductive technologies (NRTs) are being regulated in a piecemeal fashion. Muslim jurists initially opposed sex-selection, *in vitro* fertilization and donor surrogacy.<sup>81</sup> On sex-selection, scholars argued that there is a Qur'anic basis against the preference for male children, and that sex-selection could result in population imbalance. More traditional jurists opposed reproductive medical interventions in general, and might refer to the Qur'an 42: 49–50.<sup>82</sup> Sunni Muslim authorities opposed donor sperm or eggs as a form of *zina* and had concerns about the potential for incest.<sup>83</sup> The Libyan Penal Code punished both men and women for resorting to *in vitro* fertilization (IVF).<sup>84</sup> However the attitude toward medical interventions has relaxed as demonstrated in the second major *fatwa* on NRTs in Saudi Arabia, approving IVF in the absence of gamete donation.<sup>85</sup>

Regarding surrogacy, Muslim clerics and medical scholars protested the notion of 'wombs for rent' dividing women into child-bearers and wealthy mothers, and separating the functions of motherhood into conception, childbearing and

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79 K.M. Heyat, P. Shooshtarizadeh and M. Raza, 'Therapeutic Abortion in Islam: Contemporary Views of Muslim Shiite Scholars and the Effect of Recent Legislation,' *Journal of Medical Ethics*, 32 (2006): 652–7.

80 Abortion is allowed 'under necessity' (to preserve the woman's life) in Egypt, Oman, Jordan, Libyan Arab Jamahariyya, Pakistan, Saudi Arabia, Sudan, United Arab Emirates and Yemen. *Population Data Bank*.

81 Sherifa Zuhur, 'Of Milk Mothers and Sacred Bonds: Islam and New Reproductive Technologies,' *Creighton Law Review*, 25, 5 (December 1992): 1725–36.

82 To Allah belongs the dominion of the heavens and the earth. He creates what He wills [and plans]. He bestows [children] male or female according to His Will. Or he bestows both males and females and he leaves barren whom He will. For He is full of Knowledge and Power.

83 Zuhur, 'Of Milk Mothers and Sacred Bonds.'

84 Anne Mayer, 'Libyan Legislation in Defense of Arabo-Islamic Sexual Mores,' *American Journal of Comparative Law*, 28 (1980): 287–313.

85 Members of the *Shari`a* Council of the Muslim World Association, 'Second Opinion on the Matter of Artificial Insemination and Test-tube Babies' (Mecca: 1989).

parenting.<sup>86</sup> However, a leading Syrian cleric agreed that Muslim men might legally marry surrogates as second wives, sidestepping the difficulties of adoption, and the 'rental' of a womb.<sup>87</sup> *Shi'i* jurists have broken with the Sunni position against gamete donation. In Iran sperm donation has been made illegal, except between two married couples. Third party gamete (egg) donation in Iran and in *Shi'i* clinics in Lebanon is now permitted, so long as a temporary marriage is made with the egg donor.<sup>88</sup> The contrast in the legislation of NRTs compared with laws on abortion illustrates that while women's rights to limit fertility is often illegal, most approaches to enhancing fertility, within the bounds of marriage or temporary marriage, are sanctioned. The use of temporary marriage in order to exploit NRTs can in fact be read as a new aspect of patriarchal privilege.

### Sex Work/Trafficking in Women

Reforms have looked at laws on prostitution, sex workers, and trafficking in women and argued that they should be aligned with CEDAW and the Convention on the Rights of the Child as well as existing anti-slavery laws. Actually many of the laws developed in response to the so-called 'white slavery' or trafficking in women that took place in the region from the nineteenth into the early twentieth century and the resulting assumption of state regulation over prostitution. Today, observers have noted that more children are engaging in sex work, or are married off for sex than ever. One problem in discussing this issue is that most activists in the Arab states are generally opposed to the idea of calling prostitution 'sex work' and treating it as an economic option for women, because they feel it puts women as a group at risk, and perpetuates the idea of sex for financial exchange. Also some groups opposed to the trafficking of women have opposed this term as well, because traffickers use the argument that they are providing 'work' to needy women.<sup>89</sup>

The laws treat adult nationals, child nationals, and foreign nationals differently. Many foreign nationals 'choose' or end up in sex work; many are smuggled into countries for that specific purpose,<sup>90</sup> whereas others are pushed into sex work against their will, and due to their tenuous legal status, as described above in the example

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86 Zuhur, 'Of Milk Mothers and Sacred Bonds,' Abd al-Hamid Mahmud Tahmaz, *Al-Ansab wa al-awlad: Dirasah li-mawqif al-shari'ah al-islamiyyah min al-talqih al-sina'i wa ma yusama bi atfal al-anabib* (Beirut and Damascus: 1987); and Hassan Hathout, 'Islamic Concepts and Bioethics,' in *Bioethics Yearbook Vol. 1. Theological Developments in Bioethics*, ed. B.A. Brody, B.A. Lustig, H.T. Engelhardt, and L.B. McCullough (London: Kluwer, 1991), 103–17.

87 Personal interviews with clerics, Damascus, September 1993.

88 Marcia Inhorn, 'Religion and Reproductive Technologies: IVF and Gamete Donation in the Muslim World,' *Anthropology News* (February 2005).

89 Dorchen Leidholdt, 'Presentation to UN Special Seminar on Trafficking, Prostitution and the Global Sex Industry,' Position Paper, Part Two, <[http://action.web.ca/home/catw/readingroom.shtml?x=16882&AA\\_EX\\_Session=eb8a594fc67298ca3aa0183414597d0e](http://action.web.ca/home/catw/readingroom.shtml?x=16882&AA_EX_Session=eb8a594fc67298ca3aa0183414597d0e)>.

90 US Department of State. Office to Monitor and Combat Trafficking in Persons. 'Trafficking in Persons Report,' IV Country Narratives: Near East, 14 June 2004, <<http://www.state.gov/g/tip/rls/tiprpt/2004/33195.htm>>.



of Sri Lankans in Lebanon.<sup>91</sup> Poverty and (Arab) tourism have impacted the sex industry in the region.<sup>92</sup> In many areas, older men act as ‘sugar daddies’ who ‘give girls tuition fees, clothes and presents in exchange for sex.’<sup>93</sup> The lingering traditions of early marriage serve to decriminalize such practices; in Egypt, Arab tourists buy young girls for a summer, providing a *mahr* to the girls’ families, and then abandon them.<sup>94</sup>

The Saudi-based CRLO (Permanent Committee for Scholarly Research and the Issuing of *Fatwa*, a clerical body) issued a *fatwa* permitting men to marry while traveling or studying abroad.<sup>95</sup> This practice, like *mut`a*, or temporary marriage, licenses sex for sale, and often leaves women in a vulnerable position. In Iran, *sigheh* (the equivalent of *mut`a*) has also served as a legitimizing cover for sex workers, or poor women.<sup>96</sup> In Egypt *urfi* marriage, which can serve the same purpose, has become extraordinarily prevalent in recent years because it does not require the provision by the husband of a domicile, household goods and a public celebration. In Iran, Saudi Arabia, Mauritania, Libya and Pakistan the penalties for *zina* are the primary legal vehicle used to control prostitution, so for example in Libya, Law Number 70 of 1973 provides a punishment of 100 lashes for prostitution. Trafficking is also a crime.

In Egypt, prostitution was legal until 1949. Prostitution was opposed on moral grounds by Egyptian and international feminists and as part of the broader campaign against ‘white slavery.’ Meetings in 1949 resulted in a law in 1951, reintroduced in 1961 in order to ban prostitution in Syria, which was then part of the United Arab Republic (the union with Egypt). Its main aim was to oppose ‘habitual debauchery.’ Both the idea of punishing women on ‘moral grounds’ but not their customers, and that of ‘habitual debauchery’ are a bit slippery, but basically derive from the idea that immorality and sex erode the public order, rather than the Islamic legal attitude that they are a crime against God. Under the anti-prostitution law above, which was then utilized in Egypt, prostitutes must be caught ‘red-handed’ meaning that the trade may be tolerated. Various related regulations that applied to nightclubs<sup>97</sup> or walking in public with unrelated men, were meant as measures to limit sex work. These laws were instituted, and then ignored, then revived since the 1980s in response to the rise in prostitution serving Gulf Arabs and tourists, to the extent that marriage licenses must be produced in order to visit certain tourist sites, or could be demanded at hotels.

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91 Monica Smith, ‘Model Employees.’

92 Najat M’jid, ‘Sexual Exploitation of Children in the MENA Region: An Overview,’ Arab–African Forum against Sexual Exploitation of Children. Rabat: 24–26 October 2001.

93 Ibid.

94 Sherifa Zuhur, field notes; and Sherifa Zuhur, ‘Divorce Egyptian-Style,’ *Women’s International Net* (WIN) 1999.

95 Abou El Fadl, *Speaking in God’s Name*, 275.

96 Shahla Haeri, *Law of Desire: Temporary Marriage in Shi’a Iran* (Syracuse: Syracuse University Press, 1989).

97 Sherifa Zuhur, ‘Sex, Popular Culture and National Image: ‘Oriental’ Dance in the *Infitah* Era in Egypt and Echoes in the United States,’ Prepared for the World Middle East Congress, University of Mainz, Germany, 8 September 2002.

Lebanon, like Turkey has legalized sex work, so long as it is not coerced. In Lebanon, sex workers may be licensed so long as they are 21 and not virgins. Monthly medical examinations are conducted by the government, a policy dating back to the Mandate period (1920–1946), which also applied in Syria.<sup>98</sup> In Syria, this type of control existed during World War II when foreign troops were part of the armed forces, but today prostitution is not similarly regulated.

In 1997, 675 women from the former Soviet Union were arrested for sex work in the United Arab Emirates. A trafficking case of 475 Bangladeshi women in Kuwait and neighboring countries came to light during the ‘Desert Storm’ campaign. In Iraq, sex work became more prevalent during the boycott years. The kidnapping and prostitution of Iraqi women and girls within Iraq, or sold and smuggled to the Gulf, took place in 2003–2004, and due to the lack of security, is still ongoing.<sup>99</sup>

### Female Genital Mutilation

Female genital mutilation (FGM), also called female circumcision, has not been fully criminalized. The custom affects at least 130 million women in the Nile Valley, Western and Eastern Africa, across the southern Sahara, Bedouin women in the Sinai, Negev, Jordan, Yemen, and Iraqi women in Kurdistan and the south.<sup>100</sup> The 1946 Sudanese Penal Code prohibited infibulation, but permitted *sunna* circumcision, a less radical form of FGM. Infibulation has continued however, and there is no mention at all of FGM in Sudan’s 1993 Penal Code. Similarly, Egypt has not criminalized FGM in the sense of including a specific Penal Code article. At one point authorities instituted a policy whereby female circumcision could be performed by a licensed health professional, on a limited basis, if parents could not be discouraged. However, in 1996 the Egyptian Minister of Health banned the practice after a CNN exposé with live footage of a circumcision was broadcast around the world.<sup>101</sup> His decision was initially overturned, but was subsequently revalidated by the Court of Cassation. The decree remains in place, but has been ignored. One study showed that 97 percent of ever-married Egyptian women were affected by the practice.<sup>102</sup>

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98 Major B.R. Thomas, ‘Five Years of It’ (unpublished manuscript, Imperial War Museum archives, 1989): 114–19.

99 Sherifa Zuhur, *Iraq, Women’s Empowerment and Public Policy*, LeTort Paper, January 2007, <<http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=748>>.

100 Thomas von der Osten-Sacken and Thomas Uwer, ‘Is Female Genital Mutilation an Islamic Problem?’ *Middle East Quarterly*, 14, 1 (Winter 2007).

101 Decree 261 reads: ‘It is forbidden to perform excision on females either in hospitals or public or private clinics. The procedure can only be performed in cases of disease and when approved by the head of the obstetrics and gynecology department at the hospital, and upon the suggestion of the treating physician. Performance of this operation will be considered a violation of the laws governing the medical profession. Nor is this operation to be performed by non-physicians.’

102 Fatma K. Zanaty, E.M. Hussein, G.A. Shawky, A.K. Way and S. Kishor, *Egypt, Demographic and Healthy Survey 1995* (Calverton: National Population Council and Macro International, 1996).

A petition entitled ‘The Cairo Declaration’ was drafted in July 2003 by activists from twenty-eight Arab and African countries calling for specific legislation in each state to address FGM. It should be mentioned that some girls have been subjected to FGM within the United States and in other immigrant communities. The US Federal Female Genital Mutilation Act of 1996 is intended to counter such occurrences.

## **Conclusion**

The Constitutions of most states in the region declare all citizens to be equal, as for example in Article 7 of the Constitution of Lebanon: ‘All Lebanese are equal before the law. They enjoy equal civil and political rights and are equally subjected to public charges and duties, without any distinction whatever,’ and Article 8 of the Constitution of Egypt: ‘The State shall guarantee equality of opportunity to all citizens.’ Some countries add to these basic declarations of equality as in Article 45 of Syria’s Constitution: ‘The state guarantees women all opportunities enabling them to fully and effectively participate in political, social, cultural, and economic life. The state removes the restrictions that prevent women’s development and participation in building the socialist Arab society.’

Thus there is a basic contradiction between the constitutional right to equality for women, and the discriminatory nature of existing penal codes. This disjuncture between statutory discrimination in the penal codes and women’s constitutional rights should be a matter of concern. Historically, this has elsewhere been addressed through amendments, or redrafting of legislation that includes discriminatory language or fails to provide for equal opportunity.

The link between the regulations governing murder, abortion, rape, adultery, incest, NRTs, female circumcision, and so on is their common derivation from systems that upheld male authority and group identity. Women’s physical and social worth and integrity are at risk in each set of rules. Their sexual and bodily rights are denied through commodification, which is linked to their vulnerability under the honor system. Under personal status law, women are placed under the authority of males, and so, too, in penal law, their bodies are governed by precepts that prioritize the interests of males, ensure male lineage, and disable the rights of women. The customs perpetuated through *urf*, or more properly, *a’raf* (plural, tribal traditions and customary practices), and during the years of Islamic legal regimens, were not thoroughly addressed in the colonial period. Instead, the cultural relativism of the British and French, their own versions of misogyny and their flawed understanding of the *‘ulama* (clerical) attitudes led them to characterize Muslim societies and law as anti-women, often for their own political purposes. Thus, the modern penal codes are not necessarily more beneficial to women than lenient or enlightened interpretations of *shari’ah*.

Given the inequities that clearly emerge when we examine the penal codes, we might ask why more aggressive campaigns have not emerged to address the abrogation of women’s sexual rights as human rights. Regionally, women’s exclusion from legislative and judicial systems, their insecurity *vis-à-vis* Islamist opposition, and the strength of Islamists in legal and other professional syndicates

provide obstacles to the realization of gender equality. While the authoritarian power of the *'ulama*, along with an unfortunate and anachronistic approach to the *shari`ah* must be recognized as a basis for inequality and discrimination, the notion of some 'liberals' or mainly secular leaders (like Saddam Hussein) that the public is uneducated and unenlightened, and thus laws should cater to 'traditional tendencies,' is also to blame. Regardless of whether the recommendations we make concern the penal or family codes, this type of misguided cultural relativism works to women's detriment. It is high time to relinquish this 'staged' approach to equality, given the grave harm and injustice inflicted upon women and girls.

As this survey of penal codes and the crimes addressed therein should show, some laws have changed over time, while others are still attuned to the customary practices of another age. These must likewise adapt to accord women legal autonomy over their bodies and sexuality.

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## Chapter 3

# How Adultery Almost Derailed Turkey's Aspirations to Join the European Union<sup>1</sup>

Pınar İlkkaracan

On 14 September 2004, hundreds of women marched in front of the Turkish parliament in Ankara chanting, 'Our bodies and sexuality belong to ourselves.' The march, organized by the Women's Platform for the Reform of the Turkish Penal Code from a Gender Perspective (WPTPC), took place at the height of a major political crisis between the Turkish government and the European Union (EU), triggered by the attempt of the religious conservative AKP<sup>2</sup> (Justice and Development Party) government to introduce a bill criminalizing adultery.<sup>3</sup> On the day of the march the government announced the withdrawal of its proposal (re)criminalizing adultery and, only a few hours later, an announcement was made for an indefinite withdrawal of the draft code for the Turkish Penal Code for further review. The code was finally passed by the Turkish Grand National Assembly on 26 September 2004, after two weeks of intense discussions and political turmoil.<sup>4</sup>

The withdrawal of the penal code reform, resulting from the controversy over the proposed adultery law, triggered the biggest crisis between the EU and Turkey since the start of the accession talks. During the national debate that ensued, AKP appeared to be split over the issue. While the justice minister declared that there was no need for a legal sanction on adultery, the women's minister defended criminalizing adultery, stating: 'We cannot give up our own values just because we want to join the EU. Adultery is not considered a crime in many countries of the world. But just

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1 This article was written in the scope of an international research project, but had not yet been published at the time the manuscript was finalized. It was later published only as an e-book in *SexPolitics: Reports from the Frontlines*. Richard Parker, Rosalind Petchesky and Richard Sember, eds. (Sexuality Policy Watch, 2007).

2 *Adalet ve Kalkınma Partisi*.

3 Until 1996, the Turkish Criminal Code made adultery a criminal offence and differentiated between men and women in the definition of adultery. While one complete sexual act with a man other than her husband was sufficient for a conviction of adultery for women, a married man could not be convicted of adultery unless it was proved that he was living with a woman other than his wife. In 1996, Article 441 of the Penal Code regulating adultery by men, and in 1998, Article 440 of the Penal Code regulating adultery by women, were annulled by the Constitutional Court on the grounds that the differences violated Article 10 of the Turkish Constitution, which states that men and women must be equal before the law.

4 Law no: 5237, which came into effect on 1 June 2005.

because this is the case ... we cannot just accept it ... We have to respect the values of Turkish society.’<sup>5</sup>

As the debate continued, the markets fell drastically, threatening an economic disaster – certainly the first one in Turkey triggered by an issue concerning sexuality – only three years after Turkey’s devastating economic crisis of 2001. Finally, after a meeting with EU enlargement commissioner Günter Verheugen in Brussels on 23 September 2004, Prime Minister Recep Tayyip Erdoğan, a devout Muslim, announced his final withdrawal of the proposal to criminalize adultery.

However, only a day later, he expressed sharp anger over the situation to the press. Referring to the rally organized by the Women’s Platform ten days earlier, and its slogan ‘our bodies and sexuality belong to ourselves,’ he said: ‘There were even those who marched to Ankara, carrying placards that do not suit the Turkish woman. I cannot applaud behavior that does not suit our moral values (*ahlak*) and traditions ... A marginal group cannot represent the Turkish woman.’<sup>6</sup>

In fact, Erdoğan’s remarks – accusing hundreds of women representing more than 20 organizations of opposing so-called Turkish moral values and traditions, and betraying their ‘Turkish identity’ by claiming ownership of their bodies – captured the essence of the debate that raged from 2002 to 2004, primarily between feminist groups and the religious conservative government, during the Campaign for the Reform of the Turkish Penal Code from a Gender Perspective. The Campaign, aiming at a holistic reform of the Turkish penal code, succeeded in re-constructing gender and sexuality in the legal context despite the religious conservative government’s attempts to incorporate in the law a notion of ‘public morality,’ embedded in male-centric Muslim tradition, at the historic moment of Turkey’s accession to the EU.

This chapter aims to analyze the competing discourses on sexuality, in particular on honor and virginity; criminalization of sexual relations of youth; and sexual orientation, which emerged as the most controversial issues during the Penal Code Reform Campaign (2002–2004). It draws on the author’s personal experience as the initiator of the Women’s Working Group on the Penal Code (WWGTPC) and the coordinator of Women for Women’s Human Rights (WWHR)–NEW WAYS, which served as coordinating secretariat for the entire campaign. The data analyzed include: newspaper and magazine articles, reports, and email exchanges on various issues related to the campaign among the women who were members of the TCK\_Kadin Listserv,<sup>7</sup> covering the years 2003–2004. In addition, a series of nine semi-structured interviews was conducted with members of the parliamentary Justice Commission that prepared the draft law; women MPs from both the government and opposition parties, including the women’s minister, and board members of lesbian, gay, bisexual, and transgender (LGBT) organizations in Istanbul and Ankara.

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5 ‘Bakan Akşit: AB’ye Gireceğiz Diye Değer Yargılarımızdan Vazgeçemeyiz’ [Minister Akşit: Just Because We Want To Join The EU, We Cannot Give Up Our Values], *Zaman*, 28 August 2004.

6 ‘Türk Kadını, Marjinal Bir Kesim Temsil Edemez’ [A Marginal Group Cannot Represent the Turkish Woman], *Zaman*, 25 September 2003.

7 The name of the electronic listserv of the members of the WPTPC, which can be translated from Turkish as TPC (Turkish Penal Code)\_women.

## Background: From Religious Discourses to Gendered National Identities

The history of the modernization movement in Turkey dates back to the nineteenth century Ottoman Empire. The defenders of modernization, from the reformists of the nineteenth century to the Kemalists of the Republican Period, claimed that education and the 'liberation' of women were preconditions for the achievement of modernity and thus sought to overcome traditional gender role ideology in the attempt to align with contemporary modern values.<sup>8</sup> During the period between the 'Beneficial Reforms' beginning in 1839 and the second constitutional period in 1908, the modernists particularly criticized arranged marriages, polygamy and gender segregation, and advocated for women's free access to education and to relationships and marriages based on love. On the other hand, conservatives, including Islamists, have subsequently attempted to limit the effects of modernization to the technical, administrative and material domains, while building on the foundations of the past. They have constantly emphasized the importance of the cultural and ethical legacies of Turkish society, and have maintained that gender relations must be regulated by *shari'a* (Islamic law), in order to preserve ethics and moral values. The conservatives have traditionally viewed reforms on gender relations as influenced by western thought and threatening to the prevailing cultural identity. Although the exact content of, and actors in, the tug-of-war between tradition and modernization have changed throughout history, it is striking that at the end of the twenty-first century, the role of women in society remains one of the main subjects of debate.

The founding of the Turkish Republic in 1923 was followed by the introduction of several reforms, including the abolition of *shari'a*, secularization of the state and revolutionary changes for women.<sup>9</sup> In 1926, the introduction of the Turkish Civil Code, adapted from the Swiss Civil Code, banned polygamy and granted women equal rights in matters of divorce and child custody. The civil code in particular was an important victory over the advocates of *shari'a*.<sup>10</sup> However, as feminist political scientist Şirin Tekeli argues, women's rights granted by Kemalists were intended to destroy links to the Ottoman Empire and to strike at the foundations of the religious hegemony.<sup>11</sup> Indeed, it seems that the official position of the new republic on the status of women was restricted to a secularist stance intended to reform the Islamic

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8 Nilüfer Göle, *Modern Mahrem: Medeniyet ve Örtünme [The Forbidden Modern: Civilization and Veiling]* (Istanbul: Metis Yayınları, 1993).

9 The reforms, which represented a political revolution, included the abolition of the Sultanate and the caliphate, the adoption of Latin letters for the Turkish alphabet and the encouragement of western clothing for women and men. The ideological foundation of these reforms came to be known as Kemalism and is also depicted as 'the Kemalist revolution' since this all occurred under the leadership of Mustafa Kemal, who became the first elected president of the Turkish Republic and remained so until his death in 1938.

10 Yeşim Arat, '1980'ler Türkiye'sinde Kadın Hareketi: Liberal Kemalizmin Radikal Uzatısı' [Women's Movement in Turkey in the 1980s: A Radical Extension of Liberal Kemalism], in *Türkiye'de Kadın Olgusu* [The Issue of Women in Turkey] ed. Necla Arat (Istanbul: Say Yayınları, 1994): 71–92.

11 Şirin Tekeli, *Kadınlar ve Siyasal Toplumsal Hayat* [Women and Socio-political Life] (Istanbul: Birikim Yayınları, 1982).



way of life, rather than to promote the actual liberation of women in everyday life. Thus, women were presented as the ‘emblem’ of secularism and the ‘new Republic,’ just as the conservatives and Islamists used them as symbolic and literal ‘protectors’ of family values and the social status quo.

Despite the apparently opposing views of modernists and Islamists on women’s role in society, they in fact competed in their zeal to construct a patriarchal ideal of female sexuality and to maintain and reconstruct mechanisms aiming to control women’s sexuality and bodies. The modernists/nationalists attempted to confront the social anxieties triggered by women’s participation in the public sphere through the construction of the modern Turkish woman: emancipated and active in the founding of the new republic as mother, teacher and political activist, yet also modest and chaste.

Deniz Kandiyoti, in her analysis of representations of women in the novels of Halide Edip Adıvar, an eminent female writer and political activist of the pre-republican period, concludes that the female characters in Adıvar’s novels represent a nationalist consensus on ‘the terms under which women could be accepted into public life in republican Turkey: as asexual and devoid of their essential femaleness.’<sup>12</sup> She also notes that although the modernists/nationalists took great pains to establish a new nationalist morality in which the equality of women could be justified as an integral part of pre-Islamic Turkic cultural mores, obviously such reassurance was not deemed sufficient. As the then leading ideologue of the Turkish nationalist movement, Ziya Gökalp, claimed, the principal virtue of Turkish woman is *iffet* (virtue, chastity).<sup>13</sup>

In her analysis of the Kemalist socialization of women, Durakbaşa observes that in the puritanical construction of women’s morality in the new Turkish Republic, the concept of honor gained a new emotional importance for both women and men. While opening a new space for themselves in the public domain, women were held responsible for maintaining the highest moral standard of ‘harmless’ interaction with men.<sup>14</sup> Accordingly, in order to claim the newly opened public space, women had to master the complicated art of covering their sexuality, this time with an invisible veil.

Yet, it seems that the founders of the modern republic did not quite trust women’s capacity to fulfill their new citizenship obligation. Thus Islamic and customary laws, norms and discourses were simply translated into a new language, subsumed under a notion of public morality constructed around values such as *namus* (honor), *ırz* (purity, honor), *iffet* (chastity), *haya* (shame) or *müstehcenlik* (obscenity). This new language was also entrenched in the 1926 Turkish Penal Code, adopted from Mussolini’s Italy, as part of westernization efforts by the new republic. Not only was the new Penal Code based on the code of an extreme right-wing regime, it also

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12 Deniz Kandiyoti, ‘Slave Girls, Temptresses and Comrades: Images of women in the Turkish novel,’ *Feminist Issues*, 8, 1 (Spring 1998): 35–50.

13 Ibid.

14 Ayşe Durakbaşa, ‘Cumhuriyet Döneminde Modern Kadın ve Erkek Kimliklerinin Oluşumu: Kemalist Kadın Kimliği ve Münevver Erkekler’ [Formation of Modern Female and Male Identities in the Republican Era: The Identity of Kemalist Women and Enlightened Men], in *75 Yılda Kadınlar ve Erkekler* [Women and Men in 75 Years of the Turkish Republic], ed. Ayşe Hacımirzaoğlu (Istanbul: Tarih Vakfı, 1998): 29–50.

incorporated several articles common to penal codes of Middle Eastern countries. Sherifa Zuhur, who conducted a comparative study of criminal laws in the Middle East and North Africa, argues that the criminal codes in the Middle East and the Muslim world consistently remind us that the primary social identification of women is as reproductive and sexual beings who are constrained by men, the family, and the state.<sup>15</sup>

The Turkish Penal Code of 1926 reflected an understanding of sexuality, in particular women's sexuality, as a potential threat to public order and morality, and thus in need of legal regulation. The Code included sexual crimes under the section 'Crimes Against Society,' sub-section *Adab-ı Umumiye ve Nizam-ı Aile* (Crimes Against Traditions of Morality and Family Order), instead of defining these as crimes against persons. The determination of crimes such as rape, abduction or sexual abuse against women as crimes against society, rather than as crimes against individuals, was not only a manifestation of the Code's foundational premise that women's bodies and sexuality are the property of men, family or society; it was also a reflection of the social anxiety about a perceived need for stricter state control of sexuality in the context of the liberalizing impact of the Kemalist revolution, including the abolition of religious laws, the participation of women in the public sphere and the implementation of western dress codes.

### **The New Feminist Movement and the Rise of Political Islam in the 1980s**

Right and left wing political movements dominated Turkish political debate and action in the 1960s and 1970s, in reaction to strong state controls. In this environment, women's issues were subsumed under Marxist discourses, as leftist women activists were incorporated into the Marxist movement. Thus, the emergence of a new feminist movement similar to those in the West did not take place until the late 1980s. The new Turkish feminist movement of the 1980s brought human rights violations against women in the private sphere to public attention for the first time. An initial campaign focusing on domestic violence was followed by a widespread and energetic feminist campaign against sexual harassment and sexual violence in 1989, resulting in a significant legal reform: Article 438 of the Turkish Penal Code, which reduced by one third the sentence given to rapists if the victim were a sex-worker, was repealed by the Grand National Assembly in 1990. However, the initial vigor of the new feminist movement to publicize issues related to women and sexuality was short-lived. The rise of political Islam, concurrent with the emergence of the new feminist movement, changed the political scene in Turkey dramatically. The women's movement was confronted not only with the rise of the Islamic religious right but also with the rise of militarism and nationalism, spurred to a large extent by the armed conflict between Turkish security forces and the separatist Kurdistan Worker's Party (PKK) that started in 1984.

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15 Sherifa Zuhur, *Gender, Sexuality and the Criminal Laws in the Middle East and North Africa: A Comparative Study* (Istanbul: WWHR-NEW WAYS, 2005).

The triumph of the pro-Islamic Welfare Party in 37 provinces in the 1994 local elections drastically shifted the Turkish political scene. The perceived threat of the Islamic religious right redirected most women's attention and interest from women's human rights violations in the private sphere to the protection of 'republican principles' and secularism, thus the 'Kemalist' ideology. These were the traditional concerns of pro-republican women activists, whose main agenda has historically been the defense of the principle of secularism as well as the protection and advancement of women's legal rights in the 'public' sphere. As a consequence, the ideological differences between feminist activists and traditional pro-republican women activists, which might have been expected to diminish under more advantageous political conditions, further deepened following the elections. Despite the rapid emergence and institutionalization of several women's non-governmental organizations (NGOs) throughout Turkey, the rise of the Islamic religious right, nationalism and militarism, and the resulting polarization of the political environment in the 1990s have diminished the space for feminist discourses and activism on a number of issues. In the 1990s, the new feminist movement failed to raise a substantial critical focus on militarism and the rise of nationalistic ideologies. Issues concerning sexuality, sexual liberation, critiques of the heteronormative model, the redefinition of female sexuality and the human rights of lesbians, which might have taken hold in a more politically supportive environment, failed to establish themselves in the public agenda.

Throughout the 1990s, feminist activism and legal advocacy in Turkey concentrated mainly on reforming of the Civil Code, which declared husbands as heads of family and contained provisions violating both the constitutional guarantee of gender equality and international conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Turkey was signatory.<sup>16</sup> Although reform of the Civil Code and amendments for gender equality became an issue on the public agenda, nothing came to fruition until the full-fledged Civil Code reform in 2001 that resulted from a dynamic and extensive feminist campaign by a coalition of over 120 women's NGOs from around the country – the broadest alliance of women's groups since the new feminist movement emerged in the 1980s. The campaign was triggered by a coalition of male MPs, led by the government Nationalistic Action Party and the opposition Islamist Welfare Party, who unexpectedly opposed gender equality clauses in the draft law aiming to reform the Turkish Civil Code. This backlash occurred despite the acceptance of Turkey as a candidate for EU membership in December 1999, a development expected to intimidate opponents of gender equality. The opponents stubbornly argued that the gender equality provisions would create anarchy and chaos in the family and threaten the foundations of the Turkish nation. Nonetheless, the campaign by the women's coalition gained media and public attention, which viewed with scorn any resistance to the notion of equality between men and women. In consequence, the opposition had to step back, and the Campaign played a key role in the ultimate realization of the November 2001 civil code reform that abolished the

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<sup>16</sup> Turkey ratified CEDAW in 1985, with several reservations but also a promise to remove them in a short time, though this was not realized until 2002.

supremacy of men in marriage, establishing full legal equality of men and women in the family.

### **Seizing a Window of Opportunity: The Campaign on the Reform of the Turkish Penal Code from a Gender Perspective**

Inspired and motivated by the successful outcome of the campaign to reform the civil code in the face of strong opposition, Women for Women's Human Rights (WWHR)–NEW WAYS, a leading Turkish women's NGO and key advocate for civil code reforms on gender equality since the early 1990s, initiated a Women's Working Group on the Turkish Penal Code (WWGTPC) in early 2002. Two years after Turkey was accepted as a candidate for full EU membership, the government, in agreement with the EU, had prepared a national program in 2001. It outlined the political, economic, and legal reforms that Turkey pledged to carry out by late 2004 to fulfill EU membership criteria. This included the reform of the Penal Code. The European Commission, which urged Turkey to reform its penal code, was concerned mainly with the abolition of the death penalty, pre-trial detention provisions and the expansion of the scope of freedom of expression, and not with gender equality or articles concerning sexuality. Despite the lack of EU interest in these areas of reform, WWHR–NEW WAYS saw in the planned reform of the Turkish Penal Code an opportunity to push for reforms on gender equality and sexual rights. The Working Group (WWGTPC) included 15 representatives from NGOs and lawyer's associations as well as academics from various regions of Turkey. Its focus was a comprehensive reform of the Turkish penal code from a gender perspective that included a strong set of principles concerning sexual rights and bodily integrity.

The holistic view of sexual rights and bodily integrity, accepted by the group after discussion, was based on a philosophy recognizing the basic human right of all women to full autonomy over their bodies, sexuality and reproductive capacity, independent of their age, marital status, socio-economic background or sexual orientation. The aim was not only to change certain articles in the Code that violate women's human rights violations. An example of this is the elimination of the article allowing for sentence reductions to perpetrators of honor crimes, the only issue on the EU agenda related to women. Another objective of the campaign is to rewrite the law with a philosophy that recognized all women's autonomy over their bodies and sexuality as the main guiding principle. The demands of the Working Group were therefore presented as a single indivisible package.

In keeping with these principles, the WWGTPC adopted a methodology to translate these demands into legal terms. After identifying all the articles that violate human rights and the right to sexual and bodily integrity in both the existing code and the draft law, the group undertook a comparative study of penal codes in different countries. This helped the group to prepare detailed proposals and justifications for about 45 amendments, formulated as new provisions and articles to be integrated in the new law, which the group then published as a booklet. While the efforts of the WWGTPC were underway, the three-party government coalition led by the social democrats resigned unexpectedly after a political crisis, followed by early elections

in November 2002 that ended with a stunning victory for the newly formed religious conservative AKP.

Despite repeated requests by the WWGTPC, representatives of the new government refused to meet with members of the group to hear their demands. Faced with strong government resistance, the WWGTPC decided to extend its lobbying efforts into a massive public campaign, which it launched on 23 May 2003 with a widely attended press conference. The Campaign, and the discussion on sexuality it provoked, drew great public and media interest, resulting in several front-page headlines and daily coverage by a majority of newspaper, TV and radio outlets. The Campaign continued for one and a half years, until the new Penal Code was ratified by parliament in September 2004, with more than 35 amendments to laws concerning sexuality and sexual crimes.<sup>17</sup>

The most controversial debates during the campaign revolved around social constructions of honor, virginity, sexuality of youth, and sexual orientation, all of which are issues understood as related to extra-marital sexuality and strongly opposed by religious conservatives in various Muslim countries.<sup>18</sup> About 40 of the women's platform demands were accepted. Six proposals, however, were rejected: designation of honor crimes as aggravated homicide; criminalization of virginity tests; removal of an article penalizing consensual sexual relations between youths aged 15–18; and the penalization of discrimination based on sexual orientation.<sup>19</sup>

The section below presents the essential elements of the controversial public discourses on honor, virginity, sexual relations of youth and sexual orientation during the Campaign for the Reform of the Turkish Penal Code and the different sides in these debates.

## **Contested Discourses**

### *Honor and Virginity: Fundamental Constituents of 'Turkish identity?'*

Issues around honor and virginity were the most controversial and widely debated topics throughout the Campaign for the Reform of the Turkish Penal Code from a Gender Perspective. The significance attached to virginity and honor in both rural

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17 The Platform's demands in the Penal Code reform included a revision regulating sexual offences under the section 'crimes against individuals,' sub-section 'crimes against sexual inviolability,' instead of the previous section 'crimes against society,' sub-section 'crimes against moral customs,' constituting a groundbreaking shift in the overall perspective of Turkish Penal Law. The notion that women's bodies and sexuality are commodities of men and of society, and that sexual offences are to be regulated with reference to patriarchal social constructs such as 'society's traditions of morality,' 'chastity,' and 'honor' were deleted, bringing first-time legal recognition of women's ownership of their bodies.

18 Liz Erçevik Amado, 'Sexual and Bodily Rights as Human Rights in the Middle East and North Africa: A Workshop Report,' *Reproductive Health Matters*, 12, 23, (May 2004): 125–8.

19 The two other rejected demands were the removal of an article prohibiting publication of 'obscene' content and the extension of the legal abortion period from 10 to 12 weeks.

and metropolitan Turkey is deeply entrenched; both constructs involve social, legal and political means for controlling all forms of female extra-marital sexuality. Unmarried women are generally expected to remain virgins until their wedding night, and virginity is not only the symbol of a woman's purity and chastity, but also an icon of her family's honor. Sexual relations outside marriage on the part of a married woman, including rape, are generally understood primarily as assaults on men's honor as well.

The WPTPC's demands to reform the Code in relation to issues of honor and virginity became the major focus of opposition from the religious conservatives. Only a few days after the launch of the campaign, *Vakit*, a radical religious right newspaper, attacked women's groups with the headline 'The Shameless Proposal,' claiming that the Platform's demands to remove all penal code references to *namus* (honor) and *adab* (public morality) were 'immoral' and 'shameless.'<sup>20</sup> Interestingly, the arguments in the article were not based on religion, that is, Islam, but centered on the construction of Turkish national identity. The article argued that the WPTPC demands were alien to Turkish society and that its members were obviously leading lives completely estranged from the Turkish nation. Notably, throughout the entire campaign this argument by a radical religious right newspaper underlay both religious and secular conservative discourses against the demands concerning honor and virginity.

Several of the WPTPC demands aimed to delete articles in the Code that constructed honor and female virginity as values to be protected by law. One called for the removal of an article canceling punishment in cases where a rapist married his victim. This article was predicated on the understanding that a woman who had been raped, and therefore dishonored, could restore her honor by marrying her rapist; and by marrying his victim, the perpetrator's offence could be considered undone. This article not only resulted in the elimination of penalty in the case of crimes against unmarried women; it also re-victimized the woman as she was forced, first, by her own family to marry her rapist, to 'save' their honor, and second, by the perpetrator's family, to prevent his incarceration. It also served to sustain a cultural construction of honor, which enables the violation of women's sexual autonomy by the law itself. The feminist movement brought the issue of honor to the public agenda for the first time and the Campaign contributed significantly to raising public consciousness about the issue.<sup>21</sup> Of all the feminist demands, this issue addressing the re-victimization of a victim was the first to gain passionate widespread support from liberal and left-leaning media shortly after the launch of the campaign. The newspaper headlines at the time reflected growing criticism of the provision, as they declared the provision: 'The Additional Punishment of Marriage for Victims of Rape,'<sup>22</sup> 'The Law that has Women Up in Arms,'<sup>23</sup> and 'Turkey's Contribution

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20 M. Yılmaz, 'Edep'siz Teklif' [The Shameless Proposal], *Vakit*, 28 May 2003.

21 Article 433 of the old Turkish Penal Code.

22 E. Korap, 'Tecavüze Uğrayana Bir de Evlilik Cezası' [The Additional Punishment of Marriage for Victims of Rape], *Milliyet*, 24 July 2003.

23 'Kadını İsyân Ettiren Yasa' [The Law that has Women Up in Arms], *Cumhuriyet*, 23 September 2003.

to the Criminal Medicine Literature: Rape to Marry.<sup>24</sup> The media focus on this one demand in relation to a legal provision that re-victimized women from among over forty demands of the WPTPC that aimed at sexual liberation, was not surprising given that the portrayal of women as victims is as popular a theme in Turkish media as elsewhere in the world. Indeed, the tendency to reproduce the image of women as victims exists even among the global women's movement in its advocacy for women's human rights.<sup>25</sup>

However, despite the early public and mainstream/left media support for the cancellation of the provision in question, members of the government did not hesitate to vehemently support the retention of the provision. As the parliamentary sub-commission working on the draft law revision began convening in October 2003, Prof. Doğan Soyaslan, a chief consultant to the justice minister, triggered a public uproar when he stated:

No man would like to marry a woman who is not a virgin. Marrying the rapist after a rape is a reality of Turkey. The brother and the father of a girl who was raped would like her to marry the rapist. Those who oppose this here (at this meeting) would also like to marry virgins. Those who claim the opposite are fakers.<sup>26</sup>

This statement, coming from a senior government representative, was a turning point for the campaign, prompting the widest outburst of public opposition against the government regarding the draft law since the start of the campaign, and bringing public attention to the debate between the government and the Women's Platform to a peak. Two weeks later, Soyaslan created an even greater uproar when he stated during a televised debate that this provision in the Code generally applied in situations involving victims of lower socioeconomic status, adding that he could not imagine applying it to his own daughter.<sup>27</sup> Asked if he would marry his daughter to a man who had raped her, he said: 'No, but I'm different, I'm a professor. I would think that she had gone to him of her own will. If that wasn't the case, I wouldn't allow her to marry him.'<sup>28</sup> Soyaslan's remarks reflected the little-recognized fact that in Turkey, women and girls of lower socio-economic status are disproportionately affected by legal articles and provisions that violate women's human rights, not only because they are more vulnerable to the impact of discriminatory traditions and customary

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24 'Türkiye'den Adli Tıp Literatürüne Katkı: Evlilik Amacıyla Tecavüz' [Turkey's Contribution to the Criminal Medicine Literature: Rape to Marry], *Vatan*, 28 September 2003.

25 Ratna Kapur, *Erotic Justice: Law and the New Politics of Postcolonialism* (London: Lashhouse Press, 2005).

26 Z. Yalçın, 'Bakan Danışmanının 'Bekaret' Takıntısı' [The 'Virginity' Obsession of the Minister's Consultant], *Sabah*, 23 October 2003; G. Önal, 'Kimse Bakire Olmayan Biriyle Evlenmek İstemez' [Nobody Wants to Marry a Woman Who Is Not a Virgin], *Milliyet*, 23 October 2003; and İ. Korkmaz, 'Herkes Bakire İster' [Everybody Wants a Virgin], *Hürriyet*, 23 October 2003.

27 Habertürk TV, 'Basın Kulübü' [The Press Club], first aired on 2 November 2003, and repeatedly aired on the same channel for several days after.

28 Duygu Asena, 'Profesör ve Düş Kırıklığı' [The Professor and Disappointment], *Yarın*, 5 November 2003.

practices, but also because they are deprived of the socio-economic means to protect themselves from such violations.

Soyaslan's defense of women's honor and virginity as Turkish values that should be protected in law was supported by the extreme religious right newspaper *Vakit*. The newspaper argued that the Platform was not representative of Turkish women, despite the fact that it was made up of 26 NGOs from almost every region of the country. The paper also implied that the proposals were created under Jewish influence, targeting a member of WWHR whose father was a Jewish citizen of Turkey.<sup>29</sup> A columnist in *Vakit* argued that the WPTPC was not representative of Turkish women because the member organizations 'belonged to high society and radical leftist organizations, whose sexual instincts have become out of control.'<sup>30</sup> The article did not mention how members of high society and radical leftist organizations had come to be united for a common cause despite their class conflicts.

There is no question that the Turkish constitutional principle of secularism played an important role in the decision of the religious conservative AKP government to base its opposition to Penal Code reforms promoting gender equality and sexual rights on the ideology of 'national values' rather than on religious arguments. However, I would argue that other historical and strategic factors played a more important role in this secularization of oppositional discourse. As I argued earlier in this chapter, the transformation from the Ottoman Empire and its legal regime based on religious norms to a modern, secular Turkish Republic with a secular, western legal framework included the translation of Islamic and customary laws, norms and discourses on gender hierarchy into a new language. This language appeared secular but, in essence, embedded traditional philosophical and ideological gender constructs within the 'new' national identity, including such concepts as *namus* (honor), *ırz* (purity, honor), *iffet* (chastity) and *haya* (shame). The choice of arguments based on national identity to ground the legal regulation of women's bodies in defense of honor and virginity was not only consistent with this historical discourse but also secured the support of secular conservatives on these issues. Indeed, renowned secular jurists and academics supported the religious conservatives in their opposition to amendments of articles concerning honor and virginity, agreeing that these articles were in line with Turkish customs and traditions. For example, a respected professor of criminal law, Sulhi Dönmezer, often referred to as 'the professor of professors,' asserted that the penal code article canceling sentencing for rapists who subsequently married their victims should remain as 'this law is in line with realities of Turkey. Virginity is a component of Turkish customs and practices. The law has to respect this.'<sup>31</sup>

Although Islam forbids extra-marital sexuality for both women and men, customary practices such as honor killings or virginity testing cannot be justified by an appeal to the Qur'an. In 2004, Turkey's department of religious affairs issued

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29 'Azgın Teklif' [The Wild/Oversexed proposal], *Vakit*, 14 November 2003.

30 A. Karakoç, *Vakit*, 6 October 2003.

31 E. Lakşe, 'Eşinizi Bakire mi Alırdınız?' [Do You Prefer a Virgin Wife?], *Haftalık*, 6 November 2003.



a statement that honor crimes are patriarchal practices condemned by the Qur'an.<sup>32</sup> It is also notable that virginity is a requirement of all Muslims until marriage; the Qur'an makes no distinction between women and men here, despite the obsession with female virginity in both the Penal Code and the Turkish society.<sup>33</sup> Thus, the use of a historicized construction of values anchored to national identity, as opposed to religion, to defend the judicial encoding of honor and female virginity was an effective strategy that not only avoided political, ideological or social complications, but also ensured the support of secular, liberal conservatives. It could do so because the Kemalist form of secular republicanism was always based on premises of male privilege and women's sexual subordination embedded in Turkish national identity.

Despite intense political opposition, intensive lobbying by the Platform and the growing public uproar over the rape article finally resulted in the acceptance of many of the WPTPC's demands. Under increasing public pressure, parliament finally accepted not only the deletion of the article providing for sentence cancellations for rapists who married their victims, but the deletion of several other references in the old Penal Code referring to 'society's traditions of morality,' 'chastity,' and 'honor.' Rape and sexual assault, defined as 'forced or consensual seizure/attack of honor/chastity' in the old code were redefined as 'any sexual act violating a person's bodily inviolability.'<sup>34</sup> Articles discriminating between women based on virginity or marital status, such as provisions for a lighter sentence in cases where a rape victim was not a virgin or an abducted woman was unmarried, were removed. Clauses implying legal distinctions between virgins and non-virgins were deleted from the 'Definitions' section, and the code no longer considers the need to save her honor a mitigating circumstance in an unwed mother's murder of a newborn.

However, as explained below, some demands of the Women's Platform were rejected, and none less vigorously than those justifying reduced sentences for perpetrators of honor killings.

### *Honor Killings or Custom Killings: What's in a Name?*

While there has been extensive feminist activism against honor killings in Turkey since the 1990s, the debates during the campaign showed that there was considerable controversy and confusion regarding the conceptual definition of honor as it related to female sexuality and honor killings. One interesting outcome of this conceptual controversy was the acceptance by the Justice Commission, in one of its final meetings on the draft in May 2004, of the inclusion of 'custom killings' instead of 'honor killings' in the article defining aggravated homicide. The Platform had never used the term 'custom killings' in its publications or campaign statements, and

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32 The Republic of Turkey, Presidency of Religious Affairs, 'Press Release,' 8 March 2004, <<http://www.diyinet.gov.tr/english/default.asp>> (accessed 9 June 2005).

33 In Turkey, a woman is expected to stay a virgin until her wedding night, whereas men are traditionally encouraged to engage in sexual relations before marriage.

34 Article 102 (1) of the new Turkish Penal Code.

immediately issued a statement that replacing 'honor killings' with the term 'custom killings' was unacceptable.<sup>35</sup>

While both terms are commonly used in Turkey, often erroneously in an interchangeable manner, the term 'custom killing' is associated primarily with a practice more prevalent in eastern and southeastern Turkey, in the context of a semi-feudal traditional agricultural economy and among a predominantly Kurdish population. It entails a death warrant issued by the so-called extended 'family assembly' for a female accused of 'dishonoring' her family through alleged 'inappropriate' conduct. While 'custom killings' are also 'honor killings,' honor killing is a broader term that entails any act of murder motivated by the (male) perception that his 'honor' has been blemished by the actions of a female relative. Thus, the term honor killing includes both so-called 'crimes of passion,' arising from feelings of hurt, jealousy or passion on the part of a spouse, as well as the more traditional customary practice of a death warrant as described above.

The definition of 'custom killings' instead of 'honor killings' as aggravated homicide in the Penal Code was the result of a last minute compromise proposal by a number of female MPs from CHP (social democrat opposition party) after repeated rejections of several proposals on honor killings by both the draft law sub-commission and the Justice Commission. As Gaye Erbatır from CHP explains:

The issue of honor was discussed for days ... AKP members constantly argued that if a man sees his wife with another man, what else can he do except to defend his honor? ... Honor was a very sensitive issue that they were obsessed with. So, we thought we could convince them to at least to accept the term custom killing, which has different connotations. However, there was also resistance against the proposal on custom killings from AKP. Although the Minister of Justice supported the proposal, several AKP members of the Justice Commission voted against it, thus it was not accepted unanimously.<sup>36</sup>

It seems that under pressure from women's groups, the public, the media and the opposition party CHP, AKP made a compromise that created an unclear, arbitrary and inconsistent distinction between custom and honor killings. In fact, both of these terms imply that murder in the name of honor is a lesser or even a justified crime. Bekir Bozdağ, an AKP sub-commission member, acknowledges this confusion:

Custom and honor killings do not intersect one hundred per cent, but all examples given by those who prefer the term honor killings can also be conceptualized under the notion of custom killings. Obviously there is conceptual confusion here.<sup>37</sup>

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35 TCK Kadın Çalışma Gurubu [Women's Working Group on the Turkish Penal Code], *Kadın Bakış Açısından Türk Ceza Kanunu* [Turkish Penal Code from a Gender Perspective], (Istanbul: WWHR-NEW WAYS, 2003).

36 Gaye Erbatır (female MP from CHP and member of the WPTPC), author interview, December 15, 2005.

37 Bekir Bozdağ (male MP from AKP and member of the sub-commission on the draft Turkish Penal Code and the Parliamentary Investigation Commission on Custom and Honor Killings and Violence against Women and Children), author interview, 15 December 2005.

An analysis of the interviews with members of the sub-commission shows a perceived difference between honor and custom killings, based on idiosyncratic understandings of custom and honor, as elucidated by Hakkı Köylü, the head of the sub-commission:

Honor was the issue that triggered the biggest discussion. I was under immense pressure on this issue, especially from the women's organizations ... I agree that custom killings cannot be justified. Just because the customs demand so, it is not right that a girl is killed when she elopes and marries someone her family does not agree with. This is a custom killing, I understand ... However, if a father kills the man who abducted his daughter, this is not a custom killing, because it includes a provocation ... such a thing can provoke and distress a man. Or, if a man kills a man he found in bed with his wife, this is not a custom killing ... This is an honor killing, and you cannot put it in the same basket with a custom killing ... We have to accept that this is a homicide which is conducted under provocation and should receive a reduced sentence.<sup>38</sup>

The construction of honor as a sacred value and its deep association with female sexuality was so strong that AKP members vehemently resisted any association of acts described in terms of 'honor' with criminal penalty. Adem Sözüer, an independent expert on the sub-commission, says that the discussions about honor were often irrational:

Penalizing killings in the name of honor seemed to be considered almost like penalizing honor as a value. They said, 'How can we use the words honor and penalty together? One should lead an honorable life, this is one of our basic values, for example if a spouse kills her/his spouse because she/he caught him/her with someone else ...' – I offer this example because it was repeated constantly – shall there be a sentence reduction or not, that was the major discussion ... Therefore, the discussion generally concentrated on how to solve this problem without using the word honor.<sup>39</sup>

Sözüer claims that there was not a great difference between the AKP and CHP perspectives on honor as a positive value, especially regarding the use of the word 'honor' in the Code. Orhan Eraslan, an MP from CHP, said:

AKP argued that honor is a value of Turkish society, and that we could not therefore bring a legal provision against it. This issue is a double-edged sword. If there is public pressure on them, do you think we did not feel the same pressure? AKP presented the issue as if we (as CHP members) are against honor and thus unscrupulous, immoral ... Such pressure was created, but we tried to withstand it, we tried to demonstrate this was unacceptable.<sup>40</sup>

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38 Hakkı Köylü (male MP from AKP and head of the sub-commission on the draft Turkish Penal Code), author interview, 15 December 2005.

39 Adem Sözüer (Professor of Law, independent expert member of the sub-commission on the draft Turkish Penal Code), author interview, 13 December 2005.

40 Orhan Eraslan (male CHP member and member of the sub-commission on the draft Turkish Penal Code) author interview, 15 December 2005.

This reflects the fact that honor and virginity, as socio-cultural constructs, are deeply entrenched in Turkish popular discourse, and their elimination requires wide campaigns aiming at their deconstruction.

*Criminalization of Consensual Sexual Relations of Youth: The Turkish Social-Democrats in Defense of Virginity*

CHP presented a more conservative attitude when it came to the issue of pre-marital sexual relations. A CHP MP on the commission, who had been otherwise very cooperative with the WPTPC, played a leading role in the inclusion of a Penal Code article providing for the criminalization of consensual sexual relations of youths aged 15–18 upon complaint, despite strong protests by both the Platform and some AKP members.<sup>41</sup> In discussions with Women's Platform representatives, including the author of this chapter, he repeatedly mentioned that he has a daughter and he believed this article was very important to protect girls. The female MP from CHP who worked most actively on the reform process also reported that female CHP MPs encountered the most resistance from male party colleagues on the issue of decriminalizing consensual sexual relations among youths.<sup>42</sup>

During sub-commission discussions, CHP members claimed that the opposition of some AKP members to the article criminalizing consensual adolescent sexual activity was based on their quest to maintain the customary practice of early/religious marriages.<sup>43</sup> This claim is based on the fact that, in cases of early marriages that are still very common in Turkey, a religious marriage ceremony is conducted even though religious marriages do not have any legal validity in Turkey and holding a religious marriage ceremony prior to the civil ceremony is forbidden by law.<sup>44</sup>

The insistence of CHP, a social democratic party, to criminalize sexual relations of youth, while some of AKP members with a religious conservative background opposed such a criminalization, to defend the customary practice of early marriages, illustrates the unique complexity of political attitudes regarding sexuality in a secular Muslim country. So, in this instance, a supposedly liberal and secular position led to the more conservative outcome. Indeed, the defense of secularism and secular law against religious/customary practices also led to conservative stances by CHP on other issues. For example, while CHP representatives were instrumental in the criminalization of marital rape in the new Penal Code, they rejected the Platform's demand to include a provision that also included women living in *de facto* marriages in the article, asserting that this would lead to an implicit support of religious

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41 Adem Sözüer, author interview, 13 December 2005.

42 Gaye Erbatur (female MP from CHP and member of the WPTPC), author interview, 15 December 2005.

43 Until 2001, the minimum legal age for marriage was 15 for girls and 17 for boys in Turkey. It was raised to 17 for both sexes with the reform of the Turkish Civil Code in 2001.

44 Research shows that 16.3% of women living in Turkey's eastern and southeastern regions were married by the age of 15, the minimum legal age for marriage until 2001. See Pınar İlkcaracan, 'Doğu Anadolu'da Kadın ve Aile [Women and Family in Eastern Anatolia],' in *75 Yılda Kadınlar ve Erkekler* [Women and Men in 75 Years of the Turkish Republic], ed. Ayşe Hacımirzaoğlu (Istanbul: Tarih Vakfı, 1998): 173–92.

marriages, which are not validated by the Turkish Civil Code. Eraslan explains their opposition to including women living in *de facto* marriages in the article criminalizing marital rape:

Of course a couple may live together without a legal (civil) contract. In many places of the world, this is a common situation that is a result of modern life. This is something that is very acceptable. However, the case of religious marriages is a different issue, as they lead to polygamy and women's oppression ... We thought if we include *de facto* relations in the article on marital rape, this could lead to an open door for further acceptance of religious marriages ... This would lead to worse consequences ... Therefore we removed the term *de facto* marriages from the article.<sup>45</sup>

Article 104 regulating sexual activity among youths, stipulating a sentence of six months to two years imprisonment upon complaint for anyone engaging in sexual relations with young persons between the ages of 15–18, in the absence of any force, threat or ruse, was accepted by the Turkish Parliament despite fervent protests of the WPTPC.<sup>46</sup> However, at the beginning of 2006, only six months after the new Turkish Penal Code came into effect, the court of Assize in Ardahan, a province in eastern Turkey, appealed to the Constitutional Court for the cancellation of the article, arguing that it results in ambiguous legal situations concerning whom to penalize in cases of consensual sex between boys and girls aged 15–18, and also violates the equality principle of the constitution as it foresees penalizing an individual based on complaint by a third party.<sup>47</sup>

The Women's Platform demand to create a Penal Code article criminalizing virginity tests was also rejected by both parties. CHP instead proposed a provision penalizing genital examinations without authorization by a judge or a prosecutor, claiming this would serve to prevent virginity testing. The provision was strongly opposed by women's groups, as it fails to explicitly name and ban virginity testing, and does not require the woman's consent, leaving room for forced examinations. Nonetheless, the provision was accepted by parliament without any revision.<sup>48</sup>

### *Penalization of Discrimination Based on Sexual Orientation: A Short-Lived Success*

The first organizational efforts around gay and lesbian rights in Turkey date back to the beginning of the 1990s. In July 1993, the Istanbul Governorate forbade a planned series of activities, intended to bring gay and lesbian issues to public attention in Turkey. In response, the group involved in preparing the demonstration founded

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45 Orhan Eraslan (male CHP member and member of the sub-commission on the draft Turkish Penal Code) author interview, 15 December 2005.

46 The second paragraph of the article that stipulated doubling the penalty if the perpetrator is more than five years older than the victim was cancelled by the Turkish Constitutional Court on the grounds that it violated the equality principle of the Turkish Constitution.

47 Ö. Kaya, 'Gençlere Cinsel Özgürlük Davası' [The Court Case against Sexual Freedom among Youth], *Yeni Hukuk*, 1, 4 (January 2006): 20.

48 Article 287 of the new Turkish Penal Code.

Lambda Istanbul, the first gay and lesbian organization in Turkey, to focus on instituting gay and lesbian rights and raising public consciousness of issues faced by gays and lesbians in Turkish society. A year later, in September 1994, another gay and lesbian group, KAOS GL, organized in Ankara to fight discrimination against gays and lesbians. Both organizations have since widely contributed to raising awareness on gay, lesbian and transgender people in Turkey. Transgender sex workers have achieved high visibility in the Turkish media regarding their activism against the high level of police violence they are subject to. However, rights around sexual orientation have not yet been a topic of public debate.

Criminalization of discrimination based on sexual orientation was one of the demands formulated by the Women's Working Group on the Turkish Penal Code in 2002, and supported by the groups that formed the WPTPC in May 2003.<sup>49</sup> This public demand concerning sexual orientation by such a broad alliance of women's NGOs constituted a first in Turkey. Women for Women's Human Rights (WWHR), the initiator and coordinator of the campaign and instigator of this demand, has a long history of sexual rights advocacy, including sexual orientation rights, and has worked internationally for years with various organizations around the world. Although initially some women's organizations were not supportive of the demand, ultimately they all endorsed it.

A small group of lesbian women active in both WPTPC and LGBT organizations played a leading role in motivating gay and lesbian organizations to work on Penal Code reform from an LGBT perspective.<sup>50</sup> Lambda Istanbul held a press conference publicizing its demands related to the Turkish Penal Code in January 2004.<sup>51</sup> The demand to penalize discrimination based on sexual orientation initially met resistance from even the most progressive MPs and sub-commission members working on the Penal Code draft law. However, after intensive lobbying, one of three independent experts on the commission was finally convinced to propose it for discussion. The ensuing discussion on 'sexual orientation' by the sub-commission revealed that the very term was unknown to the majority of the MPs. The debate was rather short, and Sözüer convinced commission members by focusing on examples of discrimination against male transsexuals and transvestites, which is more publicized in the Turkish media than the discrimination against gay and lesbians.<sup>52</sup> In the sub-commission, discrimination against gays and lesbians was not raised, and the brevity of the debate was the first indication of the ensuing silence that was to come as the minister of justice canceled the revision four months later at a Justice Commission meeting

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49 The formulated demand concerned the revision of article 170 of the draft law penalizing discrimination based on race, ethnicity, sex, family status, customs, political view, philosophical belief and religion specifically refer to 'discrimination based on sexual orientation' as well.

50 Öner Ceylan (member of Lambda Istanbul), author interview, 8 December 2005.

51 'Lambda Istanbul Press Statement' TCK\_Kadin listserv, 16 January 2004, <[http://groups.yahoo.com/group/tck\\_kadin/message/378](http://groups.yahoo.com/group/tck_kadin/message/378)>.

52 The higher attention of the media to transvestites and transsexuals in Turkey is due to the visible and widespread police violence exerted on transvestites and transsexuals involved in sex work and their more forceful advocacy efforts on discrimination compared to gays and lesbians.

on Penal Code reform. While it may be said that defending the argument on sexual orientation based on transgender issues was a strategic move as it used the higher visibility of transgender people in the media, I would also argue differently. To me, the silence around gay and lesbian issues might also be reflective of the monumental anxiety in Turkish society around homoerotic desire, unveiled in the public more by gays and lesbians than transgender individuals, who are perceived in the last instance as more accommodating to the heteronormative paradigm.

While the media reported extensively on other Penal Code revisions, the initial acceptance of the criminalization of discrimination based on sexual orientation garnered only brief mention in a few liberal newspapers. The religious conservative media, however, made headlines accusing the AKP of protecting homosexuals while failing to lift the ban denying female students the right to wear the headscarf at universities.<sup>53</sup> The comparison of these two issues was not only based on religious conservative sentiments, but was also aimed at mobilizing the religious community in Turkey against the right to sexual orientation. The lack of women's right to wear *hijab* at universities is one of the major political issues targeted by religious conservatives and is a hotly debated topic. Although AKP has made several attempts to lift the headscarf ban at universities since its election, its efforts remain fruitless due to fervent opposition from the secularists, including CHP and Turkey's President, Ahmet Necdet Sezer. The failure of AKP to lift the ban remains one of the strongest criticisms against the party by voters.<sup>54</sup>

While LGBT organizations cheered the initial inclusion of the revision, women's organizations, experienced in the ups and downs of legal reform and the political system, were more skeptical and warned them that the issue was likely not settled yet. Lambda Istanbul and KAOS GL subsequently organized a delegation to visit parliament and lobby members of the Justice Commission in May 2004, the first visit of an LGBT group to the Turkish parliament. This resulted in the first wide (liberal) media coverage on the criminalization of discrimination based on sexual orientation since the start of the campaign. Although the delegation hoped to meet all members of the Commission, only Orhan Eraslan from CHP agreed to receive them, and this was used against him by AKP in his electoral province. AKP disseminated photocopies of press clippings covering Eraslan's meeting with LGBT delegates to even the most remote villages, accusing him of working for homosexuals rather than for his voters. Although Eraslan claimed he had the support of his CHP colleagues, his remarks to the press reflect the unease he felt as the only MP who agreed to meet with 'homosexuals:'

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53 M. Yılmaz 'AKP Nereye?' [Where is AKP going?], *Milli Gazete*, 7 February 2004.

54 Faced with strong opposition from the establishment in Turkey, AKP hoped to resolve the issue through a ruling of the Strasbourg-based European Court of Human Rights (ECHR). However, in June 2004, the ECHR, in *Leyla Sahin v. Turkey*, unanimously ruled that the university's headscarf ban did not infringe the European Convention on Human Rights, a ruling that was sharply criticized by AKP.

Being a democrat means, however, to listen to the opinions of those who are different, and to reflect on them. The fact that I agreed to meet them [homosexuals] does not mean I agree with their demands. I did my duty as a member of the sub-commission.<sup>55</sup>

As stated earlier, the revision on discrimination based on sexual orientation was ultimately removed from the draft law in May 2004 by the Minister of Justice, who argued that the term sexual orientation was similar to the term sex, which is mentioned in Article 10 of the Turkish Constitution on equality, thus there is no need for such an article in the penal code. The only objection to the Minister's withdrawal of the revision came from Eraslan, who elucidated the difference between sex and sexual orientation. The Minister insisted that they were similar and the revision was cancelled without further discussion by a majority vote, including the votes of several other CHP members on the Justice Commission.

Explanations for the cancellation of the initially accepted demand on sexual orientation differ. While CHP members Eraslan and Erbatur, who worked diligently on the reform, think that AKP's Islamic identity and pressure from radical Islamists and the religious conservative media were to blame, representatives of LGBT organizations said they did not see much difference between the views of AKP and CHP on the issue of sexual orientation. Arguing that neither AKP nor CHP had an established political position on the issue, a representative of Lambda Istanbul said:

We as homosexuals think that the leftists are just as harmful to us as the religious extremists. Maybe it's different for women or other groups, but ... from our perspective there is no difference in the unconscious homophobia of all parties, even if they wouldn't say that they are against homosexuals ... The only party that I see as a threat is not AKP, but the nationalist MHP (the Nationalistic Action Party).<sup>56</sup>

All representatives of LGBT organizations have indicated that they do not perceive Islam or the religious conservative identity of AKP as the major reason for the rejection of the proposal on sexual orientation. They argue that widespread homophobia in Turkey, patriarchal ideologies on the part of all political parties, the traditional government attitude of ignoring the existence of the LGBT community and thus LGBT human rights, and finally lack of sufficient preparation by LGBT organizations for the campaign were the key factors in the failure to adopt the article on sexual orientation.<sup>57</sup> A representative of KAOS GL suggests an analysis based on class issues as well, as evidenced by the varying reactions of the Islamist media in Turkey to the issue of the sexual orientation proposal:

While newspapers like *Zaman* or *Yeni Şafak*, which are close to the AKP government, chose to ignore the issue, *Vakit* demonstrated hate and profanity against homosexuals ... *Zaman* and *Yeni Şafak* represent the Islamists who are adapting to middle-class urban life in Turkey, are aware that they cannot control the lives and behaviors of everybody, and

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55 'TCK'yı Bizi de Koruyacak Şekilde Düzenleyin' [Revise the Penal Code so that It will Protect Us Too], *Vatan*, 25 May 2004.

56 Öner Ceylan (member of Lambda Istanbul), author interview, 8 December 2005.

57 Öner Ceylan and Ülkü Özakin (members of Lambda Istanbul), author interview, 8 December 2005; and Ali Erol (member of Kaos GL), author interview, 16 December 2005.



that they should give up such claims, even if reluctantly. *Vakit* on the other hand expresses the Islamist reaction of people from poorer and lower middle-classes, who are left out of the political and economic system. This is why *Vakit's* rhetoric reflects rage and hatred.<sup>58</sup>

Despite the failure of the campaign to criminalize discrimination based on sexual orientation, the representatives of LGBT organizations agree that the campaign was an influential and successful step in raising consciousness on sexual orientation, leading as it did to a first-ever discussion of the issue in parliament and the first lobbying effort of parliament by members of the gay, lesbian and transgender communities. Indeed, there is concrete evidence that the campaign influenced public policy on sexual orientation in Turkey. In September 2005, the Attorney General of Ankara declined an application by the Department on Associations for a lawsuit against KAOS Gay and Lesbian Cultural Research and Solidarity Association (KAOS GL). The petition stated that KAOS GL violates Article 56 of the Turkish Civil Code stipulating that an association against law and morality cannot be established. In its rejection of the application, the Attorney General of Ankara referred to the parliamentary debate on sexual orientation and stated:

... while the concept of morality includes a notion of subjectivity and varies according to different societies, and at a time in which discrimination against sexual orientation is debated within the context of the reform of the Turkish Penal Code, it is determined that being a homosexual does not mean being immoral and the reality should be based on a notion of freedom of human will, as experts on ethics concur.<sup>59</sup>

The first-time collaboration of the women's movement with the LGBT movement on an issue regarding sexual orientation is also perceived by LGBT organizations as very important, though some members express doubt as to whether this will continue and question the sincerity of the support from some of the women's organizations:

While the WPTPC as a whole expressed its demand on sexual orientation in a strong manner, emphasizing its absolute significance, this does not mean that all women's organizations in the platform have made sexual orientation a priority ... Some women's organizations ignored the issue entirely in their panels and conferences related to the campaign, as we witnessed in Ankara, although it was included in the public declarations of the platform.<sup>60</sup>

The evolving relationship between women's organizations and LGBT organizations will be a critical determinant of the strength and the future of struggles around sexual rights in Turkey.

### **Re-criminalizing Adultery**

After the summer break in 2004, just weeks before the new draft law on the Turkish Penal Code was expected to be approved by parliament, a development occurred

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58 Ali Erol (member of Kaos GL), author interview, 16 December 2005.

59 The Press Office of the Ankara Attorney General, Press Decisionà2005/1491.

60 Ali Erol (member of Kaos GL), author interview, 16 December 2005.

that threw the entire debate around the draft Penal Code into chaos. A headline in *Hürriyet*, Turkey's most renowned mainstream newspaper, announced an AKP government proposal to add a clause to the Penal Code criminalizing adultery. This surprise move – the incident with which this chapter began – sparked an intense debate that split the nation in two, irrespective of traditional, political or ideological positions. The government based its argument to re-criminalize adultery on the alleged demands of the 'Anatolian woman' (in other words, women living in rural areas).<sup>61</sup> This argument aimed to ameliorate AKP's image as unsupportive of women, resulting from the Campaign on the Turkish Penal Code from a Gender Perspective, and at the same time reinstated the religious conservative claim that the women's groups of the WPTPC were marginal and unrepresentative of the nation's women.<sup>62</sup>

Both AKP and CHP appeared split over the issue within their parties.<sup>63</sup> CHP members signaled an initial acceptance of the revision, provided men would face the same penalties as women, but later made a U-turn after strong criticism from its female MPs and women's groups, which were the first to react.<sup>64</sup> Within AKP, the coalition in favor of the revision was led by Prime Minister Recep Tayyip Erdoğan, a devout Muslim, and included the women's minister and all other women MPs, as well as a majority of the male MPs. The minister of justice and AKP members from the sub-commission that had prepared the draft law on the Penal Code opposed the revision behind closed doors. While the debate on other issues related to sexuality in the Penal Code ran mainly on the national level during the three year campaign, the criminalization of adultery carried the debate to the international level when it met with sharp criticism from EU officials, who were expected to issue a crucial appraisal of Turkey's progress towards EU standards within that month.<sup>65</sup>

The initial draft Penal Code prepared by the AKP government contained no provisions on adultery. Moreover, the issue had not come up during the three-year campaign on the Penal Code, except for a proposal made by one AKP MP in October 2003 that found no echo, even within AKP circles at the time.<sup>66</sup> Thus, AKP's last minute attempt to criminalize adultery and the Prime Minister's personal efforts to promote this agenda despite national and international criticism, hint at

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61 S. Korkmaz 'İşte AKP'nin Zina Gerekçesi' [Here is AKP's Justification for Adultery], *Hürriyet*, 28 August 2004.

62 This was an argument against the WPTPC that repeatedly appeared in the extreme religious right press throughout the campaign.

63 Ö. Şahin 'İktidar ve Muhalefet Toplumla Kulak Verdi: Zina Tekrar Suç Kapsamında' [The Government and the Opposition Listened to the Public: Adultery Criminalized Again], *Zaman*, 1 September 2004.

64 Clare Doyle, 'Women Attack Turkey Adultery Law,' *BBC News*, 2 September 2004, <<http://news.bbc.co.uk/1/hi/world/europe/3623072.stm>>.

65 The European Commission was expected to issue a crucial report to the European Union on 6 October 2004, stating its view on whether or not to open the accession negotiations. This report would serve as the basis of discussions of the EU Brussels Summit of 17 December 2004, where the final decision over Turkey's accession was made.

66 The proposal was made by Ahmet Büyükkaktaşlar, an MP of AKP. See 'Zina Yine Suç Olsun' [Adultery Should Become a Crime Again], *Yeni İleri*, 8 October 2003; and *Hürriyet*, 8 October 2003.

an extemporaneous political strategy aimed at touching voters' religious sentiments and upholding Islamist identity at a moment of heightened sensibilities around the notion of national identity on the cusp of Turkey's accession to the EU. Interviews revealing that the attempt came as a surprise even to AKP members of the sub-commission, who opposed the proposal, confirm the impression that this move was a political strategy employed by the Prime Minister, rather than reflecting any genuine interest in criminalizing adultery as part of AKP's agenda.

The debates on adultery covered a wide range of issues, such as the extent to which the state has a right to intervene in the private sphere; the alleged differences between rural and urban women; the meaning and content of so-called Turkish values; the role of Islam in Turkey; the assumed threat of *shari`a* (the Islamic code of law); whether European culture and values were compatible with Turkey, as a Muslim nation; and whether AKP was an Islamist party aiming at *shari`a* or a religious conservative party in the European sense.

Finally, in contrast to all other issues debated at the national level during the Campaign, the AKP government was forced to withdraw its proposal on criminalizing adultery, not as result of national debate, but as a result of pressure from the EU, although it insisted until the last moment that the EU has no right to intervene on such an issue, which has never been mentioned in a European Convention or accession agreement.

The fierce debates around adultery between the EU and Turkey that almost resulted in the rejection of Turkey's full membership in the EU is an example of the significant role sexuality plays in political struggles and constructions of national or religious identities.

## **Conclusion**

The reform of the Turkish Penal Code in 2004 as a result of a three-year campaign run by a broad coalition of women's organizations and two LGBT organizations included drastic changes related to sexual and bodily rights in Turkey despite the opposition of the religious conservative AKP government. The Campaign on the Reform of the Turkish Penal Code from a Gender Perspective was successful in revising more than forty articles in the Turkish Penal Code, ending all varieties of legal categorization of women on the basis of virginity and marital status, and instituting a groundbreaking shift in the overall perspective of Turkish Penal Law towards sexuality and gender. The major revisions included the redefinition of sexual crimes as crimes against persons and sexual inviolability, instead of crimes against society and public morality; the recognition of women's ownership of their bodies and sexuality; and the removal of all references to chastity, honor or virginity.

The most contested discourses during the campaign emerged as those related to extra-marital sexuality: honor, virginity, sexual relations of youth and sexual orientation. The religious conservatives based their defense of legally regulating women's sexuality on the notions of women's honor and virginity as elements of Turkish identity that should be protected by law. This discourse is in line with the ideology of the founders of the new Turkish Republic, who, in an effort to abolish

religious and customary laws of the Ottoman Empire and establish a modern, secular republic, translated religious and customary laws, norms and discourses into a new language, subsumed under a notion of public morality. This new language was constructed around such values as gendered notions of honor, virtue and purity, vested in women as the primary guardians – through their chastity – of the nation's morality at a time of political and social transition. Thus, the debate on honor and virginity during the campaign shows not only that this ideology continues to be influential in Turkey despite eighty years of modernization and progress, but also that it is now employed as a key rhetorical device by religious conservatives in order to restrict women's ownership of their bodies and sexuality.

The social democrats' insistence on criminalizing consensual sexual relations among youths and their relative silence on the issue of sexual orientation, show that these issues remain taboo in Turkey, above and beyond the ideological differences between conservative or progressive political parties. The analysis of the debates around sexual orientation during the campaign, and interviews with MPs who played a major role in the reform process, show that the lack of public and political awareness around sexual orientation contributed significantly to the rejection of the demand that asked for criminalization of discrimination based on sexual orientation. Preliminary evidence concerning the relative openness of some MPs to the protection of transgender individuals' rights compared to the silence around gay and lesbian issues also suggests that homoerotic desire as manifested by gays and lesbians, which threatens the heteronormative model radically, triggers a higher social anxiety than that created by sexual minorities who are perceived as conforming to the traditional binary modalities of heterosexuality.

However, despite parliamentary rejection of demands concerning youth sexuality and the right to sexual orientation, a subsequent appeal to a higher court to cancel the article criminalizing voluntary sexual relations among youths, and a court decision referring to the campaign debate on sexual orientation to rule against a plaintiff aiming to shut down an LGBT organization, demonstrate that these debates were significant in creating public and judicial consciousness on these issues.

The debates triggered by AKP's attempt to re-criminalize adultery, in order to bolster its religious conservative identity just weeks before the expected parliamentary vote on the new Penal Code and the final decision on Turkey's accession to the EU, and the withdrawal of the proposal as a result of strong opposition from EU officials, are reflective of the centrality of issues related to sexuality in the political struggles around culture and identity politics both on national and international levels.

The Campaign on the Reform of the Turkish Penal Code from a Gender Perspective, aiming at a fundamental transformation of its philosophy, triggered the widest public debate on gendered notions of sexuality and sexual rights in Turkey since the foundation of the modern/secular Turkish Republic in 1923. Yet, given that there are three bodies of law that potentially apply to sexual activity – the Constitution, the Civil Code and the Penal Code – the concentration of advocacy for sexual rights within the context of criminal law will have a limited effect in establishing such rights in Turkey. There needs to be advocacy and lobbying to anchor sexual rights in the Constitution as well, and beyond that, in popular culture and imagination. The future success of this advocacy seems to depend on the strength of coalitions

between the movements struggling for the realization of sexual rights, such as the women's and the LGBT movements as well as the human rights groups.

The reform constitutes the first example of a holistic reform of sexual and bodily rights in the legal domain in Muslim societies. The success of the campaign, despite a governing Islamist party, can be an inspiration for other activists working on sexual and bodily rights under conservative governments, especially those in a stage of socio-political transition like Turkey.

## Chapter 4

# Fighting Honor Crimes: Evidence of Civil Society in Jordan<sup>1</sup>

Stefanie Eileen Nanes<sup>2</sup>

The academic interest in civil society and its relationship to democratic governance springs from the wave of democratic change in Latin America and Eastern Europe. The trend slowly reached the study of Middle East politics, the delay largely reflecting the stability of authoritarian governments and practices in much of the region. For some, the Arab Middle East appears to be the glaring exception to the democratizing trend.<sup>3</sup> The explanations for this exceptionalism vary from the structural to the cultural. Either the 'tradition' of Oriental despotism represses Arab people, who are only too happy to applaud their oppressors,<sup>4</sup> or the structure of Islam and its 'puritan enthusiasm' prevent a Reformation like that of Europe.<sup>5</sup> For others, Islamist movements, the strongest groups in civil society in the Arab world, challenge their governments in a distinctly un-civil manner, thus inviting repression from insecure security states. The 1999 Freedom House survey of Freedom in the World, although an imperfect measure of the complex concept 'freedom,' sums it up neatly: while the year saw some evidence of modest democratic reforms in several Arab states, there remain no electoral democracies in the Arab world.<sup>6</sup>

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1 This article was published as 'Fighting Honor Crimes: Evidence of Civil Society in Jordan,' in *The Middle East Journal*, 57, 1, Stefanie Eileen Nanes, Copyright the Middle East Institute (2003).

2 Stefanie Nanes would like to thank the following people for their suggestions on various drafts of this article: Crawford Young, Michael Barnett, Aili Tripp, Quintan Wiktorowicz, Catherine Warrick, Marion Smiley, Virginia Shapiro and Patricia Strach. She would especially like to thank the members of the Campaign's executive committee for their time spent teaching an outsider about Jordanian politics.

3 'Culturally and historically, this (the Islamic Middle East) has been the most difficult terrain in the world for political freedom and democracy.' Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: Johns Hopkins Press, 1999): 270.

4 Mohammed Talbi, 'A Record of Failure,' *Journal of Democracy*, 11, 3 (July 2000).

5 Ernst Gellner, 'Civil Society in a Historical Context,' *International Social Science Journal*, 129 (August 1991): 510. Gellner compares Marxist and Muslim societies and their relative strengths in terms of developing civil society. Although he argues in both structural and sweeping culturalist terms, his argument is, in fact, much more nuanced than can be presented here.

6 Adrian Karatnycky, 'A Century of Progress: Freedom House Survey,' *Journal of Democracy*, 11, 1 (January 2000): 195.

Challenging these views, the lone voice of optimism in this discussion belongs to those touting the possibilities for the emergence of civil society in the Arab Middle East.<sup>7</sup> Although few see immediate potential in the Arab world for the massive changes that have occurred elsewhere, these voices claim that an emerging, vibrant civil society ‘provides much greater ground for optimism about democratic prospects in the Arab world.’<sup>8</sup> Citizens are becoming more active and are pressing their governments to be more responsive. Although associational life has always been rich in the Middle East, political liberalization, though limited in scope and to only a few countries, may provide these associations just enough range for action to open more space for political freedom. This chapter seeks to add another optimistic voice to this discussion, although one of guarded optimism.

During the course of 1999, a unique civil society phenomenon emerged in the Arab, Muslim Middle East, specifically in Jordan: The Campaign to Eliminate So-called Crimes of Honor. A group of young Jordanians formed this Campaign with the purpose, as the name suggests, of combating honor crimes in which women who are suspected of sexual deviance are killed by a male family member to ‘protect’ the family’s honor. The activists of the Campaign gathered the signatures of Jordanian citizens in an attempt to repeal the law that grants reduced penalties to men convicted of committing honor crimes: Article 340 of the Jordanian Penal Code. They argued that Article 340 provides legal cover for the murder of innocent women and has no place in civilized society. As of November 1999, they had collected over 15,000 signatures and created a storm of debate about a previously taboo subject.

The state’s response to the Campaign, however, shows that powerful obstacles remain to the emergence of an autonomous civil society in Jordan. The Campaign’s activities have currently been slowed down by intervention from the palace, exposing the general limits of political liberalization from above and its specific limits in the case of Jordan. The actions and statements of the palace and the government reveal the manner in which the regime confronts societal challenges and ultimately co-opts independent action to preserve its status as ultimate arbiter of Jordanian politics. The nature of state-civil society interaction in Jordan shows the need for civil society to be autonomous for it to play a role in democratization, a role it is still struggling to play in Jordan. This chapter seeks to narrate a detailed story of the Campaign to Eliminate Crimes of Honor, its experience as a civil society association, and how it was ultimately co-opted by the Jordanian regime.<sup>9</sup>

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7 Augustus Richard Norton, ed., *Civil Society in the Middle East*, 1 (Leiden: E.J. Brill, 1995).

8 Laith Kubba, ‘The Awakenings of Civil Society,’ *Journal of Democracy*, 11, 3 (July 2000): 85.

9 The original data for this chapter was collected through intensive structured interviews with the members of the Campaign’s executive committee. Additional data was collected from Jordanian newspapers and documents produced by the Campaign.

## Civil Society and the Middle East

On the most general level, civil society is ‘the space of uncoerced human association’ which provides the setting in which society pursues its vision of ‘the common good.’<sup>10</sup> The values of tolerance and pluralism provide general rules for this associational action. On a micro-level, civil society is ‘the site at which society enters into a relationship with the state,’ and forms the necessary habitat of ‘the rights bearing and juridically defined individual, i.e., the citizen.’<sup>11</sup> On a more macro-level, civil society mediates the relationship between the state and the individual, creating a buffer zone between the state and the citizen through a dense network of ‘associations, clubs, guilds, syndicates, federations, unions, parties and groups.’<sup>12</sup>

Thus, civil society is comprised of voluntary, non-kin based organizations of rights-bearing citizens that operate independently of state and market forces to pursue competing visions of the common good. It is worth noting that this definition of civil society does not identify civil society necessarily with ‘the good guys.’ Civil society, to be truly civil, must be tolerant and pluralist, allowing for open debate among competing visions of the common good.<sup>13</sup> Organizations and individuals that accept the rule of law all belong in civil society, regardless of the political purpose of their action. Rules are set for interaction, but the eventual outcome of the interaction is, by definition, uncertain. The Campaign to Eliminate So-called Crimes of Honor was simply one player among many in a still developing societal debate over ‘the common good’ in Jordan.

Civil society’s distinguishing features are its voluntary nature and autonomy. First, voluntariness separates civil society from the coercive spheres of the family, the state, and the market. Second, despite unclear borders, civil society must be able to act autonomously from these spheres in some manner in order to remain the space of uncoerced action. Although no magic formula for building democracy exists, the protection of political freedoms from encroachment by the state requires groups of organized citizens with some degree of autonomy from the state. Although civil society organizations do not exist solely in confrontation with the state, they must be free and able to confront the state peacefully to press their demands. Only with at least the *possibility* to confront the state can civil society act as a check on state power.

The concept of individual autonomy from the family or larger kinship and communal groups requires additional attention in the Middle Eastern context. Although societies in ‘the West’ are not quite as atomized and individualistic as their political theories would have them be, the concept of the individual, both in theory and in practice, does have significantly more weight in the West than in the Arab world. In contrast, in the Arab world, ‘persons are deeply embedded in communities,

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10 Michael Waltzer, ‘The Civil Society Argument,’ in *The Citizenship Debates: A Reader*, ed. Gershon Shafir (Minneapolis: University of Minnesota Press, 1998): 299.

11 Neera Chandhoke, *State and Civil Society* (New Delhi: Sage Publications, 1995): 9.

12 Norton, *Civil Society in the Middle East*, 7. This is the most commonly used definition of civil society applied in the Middle East context.

13 Edward Shils, ‘The Virtue of Civil Society,’ *Government and Opposition*, 26, 1 (Winter 1991).



in family, in ethnic, racial or other social groupings.’<sup>14</sup> Indeed, the ‘domain of kinship cannot be separated from the domain of politics either at the behavioral or the symbolic-cognitive level.’<sup>15</sup>

This is an important critique, which makes the emergence of the Campaign all the more noteworthy and highlights its importance. Civil society theory, focused on delineating the relationship between the individual, the state, and the market, often ignores the more intimate ‘ties that bind,’ namely the family or larger kin groups. These institutions can pose barriers to civil society organizations in Middle Eastern polities because they obstruct the voluntarism and autonomy that are considered the foundational principals of civil society. Although the prominence of family or communal loyalties and identifications in the Arab world may pose a significant challenge to the emergence of civil society on the Western model, the emergence of the Campaign to Eliminate Crimes of Honor suggests that these social structures do not necessarily preclude such political organization.

Although kinship may pose a barrier to voluntary association, the state presents a more critical obstacle. Jordan’s civil society organizations are weak in relation to the state.<sup>16</sup> In a context of political liberalization heavily controlled from above, the state carefully manages and monitors civil society organizations, transforming them into instruments for state control.<sup>17</sup> By creating restrictive requirements for civil society organizations and overtly managing some of them, the state in fact enhances its control over society through the very institutions that are supposed to provide a space for action outside the state’s reach. Thus, through a political liberalization process theoretically intended to advance democratic liberty, the Jordanian state has paradoxically expanded its control.

In sum, civil society must be an *autonomous* sphere of action, in theory and in practice, in order for it to be able to challenge the state if necessary and fulfill its role in building democracy. Because civil society institutions are so carefully controlled and co-opted by the state in Jordan, they cannot function as effective checks on state power. Although communal social structures may hinder the emergence of civil society organizations in Jordan, the state proved to be the more powerful enemy. Ultimately, the Campaign to Eliminate So-called Crimes of Honor was ‘taken over’ by the state, just like so many other civil society organizations in Jordan.

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14 Suad Joseph, ‘Gender and Civil Society: An Interview with Suad Joseph,’ in *Arab Women: Between Defiance and Restraint*, ed. Suha Sabbagh (New York: Olive Branch Press, 1996): 203.

15 Richard Antoun, ‘Civil Society, Tribal Processes, and Change in Jordan: An Anthropological View,’ *International Journal of Middle East Studies*, 32, 4 (November 2000): 460.

16 Laurie Brand, ‘“In the Beginning was the State...”: The Quest for Civil Society in Jordan,’ in Norton, *Civil Society in the Middle East*, 148–85. The professional associations represent the strongest exception to this statement, since they maintain a high degree of autonomy and have had their run-ins with the state.

17 Quintan Wiktorowicz, ‘Civil Society as Social Control: State Power in Jordan,’ *Comparative Politics*, 33, 1 (October 2000): 43–62.

## Democratization in Jordan

Jordan's democratic experiment and its limitations have been extensively discussed elsewhere,<sup>18</sup> referred to either as 'a negotiated transition,'<sup>19</sup> 'a regime survival strategy,'<sup>20</sup> or 'defensive democratization,'<sup>21</sup> all referring to 'a state strategy to maintain the dominant political order in the face of severe state fiscal crisis.'<sup>22</sup> These terms highlight the transition's limited nature and the maintenance of tight control by the state over the pace and direction of change. Recent clampdowns on the press and other civil freedoms in response to popular opposition to the 1994 peace treaty with Israel have led some to call the democratization process all but frozen.<sup>23</sup> Although few would predict a return to the pre-1989 martial law era, increased political liberalization appears to be on hold.

Despite these limitations, some individuals and organizations have attempted to take advantage of even the limited political space offered by the liberalization, as the emergence of the Campaign shows. Although the political opening did not cause the Campaign to emerge, it provided the 'political opportunity structure' in which it could organize.<sup>24</sup> The Campaign simply would not have been possible prior to Jordan's political liberalization.

Furthermore, democratic participation forms the basis of healthy civil societies and democratic citizenship. The activities of the Campaign exemplify democratic participation, in both the election and functioning of the executive committee and their strategic choice to gather signatures. At the same time, the Campaign exposes the limits of social and political action in the Hashemite Kingdom of Jordan under conditions of 'liberalization from above.' These limits, in turn, constrain all civil society actors in Jordan.

## Honor Crimes in Jordan

The purpose of the Campaign to Eliminate So-called Crimes of Honor was, as its name suggests, to eliminate the laws that grant lenient sentences to men who murder

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18 Betty S. Anderson, 'The Status of 'Democracy' in Jordan,' *Critique: Journal of Critical Studies of Iran and the Middle East*, 10 (Spring 1997): 55–76; Malik Mufti, 'Elite Bargains and the Onset of Political Liberalization in Jordan,' *Comparative Political Studies*, 32, 1 (February 1999): 100–29; Katherine Rath, 'The Process of Democratization in Jordan,' *Middle Eastern Studies*, 30, 3 (July 1994): 530–57; and Glenn E. Robinson, 'Defensive Democratization in Jordan,' *International Journal of Middle East Studies*, 30, 3 (August 1998): 387–410.

19 Robert Springborg, 'Negotiated Transitions to Democracy,' *Critique*, 5 (Fall 1994): 1–8.

20 Brand, 'In the Beginning,' Mufti, 'Elite Bargains,' and Wiktorowicz, 'Civil Society.'

21 Robinson, 'Defensive Democratization,' 389.

22 Robinson, 'Defensive Democratization.'

23 Laurie Brand, 'The Effects of the Peace Process on Political Liberalization in Jordan,' *Journal of Palestine Studies*, 28, 2 (Winter 1999): 52–67.

24 The concept of political opportunity structure comes from Sidney Tarrow's work on social movements in the US and Europe. Sidney Tarrow, *Power in Movement* (Cambridge: Cambridge University Press, 1994): 17–18.

female relatives ‘in defense of their honor.’ Typically, an honor crime is defined as the killing of a woman by one of her male relatives, usually her father or brother, for committing or being suspected of committing illicit sexual acts.<sup>25</sup> Family honor rests on the behavior of all family members, but particularly upon the sexual restraint of women. Any deviation, or suspected deviation, may result in calls ‘to cleanse the family honor’ by eliminating the woman or girl. Although Islamic *shari’ a* prohibits Muslims from falsely accusing others and prescribes very high standards of evidence for such serious accusations, some people still associate this particular practice with Islamic teachings.<sup>26</sup> In fact, this practice predates Islam, and young men who commit these murders have been quoted as saying that in these cases, despite what Islam says, tradition is stronger than religion. Once rumors about a girl start circulating, families may feel forced by social pressure and norms to eliminate the source of embarrassment or potential embarrassment.<sup>27</sup>

In addition to these social conventions, Jordanian law provides for the lessening or elimination of penalties for men who commit honor murders. Article 340 of the Penal Code, which became the prime target of the Campaign, states:

1. He who catches his wife or one of his female unlawfully committing adultery with another and he kills, wounds or injures one or both of them is exempt from any penalty.
2. He who catches his wife, or one of his female ascendants or descendants or sisters with another in an unlawful bed and he kills, wounds or injures one or both of them benefits from a reduction in penalty.<sup>28</sup>

The difference in wording is subtle but significant. The first paragraph refers to blatant adultery and completely exempts the man from all penalty for killing one or both of them. The second section refers to an ‘unlawful bed,’ which can be defined more broadly to include other sexually compromising situations short of adultery, and offers a reduction in penalty, not an exemption. In practice, in these cases, men tend to pursue only the female relative, not the offending man.

Yet, Article 340 has been applied only once in the 35 years that it has been part of Jordanian law. In most cases of honor crimes, judges apply Article 98 to reduce

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25 Lama Abu Odeh, ‘Crimes of Honor and the Construction of Gender in Arab Societies,’ in *Feminism and Islam: Legal and Literary Perspectives*, ed. Mai Yamani (NYU Press: New York, 1996): 141.

26 There is a debate in which some argue that Islam allows men to protect their honor as much as their lives, whereas others suggest that Islamic law aims to limit murder in the name of honor by requiring a high degree of proof for such accusations: four witnesses to the actual act of illicit intercourse between the two parties.

27 The word ‘may’ should be emphasized here, as what might be considered shameful in one class/neighborhood/family might not attract notice in another one. These crimes tend to be concentrated in the lower socio-economic classes (Abu Odeh, ‘Crimes of Honor,’ 187), but the restrictions regarding women’s sexual behavior permeate the entire society. Honor murders can be seen as the most extreme physical manifestation in a spectrum of control over women’s movement and activity.

28 Article 340 from Jordanian Penal Code, No. 16, 1960.

the penalty of the offenders.<sup>29</sup> Article 98 closely approximates the ‘crime of passion’ defense found in Western law, and reads:

He who commits a crime in a fit of fury caused by an unrightful and dangerous act on the part of the victim, benefits from a reduction of penalty.<sup>30</sup>

This article covers much wider ground than 340, including that of self-defense.<sup>31</sup> Trespassing against one’s honor can be construed as an ‘unrightful and dangerous act’ by judges, primarily in the Jordanian Court of Cassation, who then apply Article 98 in awarding men who kill in the name of honor 3–6 month sentences, if they are sentenced at all.

Although accurate statistics regarding the number of honor crimes are difficult to calculate, most estimates put them at about 25 murders per year, approximately one quarter to one third of all homicides committed in the Kingdom.<sup>32</sup> Studies have shown that these killings can also be a result of a dispute over inheritance or the ‘cleansing’ of a girl who has been raped, sometimes by a family member.<sup>33</sup> Autopsies of the murdered women show that the overwhelming majority are virgins at the time of their deaths.

### The Campaign to Eliminate So-Called Crimes of Honor

Political activity against honor murders in Jordan goes back to the 1980s when some women lawyers began to speak about such murders at conferences in order to raise public consciousness.<sup>34</sup> During the early 1990s, the reinvigoration of women’s groups led to increased attention to women’s issues, including calls to address the problem of domestic violence. The Jordanian Women’s Union established a family violence hotline in 1994.<sup>35</sup> In this atmosphere of increasing awareness of violence against women, Rana Hussein began raising the specific issue of honor crimes by reporting them, regularly, in the *Jordan Times*, the country’s English language newspaper.

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29 The application of Article 98 to honor crimes is a relatively new development. Up until 1964, the Jordanian Court of Cassation was less inclined to offer reduced penalties for honor crimes and judged them as murders. In 1964, judges became more willing to apply Article 98 to honor crimes, thus finding a way to legally excuse the practice; Abu Odeh, ‘Crimes of Honor,’ 158–9.

30 Article 98 from Jordanian Penal Code, 1960.

31 The Campaign decided to focus on Article 340 because it is biased expressly against women, even though it has hardly been used in court. Since Article 98 covers much wider ground, including crimes similar to ‘crimes of passion’ in the West, they felt changing it would be much more difficult.

32 This is an average taken from statistics cited in Laurie Brand, *Women, the State and Political Liberalization: Middle Eastern and North African Experiences* (New York: Columbia University Press, 1998): 133. ‘About 25’ is the number reported most often in the *Jordan Times*, for example, 21 August 1999.

33 Brand, *Women, the State and Political Liberalization*, 133–4.

34 Author interview with prominent lawyer for women’s rights, March 2000.

35 Brand, *Women, the State and Political Liberalization*, Chapters 5–6.

When Husseini began her job at the paper on the crime beat in 1994, honor crimes were not considered newsworthy enough to report in any paper. Husseini persisted in reporting on these murders and by 1998 she was awarded the Reebok Award for Human Rights for her dedication to human and women's rights. This prize attracted the attention of CNN, which produced a 15-minute segment highlighting honor crimes in Jordan. This segment brought a lot of international attention to Jordan, much of it negative, but also set into motion two parallel responses: an official, government response and a grassroots response in the form of the Campaign. The two processes followed their own trajectories from the beginning of 1999, converging in November of the same year.

Since Jordanian leaders, especially King Abdullah, have made attracting foreign investment to Jordan their highest priority, news about honor crimes in the Kingdom is literally bad for business. Concerned about negative international press from these different fora, King Abdullah instructed his Prime Minister, 'Abd al-Ra'uf Rawabdeh to amend any law that 'discriminates against women and inflicts injustice on them.'<sup>36</sup> The Prime Minister directed his government to establish a special legal committee to study abolishing Article 340 and solicited a draft for cancellation of the article from Jordan's official women's organization, the Jordanian National Committee for Women (JNCW), to be presented to Parliament.<sup>37</sup> Soon after, the JNCW presented the legal committee with a draft calling for the cancellation of Article 340. The Cabinet approved the proposed amendment made by the legal committee in September 1999.<sup>38</sup> By November 1999, the proposed cancellation was waiting for review by the Lower House of Parliament.

The approval of both the Lower and Upper Houses of Parliament was necessary to have the bill signed into law. Since the King appoints the Upper House, it was generally expected that its members would be sympathetic to canceling the offending article. The Lower House of Parliament, however, was elected under conditions that produced a heavily 'tribal' body, one entirely undisciplined by party or ideology and generally quite conservative.<sup>39</sup> It was widely expected that the main battle would occur in the Lower House.

While the government's initiative was working its way to the Lower House, the CNN segment had also inspired a parallel process regarding how to confront the issue of honor crimes in Jordan, one that was grassroots in nature and not necessarily coordinated with the government's efforts. After viewing the CNN program, a private Jordanian individual, unattached to the political establishment, contacted Husseini to request that they find a way to address the issue directly as Jordanian citizens. The Campaign to Eliminate So-called Crimes of Honor was born when the two individuals sent out mass emails to all the people they knew, inviting them to be involved. Thirty people arrived at the first meeting, of whom eleven were elected to form the executive committee.

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36 *Jordan Times*, 6 March 1999.

37 *Jordan Times*, 6 March 1999.

38 *Jordan Times*, 28 September 1999.

39 Hani Hourani, *Jordan's Parliamentary Elections 1997: A Reading of the Elections for the 13th Jordanian Parliament* (Amman: Al-Urdun al-Jadid, 1998).

The executive committee was composed of seven women and four men. Occasionally, the committee recruited the assistance of a legal advisor. All members of the committee were young (between 20–40 years old) university-educated professionals, living in West Amman and can safely be considered belonging to the middle class. All members had a strong grasp of the English language, as their daily communications were carried out in English. Only five of them had studied outside of Jordan and only a minority of the committee members had previous experience in voluntary political work.

At one of their early meetings, the committee discussed how best to address the issue of honor crimes. After rejecting the idea of holding lectures or conferences, the committee decided to start a petition. As one member explained, ‘a petition can target all sectors of society, gives more people a chance to express an opinion and opens up discussion, whereas conferences and lectures allow only the elite to talk.’<sup>40</sup> According to the committee members, the signature collecting campaign, on a national scale, was the first of its kind in Jordan.

Although the members of the committee had been meeting for several months, the Campaign was officially launched at a press conference in Amman on 23 August 1999. The committee drew up a petition calling on the government to repeal Article 340. The *Jordan Times*, as well as other English-language newspapers, published a call to all Jordanian citizens to sign the petition, listing contact numbers of some members of the committee.<sup>41</sup> The members of the committee, assisted by a wide network of approximately 200–300 volunteers, pounded the pavement and collected signatures in the larger cities of Jordan: East and West Amman, Madaba, Kerak, Jerash, Irbid and Wadi Musa (Petra). They collected signatures from friends, family members and co-workers. In addition to the newspaper ads, requests to sign the petition traveled by word of mouth, to individuals, as well as to work places that sent in lists of signatures. One committee member, who does not own a car and takes a taxi to work, asked every taxi driver that he rode with to sign. By November 1999, the Campaign had collected over 15,000 signatures.<sup>42</sup>

Only Jordanian citizens were allowed to sign the petition. Signers had to include either a national identity number or a passport number with their signature to verify their citizenship, a request that initially disturbed many of the people signing. Given the history of political repression in Jordan, they were afraid that their name and number might be used against them. One committee member soothed them by noting that many prominent Jordanians had signed, even some members of the Royal Family, and asked if the person thought those prominent people would go to jail. This

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40 Author interview with member of the executive committee of the Campaign, February 2000.

41 Although they initially published articles about the Campaign, the main Arabic daily newspapers eventually ‘lost interest’ in reporting on the campaign’s activities. Some committee members believe that it was not necessarily a matter of the newspapers fighting against the efforts of the Campaign. Rather, the editor of the social page of one and then the second of these dailies decided that after filling their pages with articles about honor crimes for a period that the subject was no longer ‘interesting.’ Email communication with a member of the executive committee of the Campaign, April 2001.

42 From the Campaign’s records.

member would then add that his name and thousands others were on the list, saying, 'If they are coming for you, they will get me and these others first.' This committee member cited a recent opinion poll that found that an overwhelming majority of Jordanians fear expressing their political opinions.<sup>43</sup> By having people sign and list their national numbers, this member felt the Campaign tried to overcome that fear of speaking out. All members of the committee agreed that furthering democracy, or at least expanding political freedoms in some manner, was an important reason for their participation.

The internal organization of the committee was expressly non-hierarchical. A coordinator and co-coordinator were elected, with the coordinator responsible for note-taking and record keeping. In interviews, members of the committee universally said that they worked together, that no one was really in charge. Individuals would volunteer for certain tasks based on their personal skills and time flexibility. The committee consciously chose to operate without a clear hierarchy in order to avoid reproducing the types of political organizations they saw around them, namely political parties and official NGOs, which are widely seen as either ineffective or co-optive.<sup>44</sup> The volunteer network was diffuse and not organized in any specific way.

The members of the committee carefully guarded their independence, refusing to be taken over by the state or any other political or social organization. This insistence upon autonomy sets the Campaign apart from most political groups in Jordan, which must be approved by the Ministry of the Interior in order to operate legally.<sup>45</sup> Groups whose applications are rejected must disband or operate illicitly under fear of government reaction. The members of the committee consciously decided not to apply for a permit, feeling that it was time for the Ministry simply to take note of citizen activity rather than control it. They felt they should not have to ask for permission. However, by refusing to register, the Campaign exposed itself to a crack-down by the government. That their activities were allowed to continue to the extent that they did reflects a degree of unofficial royal support for canceling Article 340 and its willingness to allow moderate amounts of political activity in line with its own interests. Some members of the committee noted that they could have been 'shut down' entirely at any time during the campaign. The regime's 'tolerance' of limited independent (that is unregistered) action is perfectly in line with political liberalization as a regime survival strategy.<sup>46</sup>

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43 This member is referring to a survey conducted by the Center for Strategic Studies at the University of Jordan: 'Democracy in Jordan, 2000.' In this survey, 72.6% of the respondents answered 'No' in response to the question: 'Can you criticize or differ with the government in expression without exposing yourself or your family to threats to your safety or livelihood?'

44 Author interview with member of the executive committee of the Campaign, February 2000.

45 Wiktorowicz, 'Civil Society.'

46 Official toleration at the beginning of the Campaign may also reflect the general weakness of political action at the liberal end of the spectrum. In contrast, the regime is much more concerned with religious forces, which are much stronger in society and therefore more threatening to the regime. I thank Cathy Warrick for making this point.

The Campaign emphasized democratic participation in all of its publications and written materials<sup>47</sup> and embodied democratic participatory citizenship with its chosen method of lobbying the government: the collection of signatures from all corners of the Kingdom. The language of citizen rights, human rights, and democracy runs through all of the Campaign's discourse. Their written materials stress the Jordanian Constitution, Islamic law, and international human rights principles as a source for equal rights for all.<sup>48</sup> The final line of their flyer reads: 'We Jordanians demand the implementation of the spirit of the Constitution and the accountability of anyone who uses the law to kill innocent women.' The manifesto published in the *Jordan Times* calling for signatures claims the campaign was organized 'to practice our civil rights to demand that legislative, judicial and administrative authorities ... take all necessary measures and use all legal, democratic means at their disposal ... to eliminate this ugly phenomenon.'<sup>49</sup> A report prepared by the committee after the signature collecting activity had passed stated that they based their work 'on the importance of individual citizen's activity in improving society. This is based on the principle of self-education spread throughout society by citizens themselves.' The Campaign demanded that Jordanian citizens be allowed to speak up for themselves and participate in both determining and pursuing the common good.

In interviews with the Campaign committee members, many noted that the opportunity to participate and 'improve Jordan' were among the important motivations for their involvement. The committee chose to collect signatures precisely because they could target wider sectors of Jordanian society. One member considered the Campaign 'an exercise for people in practicing their rights' and that 'if you teach people to 'voice their voice,' then that is the foundation of democracy.'<sup>50</sup> Many committee members explained that the most positive aspect of the Campaign was simply raising the subject as an issue to be debated. They felt compelled 'to do something for the country,' that honor crimes were a stain on Jordan. Most of them agreed that this Campaign would have a positive effect on building democracy, but all remained tentative about the extent, agreeing that democracy in Jordan is in its infancy and can be turned back at any moment.

The Campaign was organized on a purely voluntary basis, in contrast to the family, 'tribal,' or communal ties that shape Jordanian political, economic, and social life. Anyone who wanted to participate and gather signatures was welcome. Campaign materials repeatedly stressed that it was a Jordanian campaign, by and for Jordanians. The committee accepted no outside funds in order to preserve the integrity of the Campaign and to avoid co-optation. In a country where many institutions cannot survive without foreign funds, up to and including the Jordanian government, this

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47 See the published call for signatures: 'The National Jordanian Campaign to Eliminate So-called 'Crimes of Honor,'" *Jordan Times*, 24 August 1999.

48 In fact, the Jordanian Constitution does not ban discrimination based on sex. It simply states 'all Jordanians (*urduniyoon*) are equal before the law.' *Urduniyoon* can be understood to mean either exclusively male Jordanians, or male and female Jordanians.

49 *Jordan Times*, 24 August 1999.

50 Author interview with member of the executive committee of the Campaign, February 2000.



refusal to accept foreign funding is significant. When speaking to potential signers, the committee, and all of their volunteers often would encounter suspicion and be asked ‘Where are you from?’ ‘Who is behind you?’ and ‘Why are you doing this?’ To calm people’s fears, signature collectors would answer with some form of: ‘I am from Jordan,’ ‘We are behind ourselves,’ and ‘We believe in exercising our rights.’

The stress on the ‘Jordanian’ nature of the campaign is particularly interesting in terms of the 11 committee members, since all but one of them is a Jordanian of Palestinian descent. In a country where Jordanians of Palestinian origin, although full legal citizens, can be discriminated against politically, their active participation in this type of organization on behalf of Jordan is noteworthy. When asked if the communal identity divide so prevalent in all aspects of Jordanian politics impinged on the work of the committee, some members simply said it was not an important issue for the committee as they had gathered to address honor crimes. Other members acknowledged that it was noticed, but that the committee expressly ignored it and pushed forward. One member noted that Jordanians of all origins were initially invited, and that whoever wanted to stay was welcome. Self-selection produced a predominantly Palestinian-origin committee, as the Palestinian population has a much longer experience with politics and political awareness overall, according to this member. That the committee was based in Amman, which has a high concentration of Jordanians of Palestinian origin, may have also influenced the composition of the committee. However, their comments reflecting on their reasons for participation show that identity played an important, integrative role.

Several committee members, throughout the course of the interview and not only in response to a question about their reasons for participation, stressed that although they were of Palestinian origin, they considered themselves Jordanian. Some version of the statement: ‘I was born here, this is the only country I know, and I plan to stay here,’ recurred throughout some of the interviews, especially with the younger members. Their participation in this endeavor is a testament to their feeling, or trying to feel, ‘at home’ in Jordan. Although they care about Palestine and being Palestinian is part of their identity, their commitment in terms of the Campaign was to improving life in Jordan. This simple fact attests to a very interesting relationship between the slow emergence of democracy (if it is not halted), questions of identity, and the strengthening of individual citizenship. Their participation can be situated in the context of other attempts to make Jordan a country of all of its citizens, regardless of their origin.<sup>51</sup>

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51 There is increasing debate regarding issues of origin and citizenship in Jordan. Adnan Abu Odeh’s recent book, *Jordanians, Palestinians and the Hashemite Kingdom* treats these subjects and created debate in the Arabic press with its publication. See Adnan Abu Odeh, *Jordanians, Palestinians and the Hashemite Kingdom in the Middle East Peace Process* (Washington DC: United States Institute of Peace Press, 1999), and responses in al-Ra’y including: Fahd al-Fanek, ‘Kitab Abu ‘Awda: al-Urduniyyun wa al-Filastiniyyun’ [Abu Odeh’s Book: Jordanians and Palestinians], *al-Ra’y*, 13 November 1999; Fahd al-Fanek, ‘Judhur al-Wataniyyatayn al-Filastiniyya wa al-Urduniyya’ [The Roots of Palestinian and Jordanian Nationalisms], *al-Ra’y*, 18 November 1999; and Yousouf Abdullāh Mahmoud, ‘Hawla Judhur al Wataniyya al-Urduniyya’ [About ‘the Roots of Jordanian Nationalism’], 24 November 1999.

In a microcosm, this campaign exemplifies many of the characteristics of civil society movements as they are described in other emerging democracies: voluntary, participatory, striving for autonomy from the state. The members of the committee do not read about theories of civil society under conditions of transition to democracy. Yet, their actions and strategies suggest that these theories are useful outside the context that gave rise to them. But, as in other emerging democracies, there are limits to how far these civil society movements can go. There are still repressive holdovers from the previous regime that limit the development and free movement of civil society organizations. Jordanian civil society is no exception and has its own particular limits.

### **Limits to the Campaign**

By deciding against ‘going legal,’ the Campaign faced many difficulties. Since they were not registered with the Ministry of the Interior, they were prohibited from renting office space. They had difficulty finding printing houses that would print their materials. The printing house that finally agreed to do the job insisted on obtaining approval from the Ministry of Information. Some volunteers were harassed by police while collecting signatures, and two volunteers were arrested once and briefly detained. They could only protect themselves from the police with an official looking letter, written by a sympathetic employee from the Ministry of Information. Three weeks into their signature-collecting, the Arabic-language newspapers refused to print their press releases, in effect forcing the Campaign to purchase space for a commercial ad.

The Campaign had particular difficulty dealing with the Amman municipality, which denied their request to hold a press conference in the City Hall. As a result, the committee called an urgent meeting to consider two alternatives: to defy the municipality and have the conference on the side walk outside Amman City Hall or to seek assistance from the palace.<sup>52</sup> A majority vote on the committee supported the non-confrontational option of seeking help from Queen Rania’s office. The Campaign received permission to hold its press conference only after intervention from the palace. This shows that although civil society groups may desire autonomy, the structure of politics in Jordan forces them to seek royal protection. Political access is obtained through royal patronage, granted as a favor, rather than guaranteed as a citizen’s right. The committee also wanted to hold a mock funeral for the girls and women who had been murdered in honor crimes and thus were denied a proper burial. The Amman municipality turned down this request for a permit as well, and there was no further ‘help’ from higher up. The palace was willing to assist up to a certain extent, but no further, and the Campaign had no other legal recourse.

Vociferous opposition to canceling the Article arose from other quarters within civil society and the Lower House of Parliament. Members of the Lower House stressed their support for a law whose cancellation they felt would lead to ‘the

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<sup>52</sup> Email communication with a member of the executive committee of the Campaign, April 2001.

destruction of the foundation of Jordanian society, the increase of moral crimes, and an invitation to decay and anarchism and is thus rejected by religion.<sup>53</sup> An outspoken deputy accused foreign influences of attempting to interfere in Jordanian society, which he called ‘by nature a religious, traditional society.’<sup>54</sup> At a conference organized by the Jordanian Writers Union to debate the issue, another deputy stated: ‘This [canceling of the article] is a call to spread corrupt morals and obscenity and will bring total destruction to our society.’<sup>55</sup> Abdul Latif Arabiyat, secretary general of the Islamic Action Front Party, summed it up by saying, ‘We feel that whoever is leading all these campaigns to change is aimed at demoralizing our society, and the women’s issue has been used by the West against the Arabs and the Muslims to push Arab women to abandon their honor and values and start acting like animals.’<sup>56</sup>

These comments reflect a view held by many Jordanians, men and women, that canceling Article 340 constitutes a direct attack on the family, still the fundamental social unit in society. Any perceived attack on the family is understood as an attack on Jordanian society as a whole.<sup>57</sup> Because the Campaign addressed a subject at the heart of societal insecurities, they faced strong opposition from other civil society actors, from Islamists to the professional organizations. However, this is an acknowledged aspect of how civil society functions, that there should remain an arena for debate regarding the common good. Holding views that sound archaic and cruel to Western ears does not disqualify them from the public arena, especially since the people making these arguments are also deeply concerned about Jordanian society. The Campaign initiated a wider societal debate about honor crimes that turned into a discussion of women’s rights and foreign influence on Jordan. Once the debate started, however, the Campaign was simply one voice among many, if only for a limited period of time. The Jordanian government did not have the patience to let the discussion run its course.

The committee had planned to work for an entire year collecting at least 50,000 signatures from every corner of the Kingdom before the Lower House voted. However, the Lower House, where the deputies did not even bother to send the draft to their legal sub-committee for study, suddenly decided to call the issue for a vote in November 1999. It is unclear whether the hasty call to a vote was the result of growing attention generated by the Campaign or of other government considerations.<sup>58</sup> The resolution

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53 *Al-Ra’y*, 22 November 1999.

54 *Al-Ra’y*, 23 November 1999.

55 *Jordan Times*, 25–26 February 2000.

56 *Jordan Times*, 18–19 November 1999.

57 A survey, noted in *Jordan Times*, 2 February 2000, and published by a local Islamist weekly found that 62% of the population opposed canceling Article 340. However, the statistics gathered by the Campaign found wider support for canceling the article. There are no official statistics regarding opinions about canceling Article 340.

58 Some members of the committee believe that the palace called the vote in order to quash the issue due to negative international press. In early November of 1999, King Abdullah visited France in order to encourage foreign investment in Jordan’s sagging economy. On 15 November 1999, a full-page article appeared in *Le Monde* detailing crimes of honor in Jordan, with a very small article at the bottom of the page announcing the King’s visit. One week later, on 22 November, the Lower House called the bill for a vote. ‘The King was enraged and

calling for the cancellation of Article 340, submitted months earlier by the JNCW, was resoundingly defeated in the Lower House. The bill was then sent to the Upper House, which quickly approved canceling the article and sent it back to the Lower House for reconsideration. On 26 January 2000, after a ‘quiet three minute debate,’ the Lower House of Parliament again rejected canceling the article by a show of hands that was not even counted but was deemed a majority.<sup>59</sup> In keeping with parliamentary rules, the bill returned to the Upper House, where it was approved, again. Since the two houses of Parliament did not agree, the bill had to be discussed in a joint session between the government and the Parliament. A joint session must be called by the King, and there is no time limit within which a joint session must be called. It may be months or years before a joint session is called to discuss the draft again. Until then, the government resolution to cancel Article 340 waits in limbo.

Soon after the Parliamentary vote, the palace directly intervened. Although the committee members had wanted to hold a public march for some time, the Amman municipality had denied them a permit. On 3 February 2000, on a computer list-serve where current political topics in Jordan are discussed, Prince Ali, one of the younger princes in the Royal Family, proclaimed his disgust with honor killings and the people who condone them and announced that a protest march would be held on 6 February 2000.<sup>60</sup> The march was postponed due to the threat of rain, and eventually held on 14 February 2000. More than 5,000 Jordanians, namely tribal leaders from all corners of the Kingdom, showed up for the march.<sup>61</sup> The palace bussed in these tribal leaders to support the position of its appointed government against Article 340.<sup>62</sup>

Very few ‘ordinary’ citizens came, since the march was held in the middle of a workday and was hardly publicized outside the computer list-serve. The members of the Campaign could hardly have afforded the fleet of busses that carried the demonstrators from Sports City to the Parliament building. None of the natural constituencies for this issue were present, particularly women’s organizations. The majority of the participants were men. Some of the participants did not know why they were at the demonstration, and the question ‘What is Article 340?’ was heard repeatedly throughout the crowd.<sup>63</sup> Participants were also overheard saying that ‘the tribes’ had been told that they were being blamed for committing honor crimes, thus they needed to come and defend themselves against this attack on their honor. Also widely heard was the refrain ‘if I found my wife/sister/female relative in such a situation, I would kill her too.’ There were periodic chants from the crowd ‘Long live King Husayn’ and ‘with our blood, with our souls, we will defend you King

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demanded that the issue “be taken care of.” Author interview with member of the executive committee of the Campaign, October 2000.

59 *Jordan Times*, 27 January 2000.

60 Personal communication, email posted 3 February 2000.

61 *Jordan Times*, 15 February 2000.

62 Personal observation. The author attended the rally. This sentiment was echoed by several members of the executive committee of the Campaign, February 2000.

63 *Al-‘Arab al-Yawm*, 15 February 2000.

Husayn,' implying that these individuals were there to support the government when it called on them, not because of the issue at hand.<sup>64</sup>

Despite all of these indications that it was a government-sponsored march, the protest took place under the name of the Campaign to Eliminate Crimes of Honor, as if the march were a continuation of the independent signature-collecting campaign, rather than a regime-orchestrated event.<sup>65</sup> Members of the executive committee of the Campaign, in whose name the march was held, were simply informed of its happening. By organizing the rally and who would be there, the palace gained control over the issue and pre-empted much of the Campaign's activities.

The demonstration revealed some royal support for canceling Article 340, but this support was never widely known. Aside from Ali's email, the palace never took a clear or public stand against honor crimes. Although King Abdullah directed his appointed government 'to pursue laws that discriminate against women,' he never directly, on the record at least, declared himself opposed to honor crimes or to Article 340. In contrast, from the beginning of the government-sponsored initiative, the Prime Minister declared his willingness to abolish Article 340, in keeping with the ambiguous directive from the King. On the day of the demonstration, however, the Prime Minister pointedly avoided the protesters, in fact sneaking out the back door of the Parliament building to avoid confronting them.<sup>66</sup> This reveals an apparent split between a palace that orchestrates a very public event in favor of a policy for which it has expressed no open support, and a Prime Minister who avoids a demonstration in favor of a position his government has officially espoused. It is not clear whether the Cabinet's approval of cancellation reflects their commitment to the issue, or simply their following the King's orders, perhaps knowing that it was a symbolic gesture anyway. This apparent contradiction shows that neither the palace, nor its appointed government, was genuinely committed as institutions to addressing honor crimes. Instead, they were more concerned with the appearance of addressing an issue that brought negative international attention to Jordan, but without alienating the powerful domestic forces that prefer the status quo.

The intervention of the royal family into the fray changed the entire nature of the debate and has taken the steam out of the Campaign. After the demonstration, there was some division among the committee members regarding future strategy, as some felt royal intervention would give them the support they needed to get Article 340 canceled, while others remained committed to the principle of democratic activism and the Campaign remaining 'a people's movement.' To date, the Campaign has continued to gather signatures occasionally, to lobby deputies in preparation for the joint session, and to attempt to re-constitute itself as an official group. In 2000,

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64 There were about 50 teenage schoolgirls who held signs and chanted slogans protesting the murder of innocent girls, but they were the clear minority.

65 Days before the march, the legal advisor to the committee was called into Prince Ali's office and informed that a march would be held in the name of the campaign. However, it is not entirely clear if the legal counsel demanded that the march be held in their name, in order to preserve their issue, or that the official demanded use of the name as a 'front' for a regime-ordered demonstration.

66 Personal observation.

the Campaign was recognized by the New York-based organization, Human Rights Watch, for their efforts on behalf of human rights, the first time such recognition has been bestowed on a group rather than an individual. Overall, Campaign activity has steeply dropped off from the period of their signature-gathering during the fall of 1999. As of this writing, a few of the core members continue to meet to discuss strategies for courses of action.

In addition, royal attention is focused more directly on addressing the depressed economy and the challenges of peace negotiations in the region. After the march, the palace can claim that it 'did its best' but is respecting the vote of the Parliament and does not need to pursue the issue further. In short, the issue is no longer at the top of the agenda.

## **Conclusion**

The purpose of this chapter is two-fold; first, to tell the story of the Campaign to Eliminate So-called Crimes of Honor, an organization whose emergence gives some cause for optimism about the possibilities for civil society in Jordan, second, to show the limits of that optimism as the regime continues to co-opt independent societal action.

The signature-collecting campaign to demand the cancellation of Article 340 reveals a new, although still limited, development of civil society in Jordanian politics. Its executive committee members strove for egalitarianism within the organization itself and democratic participation in the larger political arena. They pursued a vision of the common good and peacefully attempted to convince others of their vision. Collectively, they struggled to maintain their autonomy from the state by not registering with the Ministry of the Interior. By virtue of their insistence on independence from the government and their reliance on participatory citizenship, the Campaign fits very nicely into civil society models of politics in emerging democracies. Although facing severe limits on its action, the simple fact that the Campaign emerged at all in Jordan allows for the possibilities of civil society in Jordan and the larger Arab world.

Yet, the Campaign's experience also shows that the state will have a response for action it does not control and will seek to co-opt such movements. Feeling the negative international spotlight, the Jordanian regime initiated a formal process to address discrimination against women. It remains a matter of speculation how truly committed the regime was to addressing either discrimination against women or honor crimes. It does appear that the regime either could not abide by the Campaign's independent action or felt it could appropriate that action for its own purposes. In either case, the outcome was the same for the Campaign: the palace held a march in their name, draining them of their ability to say they stood only for themselves, obliterating the autonomy they had so carefully sought. Subtle co-optation, rather than coercion was the regime's most effective tool against even a small assertion of independent associational activity that tackled a sensitive social issue.

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## Chapter 5

# Sex Education in Lebanon: Between Secular and Religious Discourses

Azzah Shararah Baydoun

This chapter portrays the public debate that took place in the spring of 1999 in Lebanon between advocates of school sex education for pubescent students and their adversaries. An attempt is made to contextualize this debate within the highly polarized diverse ‘communities’ of Lebanese society. This diversity is manifested in two broadly opposing approaches to challenges posed by the compulsory affiliation of Lebanon – as all developing countries – with the ‘global village.’ On one hand, there is the traditional approach adopted by the formal religious authorities, whose organizational competence and political influence is anchored in the Lebanese political sectarian system. On the other, there is the modern, obliquely secular approach adopted by individuals and organizations, both governmental and non-governmental, who lack the experience and rootedness of their sectarianist counterparts but who are sensitized to the urgency of problems posed by the contemporary world, and are struggling to promote what they conceive to be scientifically based – and therefore effective – solutions. The debate was triggered by the issuing of the Lebanese Presidential Decree ordering the ‘elimination of the chapter on human reproduction from the Life and Earth Sciences of the eighth grade in the pre-university curriculum.’<sup>1</sup> This analysis of the debate is based on documents produced around and about the debate, and on interviews with most of the actors involved in it.<sup>2</sup>

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1 Presidential Decree 2066, ‘Elimination of Chapter 1 from the Life and Earth Sciences curriculum for the eighth grade from the Basic Education cycle,’ *The Lebanese Official Gazette*, 2, 3 January 2000, 76.

2 Official documents from the Ministry of Education and annexed institutions, and documents from the archives of health NGOs were examined, as were related materials from the media. Interviews were furthermore conducted with most of the educational and health authorities from governmental, UN and non-governmental sectors that participated in the process of formulation of the sex education curriculum. Also interviewed were religious personnel delegated by their authorities to voice in writing discontent with the curriculum. Several school counselors from secular as well as religious affiliated schools were also interviewed, all in an attempt to describe the process of the formulation of the curriculum, the mechanism of its elimination, and the responses it elicited from different sectors of civil society, thereby providing background to the debate between the two parties.



## Introduction: A Brief History of Sex Education Curriculum Development in Lebanon

Sex education was first ‘officially’ addressed in Lebanon in 1995, five years after the cessation of the civil war military activity that ravaged Lebanese society and arrested the development of its state and private institutions for more than fifteen years.<sup>3</sup> A national plan for educational development was formulated within the context of ‘Reconstruction and Development’ of Lebanon – an essential component of the platform of all successive post-war governments. The Educational Plan was drawn in partnership with the UN and its institutions, which provided their expertise and support for programs aimed at AIDS prevention.<sup>4</sup> The approach adopted was a defensive one, aimed at arming youth with tools to prevent the spread of AIDS. The curriculum was designed to transmit knowledge as well as to promote ‘the development of skills and positive attitudes’ and was coupled with incentives in the attempt to promote healthy sexual behavior among prepubescent students.<sup>5</sup>

Over a three-year period beginning early 1995, more than 30 experts and consultants from different educational, health, and social institutions set out detailed guidelines for the ‘Education for the Prevention of AIDS and Sexually Transmitted Diseases’ program, under the administration of the Educational Center for Research and Development (CERD). The program was elaborated as a package of three sections, respectively focusing on information acquisition, development of practical skills and tools, and social attitudes. These sections constitute high school curriculum material which curricula designers, textbook authors, and teachers can draw from, or upon which they can model educational material.

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3 ‘Unofficial,’ or informal, attempts to introduce sex education include efforts by university professor and psychoanalyst Munir Chamoun in the early 1960s to establish an educational program in the Catholic school system for students aged 10 to adolescence (author interview). As well, the Lebanese Family Planning Association has had sex-education initiatives over the past 30 years variously termed family education, population education, childbirth safety, and sex safety. The association has at various times partnered with the government to form committees to address the goal of incorporating sex education, a major component of population education, in pre-university curricula (author interview). The perseverance of this association has finally borne fruit. A teacher’s manual/reference book on ‘Population Education’ was published in 2004 with the collaboration of CRTD, including a chapter on sex education under the camouflaged title ‘Health and Life’ (!) Y. Abi Salloum, ed., *The Reference Book in Population Education* (Beirut: CRTD and LFPA, 2004).

4 In 1998 the number of reported cases of HIV/AIDS was estimated to be 529 adult men and women among an *estimated* total population of three-and-a-half million (no general census of Lebanon is available). It is worth noting that 53% of the cases were locally infected, the remaining were not permanent residents (foreigners or immigrants). 2004 statistics show 772 cases, 58% of whom were infected locally, 79% of whom were infected through sexual relations, 59% of whom were in the age range 31–50. The estimation is provided by the ‘The National Program for CIDA and STD Prevention,’ a program that is executed through partnership between the Ministry of Health and WHO, and aims at limiting the spread of the disease by various health education strategies.

5 Group of Educational and Health Experts, *Education for AIDS and STD Prevention* (Three-volume kit), (Beirut: CERD and WHO, 1998).

The program's learning objectives, content, and suggested methods and activities were harmonious with the vision and goals of the new pre-university school curriculum.<sup>6</sup> Accordingly the package presumes an active learner, with the teacher in the role of animator in a class resembling a workshop rather than the traditional learning environment prevalent in most Lebanese schools until only recently. What distinguishes this program and its components is that it invites students to participate in consolidating the foundations of their own knowledge. The approach of the program presumes students to be responsible individuals capable of building up their own knowledge and reflecting on their experiences so that they can reach wise decisions. These decisions in turn are understood to be based on their interests and those of their community, and thus, it is presumed, will be in harmony with community values. Students' behavior, as such, is rendered personal and based on individual conviction rather than on identification with a 'virtuous' model valid for all people and all occasions.<sup>7</sup>

However, this does not mean that the sex-education curriculum package adopts a totally value-free approach. Despite its respect for students' capabilities and its focus on decision-making, the program ultimately disseminates values that are understood to be fixed and prevalent in Lebanese popular consciousness, thus the family is assumed to be a main reference in raising awareness on sexual matters and a primary garrison against the spread of AIDS; limiting sexual relations only to marriage is ranked as the primary method for preventing AIDS and STDs; the importance of postponing all kinds of sexual relationship until marriage is emphasized, and abortion is alluded to by describing it as an emergency means of pregnancy termination within the context of Lebanese law.<sup>8</sup> As such, the approach of the curriculum operates within a framework based on widespread, embedded values, and forms the context that frames students' decisions. So, for example, using the guidelines of the sex-education package, the Life and Earth Sciences curriculum for the eighth grade was titled 'Reproduction in Human Beings.'<sup>9</sup> The curriculum covers anatomical and physiological characteristics of puberty; a brief description of male and female reproductive organs; the menstrual cycle, and fertilization. The program guidelines suggest that teachers give a quick presentation of birth control methods, on condition that this presentation is placed in its social and legal context. This

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6 The pre-war Formal Lebanese Educational System was a constant target of attack from Lebanese educators and all other parties concerned for its conservative and authoritative, top-down style of knowledge transmission based on a passive learner. The new curriculum tried to address this problem by introducing a participatory/ interactive educational model.

7 Group of Educational and Health Experts, *Education for AIDS and STD Prevention*.

8 Lebanese Law dictates that induced abortion is legal strictly as a medically therapeutic measure and is otherwise illegal. The courts treat abortions performed for reasons related to rape, incest or extramarital relations with 'leniency' (codes number 209 and 539 of the Lebanese Criminal Law).

9 The eighth grade corresponds to eight years of formal schooling. Assuming formal schooling starts with kindergarten in the age range from 4 to 6, eighth grade students are between ages 12 to 14.

presentation is to be followed by another brief one on sexually transmitted diseases, among them AIDS, and a quick mention of STD prevention methods.<sup>10</sup>

This curriculum was designed as a unit of the official Life Sciences textbook for the eighth grade French and English language divisions, in four chapters.<sup>11</sup> Needless to say, these chapters were originally written in a sober, scientific style. With the new curriculum, questions, exercises, and tasks related to them were added, reasserting scientific terminology and definitions.<sup>12</sup>

### **Religious Opposition to the Sex Education Curriculum and Its Elimination by the Government**

The sex education curriculum described above, which only aimed at prevention, did not withstand the forces opposing it.<sup>13</sup> Muslim religious leaders of the ‘highest order’ intervened with the ‘highest political authorities’ to freeze its implementation.<sup>14</sup> *Kutlat Al-Wafaa Lil Muqawama* (a Shiite-affiliated parliamentary group whose name literally means ‘Loyalty to the Resistance [to the Israeli occupation] Group’) lobbied the Prime Minister to eliminate the sex education curriculum, and sent a letter dated

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10 Group of Educational and Health Experts, *Education for CIDA and STD's Prevention*; Group of Educational Experts, ‘Curricula of General Pre-University Education and its Objectives’ (Beirut: *Lebanese Official Gazette* [Presidential Decree no. 10227]), 5 August 1977.

11 The Lebanese public educational system offers the students the choice of English or French as a second language, the first being Arabic. Official schools have, accordingly, parallel corresponding divisions of each grade. These chapters resort to illustrations of reproductive organs and their functions and to photographic illustrations of manifestations of genetic inheritance (photos of identical twins), symptoms of one STD (the hand of a person afflicted with syphilis), adolescent interest in the opposite sex (a photo of two young male and two female adolescents talking to each other in the playground).

12 The terminology and expressions that describe reproduction, particularly those that describe reproductive organs, lend themselves to vulgarisms (as seems to be the case worldwide!). Thus, educational officials work hard to seek a scientific or ‘polite’ terminology to aid teachers and students in comfortably discussing human sexuality. See for example *Kutlat Al-Wafaa’ Lilmukawamah* (literally ‘Loyalty to the Resistance’ Parliamentary Group – referring to resistance to the Israeli occupation) ‘Remarks on Some Subjects of the New Curriculum,’ a letter addressed to the Lebanese Minister of National Education and Youth and Sports, Archives of the Department of Common Managerial Interest (Ministry of Education), no. 5522/11, 30 June 1999.

13 This approach to sex education is termed ‘preventive’ when compared with the declared objectives and contents of some of the sex education curricula adopted by schools in industrial countries, which go beyond ‘teaching about sex’ to ‘exploring sexuality,’ reflecting these societies’ liberal values. Some of these curricula have stated goals of helping individuals achieve sexual mastery in their choices and behavior, within a context almost entirely free of value judgments. See, for example, Patricia Schiller, *Creative Approach to Sex Education and Counseling*, 2nd ed. (New York: Association Press, 1977): 24.

14 Author interview with the Minister of Education, who is referring to the religious leaders and the President of the Republic, thus relieving himself of the responsibility of the decision taken.

30 June 1999 to the Ministry of Education explaining its rationale for this request.<sup>15</sup> The *Arfan Tawhidiyya* (an educational institution of Druze affiliation) followed suit.<sup>16</sup> Both of these sectarian groups run their own school systems for intermediate classes, which this curriculum addresses.<sup>17</sup> These parties' open declaration of their disapproval does not mean that they are the only ones who oppose the high school sex education curriculum; others, some of whom actually participated in designing the curriculum, are ambivalent about its adoption. For these (Christian schools, mainly), the open opposition declared by various parties and religious image leaders spared them the embarrassment of taking a stand that might blemish their 'liberal' public image.<sup>18</sup>

There are various alleged rationales for this opposition. *Kutlat Al-Wafaa Lil Muqawama* objects on the grounds that students aged 12–14 years will be studying topics that 'provoke them to perversion.' After listing the curriculum's topics in its letter to the Minister of Education, this group urges the government (through the Minister) to note the 'the content's bluntness in its headings, so one can imagine the details!' The group argues that the curriculum is on par with vulgar advertisements and pornographic films.<sup>19</sup>

As for the *Arfan Tawhidiyya*, representatives insist that classroom study of human reproduction and sexuality conflicts with religious and moral values because it encourages freedom and a light-hearted attitude toward sexual practices. They also claim that this education orients the student's attention toward the body and should thus be replaced by religious education. 'School education should focus on the spirit and the mind, perpetuating their triumph in the battle with instincts to achieve humans' transcendence to their higher state.'

Though the Minister of Education asked officials to formulate an adequate response to these two letters, a Presidential Decree (No. 2066) was nevertheless

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15 *Kutlat Al-Wafaa' Lilmukawamah*, 'Remarks on Some Subjects of the New Curriculum.' The group represents the Hezbollah political party in the Lebanese parliament. Educational specialists believe that this party draws on the prestige it has gained in resisting the Israeli occupation to impose its point of view on the government in various fields, education being one of them.

16 Al-'Irfan Altawhidiah Institution, 'A Letter Addressed to CERD Regarding School Sex Education,' 30 May 1999 (Beirut: CERD Archives, no. 144/ ع ٥). The Druze is one of 19 official religious sects of the multi-sectarian communities of Lebanon. It is one of four Muslim sects. Their affiliates make up less than 15% of the total Lebanese population.

17 Sectarian communities' right to establish schools and to teach their own religious dogma (and follow a 'non-Lebanese' educational system alongside the Lebanese if they so choose) is sanctified by the Lebanese Constitution. As such almost all sectarian communities have their own school system, and many have their own universities. Sectarian schools enroll more than 60% of Lebanese students.

18 This was asserted to me by the director of the *Arfan Tawhidiyya* Institution; he claimed to have consulted with other religious educational institutions (Catholic schools, Al-Makassid [Sunnite], Al-Aamlieh [Shiite], Al-Mahdi Schools [Shiite], etc.), and said that each of these religious educational institutions encouraged him to write to CERD objecting to the sex education curriculum (author interview).

19 *Kutlat Al-Wafaa' Lilmukawamah*, 'Remarks on Some Subjects of the New Curriculum.'

issued, ordering the ‘complete elimination of the chapter on the reproduction of life in humans’ from the Life and Earth Sciences curriculum in the eighth grade, and adopting it for the twelfth grade (the last pre-university grade).<sup>20</sup> The rationales for removing sex education from intermediate education and adopting it for older students are based on the Constitution (which specifies the pre-university academic curricula of public schools); on the suggestion of the Minister of Education; on a draft prepared by the Advisory Council, and on approval by the Government Ministerial Cabinet.<sup>21</sup>

Prominent among the arguments defending the aforementioned Presidential Decree was the position of the Minister of Education. While the Minister consulted educational specialists charged with approving the new school curricula including the sex education curriculum, documents show that the Minister bowed to what he considered to be the ‘desire’ of the majority in Lebanese society. In an interview the Education Minister noted that religious organizations, as represented by their leaders, expressed opposition to school sex education.<sup>22</sup> The minister argued that he had no choice in the face of this majority opposition, and asserted that in fact the sex education curriculum was simply postponed, to be incorporated into all Lebanese Baccalaureate level divisions and sections (grade 12).<sup>23</sup>

### **Responses to Elimination of the Sex Education Curriculum**

Let us turn now to consider the responses to this situation of the various educational, health, and civil institutions involved. The few voices that objected to depriving students aged 12–14 of the sex education curriculum argued on several fronts.<sup>24</sup> For one thing, there was dismay concerning the arbitrariness of the mechanisms

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20 The response provided to the Ministry of Education explained the need for sex education in contemporary Lebanese society, and restated the headings of the suggested curriculum and their presentation methods, which are far from pornographic. Mustapha Yaghi, ‘A Letter Addressed to the Al-’Irfan Altawhidiah Institution,’ 14 June 1999 (Beirut: CERD Archives, no. 144/ ع ٥); and author interview with Sami Aboulmouna, educational director of the Arfan Attawhidiah Institution, Mount Lebanon (Chouf), 12 April 2004. Presidential Decree 2066, 76.

21 Mohammad Youssef Baydoun (Minister of Education, Youth and Sports), author interview, Beirut, 21 May 2000.

22 See footnotes 17 and 19.

23 Mohammad Youssef Baydoun, author interview, 21 May 2000.

24 Radio, television and print media are the main channels for expressing the often-conflicting views in Lebanese society. Except for extraordinary situations, the media is generally open to all parties to express views on social issues. It is thus significant that coverage of the sex education issue was very slim, in fact about 10 times more media coverage was directed at the debate over religious education in schools, which occurred in the same time period (judging from one local newspaper’s archives – *As-Safir Daily*). In other coverage, a prominent local NGO convened an entire day of discussion over the religious education debate, which was attended by various religious, secular, and educational officials, but ignored the sex education issue. Perhaps the most important dialogue on sex education occurred on the *Sireh Wa Infatahet* [Let’s Talk Since You Brought it Up], Future TV, 24 November 1999

characterizing the elimination decision. Supporters of the sex education curriculum denounced the politicians' use of the crude privileges of their political posts to override three years of work by advisory committees of CERD. Journalists, academicians, and social and health activists accused the Minister of Education of valuing his political and electoral interests over the educational interest of students.<sup>25</sup> Representatives of religious educational institutions were also accused of abandoning democracy by declining to try and influence their colleagues in the Advisory Educational Committee through dialogue, resorting instead to political pressure.<sup>26</sup> There was criticism as well of the government's yielding to religious officials who in most cases did not have the scientific qualifications for making pedagogical decisions.<sup>27</sup>

Through the media, sex education supporters addressed the Lebanese public to try and clarify the urgency of responding to the societal needs for such a program, arguing that:

- Statistics collected from partial qualitative studies, some claimed, indicate that Lebanese youth tend to engage in sexual activity at an early age.<sup>28</sup> Others indicate that the majority of mothers are ignorant of sexual facts, which makes most families unqualified to teach sex education.<sup>29</sup>
- Advocates of school sex education refer to the single quantitative and qualitative study conducted by CERD (1999), the experiences of health counselors, and anecdotal reports from the hotlines of some AIDS awareness organizations to demonstrate the desperate need of young Lebanese adolescents of both sexes for information related to their bodies and to sex education at younger ages in general.<sup>30</sup>
- There have been assertions that children must be armed against the sexual violations – incestuous and otherwise – which are on the rise in Lebanese society.<sup>31</sup> This requires

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which featured some of the educational and health experts involved in developing the sex education curriculum, and opposition groups.

25 G.H.S., 'Minister of Education Eliminates Sex Education,' *As-Safir Daily*, 9 September 1999.

26 Toufic Osseiran, General Director of the Lebanese Family Planning Association, on the TV talk show *Sireh Wa Infatahet*, 4 November 1999.

27 Michel As-Sabaa, 'Our Contribution to Ideological Globalization,' *As-Safir Daily*, 22 July 1999.

28 And in most cases this occurs outside of marriage, as surveys indicate a rise in the marital age for both sexes. Thus, according to the WHO (Elissar Radi, Coordinator of Health Activities for the World Health Organization, on the TV talk show *Sireh Was Infatahet*, 24 November 1999) depriving students of sex education places youths within a 'high risk' category.

29 Toufic Osseiran, the head of the Family Planning Association – the first and most active of its kind in Lebanon speaking on the TV talk show *Sireh Was Infatahet*, 24 November 1999. He cited a population study conducted by the association in the mid-seventies in Az-Zahrani, one of the six Lebanese Muhavazat (geographical region).

30 Author interviews: Toufic Osseiran, General Secretary of the Family Planning Association, Beirut, 3 April 2000; and Nada Al-Agar Naja, coordinator of health and environmental education, World Health Organization (WHO), Beirut, 5 April 2000.

31 Prominent advocate of early sex education Marie Therese Khair Badawi, a psychoanalyst and a researcher on sexuality speaking on the TV talk show *Sireh Was Infatahet* (24 November 1999).

lowering the age at which sex education is provided, rather than eliminating it during puberty and postponing it as has happened.

In fact many private schools (and a few religious ones) chose to disregard the decree to eliminate sex education. Some of these private and religious schools teach French curricula alongside Lebanese official curricula and offer, accordingly, a form of sex education. Others, some (but not all) of which are Anglophone, teach the eliminated chapters on human reproduction and supplement them with lectures on sex education, presented by medical, health, or psychology experts (author interviews).<sup>32</sup>

### **Themes of the Polemic**

The public ‘discussion’ between the designers of the sex education curricula and sex education supporters on one hand, and opposition groups on another – was in fact not a discussion but a polemic between two fixed positions.<sup>33</sup> This polemic is characterized by a notable tactic on both sides: avoiding the essence of the other’s argument and ignoring his referential framework. An example of this is opponents’ singular defense of ‘spiritual and societal values,’ (which are allegedly non-existent in proponents’ reality), and the sex education proponents’ focus on ‘scientific facts,’ (which opponents putatively have no access to). Thus values are claimed by opponents to belong to them and only them, while scientific fact is claimed by proponents to belong exclusively to them. In the same vein opponents, specifically religious leaders, ignore the reality of those whom they claim to represent, particularly if that disregard serves their argument, while sex education proponents focus on the status quo without sufficiently addressing the role of religious values in influencing and possibly transforming that status quo. These kinds of blinders on both sides further obstruct dialogue and negotiation. An analysis of this polemic will provide some insight into the issues underlying the debate in the cultural space of the Lebanese society.

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32 Author interviews: Diana Abulabdeh, biology teacher and school counselor at the International College, Beirut, 5 May 2000; Claude Ghrayib, school counselor at the Lycee Français, Beirut, 26 May 2000; Robert Rizk, teacher at Université Saint Joseph and a school counselor at Sacre Coeur, Mount Lebanon (Kfar Hbab), 21 May 2000; Munir Chamoun, teacher, Université Saint Joseph and a psychoanalyst, Beirut, 6 May 2000.

33 It goes without saying that sex education everywhere has been a hotly debated issue. In the USA, for example, its endorsement required debate, opinion polls, and general and local conferences – professional and civil – as well as diligent efforts from sex education defenders and opponents to gather and organize support. Sex education was only endorsed and adopted gradually in each of the states in the US, as its proponents became a majority. It is worth noting that it was religious organizations in the US that most vehemently campaigned against sex education in schools. See David R. Stronk, *Discussing Sex in the Classroom: Reading for Teachers* (Washington D.C.: Natural Science Teachers Association, 1982).

## **The Need for Sex Education: A Reality of Lebanese Society or an Intrusion by the ‘Promiscuous West’?**

Supporters of school sex education claim that their stance is based on the realities of contemporary life, which have rendered conventional (traditional) familial and ethical restraints insufficient. They argue that contemporary dilemmas related to youth sexuality have pervaded Lebanese society, and that the possibility for limiting their negative impact depends on arming youth with adequate information and behavioral skills.

Those who oppose sex education argue that social problems around youth sexuality are not something in any way relevant to Lebanese culture. Based on their assumption that school sex education is recommended by the UN organizations consultants, they argue that incorporating sex education in the school curriculum is a surrender to the dominance of the corrupt, ‘promiscuous West’ which will only lead to an entrenchment of immorality within Lebanese society.

### **‘Knowledge Restrains’ Versus ‘Knowledge Provokes Sexual Activity’**

The sex education curriculum includes a scientific foundation of the anatomical, physiological, and functional biology of human reproduction. This content is based on the hypothesis that scientific knowledge is a necessary component – though insufficient on its own – of responsible and low-risk adolescence sex behavior. The perspective is that providing students with scientific information about their sexual and biological instincts and urges increases the probability that students will choose safe sexual practices. The information provided includes scientific terminology, illustrations, discussion of natural functions and discussions of various forms of birth control, safe sex tools, and the means for preventing transmission of STDs and such.

The described biological foundation of the sex education program was the basis for the attack on the curriculum by opponents, who argue that crude and detailed discussion of human reproduction in an educational context leads to moral perversion, because it stimulates the instincts and provokes promiscuous behavior.<sup>34</sup>

### **Self-Control Versus Religious Coercion**

The sex education curriculum aims at training students to acquire decision-making skills and techniques by drawing upon their mental, emotional, relational, and ethical resources. It aspires, furthermore, to motivate students to develop these resources in order to consolidate their decision-making abilities.

Sex education opponents are solidly convinced that pubescent students at the onset of adolescence do not possess the moral and behavioral discipline necessary to curb their latent instinctual urges. They further argue that moral and behavioral

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34 Kutlat Al-Wafaa’ Lilmukawamah, ‘Remarks on Some Subjects of the New Curriculum;’ and Al-’Irfan Altawhidiah Institution, ‘A Letter Addressed to CERD Regarding School Sex Education.’



restraint cannot be personalized; it is imperative that it should be religiously-based, as (they argue) ‘rules’ that are tied to the sacred are inherently and necessarily coercive and thus highly effective in regulating sexual behavior.

### **A Unified Target Population Versus Sectarian Groups**

The official school curriculum was designed to address students of the different sectarian communities in Lebanon as a unified audience. This concept of a group, homogenous in its common condition of puberty, has been a target issue for opposition groups, each of which argues that the curriculum’s framework is irrelevant to the needs of students from ‘their sect’ in terms of degree of knowledge and information, and in terms of approach and timing.

Opposition groups present arguments closely tied to the particularities of their respective sects. The essence of these arguments revolves around a basic postulate: that the justifications and guidelines for teaching sex education in the school curriculum are irrelevant for their context:

- One Druze religious cleric claims that the lifestyle of his community (primarily rural-dwellers) is characterized by abstinence, and particularly abstinence from excessive sexual activity.<sup>35</sup>
- A Shiite religious cleric and manager of a chain of schools objects on the basis his community rejects open discussion of sex. He argues that sex education in the classroom will only undermine the foundation on which group members are socialized, and furthermore ‘deprives parents of authority over their children.’<sup>36</sup>
- Most of the religious clerics and religious school senior administrators emphasize that the religious moral and behavioral restraints that characterize their own sect is an assured guarantee against risky sexual practices. ‘Perhaps youths from other sects need sex education;’ their own youth, each sect claims, don’t!<sup>37</sup>
- A Catholic school official suggests that a distinction be made between the topics, approaches, and means by which the subject is taught based on social level and region ‘since it is impossible to approach the subject with urban students and rural ones in the same way.’<sup>38</sup>

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35 One of the educators in this community boasts that the late Kamal Jumblat (a prominent Druze leader), the role model and behavioral reference for his group, did not have sex with his wife except once, and that was to conceive his son Walid – heir to the current Druze leadership (author interview with Druze educator Sami Aboulmouna, educational director of the Arfan Attawhidiah Institution, Mount Lebanon (Chouf), 12 April 2004.

36 Moustapha Kassir, educational director of Al-Mahdi Schools, Beirut, 2 May 2000.

37 Author interviews: Sami Aboulmouna, *ibid.*, Moustapha Kassir, *ibid.*, Kamel Dallal, faculty member at the Lebanese American University and head of education department at Al Makassed Al-Islamiah Association, Beirut, 2 June 2000; and Amirah Bourghol, religious counselor at Batoul High School, Beirut, 20 May 2000.

38 Monsigneur Zeidan, interviewed by Saada Alwa in ‘Sex Education: A Scientific Necessity or an Invitation to Promiscuity?’ *As-Safir Daily*, 13 July 1999.

## Empirical Data Versus Ideological Assumptions

The 'Education for AIDS Prevention' project included a CERD qualitative and quantitative study (done on a sample selected by quota from schools in Beirut comprising students of three age groups ranging between 12 and 15, as well as mothers and teachers of students of these age groups); the aim of the study was to inquire into youth behavior and health generally in order to identify topics to be included in school curricula. The final recommendations resulting from the qualitative analysis of 27 focus groups expressed the need for sex education.<sup>39</sup> It is important to note that these recommendations emerged from spontaneous discussions of the focus groups, without the intervention of their respective facilitators.<sup>40</sup> Moreover, in private schools, which do offer limited sex education, the process usually begins with asking students to anonymously write down and submit questions of any type that they wish to discuss. Teachers and administrators said in interviews that questions about sex and sexuality always figure prominently.<sup>41</sup> As well, the Lebanese Family Planning Association, which has sponsored discussions with youth on diverse matters for over 30 years, has documented a growing and urgent need for sex education, based on the response of young people to its lectures and activities.<sup>42</sup>

It is clear that while supporters of sex education have been methodological in their documentation of the need for sex-education, based on expressed and documented need, opponents – primarily Muslim clerics – derive their arguments against sex education from reiterated, stereotypical and undocumented claims, such as: 'No one can deny that sexual knowledge leads to sexual practices at an early age;' 'Language and picture are always provocative to practice,' or 'Asking questions related to sex provokes and incites practice,' etc.<sup>43</sup>

Some of the opposition groups declare that they do not need studies investigating student needs, because they can rely on logic to make their own decisions. The Shiite sheikh delegated by the Hezbollah-affiliated parliamentary group *Kullat al-wafa' lilmukawamah* to write a letter to the government expressing opposition to school sex education argues that divine religions prohibit extramarital sex and hence there is no need to teach this to unmarried students.<sup>44</sup> A Sunni cleric (head of religious

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39 CERD, *Health and Environmental Education: The Results of Qualitative and Quantitative studies of 1998* (Beirut, 1999).

40 The issue of sex education was not specifically addressed by the researchers; rather, those interviewed were simply asked what in general was missing from school curricula.

41 Author interviews: Claude Ghayib, 26 May 2000; Robert Rizk, 21 May 2000; and Munir Chamoun, *ibid*.

42 Toufic Osseiran (General Secretary of Family Planning Association), author interview, Beirut, 3 April 2000; and Archives of Lebanese Family Planning Association, 'The Final Report of the Round Table on Dimensions of Consciousness Raising about School Sex Education,' 8 November 1997, Beit Mery, Lebanon.

43 Author interviews: Sami Aboulmouna; Moustapha Kassir, Toufic Osseiran; Kamel Dallal (Head of the Education Department at the Al Makassed Al-Islamiah Association), Beirut, 2 June 2000; and Ousama Haddad (Al Makassed Al-Islamiah Association), Beirut, 19 May 2000.

44 Author interview.

education in the most prominent Sunnite school chain in Lebanon – Al Makasid) argues that the target groups for sex education are below the current average age for marriage in Lebanon and therefore such education is unacceptable.<sup>45</sup>

These and similar arguments assume that all students below the average age of first marriage do not need any knowledge on sexuality, so there is no need for sex education for adolescent students. It is further argued by Muslim clerics who oppose sex education that it is sufficient to adhere to the exercise of *taharah* to be observed starting with the onset of puberty, and to follow the teachings of the Qur'an and *hadith* (the teachings of the Prophet Muhammad), which strongly oppose all forms of sexual deviation and, to paraphrase several clerics interviewed 'arm the child against adult sexual molestations and violations.'<sup>46</sup>

In interviews some sex education opponents relied on personal observations and anecdotes as conclusive evidence in support of their viewpoint. One Druze cleric recounted that proper child-rearing meant that his adolescent boy was able to resist the temptation of internet pornography though he was certainly able to access it. These observations lead the cleric to the conclusion that there really is no need for school-based sex education.<sup>47</sup> A Shiite cleric told the author that he himself could satisfactorily provide all the sex education his daughter required, implying that sex education should be left to parents.<sup>48</sup>

### **'Sex:' Terminological Tension and the Power of Words**

Much of the debate between supporters and opponents of sex education is predicated on terminology. 'Sex' is perhaps the term that generates the most disagreement; it is used by proponents of sex education in a comprehensive sense, to refer to all the processes, systems and behaviors (and all their mental, physical and emotional health implications) related to human reproduction.<sup>49</sup> For sex education opponents, sex is defined in its narrowest sense to refer to intercourse between an adult male and an adult female.

While the sex education terminology in the discourse of educators and health professionals and activists is assumed by proponents to convey a neutral, scientific message, the same terminology in opponents' discourse seems to belong to a value-

45 Author interview.

46 In this context *taharah* – literally purity – refers to the Islamic ritual of washing oneself following intercourse, involuntary ejaculation or menstruation.

47 Author interview, Sami Aboulmouna, educational director of the Arfan Attawhidiah Institution, Mount Lebanon (Chouf), 12 April 2004.

48 Moustapha Kassir, educational director of Al-Mahdi Schools, Beirut, 2 May 2000.

49 In the television talk show cited earlier the psychoanalyst (Badawi) argued that sexuality in children is a scientifically proven fact, while medical doctor Nizar Rida denied childhood sexuality existed except in 'the perverted Freudian mind.' Badawi argued that a child's 'Where did I come from?' question should be addressed using a comprehensive definition of 'sex,' while the medical doctor restricted the meaning of 'sex' to adult sexual feelings and behaviors.

laden semantic field engaged with morality, vice, corruption and the opposition of East and West.

### Simple Dualities Versus Complex Realities

In attempting to illustrate the disagreements that frame the debate on sex education in schools in Lebanon rather simplistically it may appear that there are basically two dialectically opposed poles; however the matter is more complex. In reality there are more nuanced perspectives all along the spectrum in this debate, and there are representatives from both sides who 'off the record' express understanding and even agreement with their opponents; this is especially true of some of those who publicly oppose sex education in the schools.<sup>50</sup> I have noted in interviews conducted with representatives from both sides a decline in the intensity of the oppositional tone of religious authorities and, equally, a greater willingness to negotiate on the part of CERD officials and NGO activists.<sup>51</sup>

Despite the earlier characterization of a unified opposition to sex-education there is in fact a lack of consensus between the various groups opposing sex-education, as well as a lack of internal harmony within each group. In terms of motives and rationales the respective spiritual leaders of the Sunni sect, the Druze sect, and the

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50 While it is not possible to absolutely reference such a declaration I can tell the reader that in more than one instance a hand has reached across the desk to turn off the tape recorder so that the interviewee could speak 'off the record' to me. One of the secular spokespersons I interviewed told me he avoids participating in television talk shows with religious leaders, and disregards their televised diatribes, because he is fed up with their affirmations to him, 'off the record,' that in fact they agree with most of what he is saying about these sensitive topics! This interviewee declared that he has been told by religious figures 'off the record' that they simply cannot publicly support his pro-sex education views because it is inappropriate for them to publicly make such a declaration.

51 For example, the Shiite cleric who was delegated by Hezbollah *Kutlat Al-Wafaa Lil Muqawama* to write the oft cited letter to the government demanding the elimination of the 'human reproduction' chapter, and elsewhere called for elimination of the entire curriculum did not oppose (after discussion) the oral teaching of some form of sex education at an appropriate time, through appropriate methods and by competent teachers following specific moral guidelines reinforced with certain moral restraints. On the other side, the director in charge of 'AIDS Prevention' at the CERD project said that approval for sex-education in the school curricula was not given the attention it deserved from CERD and the Ministry of Education because there were much graver matters to address in the course of transition to a new curriculum. Mustapha Yaghi, CERD General Coordinator of Sciences said in an interview with me that one matter that should have received attention was an effort to negotiate with the religious representatives who resigned from the CERD advisory committee, to try and achieve consensus on the sex education curriculum issue. As well, Catholic schools do in fact teach a form of sex education and were among the first to endorse a 'sex awareness' program in the early 1960s under the supervision of Dr. Munir Chamoun. Despite this, Catholic leaders did not hesitate to 'encourage' the educational director of the Druze Arfan Schools to present his fierce objections to sex education (author interview with Sami Aboulmouna, educational director of the Arfan Attawhidiah Institution, Mount Lebanon [Chouf]).

Shiite sect vary in their positions, as is evident in the few published newspaper interviews highlighting the views of prominent figures in these sects.<sup>52</sup>

For his part, the current president of CERD, upon accepting his post in 1999 (thus he did not participate in the process of formulation of the new curricula) announced his reservations concerning the new official curricula. Though convinced of students' right to the sexual knowledge appropriate to their age, he believes that the taboos prevalent in Lebanese society suggest delaying the teaching of the new sex-education curriculum to a later stage.<sup>53</sup> Since CERD has jurisdiction over education and curricula development, including sex-education, this statement has important implications.<sup>54</sup>

The opposition to sex education in schools dismisses students' right to scientific knowledge of their own bodies and bodily functions and to related health and prophylactic measures. Opposition groups proclaim, implicitly or explicitly, that such knowledge falls within the realm of religious values. However, though each opposition group states that their youth constituents are well-armed against risky sexual practices through the religious constraints engendered by their respective faiths, at times they seem less than certain about the youths' immunity. This uncertainty stems from an acknowledged inability to control the inflow of sexual and sex-related material through media and electronic communications channels. Leaders of sects opposed to sex education expect the government to find ways to address this formidable problem; at the same time there is evident hesitation to unequivocally denounce sex education in schools as long as there are no alternate ways to address media and other exposure to the broader realities of adolescence in the twenty-first century.

Sex education supporters are also not without ambivalence; their uncertainty stems from their inability to explain the failure of educational specialists in religious institutions to sense the potential dangers of youth ignorance of sexual matters. Though sex education supporters are certain that the effort expended in designing the sex education curriculum was characterized by scientific methodology, they are uncertain whether the effort expended to prepare Lebanese society for curriculum implementation was sufficient.

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52 Interviews by the journalist Saada Alwa with prominent religious authorities included the President of the Druze High Court of Appeals, who stated 'there is no need for sex education in schools, for our ancestors married and reproduced and lived their lives without sex education ...;' whereas Mohammed Hussein Fadlallah, a high – maybe the highest – Shiite religious authority in Lebanon claimed he welcomes sex education 'under the right conditions.' Another prominent figure from the Shiite sect, Mohammed Hassan Al-Ameen, asserted that 'eliminating sex education in curricula is like burying one's head in the sand' (See *As-Safir Daily*, 13 July 1999). These two Shiite positions differ markedly from the perspective mentioned earlier of *Kutlat Al-Wafaa Lil Muqawama*, the parliamentary Shiite group footnoted above which utterly opposes any form of sex education in schools.

53 Author interview with Nimr Freiha, head of the Educational Center for Research and Development (CERD), Beirut, 10 April 2000.

54 The Lebanese people are not surprised when a new governmental official eliminates projects launched by his predecessor or freezes decisions taken during the rule of an earlier government. In fact this seems to be standard practice.

## Beyond the Polemic

### *Discordant Values and Discrepant Approaches*

In the formulation of the sex education curriculum, in the mechanism of its elimination, and in the nature of the debates between a broad spectrum of educational specialists, concerned religious leaders and intellectuals and academicians, we can nevertheless delineate two opposing approaches to dealing with the winds of change blowing through the Lebanese society.

Whereas one group tends towards adopting new tools and pedagogical approaches to address contemporary issues, the other group chooses to resort to its educational-cultural storehouse (namely religion), claiming that this storehouse of traditional ethical and moral guidelines is sufficient, and in fact indispensable and superior, for dealing with any issues contemporary society presents.

It comes as no surprise that the issue of sex education engendered reaction from religious leaders and communities; this is a well-documented phenomenon predicated on a foundational theme of all the major religions, that the moral/spiritual self is constructed through suppressing, and redirecting or regulating, primal sexual urges.<sup>55</sup> Such socialization internalizes taboos and in theory dispenses with the need for external mechanisms for regulating human sexual behavior.<sup>56</sup> In psychoanalytic theory this process constitutes a determinant factor in the acquisition of the individual's humanity, and the moral order that frames this process is closely tied to the culture of the group.<sup>57</sup>

In Lebanon, opposition groups have objected to the adoption of a borrowed framework for socializing Lebanese youth – namely sex education. In their opinion, this education (even in its simplest, most scientific approach) is contaminated with the values of the society that produced it ('the West') and alien to the values of Lebanese society.

However, a closer look at the actual substance of the material being debated reveals a degree of congruence between the values diffused within the suggested sex education curriculum and the religious values proclaimed by opposition. Religious leaders' opposition to the curriculum seems on analysis more related to the source of the material and the identities of those who support and promote it, than to the actual substance of the program. That is, according to opposition groups if the curriculum as it stands is presented as science, and taught by Life Sciences instructors, then sex education promotes promiscuity and perversion; however, if taught by religious officials within the framework of an authoritative religious structure (and resorting to prohibition and intimidation), a certain form of sex education does not conflict

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55 Michel Foucault, *The History of Sexuality*, vols. 2 and 3, trans. Robert Hurley (1984, repr. NY: Vintage Books, 1990).

56 Abdelwahab Bouhdiba, *Sexuality in Islam*, trans. Alan Sheridan (1975, repr. London: Routledge & Kegan Paul, 1985).

57 Sigmund Freud, 'The Ego and the Id,' in Anna Freud, *Essentials of Psychoanalysis: The Definitive Collection of Freud's Writings*, trans. James Strachey (1923, repr. UK: Penguin Books, 1986): 439–83.

with religious values. Perhaps religious leaders' sharp opposition to sex education in schools stems from their objection to being deprived of jurisdiction, and consequently of their authority to represent 'the sacred' in managing a basic aspect of human existence.

The issue of sex education of Lebanese youth at the age of puberty (and onset of adolescence) falls within a broader context of recent debates within Lebanese society. Among these are: the debate on civil marriage, the fight for women's rights, the campaign against violence against women, and the battles for regulations that prohibit child labor, child abuse, and torture. It is worth noting that it was inconceivable previously that these and other similar topics be articulated in public. Their exposure over the last few years in talk shows and features broadcasted by Lebanese television channels is a novelty and is not uninfluenced by western media.<sup>58</sup> Many of these debates reflect the general struggle between 'modernity' and 'tradition,' a recurrent struggle in the age of globalization. They are furthermore characterized by a current global phenomenon that many traditional societies are grappling with: the transferring of familial issues, historically kept behind closed doors, from the 'private' to the 'public' sphere.<sup>59</sup>

Adolescents are still, in Lebanese and Eastern cultures, subject to the hegemony of the familial/'private' sphere, arenas that are a stronghold for religious authority. The 'private' sphere is in fact regulated and legislated by the various religious sects in Lebanon, each of which has legal jurisdiction over issues relating to marriage and the family, including divorce, child custody, inheritance etc. The religious sects and their institutions fiercely defend this jurisdiction. This was particularly revealed in recent debates around civil marriage in Lebanon, in 1998, when religious leaders attacked civil marriage supporters as immoral and corrupted by Western influence, and roused opposition from the pulpit through fear-mongering.<sup>60</sup> The reaction of religious leaders opposed to sex education in schools was not, as shown above, much different. However, the size and scope of the reaction/opposition in this case was relatively weak (if compared to the reaction of the religious authorities to the demands of civil marriage advocates), and proportionate (in size and scope) to the reactions of supporters of the sex education curriculum, primarily because the debate in this case was aborted by the government's quick fulfillment of religious leaders' demands. This is not surprising as religious authorities of all the official sects in Lebanon have the historical authority, political status, infrastructures and networks to hold sway in most of Lebanon's recent civil struggles.

School-based sex education is used in many developed as well as developing countries as part of a larger strategy to combat urgent problems, including teenage

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58 It is not uncommon that the day after one of these talk shows at least one religious authority voices discontent in the media and demands action be taken by the political authority to ban or at least monitor such talk.

59 The slogan 'from Private to Public' is voiced, implicitly but sometimes explicitly, by most advocacy NGO platforms that deal with these issues. See for instance Azzah Shararah Baydoun, *Women in Non-Governmental Organizations: Lebanese Women between Serving Others and Doing Justice to Themselves* [In Arabic.] (Beirut: Dar An-Nahar, 2002).

60 Ahmad Baydoun, *Nineteen Salvaged Groups: The Lebanese in the Battle for Civil Marriage* [In Arabic] (Beirut: Dar An-Nahar, 1999).

pregnancy outside marriage, sexually transmitted diseases (the foremost being HIV), and population growth. These issues are well-documented threats to national development and health, and many developing nations have adopted wide-scale, youth-oriented, sex-education programs, adapted to the framework of prevailing cultural and social values, including specific strategies – such as school sex education – to shift social perceptions regarding sexuality issues from the realm of ‘dishonor and shame’ to the realm of ‘science and control.’

In Lebanese society, HIV/AIDS is considered by health professionals and educators a serious problem not because it is widespread nor due to prevalent sexual behaviors as the case may be in other societies, but (or so they claim), because of the nature of the disease which does not respect national boundaries in this age of transnational traffic of people.<sup>61</sup> Secular educators and health professionals argue the danger of turning a blind eye to this reality and propose sex education as a valuable tool for dealing with the risk posed to Lebanese youth in contemporary society. Opponents to sex education argue that religiously embedded value systems and moral codes that govern youth sexual conduct remain highly effective in all the religious communities in Lebanon and thus there is no urgent need to replace them with school-based sex education.

Unfortunately studies documenting the spread of sexually transmitted diseases in Lebanese society lack accuracy and comprehensiveness; thus educators and health workers lack the information base necessary to assign the matter’s urgency level, challenge the monopoly of religious authority over this arena, and convincingly argue the need for sex-education. In short, wide-spread social support for school-based sex-education is impeded by a perceived lack of urgency based on a dearth of hard statistics regarding youth sexual behavior in Lebanon. This in turn means it is difficult to organize and mobilize the different forces that are aware of the urgent need to address these issues, namely parental councils in public schools, health educators, psychological counselors, life sciences teachers, some religious officials and non-governmental organizations working in related fields.

Lebanese society has a history of ignoring growing problems until they become dangerously urgent.<sup>62</sup> But while journalists may voice opinions on the ‘sad’ state of Lebanese civil society as manifested by the battle over school sex-education,<sup>63</sup> and academics can express ‘amazement’ at their society’s inability to solve its

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61 Mustapha Yaghi (General Coordinator of Sciences in [CERD]), author interview, Beirut, 18 April 2000; and Nada Al-Agar Naja (Coordinator of Health and Environmental Education, World Health Organization), author interview, Beirut, 5 April 2000.

62 The most salient ‘ignored’ problem is of course ‘Political Sectarianism’ which divides the state and political institutions positions and ‘bounties’ among the 19 religious sects of Lebanon in proportion to the alleged (never confirmed due to absence of population census) percentage of the population of each sect. It is common knowledge that sectarianism is a major contributor to the corruption and inefficiency of the state and has rendered Lebanese society extremely vulnerable to schisms exploding periodically in the form of civil wars. See for instance Ahmad Baydoun, *The Adventures of Otherness: the Lebanese as Arabs, Sects and Phoenicians* [In Arabic] (Beirut: Dar An-Nahar, 2005).

63 Akl Al Owiet, ‘The Sex Education Crime,’ *An-Nahar Weekly Supplement*, Saturday, 25 September 1999.



problems,<sup>64</sup> educators cannot afford either the luxury of ‘amazement’ nor the latitude of contemplation over the ‘sad state of affairs of the civil society,’ for they are *de jure* responsible for the prompt search for concrete and satisfactory solutions to this problem. Perhaps a first step in finding such solutions is to lift the verbal exchange that has characterized this issue from the swamp of polemic to an actual substantive debate anchored in facts and responsive to real needs.

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64 Mona Fayad, ‘Religious Leaders and Sex Education,’ *An-Nahar* Newspaper, Thursday, 2 May 2000.

## Chapter 6

# Contesting Discourses of Sexuality in Post-Revolutionary Iran

Hammed Shahidian

A prevailing character of gender relations in the Islamic Republic of Iran (IRI) has been the strong male dominance in private and public settings and a persistent control and policing of gender and sexuality. At the same time, responses to Islamic ideology and male domination have permeated virtually all aspects of post-revolutionary life. In the past few years, the publication of several books and essays on sexuality has extended the struggle over gender relations to an area that was in the past treated with utmost caution. This chapter is a preliminary attempt to highlight some basic similarities and differences among competing discourses of sexuality in the IRI.

The struggle over redefining sexuality must be seen in the context of changes that originated in the 1960s and 1970s. Increased women's presence in public led to less restricted interactions between females and males. This interaction was also enhanced by the commercialization of leisure and more frequent and vivid portrayal of sex in the media. Sexuality was gradually moving away from a sacred manifestation of marital bliss to a more secularized human need. Upon ascending to power, Islamists have attempted to reconstruct and re-strengthen hetero-marital sexuality. For many years, the theoretical foundation of these efforts rested primarily on the interpretations of limited influential key texts, especially Morteżâ Motahari's *Sexual Morality in Islam and the Western World*.<sup>1</sup> Recently, however, a small number of younger men have authored new writings on this topic. The most prominent of these authors is Ali Islaminasab, a university professor and therapist who aims to combine physio-psychological literature on sexuality with the *shari`a*. Scientific and feminist counter-discourses also use scientific writings on sexuality, minus the *shari`a* addendum.

All three discourses must be considered responses to the modernist quest for identity. Scholars of modernity have identified the existential angst – the seemingly simple question of 'who am I?' – a central element of modernity.<sup>2</sup> As 'modern'

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1 Morteżâ Motahari, 'Akhlâq-e Jensi dar Islam va Jahân-e Qarb' [Sexual Morality in Islam and the Western World], in *Âshnâ'i bâ Qoran; Jahâd; Akhlâq-e Jensi* [Familiarity with the *Qur'an*; Jihad; Sexual Morality] (Qom: Sadrâ, n.d.) For a discussion see Hammed Shahidian, *Women in Iran: Gender Politics in the Islamic Republic* (Westport, CT: Greenwood, 2002): 77–89.

2 Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Stanford, CA: Stanford University Press, 1991).

individuals, we can ‘make’ ourselves in ways previously impossible. With our choices, however, come anxiety and ambivalence.

The writings discussed below all underline the ‘extraordinary’ circumstances of modern life as a cause of concern over sexuality. As such, these writings ought to be considered in the context of rapidly growing self-help books published and read – rather widely.<sup>3</sup> In an introduction to the translation of Wayne Dyer’s *Pulling Your Own Strings*, psychologist Mahmoud Sâ’tchi identifies one trait of contemporary society to be ‘extreme psychological pressure,’ especially that caused by the number and variety of roles a person must perform. He adds, pressures are so severe that, if unattended, they could ‘crush a person.’<sup>4</sup> In light of this situation, everybody must know the basics of mental health.<sup>5</sup> Popular psychology books like the translation of Dyer’s book could provide a source of information for the general public, as a supplement to academic psychological writings.<sup>6</sup>

Sâ’tchi’s comment indicates that the distinction in Western academe between ‘expert’ and lay texts is not as clearly defined in the case of Iran. Thus, especially in relation to the scientific discourse, one must consider the translation of such popular psychology titles as John Gray’s *Men are from Mars, Women are from Venus* and *Mars and Venus: 365 Ways to Keep Your Love Alive*, and Susan Quilliam’s *The Relate Guide to Staying Together: From Crisis to Deeper Commitment*, along with more serious writings.<sup>7</sup>

Writings on sexuality are closely tied both to attempts – particularly by the state – to regulate people’s identity and behavior, and challenges to cultural norms, social practices, and dominant gender roles. One cannot isolate these writings from other expressions of this tension. Films like *Bânuy-e Ordibehesht* (The May Lady)<sup>8</sup> and *’Arus-e Âtash* (Bride of Fire)<sup>9</sup> are just as reflective of this tension as are numerous weblogs that address issues of gender and sexuality.

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3 Many of these books go through numerous editions in a relatively short period. Consider the following examples: Wayne Dyer’s *Pulling Your Own Strings* was reprinted nine times between 1986 and 1999 (the edition I am using), each edition for 5,000 copies; Rosemarie Lincoln’s edited volume *Psychosexual Medicine: A Study of Underlying Themes* (New York: Chapman & Hall, 1992) was reprinted four times in one year, 3,000 copies each time; and Shakti Gawain’s *Creative Visualization* reached twelfth edition in 2000, 5,000 copies each edition.

4 Mahmoud Sâ’tchi Moqadameh, ‘Introduction,’ in *Sarreshteh-ye Zendegi râ Behdash Girid* [Pulling Your Own Strings], ed. Wayne Dyer, trans. Mahmoud Masoud Kholdi (Tehran: Bu’ali, 1989): 3.

5 Ibid., 15.

6 Ibid., 20.

7 John Gray, *Men are from Mars, Women are from Venus* (New York: Harper Collins, 1992); John Gray, *Mars and Venus: 365 Ways to Keep Your Love Alive* (London: Vermilion, 1999); and Susan Quilliam, *The Relate Guide to Staying Together: From Crisis to Deeper Commitment* (London: Vermilion, 2001).

8 *Bânuy-e Ordibehesht* [The May Lady], directed by Rakhshan Bani-Etemad (Iran: 1998).

9 *’Arus-e Âtash* [Bride of Fire], directed by Khosrow Sinai (Iran: 2000).

It is important to point out that Islamic, scientific, and feminist discourses are not related symmetrically. The Islamic discourse is hegemonic, not only in terms of the availability of vast economic resources for its dissemination, but also in the use of force to silence unwanted and oppositional voices. Religious authors have the privilege of branding others as agents of the West's 'cultural invasion' (*tahâjom-e farhangi*). In matters related to gender and sexuality such a threat is particularly vivid. Virtually all post-revolutionary texts on sexuality (and on women) preface warnings about cultural invasion and situate themselves as a response to the 'invasion.' This is important, because it limits how freely and explicitly non-religious authors can venture into these territories. It also explains why some literatures become available at some periods. When, for any reason, a relatively uniform hegemonic discourse becomes impossible and censorship becomes less restrictive, scientific and – perhaps particularly – feminist discourses find a chance to express themselves in ways previously not possible. When restrictions increase, the same material previously sanctioned by censorship authorities may face severe repercussions.

### The Religious Discourse

Attending to believers' sexual behavior has always been an important aspect of Islamic literature. Qur'anic verses and *hadiths* from the Prophet and various imams have constituted a foundation upon which diverse discourses of concrete social practices of sexuality have developed. Generations of religious writers and *ulama* (religious leaders) have responded to questions of real people about their actual sexual practices in treatises on sexuality or in various *Towzihul Masâ'els* (The Explanations for Problems).<sup>10</sup> These authors provided 'expert advice' on the dos and don'ts of sexual relationships, thereby not only helping believers make sense of their carnal desire, but also controlling their sexual expression within the confines approved by the *shari'a*.

In post-revolutionary Iran the need for both explanation and regulation became more acute than ever before. Refashioning gender relations along an Islamic line has required close monitoring of how gender and sexuality are shaped and acted out in private and public. But regulations alone are not sufficient for the Islamization of a society. As Navid observes, 'all these laws cannot create harmony between the opposite sexes unless husband and wife wish wholeheartedly to mix.' According to Navid, sexual knowledge is essential for a mentally and physically healthy life, especially for the future generation.<sup>11</sup>

Additionally, evolving conditions call for practical solutions to problems for which previous Islamic leaders were not directly responsible. Recent Islamic writings on sexuality emphasize new concerns such as sex and aging, sex after menopause, and

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10 Most religious leaders have a *Towzihul Masâ'el*. This is a book that might contain questions and answers regarding religious regulations about virtually any issue of interest to followers of a particular *Marja'-e Taqlid* (a religious authority who can be followed as source of imitation), from regulations concerning ablutions, to banking, to sex and the like.

11 N. Navid, *Khastegi va Nâtavâny-e Jensi* [Fatigue and Sexual Impotency] (Mashad: Râhiân-e Sabz, 2002): 7, 9.

youth and sex.<sup>12</sup> One source also mentions the need to address handicapped veterans' sexual problems, though comments are limited to general information about spinal cord injury and sex.<sup>13</sup>

It is a consensus among these authors that the modern age has complicated sexuality. In the past, writes Mohammad Mansournejâd,<sup>14</sup> reproduction was the primary objective of the marital relationship; today's women have other considerations than just marital life and procreation – they are also concerned about their beauty, their future, and economic comfort. Also, contemporary life is rife with stress; frayed nerves, fatigue, discontent and anger are all potential causes of sexual disorder.<sup>15</sup> In a country with a growing young population whose sexual desires are, in the opinion of ruling Islamists, constantly stimulated by members of the opposite sex present in public and in the media, late marriage produces additional complications for a state preoccupied with public morality, especially when youth are not necessarily embracing the proposed Islamic solution of temporary marriage.<sup>16</sup>

Islaminasab deals with artificial insemination and the resultant complications of the political economy of reproductive sex. Artificial insemination is acceptable according to the *shari`a* if the paternal descent is saved, but impregnating a woman with the sperm of any man other than her husband is absolutely forbidden (*harâm*):

Whether a woman is married or not, whether she has her husband's consent or not, [artificial insemination] is *harâm*. The child is *mahrâm* to the natural father and the birth-giving mother, since the child is created from that father's juice (*âb*), but not her/his mother's legal husband.<sup>17</sup>

It should be of no surprise that with all claims about attentiveness to women's needs, feminism is treated in the religious discourse as not only anti-Islamic, but also anti-women. In Hakimi's words, feminism is a theory of *mardnamâiy-e zan*, presenting the woman as man, attempting to turn women into men. As such, feminism denies a woman's womanhood: 'A person who is adored by the opposite sex; can be a wife and answer certain needs; or become a mother ... and secure humankind's continuity; or become the axis of family life.'<sup>18</sup>

12 Navid, *Khastegi va Nâtavâny-e Jensi*, 97–8, 117–18.

13 Ali Islaminasab, *Moshâvereh-ye Jensi va Zanâshou`i* [Sexual and Marital Counseling] 6th ed. (Tehran: Nasl-e Noandish, 2003): 305–11.

14 Mohammed Mansournejâd, *Mas'aleh-ye Zan, Islam, va Feminizm: Dar Defâ' az Hoquq-e Zanân* [The Woman Question, Islam, and Feminism: In Defense of Women's Human Rights] (Tehran: Barg-e Zeitoon, 2001): 168.

15 Navid, *Khastegi va Nâtavâny-e Jensi*, 34.

16 Temporary marriage (*mut`ah* or *siqah*) is a practice accepted in Shiite Islam, but banned in Sunnism. This practice allows a man and a woman to be legitimately married to each other – often for the explicit purpose of having sex – for a specified period of time and in exchange for a specified material reward for the woman. Children born in a temporary marriage have the full rights enjoyed by children of permanent marriage. The marriage automatically dissolves upon the specified date. See Shahidian, *Women in Iran: Gender Politics*, 177–89.

17 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou`i*, 220–357.

18 Mohammad Hakimi, *Defâ' az Hoquq-e Zan* [In Defense of Women's Rights], (Mashad: Âstân-e Qods Razavi, 1999): 8.

One objective of these treatises is cataloging, categorizing, and controlling various sexual behaviors. Islaminasab points out that clinical observations indicate that Iranians have limited knowledge about sexuality but ‘dangerously high familiarity with perverse (*bimârguneh* – literally ‘sick’), pornographic, and erotic knowledge.’<sup>19</sup> He believes that without some kind of government institution dedicated to ‘planning people’s sexual health,’ Iranians will face severe problems in the future.<sup>20</sup> Islaminasab’s warning concerning Iranians’ increased exposure to erotic and pornographic knowledge in conjunction with limited education on sexuality, underlines the disarray in sexual mores among Iranians, particularly the middle- and upper-class youth of major urban centers.<sup>21</sup>

Recent Islamic texts on sexuality, with a heavier dose of modern biological science and clinical insights, are an attempt at regulating private lives and public behavior in an Islamic state. And women are the main targets of control. These texts do not simply reflect women’s sexual physiology; they also try to shape that physiology. When women’s sexual desire is defined as ‘dormant’ until marriage,<sup>22</sup> a belief system assumes the status of ‘scientific fact’ and writes women’s sexuality in a way that perpetuates that system.

The preoccupation of Islamist authors with controlling women’s sexuality stems in part in response to criticisms that Islam caters to men’s needs. The Qur’an instructs men that ‘women are your fields; go onto them as you please,’ and sex for men has been conceived throughout Islamic history as for both procreation and satisfaction. The recognition of women’s sexual needs could in theory lead to an increase in women’s sexual pleasure without jeopardizing family integrity. The primary concern is creating chaste-but-somewhat-satisfied women while perpetuating and enhancing men’s pleasure. I shall further explore this issue below, yet I wish to emphasize at this point that the Islamists’ attempts to control women’s sexuality is also a response to criticisms of Islam and the Islamic state. Hakimi notes that in recent decades many attempts to denigrate Islam have used women’s rights and he states that feminism is one such attempt.<sup>23</sup> Islamist attention to women’s sexuality can thus be seen as the State’s way of redressing criticism of Islamically justified oppression of women through recognition of women’s needs.

Islaminasab prefaces his work with a stern warning about ‘cultural invasion.’<sup>24</sup> Praising the Ministry of Islamic Guidance for its censorship, he writes that strict censorship regulations are a response to the previous regime’s intention of corrupting Iranian youth. As pornographic material increased and occasions for drinking, dancing, and engaging in homosexuality abounded, according to Islaminasab, ‘the rule of Islam – which is the superior religion in the universe – and Shiite

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19 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou’i*, 345.

20 Ibid., 346.

21 See Hammed Shahidian, *Women in Iran: Emerging Voices in the Women’s Movement*, (Westport, CT: Greenwood, 2002): chap. 4.

22 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou’i*, 138.

23 Hakimi, *Defâ’ az Hoquq-e Zan*, 17.

24 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou’i*, 8–9.

beliefs, diminished.<sup>25</sup> Now that an Islamic government is in power, we must gain the necessary knowledge to successfully pave through that age of ‘ignorance and cultural and religious metamorphosis’ to moral highland. Human beings, he asserts, are bio-psycho-social in the eyes of science. But for Shiism, we also have a moral dimension. Knowledge about sexuality, he insists, would allow us to understand sexuality in a manner that befits ‘our’ belief system.<sup>26</sup> This stems from the fact that sex in humans is a mental phenomenon in which culture has a more pronounced role to play than hormones and instincts, he argues.<sup>27</sup>

Islamic writings published in the last few years combine scientific and pseudo-scientific information with medical and psychological recommendations, common-sense practical advice, reaffirmations of cultural norms, and discussions about religious beliefs and laws. Islamic texts have always argued that science buttresses Islamic teachings. In pre-revolutionary time, however, most authors of popular Islamic texts had limited, if any, knowledge of physiology and psychology. Therefore, the ‘scientific’ element in their work consisted of information that *seemed* scientific to an uninformed but eager-to-believe reader. Thus we read in those texts, for instance, that the hazards of watching sexually stimulating subjects, such as an unveiled woman, are not just moral; they also damage the body: causing breathing difficulties, pain around the heart, increased heart palpitations, general weakness, and headache.<sup>28</sup> Or we are told that looking at parents with kindness improves eyesight.<sup>29</sup> Science indeed falls short in providing logical explanations for such observations, and the scientifically trained believer can no longer take information of this sort seriously. As we see clearly in the case of authors like Islaminasab, the alternative to pseudo-scientific explanation is bringing science to contribute to an Islamic way of life.

Are we witnessing an emerging Islamic genre? It is perhaps too early to determine, but evidence points in that direction. Islaminasab was born in 1966, so his entire adolescent and adult education was under the IRI. He is among a new generation of (male) Islamic writers whose perceptions of sexuality are deeply influenced by Islamic precepts; the difference between these writers and their forefathers lies in an expanded physiologically and psychologically based understanding of male and female sexuality. Detailed accounts of male and female sexual organs, various sexual disorders, and suggestions of therapeutic techniques to resolve problems in sexual relationships make these books stand apart from previous efforts.

The legitimization of counseling as a professional field of study is a key task undertaken by authors like Islaminasab, Navid, and Lincoln,<sup>30</sup> a task they share

25 Ibid.

26 Ibid., 7.

27 Ibid., 15.

28 Asadullâh Mohammadiniâ, *Âneheh Bayad Yek Zan Bedânad* [What a Woman Must Know], (Qom: Center for Islamic Propaganda Publications, 1992): 208–9.

29 Ibid., 210.

30 Rosemarie Lincoln, *Az Nâtavâny-e Jenji tâ Lezzat-e Jenji* [Psychosexual Medicine: A Study of Underlying Themes], trans. Farshâd Yahyâpour (Tehran: Nasl-e Noandish, 2001). This is a translation of Rosemarie Lincoln, ed. *Psychosexual Medicine: a Study of Underlying Themes* (New York: Chapman & Hall, 1992). Interestingly, the collected volume appears in translation as written – not edited – by Rosemarie Lincoln.

with their non-Islamist counterparts in the profession (see below). According to Islaminasab, ensuring citizens' psycho-sexual health is the government's responsibility, and accomplishing that task requires educating the public and providing sex clinics, something we presently lack in Iran. Islaminasab argues that 'Our people's behavioral (*raftâri*) problems have increased and proper and standardized mental and behavioral services have not replaced traditional methods of the past.'<sup>31</sup>

The effort to rewrite the sexual relationship in these texts includes an explicit emphasis on sex as a total bodily experience. The clitoris is recognized as the site of sexual stimulation in women,<sup>32</sup> while sexuality goes beyond sexual organs, involving the body in its entirety. Navid identifies the brain and the entire nervous system as equally important in sexual interaction as sexual organs. He writes: 'For final gratification [nervous and sexual] sectors must function together. The important point is to know that stimulation of sexual organs is not enough, but all five senses ... are involved in sex.'<sup>33</sup> Erogenous zones are recognized beyond sexual organs. It is true that Islamic writings have always recognized that many parts of the body – if not all of it – are sexual. The emphasis on modest dress for both men and women is the obvious proof. But now the entire person is understood to be engaged in the sexual encounter, and in contexts that in the past were not discussed as a matter of routine sexual practice, such as couples showering together, or thorough exploration of the partner's body to discover erogenous zones.<sup>34</sup> Earlier authors like Khomeini encouraged followers not to undress completely, or, at best, left the specifics of the body interaction to followers' imagination.<sup>35</sup>

The expanded recognition of the human body is necessary if new writings on Islamic sexuality are to move beyond stipulations of sexual dos-and-don'ts according to the *shari`a*, and address real sexual disorders and dysfunctions experienced by today's couples. Compared to the previous generation of Islamic authors, the authors in post-revolutionary Iran address a different group of readers who, though still concerned about observing Islamic teachings, are predominantly urban, educated, and exposed to diverse sources of sexual information. This might explain the rather warm welcome that some titles in this category have received. Islaminasab's *Sexual and Marital Counseling*, for example, has gone through six editions within less than three years.

These texts demonstrate some flexibility compared to previous writings on sexual conduct according to Islam or texts that did not draw on scientific understandings at all. Navid, for example, condones tolerance for the 'healthy mingling' of boys and girls and argues that 'even though some sexual interests might ensue, this is

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31 Ali Islaminasab, 'Moqadameh-ye Virâstâr-e 'Elmi' [Scientific Editor's Prologue] in *Az Nâtavâny-e Jensi tâ Lezzat-e Jensi* [Psychosexual Medicine: A Study of Underlying Themes] ed. Rosemarie Lincoln (Tehran: Nasl-e Noandish, 2001).

32 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 138.

33 Navid, *Khastegi va Nâtavâny-e Jensi*, 99.

34 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 118.

35 Rouhullah Khomeini, *Towzihul Masâ'el* [The Explanations for Problems] (Tehran: Esteqlâl, n.d.).



temporary and will resolve. Instead, the girl's resistance [to infatuation] increases,<sup>7</sup> and adds, she can take her time getting to know her future husband and choose objectively.<sup>36</sup>

Also present in these texts are some comparative anthropological examples<sup>37</sup> based on the conviction that culture influences our sexual behavior to a degree. While readers learn that some 'primitive tribes'<sup>38</sup> indulge their children's sexual self-gratification, or that different societies have divergent definitions of beauty, none of the case studies or discussions shakes the foundational Islamic axioms of these authors' analyses of sexuality. Thus, for example, despite the recognition of cultural aspects of sexual behavior, when authors like Islaminasab<sup>39</sup> discuss the basis of sexual behavior, coitus is the (only) starting point of the discussion, and the first night after marriage is the commencement of women's sexual life.

Yet let there be no misunderstanding: these are still Islamist texts, which share a great deal with other writings from this tradition, both in content and form. There is little to suggest that these authors condone the reformist Islamist movement within the government.<sup>40</sup> At least in the examples available for my analysis, there is a pronounced dedication to the Islamic revolution as envisioned by the Ayatollah Khomeini (see below). Thus we seem to be facing not a 'reformism' by psychologists and various health practitioners and scholars within the Islamist movement, but a remodeling of the old sexual regime, with some injections of modern social and natural scientific sensibilities, as well as some recognition of women's grievances – changes intended to make sex and the patriarchal family more tolerable, and perhaps more pleasurable, for women. Some political differences aside, however, as I have extensively discussed elsewhere,<sup>41</sup> the Iranian Islamic reformists would find little to object to in this remodeled approach to sexuality.<sup>42</sup>

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36 Navid, *Khastegi va Nâtavâny-e Jensi*, 117.

37 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 21.

38 Ibid.

39 Ibid., 27.

40 In the 1990s a reform movement claimed its objective as modifying the Islamic government to answer popular demands for freedom and democracy. The movement reached its climax with the election of Mohammad Khatami to the presidency. His failure to effect any real changes for many marked the failure of the reformist movement. Islamist women also opted for some changes in women's rights. See Haideh Moghissi, *Feminism and Islamic Fundamentalism: The Limits of Postmodern Analysis* (London: Zed Books, 1999); Shahrzad Mojab 'Theorizing the Politics of 'Islamic Feminism,' *Feminist Review*, 69, 1 (2001): 124–46; and Shahidian, *Women in Iran: Gender Politics*, chap. 2 and 3.

41 Shahidian, *Women in Iran: Emerging Voices*, 83–8.

42 Reformist women's magazines like *Zanân* have not directly addressed the issue of sexuality. However Zanan has reprinted the writings of marriage counselor Asqar Keyhânniâ, *Zan-e Emrooz, Mard-e Dirooz: Tahlili bar Ekhtelâfât-e Zanâsho'i* [Today's Woman, Yesterday's Man: A Discussion of Marital Problems] (Tehran: Roshangaran and Women's Studies Publishing, 1996). Keyhânniâ tells couples that a successful sexual relationship in marriage is the outcome of conscious effort, and is not a natural inevitability. Reformists have also emphasized that sexual anarchy and extreme restrictions are both detrimental to society. Some matters of the *shari'a*, especially regarding such issues as *tamkin* (a wife's responsibility to live under her husband's roof and provide due services to him, including sex) and *noshooz*

The Islamic tradition includes a long history of writing about sexuality. Shiite imams have commented on all aspects of sexuality. *Heliyat al-Mottaqin* (The Ornament of the Pious), a seventeenth century Shiite text, contains many such commentaries.<sup>43</sup> How will contemporary Islamic writers reconcile this authoritative history with modern findings? In some cases, the reconciliation is easy. Mandatory religious edicts cannot be overlooked. Islaminasab lists, for instance, the religious teachings about *zenâ* (adultery) and legitimacy. In other cases, through the vast collection of diverse and conflicting sayings, one can find a pronouncement to buttress one's argument. Thus while Imam Sâdeq purportedly said that looking at one's wife's naked body is all right, the Prophet is quoted to have emphatically told Imam Ali that no man should see his wife's vagina lest their offspring be blind.<sup>44</sup> In this case the Prophet's command is overlooked with a simple explanation in parentheses: '... (some narrations consider looking to be all right).'<sup>45</sup> In other cases a decree can be interpreted in light of current knowledge, thus for example the Prophet's prohibition against sex in sunlight is explained by pointing out that exposure to sun is harmful to our skin.<sup>46</sup> Islaminasab does not always point to a specific teaching but includes various sayings on a particular issue for the reader's information. For the question as to when sexual intimacy is appropriate, Islaminasab believes the reader should at least know on which days sexual relations are prohibited in Islam.<sup>47</sup> Finally, there are edicts that seem to defy explanation. What can explain, for instance, why children conceived right before a three-day trip, or two days before the end of the month, would grow up to assist tyrants and evil-doers? Yet these teachings of the Prophet and different imams are included in Islaminasab's writings.<sup>48</sup>

Like their predecessors, in these books distinctions between an Islamic Iran and an undistinguished 'West' appear and disappear at will. A description of North American and Western European procedures in dealing with venereal disease – the emphasis on being non-judgmental, concern about patient's anonymity, the patient-doctor confidentiality – blends so matter-of-factly with the text that it momentarily gives readers the (false) impression that they are reading a descriptive account of a clinic in the Islamic Republic.<sup>49</sup> When expedient the West is jettisoned as decadent and destructive, and imitating the West becomes reprehensible, yet the findings of the American Psychological Association are presented as objective proof for arguments without any qualification about the socio-historical context of psycho-physiological sciences.<sup>50</sup>

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(spousal disobedience) may become subject to 'reinterpretation,' yet in my analysis, without much substantive difference. See Shahidian, *Women in Iran: Emerging Voices*, chap. 3.

43 Mohammed Baqer Majlesi, *Heliyat al-Mottaqin* [The Ornament of the Pious] (Faqih: n.p., n.d.).

44 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 362.

45 Ibid.

46 Ibid.

47 Ibid., 337.

48 Ibid., 362–6.

49 See Navid, *Khastegi va Nâtavâny-e Jensi*, 110–13.

50 See, for instance, Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 11, 40.

This slapdash method at times makes for oddly juxtaposed pieces of information. For example, according to Islaminasab, Islamic texts strictly forbid masturbation, which is said to cause great moral and physical degeneracy,<sup>51</sup> yet further in the same book, in the context of a discussion about female sexual satisfaction, he cites Alfred Kinsey's and Henry Ellis's insights about the higher frequency of masturbation among adult women compared to adult men.<sup>52</sup> Islaminasab does not clarify how this piece of information – not tested in the context of Iran – could shed light on Iranian wives. Nor does he clarify what impact this information might have considering the religious (and cultural) stigma against masturbation.

The same haphazard pick-and-choose style dominates the presentation of 'scientific' discussions of sexuality: generally when 'Western science' comes into contradiction with Islamic teachings, Islamist social and political concerns, or the author's patriarchal inclination, the former forfeits the competition. AIDS is mentioned only once, in the context of the functions of condom use.<sup>53</sup> Spousal abuse (*hamsar-âzâri*) is argued to 'probably be more prevalent in countries with moral problems,'<sup>54</sup> and reference is immediately made to the United States, while the issue is never addressed in the context of Iran, though over 60 percent of women are estimated to be victims of spousal abuse.<sup>55</sup> Rape is introduced as a crime of violence and aggression,<sup>56</sup> a big step forward in a region where historically victims of rape have been subject to stigma and sometimes punishment.<sup>57</sup> Again only the USA – perhaps as a representative of the 'West' – is singled out as the place where rape and sexual abuse within the family are rampant.<sup>58</sup>

In all of these writings, sexuality is treated as one among many issues of marital life. Mahmoud Nasiri,<sup>59</sup> faculty at the medical school of Isfahan University, devotes the major part of his book to the philosophy of marriage and mate selection before addressing sexuality. Marital issues include everything from how to deal with family

51 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 79.

52 Ibid., 152.

53 Ibid., 208.

54 Ibid., 179.

55 *Zanân*, no. 101, (August 2003): 82; Mehrangiz Kar, *Pazhoheshi darbâreh-ye hoshounat 'Alayh-e Zanân dar Iran* [A Research about Violence against Women in Iran] (Tehran: Roshangaran & Women's Studies Publishing, 2000); and Shahla Ezazzi, 'Khoshunat-e Khânevâdegi, Bâztâb-e Sâktâr-e Jâme'eh' [Family Violence, a Reflection of Social Structure], *Zanân*, 50: 48–51.

56 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 260.

57 While there are no official statistics or discussions on honor killings in Iran, every now and then you hear of a case. I was told in a recent interview with an Arab-Iranian woman that it is practiced in southern Iran, but is usually reported as suicide. Hence, fathers and brothers threaten female members of the family to 'commit them suicide,' a sentence structure that is as odd in Persian as it is in English, but it gets the point across: 'I'll kill you and make it look like suicide.'

58 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 261–4.

59 Mahmoud Nasiri, *Râz-e Baqâ'-e Khânevâdeh: Sheiveh 'i barây-e Entekhâb-e Hamsari Dustdâstani va Pây-dâr* [The Secret of the Family Survival: Method to Finding a Lovely Spouse] (Tehran: Boshrà, 2001).

problems to practical advice on finding a husband.<sup>60</sup> Many of these books combine information for lay readers with more technical data from psychology, medicine, sociology, and family counseling. This suggests that the authors intend to address both general readers and university students. Mehdi Hosseini, counselor and faculty at Âzâd University, in his *Family Therapy and Marriage Counseling* combines his classroom lectures, guidance for marriage counselors, and information for young people contemplating marriage (*dam-e-bakht*).<sup>61</sup>

## Hetero-Marital Sexuality

In Islamic texts only heterosexuality is considered normal and natural, and marriage its sole legitimate outlet.<sup>62</sup> Nature is understood to have created humans as ‘incomplete’ beings, and only in union with the opposite sex do we achieve completion. Authors such as Navid citing a number of Qur’anic verses<sup>63</sup> in condemnation of homosexuality seem to be merely further proof of the obvious. Any aversion toward sex with the opposite sex is considered a denial of one’s nature. A woman’s lack of interest in having sex with her husband is deemed, as I explain below, a form of self-hatred. One may conclude that female homosexuality would similarly be considered as women’s self-hatred, as opposed to a form of love for other women. Male homosexuality, discussed only peripherally in the contemporary Islamic texts on sexuality, is also treated as a lack of proper sexual desire. Navid, for instance, refers to some men’s pathological lack of interest in sexuality, which could eventually ‘lead them to sexual deviance and, for instance, to performing the object role.’<sup>64</sup> In other words, male homosexuality is considered unequivocally deviant.

In Islamic texts and in the regulations of Islamic states, homosexual acts are recognized, usually referred to by the derogative term *hamjensbâzi* (literally: ‘playing with a member of the same sex’), and are punishable by law. The manifestation of sexual power and desire for the opposite sex (especially for men) is understood to be healthy. Navid writes that men who lack (‘normal’) interest in sexuality, especially healthy young men, are generally ‘very fat and soft-skinned and show no interest in sport and other activities.’<sup>65</sup> Such men, Navid argues, may end up in a passive role in homosexual liaisons. I have not found in Islamic texts any indication of a ‘homosexual person,’ only of a person who engages in homosexual acts – the *hamjensbâz*. The recognition of a homosexual being, as opposed to a person who engages in homosexual acts, would be considerably problematic, for if it is acknowledged that Allah has created homosexuals, it would be impossible to justify punishment: why would the merciful God create a type of human who is destined to

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60 See, for example, Mehdi Hosseini, *Khânevâdeh Darmâni va Moshâvereh-ye Ezdevâj va Zanâshouii* [Family Therapy and Marriage Counseling] (Tehran: Asâtir, 2002).

61 Ibid.

62 Navid, *Khastegi va Nâtavâny-e Jensi*, 94, 114.

63 See, for instance, *sura* 30 (The Greeks), v. 21; *sura* 4 (Women), v. 1; and *sura* 7 (The Heights), vs. 18 and 189.

64 Navid, *Khastegi va Nâtavâny-e Jensi*, 31.

65 Ibid.

be punished? If homosexuality is understood as an illness however, then treatment rather than punishment would seem in order. And, if homosexuality is understood as other than another sign of decadent Western influence undermining Islam, then other examples of so-called illicit and decadent behavior may also need redefinition.

The contemporary literature also notes that there are different expectations of men's and women's premarital sexual behaviors that allegedly correspond to their natural differences. Islaminasab is quite candid on this matter:

Nature has devised a major difference in premarital sex between boys and girls, a difference which is perhaps necessary for the continuity of humankind. Before marriage, a man can take pleasure *in any kind of sexual act* without losing his social prestige, unless he is infected with some venereal disease (chancre, gonorrhoea, and syphilis). But the woman, who like the man has sexual needs, ought to abstain from sex until the first night of marriage. Otherwise, with the first intercourse, she loses her hymen and value; she loses the jewel of her chastity (*gowhar-e 'effat*), so to speak.<sup>66</sup>

Islaminasab goes on to identify in an apparently neutral manner the various arguments presented by both supporters and critics of the idea of (female) virginity until marriage,<sup>67</sup> before announcing his conclusion:

Perhaps the most ardent supporters of virginity are the people of this Islamic country of Iran. Thus our girls should abide by the theory and edict of the *shar'ia*, save their hymen and innocence (*'esmat*), and, as long as boys believe in girls' anatomical virginity, marry earlier and avoid being too stringent in judging their suitors.<sup>68</sup>

The solution to addressing emerging sexual desires according to these writers is to 'encourage young people to marry.'<sup>69</sup> For girls the urgency is ever more understood. As a girl reaches puberty, marrying her off must be hurried (*ta'jil*), 'because, as the *hadiths* relay, virginity is like a fruit that if not picked when ripened, the sun will corrupt it.'<sup>70</sup> Educating girls about the significance of premarital celibacy is an integral process of gender socialization in the IRI. Āluji<sup>71</sup> provides a collection of stories and parables, all with the central theme of moral education for girls. Adolescent girls are instructed about how to control their sexual desires, what changes to expect after marriage, how to select their friends, and how to reject fashion.

The desire to 'become complete' (*takmil*) is considered a natural one among all healthy young people. Thus, 'sexual desire *and* the attraction of love both stem from the same source.'<sup>72</sup> Sexuality is treated exclusively as an emotional relationship between married couples. Even the vocabulary used in these texts reflects this

66 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 125 (emphasis mine).

67 Ibid., 126–7.

68 Ibid., 128.

69 Navid, *Khastegi va Nâtavâny-e Jensi*, 10.

70 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 166.

71 'Azim Bani-Fatemeh Āluji, *Dâstânhây-e Vâqe'i az Dokhtarân: Kontrol-e Jensy-e Javânân* [Girls' Sweet World, True Stories: The Sexual Controlling of Youth] (Qom: Jâm-e Javân, 2002).

72 Navid, *Khastegi va Nâtavâny-e Jensi*, 11.

emphasis. Foreplay, for instance, is often referred to as *moqâzeleh* – the reciting of amorous poems. Sexuality is also considered a duty: *taklif* or *vazifeh-ye zanâshouii*, marital duty. And though both partners have responsibilities toward one another, sex is a duty that falls more heavily on the wife. This is evident in discussions of *tamkin* and *noshooz* (see below), as well as in the difference in the circumstances under which husbands and wives can cite sexual irresponsiveness as a ground for divorce. *Tamkin* means a wife's duty to live under her husband's roof and be sexually available to him at almost any time.<sup>73</sup> Her defiance in either respect is *noshooz*. A woman who does not *tamkin* loses her entitlement to *nafaqeh*,<sup>74</sup> her husband's provision of her daily expenses. A woman is also entitled to sexual intimacy, and if her husband refuses sex for four months, she can ask for divorce. Yet, whereas the man, upon his wife's refusal, can refrain from paying *nafaqeh* without delay, she has to convince the court that her husband is not sexually responsive. Proving this is extremely difficult, unless the man explicitly announces his aversion to the court. Courts usually grant a woman divorce on this ground only if the husband suffers from an incurable disease, or has disappeared for over six months.<sup>75</sup> As well, unlike a woman, a man has the option of including in the marriage contract that his wife does not have the right to demand sex. A man can refuse sex as punishment for his wife's *noshooz*, but a woman cannot refuse sex for any reason unless her husband's demand contradicts the *shari`a*. A man is not obliged to spend every night with his wife, whereas she needs his permission to leave the house.<sup>76</sup>

Within this framework, the word used for sex – *tamatto`* (taking advantage of; reaping the benefit of), makes perfect sense. With the emphasis on the man as the active party in the sexual relationship, *tamatto`* connotes, and is indeed often used to mean, a man enjoying a female body, similar to other common terms used for sexuality such as *az râh beh dar kardan* ('misleading' a woman to illicit sexual relationship) or *sou`-e-estefâdeh kardan* ('mis- or abusing' a woman), and so on.

Since 'the male organ ('*ozv-e mardâneh*) should *always be ready* to perform its duty,'<sup>77</sup> all the woman has to do is to lie on her back and surrender.<sup>78</sup> The role assigned to the woman is provider of sex. If the sexual relationship between a man and his wife is less than ideal, it is asserted that this is most probably due to her lack of proper attention to 'their bedroom.' And on this point, one author claims to repeat 'an American expert on sexuality' that 'cold relationship is often due to the monotonousness of marital life. Factors that stimulate the husband are absent. Thus, if the woman does not show interest or does not take initiatives, it is possible that the man would suffer permanent impotency.'<sup>79</sup> Though this notion seems somewhat

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73 Mehrangiz Kar, 'Takâlif-e Qânuny-e Zan dar Barâbar-e Showhar' [Wives' Legal Obligations to Their Husbands], *Zanân*, 31 (1996): 26–9.

74 I am transliterating the popular Persian pronunciation of Arabic terms used in Persian. Thus, *nafaqeh* instead of *nafaqa*.

75 Mehrangiz Kar, *Kodâm Haqq? Kodâm Taklif?* [What Right? What Duty?] (Tehran: Jâme'eh-ye Iranian, 2001): 87–8.

76 Mansournejâd, *Mas'aleh-ye Zan, Islam, va Feminizm*, 166.

77 Navid, *Khastegi va Nâtavâny-e Jensi*, 42 (emphasis mine).

78 *Ibid.*, 17.

79 *Ibid.*, 41–2.

contradictory to these authors' situating of women as passive providers of sex, we consistently come upon statements in these writings which on the one hand support the notion that women should enjoy sex, and on the other hand tell us that all a woman has to do is lie quietly and let her husband do his business. Navid also states that a wife's 'ignorance,' that is, her 'reproach of her husband or her jealousy,' can also cause irreversible harm.<sup>80</sup> Navid notes that though a man may not spend much time in foreplay, this is because 'some men just have dignity (*'ezzat-e nafs*), pride, or an innate sense of shame,' which inhibits their ability for sex talk (*moqâzeleh*).<sup>81</sup> Accordingly a wife should know that the least excitement and receptiveness on her part would go a long way: 'If she kisses and stimulates her husband volitionally and sincerely, he will do the sexual act in all his might and preparedness (*qovat va âmâdegi*), accomplish the complete union (*vesâl-e kâmel*), and even give his wife ultimate pleasure.'<sup>82</sup> In this scenario the husband's aversion to foreplay is caused by self-reflection, by his perception of himself. Nevertheless, the wife is supposed to ponder her own 'ignorance' of her husband's need and take responsibility for the lukewarm relationship between the couple. Both husband and wife concentrate on the husband's need. In this paradigm a man's attentiveness to his wife's sexual needs is understood as an encouragement to her, but his entitlement is not contingent upon this consideration. While Islamic texts do emphasize men's responsibility to excite their wives, sexual relations are acknowledged as being more than mere physical interaction, and Navid suggests that problems are in all likelihood a function of the wife's inattentiveness to emotional stimuli 'otherwise the male organ (*'ozv-e mardâneh*) should *always be ready* to perform its duty.'<sup>83</sup>

Though not all sexual activity is for procreation alone, sex is procreative. Any sexual acts other than genital intercourse are collectively branded deviant, without any clarification. Islaminasab asks: 'What are deviant intercourses (*moqârebathây-e monharef*)?' His response leaves no room for ambiguity:

These include any uncommon (*qeyr-e-mote 'âref*) intercourse and such act is against moral and religious principles, engaged in by women who do not want to get pregnant, or have sexual disorder (*enherâf*), or by girls who do not observe moral principles and are only concerned about maintaining their anatomical virginity. We must know that often men are responsible for women's practice of deviant intercourses.<sup>84</sup>

This is the only discussion of *moqârebathây-e monharef*, smack in the middle of a chapter on pregnancy and pregnancy prevention.<sup>85</sup> Note that there is no example of this category of sexual act and no distinction is made among various forms of 'deviant intercourse.' Why? No explanation is offered and one can only venture to guess. Perhaps the author is being coy; perhaps he is avoiding presenting options to those

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80 Ibid., 53.

81 Ibid., 17.

82 Ibid., 18.

83 Ibid., 42 (emphasis mine).

84 Islaminasab, *Moshâvereh-ye Jenji va Zanâshou'i*, 198.

85 Only Islaminasab discusses this, and only once. None of the other recent sources I have consulted discuss this issue.

too innocent to know that ‘deviant intercourse’ is an alternative to the complications of ‘regular’ intercourse. In this respect, Islaminasab falls behind numerous authors of *Towzihul Masâ’els* (The Explanations for Problems), who discussed – condemned – at least anal intercourse in some detail and detailed its implications for ablution, prayer, and other religious concerns.<sup>86</sup>

## Sexed Bodies

According to contemporary Islamist authors, human beings belong to fixed and clear categories. From this perspective, we all are empty vessels of manliness or womanliness that we must fill in our lifetime. According to Navid, we are endowed by nature with the potential to achieve our true sexual identity. However, as not everyone is either completely male or completely female, some would be doomed to fail in this process were it not for the choice of the correct partner. For instance, if a man is only 85 percent masculine, he has to marry a woman who is 85 percent feminine. Her 15 percent ‘manliness’ will complement her husband in the marital relationship. Yet if such a man marries a ‘complete’ woman, he will remain ‘less-man’ for life.<sup>87</sup> Navid goes on to state that nature wants men and women to complete one another, as this creates harmony: brunettes love blonds, tall people like short people; ugly people like beautiful individuals.<sup>88</sup>

Sports, medication, and proper food are claimed by Navid to be able to help men and women ‘become completely masculine or feminine.’ Games and sport obviously help boys and girls develop their assumed gender identities: boys like war games and brave acts: girls, playing with dolls and flowers. Medication can help regulate hormones. Navid specifies that dates, onions, pistachios, and honey are all good for developing a healthy sexuality. But foods can also be masculine or feminine. If men eat masculine and women feminine foods, they develop in a respectively masculine or feminine manner. Thus for example, if a wet nurse is going to feed a female infant, parents must assure that her own child is female, otherwise her milk would be masculine.<sup>89</sup> The same is true for meat. A female animal’s meat is considered full of ‘feminine elements,’ and thus most suitable for women; male animals are best for men, ‘especially for lovers and newly married men.’ The meat of prepubescent animals, castrated animals, or old (presumably post-sexual) animals is considered to have no impact on the consumers’ sexual development or prowess.<sup>90</sup>

Though the Islamic texts are reticent about the impacts that following Islam might have on bodily makeup, there seems to be an implicit suggestion that the Muslim individual constitutes the norm, stemming perhaps from an assumption that Islamic teachings truly reflect nature and thus those who follow Islamic guidelines reflect most faithfully how nature intended human beings to be. Yet according to

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86 See Abdelwahab Bouhdiba, *Sexuality in Islam*, trans. A. Sheridan (London: Saqi Books, 1998).

87 Navid, *Khastegi va Nâtavâny-e Jensi*, 86.

88 *Ibid.*, 114–5.

89 *Ibid.*, 70.

90 *Ibid.*, 71.



some authors the magical power of Islam cannot be ignored. Veterans of Islam seem to enjoy a sexual power distinct from others. Islaminasab emphasizes proudly that many veterans of the Iran-Iraq War have been able to impregnate their wives despite severe damage to their lower body.<sup>91</sup> Such assertions seem to continue, albeit in a less pronounced way, the contention of earlier Islamic authors about the physically extraordinary characteristics of the Prophet and his descendents. According to the eighth century author Mohammad Ibn Sa'd Kâtib Vâqedy, the Prophet is credited with having the sexual power of forty men.<sup>92</sup> Also recall that Khomeini asserted that *sayyede* women (female descendents of Mohammad) become menopausal at the age of 60, while for ordinary women the age of menopause is 50.<sup>93</sup>

## Gender and Sexuality

In Islamic writings, the family is considered an intricate system predicated on harmony between husband and wife, and based on acceptance of naturally defined gender roles. According to this paradigm we are all born male or female and it is only within the confines of our predefined gender and sexual identity that we can truly achieve maturity. Everyone, Hakimi suggests, must evolve within the bounds of his or her existence. If women compare themselves to men, engage in compensatory efforts – that is, aim to become identical with men, dress like them, or imitate them – they negate their true identity.<sup>94</sup>

What guarantees a good marriage and pleasing sex is harmony, not love. Love is important, but overrated. Love may not be permanent, but if a couple has mutual understanding and harmony, they can survive.<sup>95</sup> In fact, according to Navid, harmony is even more important for healthy sexual function than the best medications and the most comprehensive cures.<sup>96</sup>

In the Islamic model of sexuality, gender and family, men and women are inherently complementary due to their innate differences. Islaminasab claims to provide a scientific comparison of male and female traits, though he warns readers that these traits are not ‘from the standpoint of science, necessarily proven.’ The gender-specific attributes he lists are also contradictory. For instance, he claims that men are benevolent (*javânmard*); yet he also considers men indifferent, inconsiderate, and ruthless. Women are characterized as willful and whimsical, self-sacrificing and intolerant of pain.<sup>97</sup> He views men and women in dichotomous, but complementary, terms:

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91 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou’i*, 38.

92 Mohammad Ibn Sa'd Kâtib Vâqedy, *Al-Tabaqât* [Classifications], trans. M.M. Damqani (Tehran: Nashr-e No, 1985): 377.

93 Khomeini, *Towzihul Masâ'el*, 390.

94 Hakimi, *Defâ' az Hoquq-e Zan*, 13.

95 Navid, *Khastegi va Nâtavâny-e Jensi*, 89.

96 *Ibid.*, 91.

97 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou’i*, 29.

Masculine traits	Feminine traits
• Men seek power.	• Women are kind and tranquil.
• Men opt for superiority.	• Women opt for the status quo.
• Men are abstract thinkers.	• Women are concrete thinkers.
• Men are practical.	• Women seek momentary pleasures.
• Men give highest value to prestige and honor ( <i>âberu</i> ).	• Women are not forethoughtful ( <i>maâlandish</i> ).
• Men are logical, sanguine, precise, and disciplined.	• Women are confused ( <i>gij</i> ) and lack self-control.
• Men are courageous ( <i>jasour</i> ).	• Women are fragile.
• Men are authoritarian, independent, and brave.	• Women are obedient, in need of protection, timid, and complaining.
• Men are invasive ( <i>motejâvez</i> ) and bold ( <i>gostâkh</i> ).	• Women are coquettish, but conquerable ( <i>mosakhhkar</i> ).
• Men are lascivious ( <i>shahavatrân</i> ).	• Women are chaste and faithful.
• Men are more tolerant of mental than physical suffering.	• Women are enduring of husband's physical abuse ( <i>zarb va shatm</i> ).
• Men are paternal.	• Women are maternal.

There is undoubtedly nothing novel about Islaminasab's classification, but the mere inclusion of such discussion – seemingly irrelevant to the rest of the chapter on the physiology of sex – demonstrates the gender ideology underlying the Islamist discourse on sexuality. Women are potentially destructive and harmful, to themselves more than to anyone else, and are thus set up for male control in a system that renders women completely vulnerable to men's physical strength and potential violence. In such a system, women are sex providers – and if they are prudent and obedient, they can exchange sex for men's protection. Deniz Kandiyoti in her classical study of gender relations in traditional Middle Eastern societies refers to this as the 'patriarchal bargain.'<sup>98</sup>

It is only within the above framework of 'natural differences' that human behavior and sexual division of labor become meaningful. That some men define the borders of proper sexual and gender behavior for women would appear benevolent, not sexist, if we accept that women have a voracious sexual appetite, but lack self-control and the ability for logical analysis. Men's control even satisfies women's own need of being conquered and remaining chaste and faithful. To say that women are not logical is apparently no insult: being emotional is a woman's right, because it is 'a necessity for motherhood.'<sup>99</sup>

98 Deniz Kandiyoti, 'Bargaining with Patriarchy,' *Gender and Society*, 2, 3 (1998): 274–90.

99 Hakimi, *Defâ' az Hoquq-e Zan*, 37.

Islamist authors seem to naturalize and ahistoricize socially and historically concrete sexual behaviors and gender relations. This is most evident when gender-specific traits are outlined for men and women, as discussed above. Here I must point out that if one accepts that there are ‘natural’ sexual (or gender) behaviors, then it seems logical if not fundamental that there should be a methodology for determining such conducts. This methodology is however absent from Islamic texts, and thus these writers are not compelled to examine their assumptions of what is ‘natural’ and what might better be discarded as unsubstantiated collective hearsay. In other words, how do these writers distinguish between what is ‘really natural’ and what the writer is raised to understand as natural?

Consider the question ‘what time is more appropriate for sexual intercourse?’ Islaminasab explains that any time is fine, though many women particularly prefer sex at night. He then provides a socio-historical explanation for women’s preference: since society teaches women to consider sex dirty and bestial, they prefer inconspicuous sex. In the next sentence, however, he jumps to an ahistorical explanation: ‘Since women *naturally* are not interested in seeing a man’s sexual organ, they prefer sex at night.’<sup>100</sup> There is no explanation as to what makes women’s aversion ‘natural.’ Nor is there any information about how the author attained such knowledge. In the process of naturalizing women’s aversion, both men and women are essentialized despite the author’s earlier recognition that socialization predisposes women to certain inclinations.<sup>101</sup> The same issue – looking at the body of a sex partner – is explained in the case of the male as voyeur by a *hadith* from Imam Sâdeq: ‘Nothing is more pleasing to a man than looking at the naked body of his wife.’ And Islaminasab expounds on this *hadith*, saying that even looking at a woman’s vagina is not forbidden in Islam. ‘When a woman is considered her husband’s attire, his complement, then any kind of looking and taking pleasure of her body is permissible, provided no injustice is done to her.’<sup>102</sup>

### Gendered Bodies in Bed

During intercourse the man is the subject (*fâ’el*) and the woman his object (*maf’ul*). When he gets an erection, the sexual act becomes possible. Regardless of whether there is desire on the part of the woman, if a man is not erect intercourse is not possible. Thus, for a simple sexual act – intercourse – it is sufficient for a man to have an erection and for a woman to surrender.<sup>103</sup> Nonetheless, men are urged to be sensitive to the sexual response of their wives and help them reach orgasm, lest they otherwise never understand the significance of the sexual relationship, and regard it a ‘routine and regular task, like working and eating.’<sup>104</sup> Especially important, Navid

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100 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou’i*, 336.

101 Ibid., 21.

102 Ibid., 338.

103 Navid, *Khastegi va Nâtavâny-e Jensi*, 17.

104 Ibid., 73.

advises men, is a woman's first experience of sex – if a man is sexually weak or rough he could make his bride eternally dislike sex.<sup>105</sup>

Men are also warned that unlike them, women approach sexuality as something quite serious, though rarely discussed. Citing a 'German sex specialist,' Navid states that women's awareness of sexuality develops slowly and with ambivalence. Sexual awareness, he argues, coincides with blood and pain – an experience that never leaves women's psyches: 'Women hope for pleasure at their first sexual experience, but if their husband lacks adequate knowledge of sexuality, her hopes vanish. Besides, women will blame fate for their unattained sexual pleasure.'<sup>106</sup> Thus, as Navid explains it, though both men and women are sexual, male and female sexuality result from completely different mechanisms. In men, sexual desire is a 'physical and mechanical function:' when the 'container of semen' is filled, it must be emptied. For women, on the other hand, sex is a mental need, a quest for peace of mind and relaxation.<sup>107</sup> In women, the brain, emotions, senses, and a host of physiological changes interact to make sexual intercourse possible. It is the husband's responsibility to 'cooperate' (*hamkâri*) with her so that she can experience orgasm – 'after all, a woman is both a giver (*dahandeh*) and a receiver (*girandeh*).'<sup>108</sup> These considerations, nevertheless, are not free from the man's ulterior motive:

The final stage of intercourse for a woman is to surrender (*taslim*) herself to the man so that he can make the best of it for himself. So, if the man acts patiently and considerately, he can bring the woman to agreement, but if he is impatient, rough, or inconsiderate, he will make her completely disgusted and unhappy. [If he is attentive to her needs,] at the end, she feels peaceful and relaxed, content with her husband, and anticipates future lovemaking.<sup>109</sup>

Frigidity (*sard-mezâji*) is deemed essentially a feminine disorder, a manifestation of women's self-hatred.<sup>110</sup> In Navid's portrayal, the woman is a closet male-worshipper.<sup>111</sup> Though both men and women are created equally, the woman seeks in a man her better half, 'her best part.'<sup>112</sup> Frigidity is caused by a woman not liking herself, that is, her male-female combination:

A man has 13 milligrams of daily masculine discharge; a woman has 8 milligrams of masculine discharge. Thus, if a woman loves a man, she in effect loves her own best part. The man before her finds a place in her spirit and mind. For this reason, she adores

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105 Ibid., 82.

106 Ibid., 75.

107 Ibid., 79.

108 Ibid., 80.

109 Ibid.

110 Ibid., 83.

111 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 354. Recall that the Prophet had said if he could implore one person to worship another, he would have ordered a woman to worship her husband.

112 Navid, *Khastegi va Nâtavâny-e Jensi*, 83.

and worships him (*miparastad*). And this idea is in the woman's mind, as if she is seeing herself in a mirror.<sup>113</sup>

Similarly, Islaminasab says that a woman who does not enjoy sex must have low self-esteem and 'not consider herself a good spouse.' Such a woman 'basically does not accept her husband as the man, with a masculine organ, and head of the household.' 'Thus,' he concludes, 'a woman who disdains and refrains from sexual intercourse is indeed not a woman.'<sup>114</sup>

### The Pleasures and Dangers of Women

Islamic texts are quite inconsistent in considering who has a stronger sexual desire. Often contradictory pronouncements are made in a single text, depending on what the author wishes to conclude. When Islaminasab notes that women *should* enjoy the sexual relationship,<sup>115</sup> it is suggested that women and men have a similar intensity of sexual desire. Elsewhere however, he asserts that women's sexual urges are not as strong as men's, unless they are nymphomaniacs. Such women he claims 'often do not have a maternal instinct.'<sup>116</sup> However, a similar level of desire in men seems not to affect their 'paternal instinct.' Finally, to show the need to control female sexuality, women are represented as insatiable.<sup>117</sup>

Women also have 'more sexual power (*godrat*) than men; they can have sexual intercourse tens of times a day, but other than a newly married man, no man has such a power.'<sup>118</sup> This disparity in power, Islaminasab suggests, should humble men: with big body size and physical prowess, men crumble between a woman's legs, lay there limp and faint.<sup>119</sup> Indeed, that men appear as active and women as passive during the sexual act should deceive no one: real managers think and others implement. 'It is women who carefully overlook different stages of sex and lead men to whatever position and action they wish. And what man would refuse even the worst conditions? After all, he is joyfully ready to ejaculate.'<sup>120</sup>

Though women may have weaker interest in sex than their partners, to the male authors of these texts, women appear as infinitely more attractive to men than men do to women. Women, Mansournejâd writes, are just more beautiful than men; hence the consistent place of women as beloved in literature, historically and cross-culturally.<sup>121</sup> A long list of *hadiths* testifies to women being delicious (*laziz*) in the eyes of the Prophet and various imams. Mohammad is cited as having said that 'the light of my eyes is the prayer and my pleasure is with women.' Imam Sâdeq was

113 Ibid.

114 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 155.

115 Ibid.

116 Ibid., 357.

117 Ibid.

118 Ibid., 22.

119 Ibid., 25.

120 Ibid., 340.

121 Mansournejâd, *Mas'aleh-ye Zan, Islam, va Feminizm*, 86–7.

asked what the greatest pleasure in the world was. He replied: 'Intercourse with a woman.'<sup>122</sup> Imam Sâdeq also purportedly said that the 'pleasure of women' (*lezzat-e zan*) is unsurpassed in both worlds.<sup>123</sup>

Women's unsurpassed desirability however, calls for special regulation of their presence in men's lives. Young girls in particular are in need of protection because they cannot easily distinguish sexual desire from love.

Especially among girls who have no knowledge of sex this need is completely concealed. If an innocent girl meets a young boy, she will experience an internal revolution and will think that she has fallen in love. As a result, she will be ready to sacrifice her whole life for that person. In reality, however, that is not really love; it is only a natural sexual inclination that she could have toward any man.<sup>124</sup>

Sexual pleasure, this life-giving force, has the potential to destroy humanity according to these Islamist writers. The only safeguard is natural, balanced sex: not too frequent, not too infrequent; not too boring, not too wild.<sup>125</sup> Islam offers two caveats regarding pleasure. First, pleasure must not become a goal in itself, lest it diverts our attention from 'moral pleasures' (*lazâ'z-e ma'navî*). Second, pleasure should be sought in moderation.<sup>126</sup> Sex is not simply for carnal pleasure; it is a key to the understanding of the eternal pleasures of the world beyond.<sup>127</sup>

Religious duties like prayer and fasting supersede sex in importance. Thus, sex is prohibited while fasting, and in the period between purification for prayer and the completion of prayer. During menstruation, intercourse is *harâm*, unlawful according to *shari'a*.<sup>128</sup> Such prohibitions are a constraint against the uncontrollable invasion of lust, reminding the believer that while they may enjoy sex, they must not forget that their primary obedience is to Allah: 'sexual desire must be under the control of reason and *shari'a*.'<sup>129</sup> Thus, newlyweds are instructed to pray before their first sexual engagement. Bride and groom are burning with desire, with nothing on their minds other than enjoying each other. Prayer prior to intercourse breaks down the walls that isolate these two from the rest of the world. They reunite with the source of all life and avow their enslavement to Him.<sup>130</sup>

A licentious life indicates a weak will, according to Islaminasab, and has devastating consequences both for the individual and humanity. Considering men's weakness in front of women's beauty, it is obvious who can sow the seeds of destruction. As the Prophet said, 'two things lead [his] people to hell: an empty vagina and an empty mouth.'<sup>131</sup> Women are thus the source of chaos (*fetneh*), and

122 Hakimi, *Defâ' az Hoquq-e Zan*, 111.

123 Ibid., 112.

124 Navid, *Khastegi va Nâtavâny-e Jensi*, 116.

125 Ibid., 117–18.

126 Hakimi, *Defâ' az Hoquq-e Zan*, 112.

127 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'î*, 113.

128 Ibid., 94–8.

129 Ibid., 112–13.

130 Ibid., 159.

131 Ibid., 355.

as the Prophet advised, we must ‘avoid the chaos of this world and the chaos of women.’<sup>132</sup> According to Islaminasab’s interpretation, the devil steps in and joyfully addresses his co-conspirator, the woman:

You are half of my troops. You are my arrow, the arrow with which I shall aim and shall not miss. You are the secret to me and when needed, my messenger.<sup>133</sup>

Adultery and illicit sex (*zenâ* in Persian and *zina* in Arabic) is an ever-present threat. The danger is so great that texts like *Sexual and Marital Counseling* are inundated with quotations from various imams about how men and women simply looking at each other might be adulterous. Islaminasab quotes the Prophet that if a man smells a woman’s fragrance, her wearing the perfume is the same as committing *zenâ*.<sup>134</sup> Even imagining sex with anyone other than a person’s spouse is deemed ‘mental adultery’ (*zenâye zehni*).<sup>135</sup>

### The Scientific Discourse

I have suggested that the reliance of authors like Ali Islaminasab and Mehdi Hosseini on physiological and psychological explanations of sexuality may indicate the ‘seepage’ of science into an attempted representation of sexuality that simultaneously upholds fundamental Islamic teachings. I characterized this as Islamic because of its expressed intention of Islamicizing social relations. But independent scientific discourse on this subject, drawing predominantly on the physiological and psychiatric sciences, has also been growing in Iran in recent years.

Both religious and scientific discourses aim to regulate behaviors but for dissimilar reasons and through different mechanisms. The former provides new information in the context of Islam in order to maintain control over women and men within the existing gender relations and within the parameters of an Islamic system. The common means of administrating such control has been policing interactions between the sexes and strengthening men’s power in the family and the bedroom.<sup>136</sup> The latter similarly aims to categorize and regulate sexual behavior, but in accordance with scientific consensus, not *shari`a* teachings. It decriminalizes some behaviors and de-stigmatizes others, yet does not entirely abandon the notion of ‘normal’ sexual behavior. Sex is a subject of scientific and clinical observation. In echoing the ‘objective’ voice of science, women’s and men’s voices are muted, unless presented as case studies. There is no discussion about how individuals experience sex and define their sexuality.

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132 Ibid., 112. For a detailed discussion on women as the source of chaos (*fitna* in Arabic and *fehneh* in Persian), see Fatma A. Sabbah, *Woman in the Muslim Unconscious* (New York: Pergamon Press, 1984).

133 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou`i*, 112.

134 Ibid., 354.

135 Reza Pâknezhâd, *Avvalin Dâneshgâh va Âkharin Payâambar* [The First University and the Last Prophet], in *Ravesh-e Shouhardâri dar Islam* [An Islamic Guide to Marital Relationship for Women] vol. 39 (Tehran: Be’sat, 1991), 110.

136 For a discussion, see Shahidian, *Women in Iran: Gender Politics*, Chap. 6.

The claimed objectivity of this clinical approach to sexuality could provide its adherents relative security for transgressing state censorship. What coincides with Islam poses no threat for either Islamic or scientific discourse. Science goes unharmed, albeit under surveillance, and Islam finds a legitimate explanation for some of its teachings. Yet what is contentious between the two must be toned down so as not attract too much attention.

The books of this genre are written for an educated public, with the intention of informing them about sex. Not only general readers, but feminists as well benefit from these sources: they provide information, language, and a secular context for discussing sexuality. Besides, the tacit inclusion of new spaces and times for sexual expression takes the initial steps of expanding sex beyond the marital bedroom.

This 'scientification' ('*elmisâzi*') of sexual knowledge relies mostly on Western scientific sources, both through translation and in the original language. Translation in this field has been quite active and diverse. It includes self-help and popular psychology books and scholarly works, such as William Masters and Virginia Johnson's *Human Sexual Response* and the American Psychiatric Association's *The Diagnostic and Statistical Manual of Mental Disorders*, fourth edition, not to mention vast literature (in Persian and other languages) in psychology, psychiatry, and medicine.<sup>137</sup>

Some authors see their work as part of a general attempt to 'influence' (*ta'sir-gozâri*) social and cultural developments.<sup>138</sup> What Ohadi, physician, translator and author of two recent volumes on sexuality, writes about the reformist women's magazine, *Zanân*, could be expanded to include how he envisions his own work on sexuality, as he himself alludes to in that essay. He considers *Zanân* part of a general attempt toward Iran's advancement, even salvation (*nejât*), through 'scientific-cultural-social development,' which will lead to economic and political developments.

The scientification endeavor involves distinct, though not necessarily contradictory, projects. At one end, we witness the 'clinicalization' of sexuality – that is, (re)classifying sexual conducts to identify disorders and abnormalities, providing scholarly information for professionals and scholars, training skilled professionals, and encouraging the public to visit these professionals in search of remedies for their sexual problems. On the other end, we encounter an attempt to popularize medical and clinical information. Sometimes, the same author performs both roles. Islaminasab's *Sexual and Marital Counseling* is intended to be a resource for both lay people and the experts. Leila Parvaresh is a physician who writes and

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137 William H. Masters and Virginia E. Johnson, *Human Sexual Response*. (Toronto and New York: Bantam Books, 1966); *American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders*, 4th ed. (Washington, DC: American Psychiatric Association, 1994); and for instance, Mohammad Ali Beshârat, 'Moshkelât-e Jensi: Tabaqehbandi, "Ellatshenâsi, Sanjesh va Darmân"' [Sexual Problems: Classifications, Causes, Assessment, and Treatment], *Tâzeh-hây-e Ravândarmâni* [Psychotherapy News] 3 (1998): 9-10; and *Qolâmrezâ Pourmand and Borhân Eshraqi, 'Ellal-e' Ozvy-e Nâtavâny-e Jensi* [Organic Causes of Impotency], (Tehran: Tehran University Press, 1994).

138 Behnâm Ohadi, 'Kasi Nemikhâhad Bâvar Konad keh Bâqcheh Dârad Mimirad' [No-One Wants to Believe that the Garden is Dying], *Zanân*, 100 (2003): 160–61.



translates scientific articles for the magazine *Zanân*. The two orientations are not mutually exclusive. In fact, popularization aims to provide just enough information so that their readers realize the necessity of expert advice.

Womanist and scientific paths also converge. For instance, *Zanân* has devoted a section to the 'science of life' (*dâneshe-e zendegi*), with reports on such diverse issues as stress, women's immune system, sex selection, breast cancer, pregnancy, and ways of expressing love that provide women with basic health information, much of it related to sexuality. These writings also contribute to the development of a language for relaying scientific information to non-experts. Mirzâzâdeh reflects on the need for 'culture-making' (*farhang-sâzi*) in the areas of medical and mental health:

Matters like female puberty, marital relationships, menstruation, childbirth, menopause, breast and cervical cancer and women's depression are still problems that the women of our society are ashamed [to publicly discuss]. Lack of attention to publishing scientific and professional articles on these issues would be tantamount to the persistence of wrong approaches to these subjects.<sup>139</sup>

In Persian, *farhang* refers both to 'culture' and 'dictionary,' *farhang-sâzi*, so then could mean culture-making, or developing a cultural context for public discussions about sexuality, and developing the vocabulary of such a discourse. The above passage emphasizes the culture-making process, but Mirzâzâdeh is equally emphatic about closing the gap between the scientific language of the experts and the language of laypersons, something she believes experts do not take seriously.

One example of popularization of sexual information reflects the concerns about population planning. Iran's population at the time of the 1979 revolution was about 30 million. The leaders of the Islamic government considered pre-revolutionary concern with family planning a sign of Westernization and advocated a pro-natal policy. The population soared so rapidly that in the late 1980s, IRI authorities realized that they would not be able to meet the demands of the country's growing population. Following some heated debates, a family planning program was introduced in 1989. The plan encourages gaps of three to four years between pregnancies and smaller family size of three children. It also discourages pregnancies in women younger than 18 or older than 35.<sup>140</sup>

The Family Planning Association of the Islamic Republic of Iran (FPAIRI), a non-governmental and non-profit organization, has produced a number of informative booklets about health and sexuality, especially for teenagers and newlyweds. But the

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139 Shirin Mirzâzâdeh, 'Dar Mahfel-e Kouchak-e Zanân Âmoukhtam keh Tars Ma'nâii Nadârad' [I learned in the Small Circle of Zanân that Fear is Meaningless], *Zanân*, 100 (2003): 32.

140 Akbar Aghajanian, 'Family Planning and Contraceptive Use in Iran, 1967–1992,' *International Family Planning Perspectives*, 20, 2 (1994): 66–9; Homa Hoodfar and Samad Assadpour, 'The Politics of Population Policy in the Islamic Republic of Iran,' *Studies in Family Planning*, 3, 1 (2000): 19–34; Mahnaz Nakhai, *Jam'iyat va Tanzim Khânevâdeh* [Population and Family Planning] Tehran: Âiizh, 2002); and Shahidian, *Women in Iran: Gender Politics*, 189–94.

information provided to couples, teenagers, and their parents about sex is equally basic. A preface by the director that summarizes the need for such booklets appears in all publications:

The population composition of our country is very young. Close to 60 percent of the Iranian population is younger than twenty-four. The lowering of the age of puberty, and the increasing of the age of marriage, along with the lack of formal education on the subject and the possibility of misdirected instruction – all have caused that a considerable portion of the adolescents and youth of the sacred system of the Islamic Republic have little knowledge about the hygienic and health aspects of puberty.<sup>141</sup>

A guidebook for parents and counselors emphasizes the importance of parents being the source of information about sexuality and other adolescent developments for their teenage children. The booklet also warns against the spread of sexual freedom, the diminishing role of the family in contemporary society, urbanization, migration, traveling to different countries, teenage pregnancy, and AIDS.<sup>142</sup>

There is an underlying tone of Islamic teaching throughout the booklets, and the religious duties of praying and fasting related to menstruation are mentioned.<sup>143</sup> Yet there is no overt attempt to turn these texts into Islamic propaganda. The pamphlets make one cursory reference to a verse from the Qur'an<sup>144</sup> and cite a *hadith* that encourages parents to raise their children, not as they were raised themselves, but in accordance with the present time.<sup>145</sup>

Another booklet, prepared as a reproductive health guide for young couples,<sup>146</sup> begins with the premise that reproductive rights are human rights, in accordance with the 1994 United Nations International Conference on Population and Development, held in Cairo.<sup>147</sup> Men should realize that 'women's empowerment is not a threat to them, but a way for the improvement in the family's health and progress.'<sup>148</sup> The pamphlet furnishes information about overpopulation and its negative impacts on family and society, methods of birth control, pregnancy, childbirth, child nutrition, child immunization, infertility, venereal diseases, and breast and cervical cancer.

These publications address popular misconceptions about sex, discussing such facts as: the rupture and bleeding of hymen may not occur in some virgins;<sup>149</sup> the first

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141 FPAIRI, *Khodâmuz-e Behdâsht-e Nojavânân barây-e Vâledîn va Morabiyân* [Teenage Health Guidebook for Parents and Counselors] (Tehran: Anjoman-e Tanzim-e Khânevâdeh-ye Jomhury-e islamy-e Iran, 1999), 4.

142 Ibid., 10.

143 FPAIRI, *Khodâmuz-e Behdâsht-e Nojavânân barây-e Dokhtarân-e 10 tâ 14 Sâleh* [Teenage Health Guidebook for 10- to 14-Year-Old Girls] (Tehran: Anjoman-e Tanzim-e Khânevâdeh-ye Jomhury-e islamy-e Iran, 1999): 25.

144 FPAIRI, *Khodâmuz-e Behdâsht-e Nojavânân barây-e Vâledîn va Morabiyân*, 7.

145 Ibid., 12.

146 FPAIRI, *Râhnâmây-e Behdâsht-e Bârvary barây-e Hamsarân-e Javân* [Reproductive Health Guide for Young Couples] (Tehran: Anjoman-e Tanzim-e Khânevâdeh-ye Jomhury-e islamy-e Iran, 1999).

147 FPAIRI, *Râhnâmây-e Behdâsht-e Bârvary barây-e Hamsarân-e Javân*, 6.

148 Ibid., 7.

149 FPAIRI, *Khodâmuz-e Behdâsht-e Nojavânân barây-e Vâledîn va Morabiyân*, 14.

sexual intercourse can lead to pregnancy; showering and cleansing after intercourse cannot prevent pregnancy; pregnancy is possible even with the hymen intact,<sup>150</sup> spacing pregnancies to guarantee mother's and child's health.<sup>151</sup>

The guidebook for couples also reminds men that their responsibility toward their pregnant wife starts with pregnancy, not after the baby is born. Women who have their husband's support during pregnancy have fewer problems and easier and faster delivery.<sup>152</sup> Men are encouraged to participate in children's upbringing, support their wife during pregnancy and nursing, teach their daughters and sons responsibility toward family and society.

Mohammad Reza Nikkhou's *Male Sexual Life* and his collaborated volume with Hâmâyâk Âvâdis Yânes, *Female Sexual Life*, are based on recent medical and psychological discoveries, but written in a language accessible to the lay individual.<sup>153</sup> Nikkhou is Assistant Professor of psychology and Âvâdis Yânes is a marriage counselor with an MA in clinical psychology. The authors emphasize the need to consult professionals on any sexual matter. Readers are also encouraged to communicate with the authors through the publisher.<sup>154</sup>

These authors treat sexuality as an historical phenomenon. Nikkhou offers examples of how our conceptions of sex and sexual deviance have changed throughout history, and especially demonstrates that while female sexual desire is considered acceptable today, it used to be viewed beneath the dignity of noble women. Similarly, he points out that sexual dysfunctions were deemed in yesteryears as divine punishment for licentious behavior.

Nikkhou and Âvâdis Yânes include the lips as a secondary (*far'i*) sexual organ and explain that lips can play a sexual role, depending on cultural beliefs and social norms. 'In many cultures,' they write, 'kissing is a way of expressing positive and friendly sentiments without necessarily having any sexual connotation.'<sup>155</sup>

Unlike religious authors, Nikkhou considers the prime function of sexuality to be bodily pleasure: 'The primary impetus of sexual activity ... is the pleasure it offers; rarely in the span of a person's sexual life does procreation become the chief goal of sexuality.'<sup>156</sup> Though Nikkhou addresses the procreative function of sex as well, he places sexuality outside the domain of a divine design for the survival of humanity in the universe, by emphasizing pleasure. He similarly distances himself from the dominant religious view that coitus is the only normal sexual interaction. While coitus is predominant among diverse forms of sexual interaction, he insists that 'caution obliges us to conclude that normal individuals take pleasure from numerous types of sexual behavior that do not coincide with the limited visions contained in

150 The pamphlet is referring to legitimate sexual relationship, occurring after the marriage contract is made ('*aqd*), before the couple starts living together.

151 FPAIRI, *Râhnamây-e Behdâsht-e Bârvary barây-e Hamsarân-e Javân*, 19, 40.

152 *Ibid.*, 39–40.

153 Mohammad Reza Nikkhou, *Zendegy-e Jensy-e Mardân* [Male Sexual Life] (Tehran: Sokhan, 1999): 10.

154 Mohammad Reza Nikkhou and Hâmâyâk Âvâdis Yânes, *Zendegy-e Jensy-e Zanân* [Female Sexual Life] (Tehran: Sokhan, 2001): 11.

155 *Ibid.*, 35.

156 Nikkhou, *Zendegy-e Jensy-e Mardân*, 72.

religious and moral writings.<sup>157</sup> He subsequently defines sexual disorder (*ekhtelâl*) as ‘any deviance or dysfunction that causes visible interpersonal tension (*parishâni*) and difficulties.’<sup>158</sup> Though Nikkhou does not provide any discussion of what constitutes ‘normal,’ ‘functional,’ and ‘non-deviant’ sexuality, he warns readers that ‘what is considered “deviant” in a certain time and place may not be considered so in another.’<sup>159</sup> His discussion clearly differs from the religious discourse that takes Islamic scripts and edicts as the defining point: here interpersonal, not divine, attribution makes certain sexual acts undesirable.

Certain sexual behaviors appear as deviant in both religious and scientific discourses. But discussions of these acts take different focuses. Zoophilia, for instance, has been identified as *harâm* (forbidden) in various religious texts;<sup>160</sup> it is categorized as paraphilia (*enherâf-e jensi*) – abnormal attraction – in scientific texts. Islamic texts emphasize the religious consequences of zoophilic relationship – the religious actions a believer who commits this transgression must take; what must be done with the animal in question. In Nikkhou’s writing, the discussion is limited to the psychological and social analysis and impact of such behavior for the individual.<sup>161</sup>

Some sexual behaviors are categorically defined as sinful in the Islamic discourse, but are defined as normal in scientific texts. For example, in all Islamic texts, masturbation is portrayed as a sinful act that can cause nothing but shame and physical and psychological problems.<sup>162</sup> Nikkhou attributes the belief that masturbation causes mental and physical dysfunction to sheer ignorance.<sup>163</sup> ‘Sexual stimulus,’ he writes, ‘is a natural and normal physiological need.’ When a person matures, sexual needs actively seek outlets for satisfaction. In the absence of marital sex, individuals seek self-gratification. But if the adolescent individual is taught to feel guilty and fearful, he learns to masturbate ‘in secret, quickly, and anxiously.’<sup>164</sup> This, asserts Nikkhou, becomes the prelude to future sexual disorders, most notably premature ejaculation.

In discussing sexual deviance, Nikkhou’s intention is curing the patient, but he is aware of the limited effectiveness of therapeutic measures. He suggests supplementing therapy with behavior modification through replacement of the deviant behavior with activities that are equally stimulating yet socially permissible. Rather than undue punishment, Nikkhou emphasizes recognition of factors that have contributed to the formation of deviant behavior through familial and social processes.<sup>165</sup> Of the various forms of treatment, Nikkhou recommends behavioral-cognitive methods as the most effective.<sup>166</sup> Through this approach the individual recognizes the causes

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157 Ibid., 73.

158 Ibid.

159 Ibid., 150.

160 See, for instance Khomeini, *Towzihul Masâ’el*.

161 Nikkhou, *Zendegy-e Jensy-e Mardân*, 75, 194–5.

162 See Shahidian, *Women in Iran: Gender Politics*, 183.

163 Nikkhou, *Zendegy-e Jensy-e Mardân*, 70.

164 Ibid., 118.

165 Ibid., 206.

166 Ibid., 211.

of his deviant behavior in order to reduce and control it. He also learns to change in himself the ideas and thought processes that lead to and rationalize his deviant conduct.<sup>167</sup> The emphasis is clearly on the individual's responsibility for changing his action; the intention is to assist the patient to perform 'normally.' Replacing treatment with any kind of punishment – including incarceration – is futile. Nikkhou writes:

Now the question is whether by simply incarcerating and punishing of [deviant] individuals we can prevent the recurrence of their deviant conduct, or do we have to think about treating and empowering these individuals? The former policy means the possibility of deviant conducts to persist, the only consequence of which is more victimization for women.<sup>168</sup>

The positive contributions of this therapeutic approach in the context of the Islamic Republic are noteworthy. First, it underlines the historical nature of sexual behavior in general and sexual deviance in particular. Second, it emphasizes the various causes of deviant behavior instead of simply branding certain behaviors as deviant. This differs markedly from attributing non-approved behaviors to 'cultural invasion' – an attribution that has the potential of serious consequences for the accused.<sup>169</sup> Third, contrary to the punitive solutions that IRI authorities have offered for 'sexual misconduct,' the scientific approach emphasizes treatment.

Nikkhou and Âvâdis Yânes reject the preoccupation with and popular insistence on female virginity at marriage by discrediting what is generally considered the sign of virginity. They write that 'hymen is not a reliable proof for virginity.' The hymen has an opening that could be as little as a pin head or as large as two fingers. The hymen may rupture due to exercise or the use of tampons. Also, in some women, the hymen may remain intact even after several experiences of intercourse. Nor can it be assumed that the first experience of sexual intercourse is always accompanied by pain and blood. In short, 'despite the enormous moral value that some cultures assign to this little tissue, science has not yet determined any clear function for it.'<sup>170</sup> The authors de-emphasize bleeding and tearing of the 'curtain of virginity' at first intercourse. Recall that despite all the precautions that Islaminasab suggests for the first night of marriage, *zafâf*, he emphasizes that the 'tearing is often bloody.'<sup>171</sup> He also instructs that to dispel slightest doubt, the prospective groom should ask the bride to present a physician's affidavit about her virginity.<sup>172</sup>

Though Islamic authors do note that sex should involve two active partners, they ultimately cannot escape considering the man as the subject and woman as the object. Though they acknowledge that it is more pleasant if both partners participate

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167 Ibid., 207.

168 Ibid., 212.

169 For example, if this accusation is used in the context of a 'political crime,' it could mean (and has meant) death. Being an accomplice in 'cultural invasion' could be regarded as cooperating with the enemies of Islam and revolution.

170 Nikkhou and Âvâdis Yânes, *Zendegy-e Jensy-e Zanân*, 20–21.

171 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou'i*, 128.

172 Ibid., 130.

in lovemaking, it is deemed sufficient for the woman to merely accept her husband's advances.<sup>173</sup> This is congruent with the defined responsibility of a woman to *tamkin*, that is, to be sexually available, at her husband's whim. Nikkhou, however, argues that such a role could contribute to an unpleasant, even disordered sexual relationship. In one cited case, a male client says that his wife's passiveness – 'lying like a corpse in bed and watching me' – led him to fantasize about other women while making love to his wife. This, he believes, has deteriorated his already sour relationship with his wife.<sup>174</sup>

Islamic texts have historically paid considerable attention to identifying the proper place to have sex. Muslim couples are told, for instance, not to have sex while facing Mecca, or under a green tree, on the rooftop, or in a ship.<sup>175</sup> More modern texts are less emphatic about these regulations; for example, Islaminasab merely reports such religious recommendations.<sup>176</sup> Yet, the privacy of the home remains the only legitimate place for sexual interaction, and the bedroom, 'the best place' for it.<sup>177</sup> Nikkhou, on the other hand, suggests the possibility of sex in non-traditional spaces such as inside an automobile or 'a place where there is the possibility of intrusion or being seen.'<sup>178</sup> Though he presents these conditions as conducive to erectile dysfunction, his acknowledgement of such encounters subverts the designation of private bedrooms – and consequently hetero-marital relationships – as the only legitimate place for sex.

Homosexuality is defined as 'having erotic (*shahvâni*) emotions and thoughts toward a person of the same sex.'<sup>179</sup> Nikkhou emphasizes the expression of love and desire as a precondition for a lasting intimate same-sex relationship. For both male and female homosexuals, Nikkhou emphasizes the diversity of roles in sexual and non-sexual interactions. Homosexuality is not dealt with as deviance, abnormality, or identity disorder. Instead, he points out that only for those who are not content with their homosexuality, (that is, psychically distressed or 'ego-dystonic' homosexuals) treatment is an issue. This approach to homosexuality is different from popular scientific books on sexuality written prior to the revolution wherein homosexuality is discussed as a sexual deviance.<sup>180</sup> Nikkhou and Âvâdis Yânes's approach reflects the elimination of homosexuality as a mental disorder in the *Diagnostic and Statistical Manual of Mental Disorders – Fourth Edition* (DSM) a source translated into Persian by a team headed by Nikkhou.

Nikkhou presents rape as 'any sexual act imposed on a non-consenting partner, be it with the use of force, threat, or deception without violence.'<sup>181</sup> He criticizes the

173 Ibid., 122.

174 Nikkhou, *Zendegy-e Jesy-e Mardân*, 111, 118.

175 See, for example, Mostafâ Zamâni, *Peymân-e Zanâshu 'i* [Marital Commitment] (Qom: Payâm-e Islam, 1970): 131–40.

176 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou 'i*, 353–67.

177 Ibid., 337.

178 Nikkhou, *Zendegy-e Jesy-e Mardân*, 126.

179 Ibid., 225; and Nikkhou and Âvâdis Yânes, *Zendegy-e Jesy-e Zanân*, 199.

180 Mohammad Qeravi, *Ettelâ'ât 'Umumy-e Jensi va Zanâshouii* [General Information about Marriage and Sexuality] (Tehran: Bâmdâd, 1968): 41–52.

181 Nikkhou, *Zendegy-e Jesy-e Mardân*, 233.

treatment of victims in court ‘as if the victim were on trial’<sup>182</sup> and encourages the use of female law enforcement agents and physicians in order to provide a more supportive environment for woman rape victims.<sup>183</sup> And instead of the death penalty meted out to rapists under the IRI’s penal law, Nikkhou favors treatment (mental or physiological, as need be) in a confined environment.<sup>184</sup>

### **The Feminist Discourse**

In the previous sections, the dominant voices were those of men who, as ‘experts’ on morality, family relations, medicine, and psychotherapy, theorized about male and female sexuality. In secular feminist writings on sexuality, women’s voices become audible for the first time. If we turn to consider more experiential writings by feminists we see that in these genres women’s voices are more readily represented and readers gain insight into intimate but common experiences.<sup>185</sup>

Shurâ Bârish’s report on prostitution counters the usual moral indignation by showing, through prostitutes’ own narrations, that complicated social, cultural, economic, and legal webs imprison these women even when they are not actually behind prison walls.<sup>186</sup> Sahar Sajjâdi’s article on menstruation contains narratives of women from a number of societies. Sajjâdi begins by noting that participants found commonalities despite their differences as they discussed ‘this most repetitious event of a woman’s life:’

None of us has previously talked about this subject to this extent. Everywhere, this topic was more or less a taboo, and avoided.<sup>187</sup>

Simâ Sa’idi challenges the notion that Iranians are averse to discussing sex. She points out that Iranian culture, like any culture, has its share of sexual jokes. However she argues that in a society where many aspects of sexuality are considered immoral

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182 Ibid., 235.

183 Ibid., 236.

184 Ibid., 238.

185 The discussion of the ‘the feminist discourse’ on sexuality and Islam in Iran, is brief and limited relative to the first section on the religious discourse. The difference reflects the extent of available literature. Islamists have written several books on this topic and have a long history of dealing with this issue; feminists, as I argued in this article, have just begun to publicly discuss this issue; they publish their writings now and then, when they realize that censorship is relaxed.

186 Shurâ Bârish, ‘Zanân-e Khiâbâni: Az Hayâhuy-e Khiâbân tâ Ma’man-e Zendân?’ [Street Women: From the Chaoshe Street to the Refuge of Prison?], in *Fast-e Zanân*, ed. N. Ahmady Khorasany (Tehran: Nashr-e Towse’eh, 2001).

187 Sahar Sajjadi, ‘‘Âdat-e Mâhaneh: Etefâqi Moshtarek ammâ Tajrobeh’i Motefâvet’ [Menstruation: A Shared Event but Different Experiences], in *Jens-e Dovom*, ed. N. Ahmady Khorasany (Tehran: Nashr-e Towse’eh, 2001): 62.

and undignified, sexual jokes, far from indicating ease with sexuality, demonstrate resistance toward taking sex seriously.<sup>188</sup>

Feminist writers have analyzed how sexuality, gender, and interpersonal relationships have been articulated in Persian language and literature. One of the earliest attempts in this regard, by Mehri Behfar, first appeared as articles in the literary monthly *Golestâneh*, later revised and published in a book entitled *Passion along the Darkened Paths*.<sup>189</sup> In these re-readings of modern Persian poetry, Behfar analyzes the way in which various important Persian poets such as Nima, Shamlu, Simin Behbahani, Forugh Farukhzad, and Sohrab Sepehri express feelings of love and talk about the beloved. Her premise is that the poetic mentality reflects how the poet sees his or her sexuality and the sexuality of the beloved. Behfar proposes that classical Iranian poets treated love as a supra-social, metaphysical feeling, experienced in isolation. The lover of such love is a passive sufferer of his beloved's abuse. Contrary to this metaphysical love, Behfar suggests that for the modern poets, most notably Mohammad Mokhtâri, a new mentality questions the master-slave roles in amorous relationships. However, she is critical of the 'masculinist language' in the works of many contemporary poets.<sup>190</sup> Using socio-linguistic post-structural and critical theories, and feminist literary criticism, Maryam Pâknahâd-e Jabaruti analyzes how power asymmetry in gender relations is reflected in Persian language. Her analysis demonstrates how female gender roles, especially those involving the female bodily functions – be they sexual or reproductive – are negatively presented in Persian. This, despite the homage Iranian culture pays to motherhood and Iranians' self-lauding for respecting women. Though Pâknahâd-e Jabaruti makes only general comments about sexuality, she nonetheless underlines how the Persian language imposes a passive role for women in most literal or metaphorical references to sexuality. She also argues that many female experiences, such as childbirth, are treated as taboo, making it difficult for their positive expression, unless in euphemism.<sup>191</sup> She recommends linguistic reform as a component of socio-cultural reforms to advance women's rights in Iran.

Hossein Bâqerzâdeh pays closer attention to the sexual dynamic of language through a comparison of Persian and English.<sup>192</sup> He concludes that in patriarchal

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188 Simâ Sa'idi, 'Tâboo'i Beh-nâm-e Sex' [A Taboo Called Sexuality], in *Jens-e Dovom*, ed. N. Ahmady Khorasany (Tehran: Nashr-e Towse'eh, 2001): 29.

189 Mehri Behfar, *Eshq dar Gozargâh-hâye Shabzadeh: Naqdi bar 'Âsheqâneh-hâye Mo'âser* [Passion along the Darkened Paths: Critical Writings on Modern Persian Lyrics] (Tehran: Hirmand, 2002).

190 Feminists set their agenda considerably broader than either Islamists or even scientists. They believe we should address not only the specific issue of sexuality, but that the broad context of Iranian culture must be revisited. Keep in mind that most of the writings by feminists are more like 'position statements' than well-developed arguments. The abrupt format of the discussion in this section stems from the brevity of their work.

191 Maryam Pâknahâd-e Jabaruti, *Farâdasti va Forudasti dar Zabân* [Domination and Subordination in Language] (Tehran: Gâm-e Nou, 2002): 72.

192 Hossein Bâqerzâdeh, 'Jensgerâii dar Zabân (va Farhang-e) Jâme'eh-e Mardsâlâr' [Sexism in Patriarchal Language and Culture], in *Jens-e Dovom*, ed. N. Ahmady Khorasany (Tehran: Nashr-e Towse'eh, 2001).



cultures, in addition to a male definition of the norm, male sexual organs symbolize power and honor, while female organs represent weakness, uselessness, and shame. Citing examples from the Persian for male and female roles in intercourse (the active *kardan* or 'doing' for men and the passive *dâdan* or 'giving' for women), Bâqerzâdeh writes:

This approach to sexual relationship results in seeing the man's role (as the doer) in positive and honorable terms, as opposed to the negative and shameful role assigned to women. That is why most insults in Persian language revolve around these drastically unequal sets of values. These insults often attribute the 'giving' role to the addressee or his female relatives.<sup>193</sup>

The feminist discussion of love and sexuality for these writers is tied to re-visioning Iranian culture and language, the broad context within which men and women experience their bodies and their sexual and amorous desires. The purpose is not just a reconstruction of language, but creating a linguistic context within which individuals can find the necessary concepts and vocabularies for expressing a new sensitivity toward the body and bodily pleasure that derives from actual experiences, not predefined moral orders. In this regard, scrutiny into *matalak* or sexual slurs<sup>194</sup> is not merely an exposé of sexual harassment, but should be read as an attempt to combat men's incursion on women's autonomy. Similarly, the translation of Charlotte Perkins Gilman's *The Yellow Wallpaper*<sup>195</sup> and Firuzeh Mohâjer's commentary on that piece<sup>196</sup> are attempts to find a language to express women's frustration at traditional roles, depression, and madness.<sup>197</sup> Simâ Sa'idi begins her article on sexuality as taboo by stating that 'according to the news, 40 percent of Iranian couples suffer from psychosexual disorders.'<sup>198</sup> She welcomes the recognition of this

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193 Ibid., 45.

194 Noushin Dâneshtmand, 'Matalak: Ânceh Sâdeh Gofteh Mishavad, amma Sâdeh Pâk Nemishavad' [Matalak: What is Easily Expressed but Not Easily Erased], in *Jens-e Dovom*, ed. N. Ahmady Khorasany (Tehran: Nashr-e Towse'eh, 2001).

195 Charlotte Perkins Gilman, 'Kâqaz Divâry-e Zard' [The Yellow Wallpaper], in *Fasl-e Zanân*, ed. N. Ahmady Khorasany and F. Mohâjer (Tehran: Nashr-e Towse'eh, 2003).

196 Firuzeh Mohâjer, 'Rahâii az Naqshhây-e Sonnatî' [Emancipation from Traditional Roles], in *Fasl-e Zanân*, ed. N. Ahmady Khorasany and F. Mohâjer (Tehran: Nashr-e Towse'eh, 2003).

197 It should be noted that unlike for earlier works cited, feminist authors in Iran have rarely been concerned with such matters as 'cultural invasion' and draw liberally from authors and thinkers around the globe. Western authors are read, discussed, translated, and quoted liberally by the feminist writers cited here. Even Islamist authors don't necessarily use the 'critique of the West,' but they have the power to opportunistically use the accusation of 'cultural invasion' when it suits them. Charlotte Perkins Gilman (1860–1935) was an American feminist writer, economist, and lecturer. Her fiction *The Yellow Wallpaper*, originally published in 1899, relates the internal dialogue of a woman diagnosed with hysteria and prescribed total rest. Cut off from any intellectual pursuit, the patient is gradually driven mad. *The Yellow Wallpaper* is at the same time an autobiographical piece, reflecting Gilman's own brush with the mental health care system.

198 Sa'idi, 'Tâboo'i Beh-nâm-e Sex,' 28.

social problem, but immediately adds that socio-cultural conditions in Iran teach women from an early age to suppress their sexual desires. Iranians tend to consider sexuality a private matter, associated with shame and guilt and thus are not inclined to discuss sexual issues, and disregard the myriad psychological problems rooted in repressed sexuality.<sup>199</sup> Sa'idi asks a professor of gynecology and a professor of psychiatry why Iranian women do not approach specialists for sexual problems, and why women have such difficulty experiencing orgasm. Their response is that when women learn to think about sexuality only in terms of giving pleasure, 'they do not feel a need for sexual relationship and give in to sex only to answer men's demands ... If a woman perceives sex as an act that gets her pregnant, she may not even know what orgasm is, even if she reaches orgasm.'<sup>200</sup>

Unlike religious texts, in feminist writings bodily pleasure is considered the primary objective of the sexual relationship.<sup>201</sup> Pantéa Bahrami starts her article by quoting Wilhelm Reich who said that sanctification of motherhood is an attempt to alienate women from their sexuality in order to maintain a system of class and sexual oppression. Bahrami discusses the role of the clitoris in women's experience of sexual pleasure, and tells readers that as an organ the clitoris is 'discriminated against,' its significance ignored in the education of girls about sexuality.<sup>202</sup> As well, while feminist writers acknowledge that sex with love may be more lasting, 'we should not expect too much from anything: it is possible for a sexual relationship without emotional implications to be satisfying.'<sup>203</sup> Contrary to the glorification of virginity in Islamic texts, and the neutral treatment of the subject in scientific writings, virginity is here treated as a woman's choice: 'Some people consider [virginity] to be important; others consider it insignificant. There is no law for that. Virginity influences a relationship only to the extent that a girl or a woman deems it important.'<sup>204</sup>

This is not an isolated case of dismissing virginity. Women have criticized the double standards of virginity on various occasions. Women's weblogs<sup>205</sup> frequently reflect this, as the following case illustrates:

Being a woman is fine; being an Iranian is fine; but being an Iranian woman isn't good. When you're an Iranian woman, you got to be very careful not to break your precious china. 'Cause Mr. Boyfriend tells you that sex is a necessity in a relationship, but when it is time for marriage, he'll tell you: 'One must exercise self-control in her relationships. You should not have experienced sex; your husband should be your first man.'<sup>206</sup>

Another such example is a short piece in a women's newsletter:

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199 Ibid., 30–31.

200 Ibid., 30, 34.

201 Pantéa Bahrami, 'Sexuâlîteh va Tamayolât-e Jenî' [Sexuality and Sexual Desire], in *Jens-e Dovom*, ed. N. Ahmady Khorasany (Tehran: Nashr-e Towse'eh, 2001): 50.

202 Ibid., 56.

203 Sa'idi, 'Tâboo'i Beh-nâm-e Sex,' 35.

204 Ibid.

205 Websites referenced in this article are primarily Farsi and Arabic language sites.

206 Available at <<http://baadmaaraa.blogspot.com>>.

When she called me to say that by chance, she had a telephone conversation with a man called Farhâd, I was amazed. We planned on going to college, where we could check out boys, talk to them, even make friends with them, and even marry them. College life was quite different from the closed environment of the high school, with painted windows [so that no one could look in]. After Farhâd asked Maryam to have sex, and she refused, a new man entered her life following a seemingly simple event on the way to the North of Iran. His name was Homâyoun. It was obvious that he was into drugs ... We later found out that he was a dealer in the Safavid Market. He left Maryam's life for a reason similar to her previous boyfriend. Her third boyfriend was a rich boy, with his own car ... The fourth boyfriend was Afshin, Farhâd's friend. Her fifth boyfriend was her cousin, who ended up being her husband. He was a high school graduate, and wanted Maryam for exactly the same reason as the others, save for a simple *shar`i* [*shari`a*-based] difference.<sup>207</sup>

Virginity is not the only aspect of sexuality that is dealt with as a socio-historical phenomenon by feminist writers. Foreplay is discussed as an interaction that varies dramatically from one society to another. Kissing, touching breasts and sexual organs, and oral stimulation are discussed, underlining that any prohibitions are cultural, rather than ahistorical and absolute. Similarly, dreams and masturbation are discussed as forms of sexual pleasure that religious proscriptions make undesirable.<sup>208</sup> Bahrami rejects taboos against masturbation as one of many attempts to deny a woman's ownership of her own body: 'Women's sexual desires have been denied in order to solidify their sexual dependence on men. Every independent expression of female sexuality [is] a threat to men's power.'<sup>209</sup>

Islamist writers consider imagining sex with a person other than the lawful spouse as 'mental adultery' (*zenâye zehni*)<sup>210</sup> or as reducing a two-person interaction to a 'two-person masturbation.'<sup>211</sup> Quite to the contrary, Bahrami emphasizes that erotic fantasies enhance a person's enjoyment of sex.<sup>212</sup>

The concept of 'frigidity' (*sardmazâji*) is rejected as scientifically inaccurate;<sup>213</sup> instead, social and cultural factors that make women 'bashful, ashamed, or afraid' of sex are emphasized.<sup>214</sup> That many women have low sexual desire, Bahrami suggests, should be seen as a consequence of difficulties they encounter in self-actualization and their 'shyness (*kamruii*) in sexual matters.'<sup>215</sup>

Women's bodies in these writings are not only uncovered, they are made publicly visible and their sensuousness celebrated. A number of articles and translations examine the sensual aspect of sexuality. Kellner's translated article on Madonna

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207 Women's Cultural Center, ed. *Nâmeḥ-ye Zan: Khabarnâmeḥ-ye Markaz-e Farhangy-e Zanân* [Women's Letter: The Newsletter of Women's Cultural Center] (Tehran: Women's Cultural Center, 2002): 99.

208 Bahrami, 'Sexuâlitech va Tamayolât-e Jensi,' 59.

209 Ibid.

210 Pâknezhâd, *Avvalin Dâneshgâh va Âkharin Payâambar*, 110.

211 Islaminasab, *Moshâvereh-ye Jensi va Zanâshou`i*, 45.

212 Bahrami, 'Sexuâlitech va Tamayolât-e Jensi,' 54.

213 Sa`idi, 'Tâboo`i Beh-nâm-e Sex,' 29.

214 Bahrami, 'Sexuâlitech va Tamayolât-e Jensi,' 60.

215 Ibid., 61.

and fashion<sup>216</sup> portrays the singer, well known in Iran as an international icon, ‘as a liberated woman;’<sup>217</sup> this is fairly subversive when we consider that in the eyes of the IRI the singer represents the worst of the West, the ultimate ‘cultural invader.’ In a system where women’s voices are considered dangerous sexual sources of chaos, publications on and acknowledgments and celebrations of women vocalists are acts of sexual assertion. Mansureh Shojâ’i<sup>218</sup> writes how a small group of women began commemorating the anniversary of the death of the famous pioneer female vocalist Qamar (1905-1959) by gathering at her tomb and, among other activities, murmuring one of her famous songs. This annual event was in fact first conceived during a commemoration of the death anniversary of the poet Forugh Farukhzad (1934–1966). Both women express ideas that are sexual, contested, and (especially in the case of Farukhzad) political. The women’s annual gathering at Qamar’s tomb was stopped, however, because of their whispering of Qamar’s songs. Along with Qamar, Googoosh, the famous Iranian female pop star is also discussed in a separate article.<sup>219</sup>

## Conclusion

Islamist writings on sexuality attempt to face modern challenges – for example postponed marriages and inevitable male-female interactions – with the primary intention of demonstrating that Islam is able to accommodate these challenges. Fundamental to the Islamist discourse is creating a happy family that aids the woman in successfully performing her duty toward husband, children, and society. What distinguishes the recent Islamic treatise on sexuality from earlier ones is the inclusion of physio-psychological discussions of sexuality, especially methods of marriage counseling suggested by Western therapists. Much like earlier authors, however, Islamist ‘sex experts’ of the younger generation suggest the hetero-marital relationship as the sole legitimate arena for the expression of sexuality. Through an examination of the Islamist precepts regarding sexual gratification, this chapter has considered the implications of this sexual discourse on gender relationships, especially in terms of spousal interaction. I addressed the connections between hetero-marital sexuality, *tamkin* – the woman’s duty to please her husband, and the regulating of gender and sexuality. Though the Islamic discourse purports to acknowledge a woman’s right to sexual gratification, it disempowers women by denying them ownership of their own sexuality and the right to use it as a resource in sexual and gender politics.

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216 Douglas Kellner, ‘Madonna, Mod, va Hoviyat’ [Madonna, Fashion, and Identity], in *Jens-e Dovom*, ed. N. Ahmady Khorasany (Tehran: Nashr-e Towse‘eh, 2000).

217 Kellner, ‘Madonna,’ 27.

218 Mansureh Shojâ’i, ‘Chahârdah-e Mordâd-e Khâmush-e 79’ [The Silent Fifth of August of 2000], in *Jens-e Dovom*, ed. N. Ahmady Khorasany (Tehran: Nashr-e Towse‘eh, 2000).

219 Firuzeh Mohâjer, ‘Shekl-gereftan-e Yek Hoviyat’ [The Formation of an Identity], in *Jens-e Dovom*, ed. N. Ahmady Khorasany (Tehran: Nashr-e Towse‘eh, 2000).

The chapter also considered counter-discourses on sexuality in the IRI. Though still in formative stages and lacking cohesion, reactions to the Islamist discourse can be broadly categorized as emanating from medical and mental health professionals, and from secular feminists. The modern professional discourse is emerging through psychological and self-help books. Most of these sources are translations of, or based on, Western literature on the physiology and psychology of sex. The intention is the production of knowledge about human sexual behavior in order to decriminalize some conducts and de-stigmatize others, without altogether abandoning a notion of 'normal' sexual behavior. The scientific discourse aims to regulate human sexuality based on 'objective' scientific criteria. Population planning is one form of regulating women's bodies in accordance with the agenda of the patriarchal state. The scientific discourse attempts to cross over the walls of universities and find a way into public knowledge as a step toward 'enlightenment' and, one could venture to guess, in response to the harsh state control over sexuality, especially in dealing with 'sexual differences.' Somewhat similar to an emphasis on the professionalization of sex therapy in Islamic writings, these scientific texts opt to educate the public to recognize the need for expert advice.

The fundamental assumption of the feminist discourse has been that the creation of a non-oppressive sexuality cannot be separated from the creation of a non-oppressed individual. Secular feminists have discussed not only medical and psychiatric issues of sexuality, but have also engaged in head-on encounters with cultural, especially linguistic, reflections of sexuality, and with cultural ideas on virginity, double standards, sexual harassment in public space and in the workplace, rape, sexual abuse in the family, and prostitution – issues that are either taboo or extremely difficult to discuss in the culturally conservative milieu of the IRI. The perspectives in these writings are in marked contrast to the Islamic discourse, even at its most reformist or progressive.

Still in their initial stages, the contemporary counter-discourses are valuable not necessarily for their in-depth treatment of issues, but in their signaling of problems and expressing the need to address sexuality, especially by and for women. We must bear in mind that these authors are researching, discussing, and writing about sexuality in a condition of constant surveillance and pressure, where sexuality is easily used by the government to denigrate, de-legitimate, and persecute opponents. Materials appear in print years after they are discussed in small circles, at an opportune moment when the censorship eases its grip momentarily.

Under such conditions, these writings cannot be numerous, but even these handful of titles suggest that some within the Iranian women's movement are engaged in a serious study of sexuality. These individuals realize the significance of 'naming' in the complex processes of social change. They see a proactive role for the women's movement in identifying and defining problems in a context that often transgresses the limits of formal politics and subverts age-old beliefs about appropriate behavior for men and women. They emphasize the need for developing a new conception of humanity and human relationships, one that respects gender equality in all aspects of private and public life. They capitalize on structural and cultural opportunities that modernity provides, and at the same time opt to defy how modernity aims to regulate women's and men's subjectivities, be it through religion or science.

Stressing sexuality as a priority of the women's movement, these authors direct our attention to something that was gravely overlooked earlier in the women's movement, especially in the crucial period post-1979 revolution. The emphasis these writers place on the invasive socio-political regulation of sexuality, the significance of women discovering and appropriating their bodies and their desires after centuries of cultural and religious prohibitions, and their exposure of the normally silenced violent aspects of sexual relationships such as abuse and marital rape all point to an increasingly urgent concern to treat sexuality as a human rights issue for women, as has been the case recently for Turkish feminists and activists.<sup>220</sup>

We can regard this emerging situation with cautious optimism, though there is no certainty as to how sustainable this interest might be. In a context where survival and fulfilling basic needs are often challenging, there is always a threat that practical exigencies will require the full use of human and intellectual resources for 'more urgent' and obviously pressing matters. As well, we must be careful not to assume that the radical analyses of some women represent a fundamental re-thinking on the part of all women's movement activists. For, as one activist expressed, years of exposure to the IRI's conservatism has taken its toll not only on the general public, but even on the regime's unfaltering secular opponents. This process of *sâyeshe-ófarsâyeshe*, friction and smoothing, like the collisions of sharp rocks that gradually softens their edges, has meant not only modification and renovation in the Islamist agenda, but also affected secularists' belief system.<sup>221</sup>

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220 See, for instance, Ayşe Gül Altınay, 'Talking and Writing Our Sexuality: Feminist Activism on Virginity and Virginity Tests in Turkey,' in *Women and Sexuality in Muslim Societies*, ed. Pınar İlkkaracan (Istanbul: Women for Women's Human Rights, 2000); İpek İlkkaracan and Gülşah Seral, 'Sexual Pleasure as a Woman's Human Right: Experiences from a Grassroots Training Program in Turkey,' in İlkkaracan, *Women and Sexuality*; and Gülşah Seral, 'Virginity Testing in Turkey: The Legal Context,' in İlkkaracan, *Women and Sexuality*.

221 Shahidian, *Women in Iran: Emerging Voices*, 125–6.

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## Chapter 7

# Who Said That Love is Forbidden? Gender and Sexuality in Iraqi Public Discourse of the 1970s and 1980s

Achim Rohde

### **The Ba'th and Gender Reforms**

The Iraqi Ba'th regime was known for its ardently nationalist rhetoric. Gender reforms were part and parcel of its declared aim of building a modern Arab/Iraqi nation. In the course of the past decade the phenomenon of nations and nationalism has attracted a great deal of attention in numerous disciplines. Nevertheless, systematic attempts in Middle Eastern Studies to apply the various contemporary theoretical concepts of nationalism to Arab countries have so far been rare.<sup>1</sup> Many works on nationalism in the Arab Middle East reflect the idealist assumptions of nationalist ideologues themselves and tend to view nations as culturally homogeneous entities, the borders of which should be congruent with the administrative borders of a given nation-state. Among other scholars, Homi K. Bhabha has formulated a sharp critique of the homogenizing tendencies apparent in this idea. He offers a concept of nations and nationalism that is informed by post-structuralism and Lacanian psychoanalysis. Nations, in his view, are caught up permanently between two poles: They are the objects of a nationalist pedagogy, formulated by a country's ruling elite or by the leaders of a nationalist movement, and at the same time they are the subjects of the performative process of their daily self-construction. Nations are historical practices through which social and cultural difference are both invented and performed. The invention of nations takes place daily as a performative process, which is a site of permanent struggle between the various social actors in a given society.<sup>2</sup> Most of the influential works on nations and nationalism do not offer much insight concerning the gendered imagery of nationalist narratives. Bhabha's work contains no serious attempt to incorporate a gender perspective, despite his declared intention to develop a theory of nationalism which is informed by the perspectives of the marginalized,

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1 One promising exception is James Jankowski and Israel Gershoni, ed., *Rethinking Nationalism in the Arab Middle East* (New York: Columbia University Press, 1997).

2 Homi K. Bhabha, 'DissemiNation: Time, Narrative and the Margins of the Modern Nation,' in *The Location of Culture*, ed. Homi K. Bhabha (London: Routledge, 1994): 139–70.



‘the colonized and women.’<sup>3</sup> Indeed, despite nationalism’s usual emphasis on the idea of popular unity, rarely ever in the history of nationalist movements have women’s experiences been taken as a starting point for political organization. Rather, as Cynthia Enloe notes, ‘nationalism has typically sprung up from masculinized memory, masculinized humiliation and masculinized hope.’<sup>4</sup> Anne McClintock has explored the gendering of the national imaginaries of black and white South Africans. She shares most of Bhabha’s theoretical assumptions but is critical of the gender blindness in his work. According to her, the appeal of nationalism is mainly an effect of the technique of performing the nation through ritual mass spectacles and various other forms of popular culture, and it is by looking at South African nationalisms from this angle that she renders visible their gendered character.<sup>5</sup> This chapter applies McClintock’s approach to the Iraqi context.

When the Iraqi Ba’th regime assumed power in 1968, it turned the question of gender relations into an issue, which was closely related to its project of building a modern Iraqi/Arab nation, and it indeed undertook a variety of measures likely to improve the situation of women in Iraqi society. Women were given access to primary, secondary and higher education on a broad scale. The regime introduced new labor laws aimed at encouraging women to enter the wage labor force, particularly public sectors like teaching, health related professions and the civil services; the state provided kindergartens and paid maternity leave.<sup>6</sup> The bulk of new legislation concerning the status of women introduced by the Ba’th regime was aimed at encouraging women to enter the wage labor force. The amendments to the Personal Status Law of 1959, promulgated by the regime in 1978, were its single most important reform project, addressing the issue of gender relations in the spheres of conjugal and family life as well. They improved the status of women in the family in some respects, but left women in an inferior position in many others. Much of the research published in western academia on gender relations in Iraq addresses this legislative reform.<sup>7</sup> It has been termed ‘a radical change to the legal position of women

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3 Bhabha, ‘DissemiNation,’ 152.

4 Cynthia Enloe, *Bananas, Beaches & Bases: Making Feminist Sense of International Politics* (Berkeley: University of California Press, 1989): 44.

5 Anne McClintock, ‘No Longer in a Future Heaven: Nationalism, Gender and Race,’ in *Imperial Leather: Race, Gender and Sexuality in the Imperial Context*, ed. Anne McClintock (New York: Routledge, 1995): 353–89.

6 For an account that reflects the line of the semi-official Ba’thist women’s organization, the General Federation of Iraqi Women (GFIW), see Lahai A. Mokhif, ‘Gender Inequality in Iraq, 1967–1988’ (doctoral dissertation, University of Utah, 1991). An elaborate survey of the various laws and other measures initiated by the regime concerning gender relations was published in *Al-Thawra*, 11 and 13 March 1987. A comprehensive survey of the evolution of the Iraqi Law of Personal Status and related clauses in the labor and social laws under the Ba’th regime was published in *Az-Zaman*, 18–20 January 2004. The complete archive of *Az-Zaman* is accessible online: Arabic: <<http://www.azzaman.com/>>; English: <<http://www.azzaman.com/english/index.asp?code=ennewsen>>.

7 For an elaborate discussion of the existing body of research concerning the Iraqi Ba’th regimes gender policies see Noga Efrati, ‘Productive or Reproductive? The Roles of Iraqi Women during the Iran-Iraq War,’ *Middle East Studies*, 35, 2 (April 1999): 27–44.

within the family,<sup>8</sup> including ‘a number of daring innovations,’<sup>9</sup> such as women’s right to obtain a divorce from their husbands at court under certain circumstances. The more skeptical Amal Rassam, too, has noted a number of significant, if limited improvements of the status of women in Iraq, particularly in the fields of education and work, but also within the family.<sup>10</sup> Suad Joseph examined the whole range of reforms which the Ba’th regime had introduced *vis-à-vis* women during the 1970s, and argued that the Ba’th’s main aim was to turn women’s allegiance away from traditional foci of loyalty such as the extended family, the tribe or the ethnic group, in order to fully mobilize their labor potential, which according to data disclosed by the semi-official General Federation of Iraqi Women (GFIW) had reached 26.3 percent of the total work force by 1987.<sup>11</sup> Researchers with a focus on women in state-building processes like Deniz Kandiyoti interpreted the Ba’thist legislation on women as part of an overall attempt by the regime to exert social control over the potentially subversive ‘private realm,’ thus emptying women’s relative gain in status within the family of all emancipatory dimensions.<sup>12</sup> Focusing on the authoritarian character of Ba’thist Iraq, Samir al-Khalil (Kanan Makiya) denounced the Ba’th’s legislation in this field as merely another exercise in consolidating the power of the party and the Leader.<sup>13</sup>

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8 Amal al-Sharqi, ‘The Emancipation of Iraqi Women,’ in *Iraq: The Contemporary State*, ed. Tim Niblock (London: Croom Helm, 1982): 84.

9 Fatima Agha Al-Hayani, ‘Legal Modernism in Iraq: A Study of the Amendments to Family Law’ (doctoral dissertation, University of Michigan, 1993): 177. Al-Hayani addresses the Ba’thist reforms of the Personal Status Law in the context of Islamic jurisprudence. She managed to conduct extensive interviews with the Minister of Justice, members of the committee on legal reform, judges and other government officials in 1987.

10 Amal Rassam, ‘Revolution within the Revolution? Women and the State in Iraq,’ in Niblock, *Iraq*, 88–99; although she also notes that the Ba’thist reforms lagged behind similar reform projects in Tunisia and Egypt. See also Amal Rassam, ‘Political Ideology and Women in Iraq: Legislation and Cultural Constraints,’ in *Women and Development in the Middle East and North Africa*, ed. J.G. Jabbara and N.W. Jabbara (Leiden: E.J. Brill, 1992): 83–95.

11 Suad Joseph, ‘Elite Strategies for State-Building: Women, Family, Religion and the State in Iraq and Lebanon,’ in *Women, Islam and the State*, ed. Deniz Kandiyoti (London: Macmillan, 1991): 176–200. For data concerning the rise of women’s share in the Iraqi labor force see *Al-Thawra*, 11 March 1987. However, according to the official census of 1987, women’s share in the economically active population still did not constitute more than 11.6%, implying that the figure given by the GFIW’s Manal Yunis relates only to figures concerning certain sectors where women indeed constituted a higher percentage of the work force, such as the state administration and big industrial establishments, mostly in the public or mixed sectors of the economy.

12 Deniz Kandiyoti, ‘Identity and its Discontents: Women and the Nation,’ in *Colonial Discourse and Post-Colonial Theory: A Reader*, ed. Patrick Williams and Laura Chrisman (Hertfordshire: Harvester Wheatsheaf, 1993): 376–91. She compares Ba’thist Iraq to other examples of dirigiste states such as Turkey under Atatürk and Nasserist Egypt. She maintains that integration into capitalist markets rather than legislative reforms was the most decisive factor in changing traditional gender relations in Middle Eastern societies.

13 Samir al-Khalil, *Republic of Fear: The Politics of Modern Iraq* (London: Hutchinson Radius, 1989): 88–93. In a similar vein see Marion Farouk-Sluglett, ‘Liberation or Repression?’

Amal Rassam saw the question of women's status in society as locked up between the Ba'th's two conflicting agendas of modernization and development on the one hand and 'cultural authenticity' on the other, resulting in ambivalent and partly contradictory policies.<sup>14</sup> She was echoed by Sana al-Khayat, according to whom a system of male dominance based upon normative Islamic values and traditional Bedouin culture is well installed in contemporary Iraqi society, despite the 'westernizing' influences of the Ba'thist modernization and development policies. According to al-Khayat, Iraqi women are hostages of an 'ideology of honor and shame,' which ascribes to them the function of being the symbolic markers of moral and cultural purity.<sup>15</sup> This chapter attempts to continue further along the line first proposed by Rassam, focusing on the reasons underlying this ambivalence. While the existence of more or less influential honor codes in Iraqi and other Middle Eastern societies, and their oppressive potential *vis-à-vis* women, need not be further discussed here, it should nevertheless be noted that Rassam and al-Khayat imply the existence of an ultimate cultural core that links all Iraqis together, temporal, spatial, and social stratification notwithstanding: the eternal Iraqi Masculine. Such an approach has been criticized for being empirically problematic, homogenizing and ahistorical.<sup>16</sup>

Kandiyoti has introduced the concept of a 'patriarchal bargain' to scholarship on women in Middle Eastern societies. It indicates the existence of a limited, male dominated discursive space – power relations, laws, traditions, cultural images and such – which all social actors within a given society share, whether willingly or by means of coercion. Within this given discursive space gender relations are constantly being negotiated, contested, redefined and renegotiated.<sup>17</sup> Such a concept takes into account the possible existence of conflicting interest groups within a given society and the historical mutability of gender regimes. The Ba'thist policies in this field reflected the balance of power within society, the outcome of the 'patriarchal bargain' at specific moments in history. Referring to this concept, Noga Efrati argues that the regime's ambivalent policies regarding women's roles in society during the Iran-Iraq War resulted from conflicting pragmatic demands such as the need to replace male workers and employees who were sent to the front on the one hand, and the need to compete with Iran's numerical superiority as well as the regime's wish to provide employment opportunities for discharged soldiers on the other.<sup>18</sup>

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Pan-Arab Nationalism and the Women's Movement in Iraq,' in *Iraq: Power and Society*, ed. Derek Hopwood, Habib Ishow and Thomas Koszinowski (Reading: Ithaca Press, 1993): 51–74.

14 Rassam, 'Revolution within the Revolution?' 98.

15 Sana al-Khayat, *Honor and Shame: Women in Modern Iraq* (London: Saqi Books, 1990).

16 Chandra Talpade Mohanty, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses,' *Feminist Review*, 30 (Autumn 1988): 65–88.

17 Deniz Kandiyoti, 'Islam and Patriarchy: A Comparative Perspective,' in *Women in Middle Eastern History: Shifting Boundaries of Sex and Gender*, ed. Nikki R. Keddie and Beth Baron (New Haven and London: Yale University Press, 1991): 23–42.

18 Noga Efrati, 'Productive or Reproductive?' 39–41.

Indeed, there is no reason to doubt that the economic and strategic pressures under which the Ba'ath regime acted have also shaped its gender policies. The regime's official commitment to 'women's liberation' during the 1970s was a function of its state-capitalist welfare policies aimed at building a modern Iraqi nation state and an enlarged skilled labor force.<sup>19</sup> The outbreak of the Iran-Iraq War prompted a severe shortage of manpower in the Iraqi economy, which was met by allowing some 1.5 million Egyptian migrant workers into Iraq and by promoting women to fill the vacancies left by men on their way to the front. Demographic considerations in the context of Iraq's strategic competition with the more populated Iran, on the other hand, have been identified as a motivation for the regime's notable turn to a traditionalist gender discourse in the late 1980s.<sup>20</sup> Still, none of the above mentioned reasons for the regime's rhetorical shift explains its timing. Demographic considerations could have had an impact on the regime's gender policies already at the outbreak of the war. And while massive numbers of discharged soldiers returning home into unemployment would be a threat to domestic stability in any country, in Iraq, the regime officially distanced itself from its former gender agenda in May 1986, long before the war ended. This chapter, then, explores what additional factors might have triggered the backlash against women in Iraq, especially with regard to women's sexuality, in 1986-87.

### Print Media in Ba'athist Iraq as a Primary Source

This discussion is based on material taken from leading Iraqi print media outlets, particularly the Ba'ath party's own daily newspaper *al-Thawra* and the popular weekly magazine *Alif Ba*. The growing influence of modern means of mass communication in Iraq during the 1970s and 1980s and the rapidly growing literacy rate in Iraqi society during this period changed traditional (oral and locally/regionally centered) forms of popular culture.<sup>21</sup> Until 1991 Iraq had been an important market for contemporary Arab literature, and Iraqi writers and poets enjoyed a high profile in public discourse, for instance in the mass media. At the same time, the regime's development policies made popular culture in Iraq more susceptible to modern means

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19 Similar policies have been promoted by other Arab states such as Nasserist Egypt. See Mervat Hatem, 'Economic and Political Liberation in Egypt and the Demise of State Feminism,' *International Journal of Middle East Studies*, 24 (1992): 231–51.

20 Ofra Bengio, 'Iraq: The Demographic Vision and its Failure,' in *Demography and Politics in the Arab States*, ed. Ami Ayalon and Gad Gilbar (Tel Aviv: n.p., 1995) [Hebrew], 91–107.

21 The term 'popular culture' can carry a variety of meanings depending on the context in which it is used. For a comprehensive overview see John Storey, *An Introduction to Cultural Theory and Popular Culture*, 2nd ed. (Hertfordshire: Prentice Hall/Harvester Wheatsheaf, 1997). For the purpose of this chapter suffice it to say that I use the term in the widest possible sense as comprising aspects of 'folk culture' and of 'polite' or 'high' culture, both mediated through the modern means of mass communication technology and molded into a state sponsored 'mass culture.'

of mass propaganda.<sup>22</sup> True, the press and all other mass media as well as literature in Ba'hist Iraq were subject to severe censorship; the regime regarded them as tools to influence public opinion. But although the print media in Ba'hist Iraq were created not by but for the people, they should not be regarded as a mere imposition of elite values from above. The value of print media as a primary source differs from programmatic statements of the Ba'hist regime, as newspapers and magazines as well as literature address a wide range of issues and include at least limited concessions to the changing tides of public opinion, cultural and intellectual developments, fashion, national and international events etc. Print media is intended for public consumption and thus inevitably invites the participation of its audience. Rather than presuming a simple dichotomy between a regime-sponsored mass culture and a (suppressed) authentic popular culture, a more or less dynamic interaction should be expected between the two.<sup>23</sup>

### Confronting 'Sexual Repression'

During the infant years of the Iraqi Ba'hist regime during the late 1960s and early 1970s, a controversial public debate concerning issues of (female) sexuality and social norms surfaced in the Iraqi print media. This debate took place in a general atmosphere of departure from traditional social norms in Iraqi society during that period, namely, of breaking the taboos that society placed on the issue of (hetero-) sexuality. References to such topics, however, disappeared from the press by 1974.

The catchiest form in which women featured in the Ba'hist party's own daily paper *al-Thawra* during the early years of Ba'hist rule in Iraq was through pictured cinema advertisements.<sup>24</sup> Most of the movies advertised had been produced in Europe or the US, most revolved around the popular mix of action, love, sex and crime, and featured virile characters such as soldiers, policemen, boxers or cowboys. Women

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22 Ami Ayalon, *The Press in the Middle East: A History* (New York/Oxford: Oxford University Press, 1995). For a comparative reading see David Vincent, *Literacy and Popular Culture, England 1750–1914* (Cambridge: Cambridge University Press, 1989).

23 For such a distinction see Georg Stauth and Sami Zubaida, eds, *Mass Culture, Popular Culture, and Social Life in the Middle East* (Frankfurt & Boulder: Campus & Westview, 1987). See also Eric Davis and Nicolas Gavrielides, 'Statecraft, Historical Memory, and Popular Culture in Iraq and Kuwait,' in *Statecraft in the Middle East: Oil, Historical Memory, and Popular Culture*, ed. Eric Davis and Nicolas Gavrielides (Miami: Florida International University Press, 1991): 116–48; and Muhammad Rajab al-Najjar, 'Contemporary Trends in the Study of Folklore in the Arab Gulf States,' in Davis and Gavrielides, *Statecraft in the Middle East*, 176–201. For an account by an Iraqi journalist of the conditions of journalistic work in Ba'hist Iraq see the interview with Saad al-Bazzaz, former editor-in-chief of the Iraqi daily newspaper *al-Jumhuriyya*, until he left Iraq in October 1992, in *Middle East Quarterly*, 2, 2 (June 1995): 67–75.

24 In a society with a high illiteracy rate like Iraq in the late 1960s, cinema came to be a means of mass information and education. It was explicitly named as such in the popular weekly magazine *Alif Ba*, 27 January 1973.

figured in these movies only as half-naked objects of male sexual desire.<sup>25</sup> At the same time, the sheer fact that clearly eroticized pictures of barely dressed women were a significant feature on the pages of *al-Thawra* during this period, might also be interpreted as an expression of the infant Ba'th regime's demonstrative contempt for the traditional and religious segments of the Iraqi population in the early 1970s. Viewed from this angle, eroticized pictures of women also functioned as symbolic markers of the Ba'th's secular modernity. Beyond those sexist movies advertised in the party-owned daily, during the late 1960s and early 1970s a general mood of departure from established social norms existed in Iraq that bore connotations of sexual freedom.

At least on one occasion during the early years of Ba'thist rule, in November 1971, a Baghdad cinema showed a German movie telling the story of a young woman 'searching for sexual freedom.'<sup>26</sup> The initiators of this event declared that their aim was to change people's attitudes towards sexuality. The film caused a scandal and drew negative reactions from all over the political spectrum. *Alif Ba* addressed the issue in its cover story a few days later and claimed that the movie was not at all soft pornography, as had been accused, but rather an educational film. It explained the history of human sexuality in a crudely Marxist terminology as being comprised of three successive stages: In the beginning love and sex were no problem at all, until men invented private property and the capitalist economy. Eventually, men started to think of women as their private property, too, and developed the concepts of morality and honor known today. However, in Europe and the US 'the dam is bursting again,' as young people there combine their fight for a political revolution with the fight for a sexual revolution at the same time. In support of this claim the article mentioned the Hippie movement, the Beatles, communal houses in which lesbian [*Hubb bila Ibna*'] and group sex were being practiced regularly, and people demonstrating under the banners of Lenin, Trotsky, Mao and Freud for subsidized birth control pills and legalization of homosexuality. To be sure, it also stated that Iraqi society was not yet ready to cope with the issue of sexual freedom, and it criticized the 'sexual revolution' in Europe and the US for going too far, citing group sex, the call for the abolition of marriage, and the break-up of the family.

Other attempts were made to investigate and eventually change the prevailing social norms regarding (female) sexuality. In an article published in *Alif Ba* in 1969, women and men from three different generations were interviewed on their opinions of belly-dancers.<sup>27</sup> They all described belly-dance as being closely associated with prostitution in all parts of the society, and as a vulgar business where noisy and smoking women in cheap bars present their naked bodies in front of men. This negative image was blamed on the 'sexual repression' Iraqi society suffered from, whereas in Europe, according to the author of the article, people appreciated the

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25 See for instance *Al-Thawra*, 11 and 23 January 1969; 18 and 25 February 1969; 8, 9 and 10 April 1972; 'An Adolescent Girl in a Swirl between the Boys and Her Intimate Girl Friend,' 17 and 23 April 1972; 26 and 28 May 1972; 5 and 6 June 1972; 13 and 19 January 1975; 10 and 16 February 1975; and 2, 23 and 30 March 1975.

26 *Alif Ba*, 1 December 1971. The following quotes are all taken from this article.

27 *Alif Ba*, 3 August 1969. The following quotes are all taken from this article.

belly-dance as a beautiful form of art. In order to rehabilitate belly-dance in Iraq as an art form expressive of 'women's humanity' as was the case in the days of Abu Nuwas,<sup>28</sup> the article concluded, it would have to be transferred from the realm of popular art to the realm of high art. An extensive and positive portrayal of Iraqi belly-dancers as artists published by *Alif Ba* in 1973 notwithstanding, the whole subject was widely ignored in the press during all the years of Ba'thist rule.<sup>29</sup> Other attempts to break the taboo of sexuality and rid it of its murky image included: a reprint in 1970 of an article by the French writer Emmanuelle Arsan in which she compared the examination of sex to sciences like anthropology or archaeology and described her books as 'erotic literature,' and 'investigations of human relationships;'<sup>30</sup> as well as articles explaining the importance of sexual education from a Freudian perspective.<sup>31</sup> A travelogue by an Iraqi journalist who had traveled to Turkey, Bulgaria, Romania and Yugoslavia was published by *Alif Ba* in 1971. It particularly emphasized the liberal atmosphere he had encountered there, the lack of segregation between the sexes, the prostitution and (male Arab) sex-tourism in Romania, and how women tourists from western European countries reportedly had sex with changing partners during their holiday in Yugoslavia. The article was written in a factual and objective style and refrained from making any moral judgments.<sup>32</sup>

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28 Abu Nuwas, son of a Persian mother and an Arab father, was one of the most famous poets of the Abbasid period. Born in 747 or 762, he grew up in Basra and Kufa and spent most of his adult life in Baghdad, where he was apparently murdered sometime between 806 and 814, see H.A.R. Gibb et al., eds, *The Encyclopedia of Islam, New Edition*, vol. 1 (Leiden: Brill, 1960): 143–4. He is renowned for his frank and often amusing autobiographic songs on wine and pederasty and often ridiculed the Islamic institutions for their moral rigidity. The Abbasid period was a time of vivid cultural production, which frequently pointed to abuses of power and confronted, undermined, and rejuvenated traditional symbols. Modern Arab poets often referred to this legacy as a source of inspiration. Adonis, for example, hailed Abu Nuwas for being capable of 'transforming drunkenness, which rids the body of the censures of logic and tradition, into a symbol of total liberation.' See Adonis, *An Introduction to Arab Poetics*, trans. Catherine Cobham (Austin: University of Texas, 1990): 60. In the early years of Ba'thist rule Abu Nuwas apparently enjoyed some popularity in Iraq. In 1972 the Iraqi artist Ismail Fatah al-Turk created a larger-than-life bronze sculpture of Abu Nuwas, holding a wine chalice in his left hand, which was placed in Abu Nuwas Street in Baghdad; see Amatzia Baram, *Culture, History and Ideology in the Formation of Ba'thist Iraq* (London: Macmillan, 1991): 77.

29 *Alif Ba*, 6 June 1973.

30 *Alif Ba*, 28 December 1970. Emmanuelle Arsan (a pseudonym) first published her trilogy *Emmanuelle* and numerous other similar books in French in the 1960s. Following the moral uproar caused by the publication, her husband, the French diplomat Louis-Jaques Rollet, had to resign from office. Arsan's books were subsequently translated into many other languages; several film versions followed.

31 *Alif Ba*, 14 April and 10 November 1971.

32 *Alif Ba*, 15 September 1971.

## Bargaining Social Norms

Western style, short clothes were fashionable in Iraq during the late 1960s and early 1970s. During this period the cover pages of *Alif Ba* frequently displayed pictures of young Iraqi women wearing fashionable, western style summer clothes such as short-sleeved shirts and mini-skirts.<sup>33</sup> Typical assets of a distinctly modernist, urban lifestyle, for example outdoor public swimming pools, were also featured, including pictures of young Iraqi women in bathing suits and bikinis.<sup>34</sup> This fashion did not win the approval of all parts of society, not even among the educated urban classes.

In November 1969 the faculty of humanities at Baghdad University was the site of furious discussions around this question.<sup>35</sup> The head of faculty had issued a statement which declared 'short clothes' illegal on campus and warned women students not to wear them. According to a press report, most female and some male students resented his decision, and shortly afterwards the National Union of the Students of Iraq, the Ba'thist student organization, arranged a public discussion of the topic in which both sides presented their opinions. The head of faculty defended his decision, claiming that women dressed in 'short clothes' distracted men from their studies and disturbed the public order. Men, he claimed, would lure women into wearing short clothes only in order to satisfy their own sexual fantasies. Women, he argued, should first of all endeavor to gain men's acceptance as human beings and full members of society and only afterwards make them accept their femininity and attractiveness: 'Women's aim is to be a human being, not a sexual refreshment in the life of men.' Women students dismissed his argument and claimed that he was in fact trying to shift the focus away from the real problem, which for them was 'men's viciousness.' Would it change men's character if women refrained from wearing short clothes, they asked. Would it help women to gain acceptance as full members of society? On the contrary, they contended, such a measure would simply restrict women's right to control their own lives. The 'real' revolution, they argued, meant changing the rules of the game, today and not in some distant future. As the holders of power, the women students concluded, 'Men need to revolutionize themselves.'

In April 1973 a Syrian all-girls band, ironically named 'The Six Stars of Opportunism' gave concerts in Baghdad.<sup>36</sup> The band's manager was a woman as well. The band was described in an article in *Alif Ba* as playing 'new progressive music,' in other words, western style rock music. Numerous photographs attached to the article depicted the six band members in various settings. They all had long hair and wore light shirts with long sleeves, very short tight dark pants with a butterfly-symbol and sandals. The fact that there were no male members in their band, they explained, was in part for artistic reasons, as male Arab musicians had not yet discovered the 'new advanced western music.' Above all however, members

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33 *Alif Ba*, 3 September 1969; 13 May 1970; 25 August, 15 September, 10 November, 1 and 8 December 1971; 20 October 1972; 14 and 21 February, 11 April, 23 May 1973.

34 *Alif Ba*, 26 May 1971; 18 August 1971; 26 July 1972; 1 August 1973. The pictures in the latter issue suggest that at least during this period women and men were not confined to separate areas inside the swimming pool.

35 *Alif Ba*, 12 November 1969. The following quotations are all taken from this article.

36 *Alif Ba*, 11 April 1973. The following quotations are all taken from this article.



declared that the band was an expression of their feminist consciousness: 'We believe that if a woman is determined to win, her capabilities are unlimited, and therefore men become unimportant.' They took particular pride in the fact that as women they had attained the opportunity to represent 'the progressive face of their country' and emphasized the hard work it had taken to achieve this, the distinctive personality of each member, and their total rejection of men's control over their lives generally. The remarkable changes that occurred in Iraq within the following decade become evident when comparing this Syrian all-female band with a band consisting of nine women students from Baghdad's music academy profiled in *al-Thawra* in 1987. The academy's director emphasized that band members' appearance was in harmony with the traditional Arab music they played. In 1990 an Iraqi ex-model stated in *al-Thawra* that since the late 1980s it was fashionable for upper class women to wear traditionalist rural-style clothing.<sup>37</sup>

The events described above indicate that in the early 1970s a contingent of educated, urban women favored fully autonomous feminist politics over compromises with male-dominated public opinion. In 1969 their influence was strong enough, at least on campus, to rally the support of the Ba'hist National Union of the Students of Iraq and openly confront the university administration. Their politics could still be openly voiced in 1973. In fact, the proceedings of the 1974 Ba'ith party congress remarked that despite the changes introduced to the educational system since the regime took power, 'reactionary, bourgeois and liberal trends' were still influential inside universities and the educational system as a whole and needed to be suppressed.<sup>38</sup> On the other hand, there is no reason to doubt the head of faculty's claim that these women acted in defiance of dominant social norms and that men saw women dressed in 'short clothes' as pure sex objects. This debate about dress codes for women was also one on the scope of social reforms the infant Ba'ith regime would be willing to consider.

In April 1971, a number of 'girls' aged 17–20 years were given the opportunity to comment in *Alif Ba* on the constraints they faced in daily life. They openly complained about their families' reluctance to allow them to leave the house and meet friends, and about the impossibility of receiving male guests (even relatives) at home. The title of the article ('We are at war with society') notwithstanding, these young women favored cautious reforms over radical change: 'I prefer therefore that we try to change our parents. I understand the refusal [of established social norms], but it makes no sense. For instance, a girl smokes cigarettes because she wants to announce her refusal. She ought to think first and be totally convinced of what she is doing.'<sup>39</sup> Their notion of freedom extended well beyond fashion choices;

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37 *Al-Thawra*, 26 February 1987; and 2 March 1990.

38 *Thawrat 17 tammuz, al-tajriba wa-l-afaq: al-taqrir al-siyasi al-sadir 'an al-mu'tamar al-qutri al-thamin li-hizb al-ba'ih al-'Arabi al-Ishtiraki al-qutr al-'Iraqi* (n.p., January 1974): 143, quoted by Ofra Bengio, *Saddam's Word: Political Discourse in Iraq* (New York/Oxford: Oxford University Press, 1997): 65, 223 fn 37.

39 *Alif Ba*, 7 April 1971. Smoking cigarettes is often perceived as a male privilege in contemporary Middle Eastern countries. In Iraq, smoking women acted in clear defiance of dominant social norms; the sheer act of smoking – if carried out by a woman – was a

freedom meant ‘development and choice,’ that is, education and career options. One interviewee explicitly did not want to be seen as a woman [*mar’a*] but rather as ‘female human being’ [*insana*], a term also used in programmatic Ba’thist statements of that period.<sup>40</sup> Such wording fitted the Ba’thist understanding of women’s liberation that never meant to challenge engrained patriarchal norms like the modesty and honor codes, but pursued rather cautious reforms aimed mostly at enlarging the Iraqi labor force in the service of a state-led industrialization effort.

The same debate was still on the public agenda in February 1973 when scenes from a play entitled ‘The Devils,’ on stage in Baghdad at the time, were summarized in *Alif Ba*.<sup>41</sup> The script was about a man who unsuccessfully tried to contain his two deviant wives. One of them suddenly refused to fulfill her household duties: ‘I am a female human being [*insana*] and not your mother.’ The other started to wear pants, which ‘hardly offered any protection.’ When the husband objected to her outfit, claiming that only foolish and shameless women would want to wear such pants, she readily conceded: ‘Call me shameless from now on.’ In the same issue of *Alif Ba*, right on the same page, there was a column signed by a woman called Salima (carrying a double meaning of both ‘secure’ and ‘free’). Whereas the article on the play was accompanied by photographs showing smiling women with long, flowing hair, wearing ornaments like earrings, hats and sun glasses, the picture attached to this column depicts a serious-looking woman with a short, boyish haircut, wearing a turtleneck and no accessories, who closely resembles Ba’thist women activists depicted in *al-Thawra* in 1969.<sup>42</sup> The column condemned the ‘ridiculous femininity’ propagated by Arab women’s magazines which tried to teach women the ‘art of femininity’ but in fact reduced them to sex symbols in the eyes of men.<sup>43</sup> Some weeks later the same Salima condemned the fashion of wearing short clothes as ‘sick.’ Instead of focusing on fashion, she argued, women should participate in social life, rise up from their household duties and enter the wage labor force.<sup>44</sup>

The general emphasis on social reform and modernization of Iraqi society that dominated the Iraqi press during the early 1970s included a push to lift sexual taboos and to abolish segregation between the sexes. Some women, at least among university students and artists, called for an independent feminist approach that strove to expand the parameters of Iraqi discourse on gender issues, including defiance of honor and modesty codes. But in the Iraq of the early 1970s, many women’s readiness to conceal their physical features was part of a tactical approach to politics that favored consensus and gradual change over confrontation, and put first priority on education and career options. Any reference to notions of sexuality, as presented

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sexualized act. Smoking women violated the code of female modesty; in the context of the public debate around issues of sexual freedom such behavior bore political connotations.

40 *Alif Ba*, 12 July 1972.

41 *Alif Ba*, 21 February 1973. The following quotations are all taken from this article.

42 *Al-Thawra*, 10 February 1969.

43 *Alif Ba*, 21 February 1973. These types of articles did not only surface in women’s magazines. See also *Al-Thawra*, 2 and 17 January 1970; ‘It’s a Shame But ... How Does a Woman Attract a Man?’ 27 February 1970.

44 *Alif Ba*, 7 March 1973. Columns signed by Salima appeared also in *Alif Ba*, 2 and 16 May 1973.

above, had disappeared from the Iraqi press by 1974; only the above-mentioned notorious movies continued to be advertised in *al-Thawra* until 1975.<sup>45</sup> For the rest of the decade and until the start of the Iran-Iraq war, the press discourse on Iraqi women mostly focused on issues of education and wage labor, as had been demanded by Salima. She can thus be identified with the Ba'ath regime's opinion on this issue. The GFIW appears to have been instrumental in the suppression of the debate on women's dress by fiercely attacking women who emphasized their sexuality by wearing revealing clothing, calling them 'ridiculous' and 'sick.' Notions of female sexuality in public discourse that consciously challenged the modesty and honor codes were suppressed. This development equaled the demise of an independent Iraqi feminist movement and the domination of a semi-official mass organization that was meant to serve the regime's interests. Iraqi public discourse in the regime's early years mirrors its tactical approach to gender reforms that meant to reform, rather than abolish, the patriarchal order. Notions of sexuality were only tolerated in public discourse and partly encouraged by the regime as part of masculinized fantasies, be they in cinema or later in its war propaganda of the 1980s.

### **When the Land is Feminine, War is Love, and the Nation is a Family: Iraq in the 1980s**

One important aspect of Ba'ath-inspired Iraqi nationalism was its inherent militarism. This became most prominent during the eight years of the Iran-Iraq War (1980–1988), which dominated the second decade of Ba'athist rule in Iraq. During the war Iraqi society was militarized to an unprecedented degree. The Iraqi regime had already spent considerable sums on weapons and the modernization and expansion of Iraq's armed forces during the 1970s. During the war, however, Iraq turned into a veritable military machine: Between 1980 and 1988 the armed forces, particularly the army, grew from 220,000 to 1,000,000 soldiers. The percentage of people serving in the armed forces rose from 1.7 percent in 1979 to 17 percent of the total population in 1988.<sup>46</sup> The available data suggests that almost 40 percent of the Iraqi adult male population took part in the war.<sup>47</sup>

During war, soldiers sacrifice their private selves and their own self-interest for a public and communal cause – in this case, national identity as represented by the military uniform. Soldiers become the executors of an alleged national will and as such enjoy high social prestige. In Iraq, as elsewhere in the world, military discipline and combat have been predominantly male experiences in modern history. Constructions of masculinity in societies which place great emphasis on gender difference and sex segregation usually evolve around notions of autonomous male subjects, and

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45 This is true concerning Arab and Iraqi women. Women from western countries, such as actresses and movie stars, were on some occasions still portrayed in a manner that would be termed indecent if applied to Arab or Iraqi women.

46 Komran Mofid, *The Economic Consequences of the Gulf War* (London/New York: Routledge, 1990): 76–89.

47 Amir Taheri, *The Cauldron: The Middle East Behind the Headlines* (London: Hutchinson, 1988): 198–9.

include a heroic component predicated on the ideal of the male as able to stand up to countless challenges, face enemies with discipline and confidence, and protect 'his' womenfolk.<sup>48</sup> The formation of gender identity does not only take place on the individual psychological level. Nor can it be explained as merely an effect of genetic dispositions. It is a social and institutionalized process, which is both forcibly and unconsciously inscribed upon the individual on a daily basis, the 'pedagogical' in Bhabha's terminology. Due to the predominantly male composition of most armies in the contemporary world, the military is one important institutional context in which the construction of masculinity can be localized.<sup>49</sup> National armies are considered an important institutional backbone of nation-building processes, an argument that has been raised also concerning the Iraqi army.<sup>50</sup> A nation-state's gendered recruitment policies can be expected to influence perceptions about gender relations in society. How powerful this influence can be depends, among other factors, on the numerical strength of its armed forces and upon the degree of social prestige allocated to the military in public discourse. During the Iran-Iraq War the Iraqi armed forces both experienced a massive growth in numbers and enjoyed overwhelming social prestige as 'defenders of the homeland.'

A high degree of segregation between women and men and the influence of honor and modesty codes in Iraqi society have been acknowledged in the Iraqi press throughout the years. Conversely, the regime's policies during the 1970s were designed to weaken these perceptions, for instance by promoting women to enter a growing variety of professions that had previously been reserved for men. Up to 1980 the regime's rhetoric constantly referred to phrases such as 'women's liberation.'<sup>51</sup> It was characterized by a distinctively anti-traditionalist stance which sought to reform, not abolish, the cultural system of gender difference and male hegemony in order to fit the regime's need for an enlarged labor force.

During the years of the Iran-Iraq War the regime itself, in noted departure from previous policies, actively supported a sexualized discourse as part of its war propaganda, parts of which will be portrayed here. In the early years of the war the press contained occasional displays of female militancy, reflecting the significant number of women who volunteered for the civil defense and the party militia.<sup>52</sup> The press pointed to the increased mobilization of women into the wage labor force,

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48 David D. Gilmore, *Manhood in the Making: Cultural Concepts of Masculinity* (London: Yale University Press, 1990).

49 This holds true even for countries that practice compulsory conscription of both women and men; see Uta Klein, *Militär und Geschlecht in Israel* (Frankfurt/New York: Campus, 2001); and various articles in Mai Ghoussoub and Emma Sinclair-Webb, eds, *Imagined Masculinities: Male Identity and Culture in the Modern Middle East* (London: Saqi Books, 2000).

50 Khaled Salih, *State-Making, Nation-Building and the Military: Iraq, 1941-1958* (Göteborg University: Göteborg Studies in Politics 41, 1996).

51 See President Hussein's speech to the GFIW-congress in 1980 in *Al-Thawra*, 23 March 1980.

52 For a discussion of the regime's recruitment policies regarding women see Achim Rohde, 'Gender and Nationalism: Discourses on Women and Femininity in the Iraqi Press, 1968-98' (master's thesis, Hamburg University, 1999): 75-95.

mirroring the regime's need to replace the economically active strata of men who were recruited to the military on a massive scale. Beyond such news items, however, the press became rather obsessed by a trenchant militarism. The start of the Iran-Iraq War in September 1980 prompted a massive increase in displays of Iraqi military weight in the press, particularly during times when either of the two warring sides took on the offensive. The Iraqi war propaganda produced a never ending flow of richly pictured articles commemorating the boldness and heroism of the ever victorious Iraqi men fighting at the frontline, including gruesome photos of slain Iranian soldiers scattered on the killing fields. Saddam Hussein and high regime figures were epically depicted in the press in war-related contexts, wearing military uniforms, meeting the troops, decorating soldiers for outstanding bravery, talking about the war, etc. This obsession with the war in itself suggests that a gendered hierarchy of social status was being reinforced in the press during this period, with men/soldiers at its top and women/civilians confined to secondary, auxiliary positions.

In the realm of cultural production, a whole new kind of war-literature was developed, numerous examples of which were published in the press.<sup>53</sup> Open letters, poems and short stories written by soldiers and artists alike were published, telling stories of heroism and martyrdom, and stories of love in times of war between soldiers at the front and waiting women at home. Such items were continuously published in all newspapers and magazines.

In the first half of 1982 a serialized novel by 'Adel 'Abd al-Jubar, entitled 'Mountains of Fire, Mountains of Ice,' was published in twenty consecutive parts in *al-Thawra*, each covering a whole page.<sup>54</sup> It focuses almost exclusively on daily life at the front and reflects upon the boldness and heroism of Iraqi men. Women feature only rarely and as passive characters in this novel, as a 'symbol of beauty and femininity' in the eyes of a soldier who misses a girl from his neighborhood at home, or as the secret girlfriend of a soldier who is thrilled by the prospect of 'a love affair with a beautiful girl ... love in times of war ... yes, something previously unheard of.'<sup>55</sup> In a poem by Ghazay Dara' al-Ta'i the very notion of war contains eroticized allusions to love relationships that were bound to multiply the mobilizing effects of the poem. This is not the abstract nationalist love Michel Aflaq spoke of.<sup>56</sup> If this imagery was at all inspired by the writings of the Ba'th party's founding father, the meaning of the term 'love' was altered and vulgarized to signify a plain romantic love between a woman and a man, with all the popular images associated with it:

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53 For a telling account of Iraqi war literature see Miriam Cooke, *Women and the War Story* (Berkeley & Los Angeles: University of California Press, 1996): 220–66.

54 I had access to parts 13–20 of this novel. *Al-Thawra*, 5, 12 and 26 July; and 2, 9, 16 and 23 August 1982.

55 *Al-Thawra*, 9 and 23 August 1982.

56 Michel Aflaq, 'Al-Qawmiyya Hub qabla kul Shey,' in *Fi Sabil al-Ba'th*, ed. Michel Aflaq (Beirut: Dar al-Tali'a, 1959): 29–30.

Homeland of trembling love,  
 What is dearer than tears? – the homeland.  
 What is more precious than gold? – the homeland,  
 What is more beautiful than the moon? – the homeland.  
 The homeland, the homeland, oh what sweetness and pleasure unfolds the love of the  
 homeland!?

.....

The homeland always comes first,  
 The dear homeland before the father,

And before the mother, and before the wife, the brothers and the sisters.

.....

Who said that love is forbidden [*haram*]?  
 And that meeting the beloved [*al-Mahbuba*] under a palm tree is forbidden?  
 And that speaking love and making love is forbidden?  
 Love is allowed [*halal*].

.....

My homeland,  
 Oh homeland of trembling love,  
 Your loving hand, oh soldier, is like a waterfall,  
 Your loving hand, oh people [*sha'b*], is like a waterfall.<sup>57</sup>

Patriotism in this poem is stronger than the man's relationships with his relatives; meetings with the beloved woman are allowed (*al-Mahbuba* carries a feminine ending); the soldier's loving hand is like a waterfall: national agency in this poem is clearly masculinized. The war is presented as an act of love, carrying overt sexual connotations, between a male soldier and his beloved, the homeland. The equivalence of romantic and patriotic love was apparently applied as a tool to mobilize the male population for the war effort. This equivalence is born out most explicitly in an open letter written in 1982 by a soldier to his girlfriend, suggesting that such ideas might have been common also at the front itself, that writers and poets merely condensed the soldiers' feelings.<sup>58</sup>

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<sup>57</sup> *Al-Thawra*, 29 January 1982.

<sup>58</sup> Similar phenomena have been observed elsewhere in nationalist wars: In August 1914 the declaration of war in Germany shortly gave rise to a public mood that was later termed the 'Community of August.' According to Eric J. Leed, *No Man's Land: Combat & Identity in World War I* (Cambridge: Cambridge University Press, 1979): 39–72, it 'established a unanimity of fate and a kind of anonymity in which the conventions of social class no longer seemed to identify individuals. It was commonly felt that the war effaced the boundaries of individuality and privacy and thus made possible a more intense and immediate sociability ... The threats that war posed to the chastity of respectable women and the attractiveness of the uniform were themes exploited constantly by the wartime press,' 45.

My Darling ... During these days me and my comrades give concrete form to a love which equals my love for you, and that is the love for the homeland. Oh my dear, this love which is nothing but love ... I will always be [committed] like you are committed to me. I will turn my memory of touching your tender fingertips into a firm embrace of my rifle, and the heat of my love for you into a fire in which I burn my enemy – the enemy of justice, the pagan Iranian enemy.<sup>59</sup>

This soldier turns his daily combat experiences into acts of love between himself, a firm and fiery soldier, and a feminized land which carries the same characteristics he ascribes to his girlfriend: It is tender and committed; a foil for his fantasies with no agency of its own. Examples of this sort can be found also in works of prose including short stories, some of which were written by Hanna Ibrahim and published in *Alif Ba* in 1986, at a time when the regime stepped up its efforts to mobilize the population, facing mounting discontent among many Iraqis who had grown tired of the war. In the story *Love Talk between the Shatt al-Arab and the House*, a soldier explains his to his girlfriend or wife at home that the war will apparently continue for some time and that everybody must be patient and courageous. The woman reacts by assuring her lover of her commitment to the war:

Take it easy ... Why do you think you tear me apart ... I am the assistant of man. I am Mohammad's mother ... I am the mother of Iraq ... How come you teach me what I already know. How can you forget that my conscience is the conscience of Iraq!<sup>60</sup>

The woman in this story is the soldier's lover, the mother of Iraq and its conscience. Her position in this story is subordinate to the man/soldier; she is an assistant. Unlike the soldier, she does not act, she only listens and understands. In another story by Hanna Ibrahim, entitled *An Unexpected Meeting on the Basra Train*, a young woman comes to know a strange soldier on a train traveling to Basra. He turns out to be a native son of Basra. By the end of the story they have fallen in love and the woman agrees to explore Basra together with the soldier.<sup>61</sup> This story was published during a time when Basra was under attack by the Iranian army, and many people were reportedly leaving the city to escape the bombardments.<sup>62</sup> The story seems designed to counter the deteriorating morale among the population. The defense of Basra, either in active combat or by choosing not to leave the city, becomes an act of love in which romantic and patriotic love collapse into one another.<sup>63</sup>

Compare these images with those ascribed to women who volunteered for the party militia, the 'Second Army' or 'Popular Army,' in a poem by Ghazay Dara' al-Ta'i

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59 *Al-Thawra*, 21 July 1982. See also 3 July 1982.

60 *Alif Ba*, 5 March 1986.

61 *Alif Ba*, 19 March 1986.

62 Ofra Bengio, 'Iraq,' *Middle East Contemporary Survey*, 10 (1986): 374.

63 In real life, many families seem to have been rather reluctant to consent to the marriage of their daughters with soldiers because of the high risk of turning them into war widows at an early stage. This is suggested by another story by Hanna Ibrahim entitled *I Love This Man* which is about a soldier and a woman who are in love and want to marry but face the reluctance of the woman's parents. A reader's letter of similar content is attached to the story; see *Alif Ba*, 1 January 1986.

published early in the war in 1982. During that period the party militia saw a massive and largely voluntary increase in membership, including some 40,000 women. They were recruited to women's units named for historic Arab women who allegedly fought alongside men in the Prophet's wars and during the early Muslim conquests:

Earth-colored Volunteers

.....

An earth-colored spoke at the demonstration.  
She said good and sensible things.  
If women don't fight,  
If they don't tell the soldiers: Without you,  
If they don't tell the martyr: Welcome,  
What should they say to their lord at the Day of Judgment?!  
Raise your voice, oh women, in all the country.

.....

And like one voice say, We are not neutral,  
We are not neutral between death and birth,  
In the battle of death and birth,  
al-Khansa's granddaughter will be just like her.  
The sister of Bint al-Aruz the beautiful Amazon,  
Will be just like her.

.....

We are the girls of the sword and of generosity,  
If the ammunition is used up,  
We will extract new ammunition from our blood,  
So that the land will remain sheltered.  
We are the girls of the sword and of generosity,  
If the oil is used up,  
We will take new oil from our blood,  
So that Iraq's flame will be preserved  
And spread to the horizon,  
What is more beautiful than love if it ends in a loving embrace!!  
Hail, oh earth-colored,  
Hail you, granddaughter of al-Khansa,  
Hail to the men's grenades,  
Hail to the men's hammers,  
Hail, oh Iraq.

.....



Smile,  
 Smile, oh earth-colored  
 If you grieve,  
 Heaven will grieve  
 If the moon weeps,  
 You are like a night of moonlight  
 Smile,  
 Smile, oh earth-colored!!<sup>64</sup>

Women's contributions to the war in this poem are subordinated to the activities of men: Women demonstrate their solidarity with the soldiers and the martyrs; they smile for them. Apart from serving as a mascot for the men (carriers of grenades and hammers), they are a well of life: They produce ammunition and oil from their own blood, crucial though auxiliary functions to secure the men's fighting ability. The poem associates women with nature, with the sky and the moon, it describes them as earth-colored. While men act as trouble-shooters, women smile and love. Rather than exploiting the potential of women soldiers to construct an independent female agency in his poem, al-Ta'i reduces them to monument-like beautiful amazons who support the men morally and materially. The image of female militancy was used metaphorically to mobilize women into the war effort, but the challenge posed to established notions of gender difference by the sight of women soldiers had to be contained.

In early 1986 the poet Yusuf al-Sa'igh further developed the love metaphor in the context of war narratives in the most striking way. Shortly afterwards, his poem was hailed by the writer and literary critic Turad al-Kabisi as an outstanding example of Iraqi war poetry. According to al-Kabisi, a transcendental 'love' is the acting subject in this poem, expressing itself in various shapes and settings.<sup>65</sup> His interpretation mirrors the Ba'thist concept of nationhood, according to which the Arab national genius expresses itself in different shapes at various times. Read the poem itself:

In which sense is war similar to love; an opportunity  
 For masculinity and love  
 Oh faithful mother,  
 My little bosom friend  
 Sleeping in the bed of her childhood,  
 Allow me  
 To call my machine gun after you  
 And say to her [the machine gun]:  
 Oh darling,  
 What is the similarity between love and war?

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64 *Al-Thawra*, 3 February 1982. Al-Khansa was an Arab poetess of the pre-Islamic and early Islamic periods. Only a few details of her life are known. Born in 575 AD, she was married and a mother of six children. In 629 she came to Medina and converted to Islam. Reportedly she was present at the battle of Qadisiya, where four of her sons fell; see H.A.R. Gibb, et al., eds, *The Encyclopedia of Islam, New Edition* vol. 4 (Leiden: E.J. Brill, 1978): 1027. One of the women's units in the Popular Army carried her name.

65 *Al-Thawra*, 10 April 1986.

.....

Don't let the Shatt sever what is between us,  
The 'mother of the bullets' [as the Iran-Iraq War was often termed]  
Is an ornament for the fight,  
For two nights a woman cried out for my sense of dignity,  
She covers me  
When I lift her covers,  
And go to fight  
In your name.  
Oh faithful mother,  
What is the similarity between love and war?  
Expect me  
I will love you more  
When I return victoriously from the battle  
You will love me,  
I never stopped to call the bullets after the girls of our neighborhood  
Call me the defender.

.....

Between one shot and the other,  
I love you more.  
Oh mother,  
Little bosom friend,  
Sleeping in the bed of her childhood  
Clean the doorstep  
Wash yourself  
Refresh yourself,  
Because they announced our love in the news;  
Don't be frightened,  
Because I faced death with your name on my lips,  
I taught my machine gun  
To pronounce your names,  
One by one.  
I will teach her [the machine gun]  
How to rejoice  
In the name of Iraq  
In the name of the palm tree  
In the name of the two rivers  
I taught her how to rejoice in your name,  
Oh son of Hussein.<sup>66</sup>

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66 *Al-Thawra*, 12 February 1986. The poem ends by saluting 'the son of Hussein.' This term signifies Saddam Hussein himself who claims to be a descendent of the Imam 'Ali, Hussein's father. This claim was made for example by Deputy Chairman of the RCC 'Izzat Ibrahim in a speech he gave in Najaf at the occasion of 'Ali's birthday; see *Al-Thawra*, 15 March 1987.

In order to speak of this poem as expressing the Arab national genius in its war against Iran, one has to take considerable distance from the text itself. As the poem says, the war provides men with an opportunity to enhance their own masculinity, to reinforce the stability of this concept of self-identification in ways impossible under the 'constraints' of civilian life. Written from the perspective of a man/soldier, the poem mentions various female characters – 'Um Aufa,' the very faithful mother and wife; the soldier's daughter; his 'little bosom friend,' and 'the girls of our neighborhood.' They all remain silent foils for the soldier's fantasy and are not even clearly distinguishable from one another. Rather, they all finally seem to collapse into aspects of his machine gun, an inanimate and deadly feminized fetish, with which he all but seems to have an affair.

In March 1986 Amal al-Sharqi, who used to be known in western academia as an ardent proponent of the benevolent nature of the Ba'th regime regarding gender relations, published a poem which portrays Iraqi women during the Iran-Iraq war:

I am  
 An Iraqi woman,  
 My sweetheart went to the front  
 And entrusted me with  
 The peace of the house, the children and the homeland;  
 To keep the light shining inside the house;  
 To preserve the security inside the house.  
 I am a mother for the craving,  
 I am a father for the soil,  
 I am with the oath of love,  
 An Iraqi woman.

.....

I fill the house with fantasies and cries of joy and songs,  
 I teach the children that we celebrate,  
 And that their father will bring them victory as a present.  
 I am on the field, one hand for me,  
 And one hand for the absent;  
 I build, I give, I build so that the wheels will not stand still.  
 From the sap of the vein I fill a bottle with blood,  
 Take my blood to the front; take at least a part of me to the front.  
 I am an Iraqi woman,  
 It hurts me that – despite what I delivered – I am incompetent  
 I do not give enough in order to be called Iraqi,  
 I am the Iraqi mother  
 I urged my sons to remedy Faw's wounds  
 I cut the bright braids of my hair,  
 And wrapped in them their wrists  
 And I said: A mother's loyalty is with you – preserve it;  
 And I said: you have an obligation ... today return it to me  
 Today I request my milk  
 My nightly vigilance  
 The pledge of my life;

I am the Iraqi mother  
I am in Basra's contours.

.....

Be, oh apples of my eyes  
Men like I taught you,  
Bring me what will raise my head  
And what will make the neighborhood radiate with joy.  
I am the Iraqi mother,  
All the soldiers of this convoy are my sons  
Was I faithful, oh my homeland?  
Did I deliver enough,  
In order to be called Iraqi?  
I am the Iraqi land,  
I know what is happening  
I knew all the Persian and Tartar horses  
I defeated all the Persian and Tartar horses  
I was the scene of victory  
I was the stage of triumph

.....

I am the mother of the Iraqis,  
I am the Iraqi land,  
I bore Saddam.

.....

Saddam who is faithful,  
Saddam who is competent,  
Saddam who protects the Iraqi land.<sup>67</sup>

Although al-Sharqi seemingly emphasizes the broadened range of tasks Iraqi women shouldered during the war, her poem is an exact mirror image of the works of male Iraqi poets discussed hitherto: It does not allude even with one word to women serving in the party militia. Women are presented as mothers who keep the house intact as their absent husbands' deputies, who raise the children in the spirit of patriotism and who urge their elder sons to behave like real men at the front, whereas women symbolize the land, a passive, enduring and knowing land, the stage of triumph for the victorious men/soldiers. The highest social prestige is certainly bestowed upon the soldiers, headed by Saddam Hussein. Whereas he is faithful and competent and protects the land, it is not even certain that women deserve to be called Iraqis, because they are incompetent, they do not give enough: National agency in this poem is clearly masculinized. Women are confined to subordinate positions in support of the men/soldiers whose 'Iraqiness' is proven beyond doubt by their heroism at the front. Despite the sexual connotations of the poem's wording, given the general emphasis

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67 *Al-Thawra*, 6 March 1986.

on motherhood in this poem, women ‘who fill the house with fantasies and cries of joy’ in this case refers mainly to story-telling to children and to the ritualized, high-pitched, joyful cries of Iraqi women at festivities like weddings.

### **1986–1987: War and Backlash**

Throughout the early 1980s and until early 1986, GFIW functionaries went on record praising the war for its modernizing effects on Iraqi society, claiming that it had accelerated the process of social change, engendering greater respect for women by men, who they claimed no longer opposed the broadened range of tasks shouldered by women, including in the sphere of wage labor.<sup>68</sup> In a sign of its growing self-confidence, the twelfth GFIW congress in April 1986 saw renewed demands for gender sensitive labor laws and for continuation of state-sponsored welfare policies that had significantly improved Iraqi women’s lot since the 1970s.<sup>69</sup> This was the first time since the late 1970s that the GFIW called for additional legal reforms in support of women, suggesting (a) that it saw a need for such legislation and (b) that it felt strong enough to tackle this issue in the face of likely opposition from more conservative and religious corners. However, the increasingly assertive lobbying by the semi-official Iraqi women’s organization dramatically backfired during the following months.

What was the context in which the GFIW struggled to push its agenda in early 1986? As the war dragged on, Iraqis witnessed a steady deterioration of their general living conditions. There were signs of growing demoralization among the soldiers: the civilian population suffered from a decrease in the standard of living, cities were shelled by Iranian rockets and bomber planes, and the unemployment rate increased. The regime contained these effects with a combination of propaganda, disciplinary and repressive measures. The press during this period frequently published articles calling upon the population to be steadfast and ready for sacrifice, rather than demanding improvements to living conditions. In late February 1986, while Basra was once more under attack by Iranian forces, the Iraqi press again dedicated its news coverage almost entirely to war propaganda, including columns of articles portraying Iraqi families, students and ordinary citizens from various districts who expressed joy, pride and admiration for the ‘heroes’ at the front, and announced their readiness to sacrifice whatever was necessary for the defense of Iraq. In early March long lists of seemingly spontaneous and expensive donations of money and gold by women, men, whole families and companies started to be published almost daily in *al-Thawra*. This phenomenon continued for more than two months until it slowly faded away by mid-May 1986.<sup>70</sup> By that time the regime had mobilized a whole additional army corps, enlisting many previously retired army officers.<sup>71</sup> In June 1986 the regime forced some 100,000 students and 15,000 university teachers to undergo

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68 *Al-Thawra*, 8 March 1986.

69 *Al-Thawra*, 11 April 1986.

70 *Al-Thawra*, 5 and 10–31 March; 1, 3, 4, 10, 11, 14–17, 19 and 22 April; 6 and 12 May 1986.

71 Ofra Bengio, ‘Iraq,’ *Middle East Contemporary Survey*, 13 (1989): 387.

military training for a period of five months.<sup>72</sup> ‘Arabness is Deed and Sacrifice, Not Just Identity’ was the title of a newspaper article published in late March, which aptly summed up the prevailing mood purveyed through official propaganda.<sup>73</sup>

The regime’s mobilizing efforts included an increased emphasis on family values in its discourse on the Iraqi nation. An example of this can be deduced from the sudden great attention the press paid to donations of gold and jewelry by women and families. According to traditional custom, a woman’s jewelry is part of her dowry and is exclusively at her own disposal.<sup>74</sup> Women in traditional settings use their jewels to save either themselves or their families from grave economic distress. The fact that Iraqi women in the mid-1980s donated jewelry for the war effort indicates that family related values were detached from their former traditional setting and metaphorically used to designate the Iraqi nation itself as a family of a higher order, which was in need of women’s material and other sacrifices in an emergency situation like the war. This message need not be conveyed in explicit terms, as the cultural significance of women’s dowry is commonly understood in Iraq. Beyond the mere material benefit of this measure the regime apparently aimed at strengthening the cohesion of the national community in support of the war effort, and enforcing social discipline on a war-tired population.

Under such circumstances the GFIW’s demands for anti-discriminatory laws and further measures to strengthen the position of women in society were bound to be viewed as ‘egoistic’ (the term used in the Iraqi press at the time) and threatening to the established ‘house order,’ not least of all among the soldiers, who looked at the ongoing civilian life from a distance. In May 1986 Hussein officially distanced his regime from the GFIW’s modestly reformist agenda and called upon all women to give highest priority to family life and procreation. He went so far as to demand that women not make men feel discriminated against by women’s rights.<sup>75</sup> After this highly publicized lecture, spokeswomen for the GFIW demanded no further reforms and at least twice explicitly stated that women’s contributions to support the war effort mattered less than the soldiers’ heroism at the front.<sup>76</sup>

In 1986 contraceptives were made illegal in order to promote population growth, though they continued to be available on the black market.<sup>77</sup> A further swing in this direction occurred in 1987, again in relation to the war, when the regime launched a campaign to increase women’s fertility rate in reaction to the bombing of a school by the Iranian air force that had killed many children. After the 1970s saw the eclipse from Iraqi public discourse of autonomous feminist voices, and demands for women’s control over their bodies were suppressed, during the war years of the 1980s sexualized discourse surfaced in the press as part of the official war propaganda,

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72 Ofra Bengio, ‘Iraq,’ *Middle East Contemporary Survey*, 10 (1986): 372.

73 *Al-Thawra*, 20 March 1986.

74 Elisabeth Warnock Fernea, *Guests of the Sheikh: An Ethnography of an Iraqi Village* (London: Doubleday, 1965): 33.

75 *Al-Thawra*, 4 May 1986.

76 *Al-Thawra*, 15 February 1987; and 5 March 1988.

77 Bela Bathia, Mary Kawar and Miriam Shahin, *Silent Voices: Iraqi Women on War and Sanctions* (London: Change, 1992): 5.

conveying an eroticized image of the war as metaphorical act of love between the male soldier and his feminized homeland, while the focus of the regime's discourse on women simultaneously moved to motherhood and procreation.

## **Conclusion**

In both the early 1970s and the mid-1980s there is evidence of decisive shifts in the Iraqi patriarchal bargain. In the early years of Ba'athist rule in Iraq some level of public debate around gender and sexuality was apparently still possible. Decisively feminist voices surfaced in the press until 1973. With gender reforms being among the most highly publicized symbols of the regime's modernist appeal throughout the decade, the scope of reform was an openly debated issue until the regime firmly established its grip on society and enforced its version of state-sponsored feminism, aimed primarily at qualifying and enlarging the Iraqi wage labor force. State policy was not intended to have emancipating effects on women; rather it supported modernization in the service of the state while leaving the established 'household order' and the modesty code largely intact. In contrast, during the years of the Iran-Iraq war masculinized erotic fantasies were part of the regime-sponsored mass culture intended for war propaganda purposes. Although questions of gender and sexuality were widely ignored by the press during the war years, in Ba'ath inspired popular culture eroticized allusions to love relationships appear to have been common. This chapter portrays some of the gendered and sexualized images that accompanied the massive militarization of Iraqi society during the 1980s in the regime-sponsored national discourse, particularly in the realm of popular culture. They stand in marked contrast to the controversial debates on gender and (female) sexuality that took place in Iraq a decade earlier. Over the course of the 1980s the Ba'ath buried much of its former agenda of development and social reform, reflected in part by its turn to a more traditionalist discourse concerning gender relations in the late war years. By addressing the ambivalence of the gender policies of the state against the background of the Iran-Iraq War, this study presents evidence suggesting that the change in the regime's gender discourse was motivated mainly by concerns for domestic stability in times of war.

The Ba'ath's gendered recruitment policies during the war, and its gendered war propaganda can be expected to have reinforced images of male heroism and superiority, notions of gender difference, and ideals of virility among soldiers in particular and to a significant degree in Iraqi society in general. For eight long years the regime had to continuously mobilize the – male – population into the war effort at the front, rally unconditional support from the civilian population, and convince civilians that soldiers were due elevated social status and prestige while their mothers and wives were considered second-class citizens. This reinforcement of binary concepts of masculinity and femininity in Iraq was evident in the regime-sponsored war propaganda from the early years of the war.

The regime's drive towards gender reform, however limited and ambivalent it might have been from the outset, was partly reversed during the 1980s. It is suggested here that the backlash against women that began in May 1986 occurred mainly as a consequence of the prolonged war and its demoralizing effects on Iraqi society.

With frustration running high among the troops, clinging to the GFIW agenda of further gender reforms would have contradicted the spirit of the regime's mobilizing efforts, which emphasized values like unity, solidarity and readiness to sacrifice in its discourse on the Iraqi nation. Within this context, a continued stress on gender equality by the regime risked estranging the troops and further lowering their morale. The regime decided, as it frequently did when the stability of its rule or the success of its war against Iran seemed at risk, to shift its ideological rhetoric and its policy in favor of others which better served the needs of the day.

However, until 1990 these shifts in the Ba'th regime's gender discourse remained largely rhetorical. Official calls for raising women's fertility seem to have had no discernable impact on the demographic patterns of Iraqi society according to the country's Annual Abstracts of Statistics. Nor did women's employment rate dwindle following Hussein's misogynist outburst of May 1986 calling for women to give their all to family life and procreation, which points to the continuous need for female labor, particularly in the public and mixed sectors and state administration.<sup>78</sup> After the cataclysmic events of 1991, in the radically altered Iraqi landscape of the 1990s, women's position in society indeed deteriorated. Reports describe a resurgence of officially tolerated tribal practices including so-called honor killings, and officially sanctioned religious revivalism has focused on women's modesty and maternal duties. Atrocities by segments of the regime included public beheadings in 2000–2001 of women deemed prostitutes.<sup>79</sup> The erosion of the state infrastructure and public health, and the mounting economic crisis which has affected women and children before anyone else, bears witness to this dramatic decline.<sup>80</sup> The author's forthcoming doctoral dissertation evaluates the various internal and external factors that caused the weakening of women's position in Iraqi society, as well as the degree of this decline in the broader context of state-society relations in Iraq under the former regime.

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78 See Noga Efrati, 'Productive or Reproductive?' 39.

79 International Alliance for Human Rights/Human Rights Alliance France, *Iraq: An Intolerable, Forgotten and Unpunished Repression* (Paris, February 2002): 21–23, <[www.fidh.org/magmoyen/rapport/2002/iq315a.pdf](http://www.fidh.org/magmoyen/rapport/2002/iq315a.pdf)>.

80 On sanctions, see Louise Cainkar, 'The Gulf War, Sanctions and the Lives of Iraqi Women,' *Arab Studies Quarterly*, 15, 2 (1993): 16–51; Suha Omar, 'Women: Honour, Shame, and Dictatorship,' in *Iraq Since the Gulf War: Prospects for Democracy*, ed. Fran Hazelton and CADRI (London: Zed, 1994): 60–71; Denis J. Halliday, 'The Impact of UN Sanctions on the People of Iraq,' *Journal of Palestine Studies*, 28, 2 (1999): 333–4; Sarah Graham-Brown, *Sanctioning Saddam: The Politics of Intervention in Iraq* (London: Tauris, 1999): 179–212; and Nadjé al-Ali, 'Women and Economic Sanctions in Iraq,' in *Iraq: History, People and Politics*, ed. Shams Inati (Philadelphia: Prometheus Press, 2003). For a comprehensive bibliography on women in Iraq see Saeid N. Neshat, 'A Look into the Women's Movement in Iraq,' *Farzaneh*, 6, 11 (2003), <[www.farzanehjournals.com/archive/archive11.htm](http://www.farzanehjournals.com/archive/archive11.htm)>. Concise summaries of the internationally available data on women in Iraq during the 1990s are offered in the proceedings of a conference entitled 'Winning the Peace: Women's Role in Post-Conflict Iraq' held in Washington DC in April 2003, <[www.womenwagingpeace.net/content/articles/Winning%20the%20Peace%20Report.pdf](http://www.womenwagingpeace.net/content/articles/Winning%20the%20Peace%20Report.pdf)>; and in a background report by Human Rights Watch published in November 2003, <[www.hrw.org/backgrounder/wrd/iraq-women.htm](http://www.hrw.org/backgrounder/wrd/iraq-women.htm)>.



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## Chapter 8

# Militarization, Nation and Gender: Women's Bodies as Arenas of Violent Conflict

Rubina Saigol

Recent feminist theories of nationalism have pointed out that the nation (*Qaum*) is essentially feminine in construction.<sup>1</sup> The nation is narrated on the body of women who become an emotionally-laden symbol of the nation, self, the inner, spiritual world and home. One's motherland or *maadar-e-watan*, as it comes to be called, becomes invested with the kind of erotic attraction felt towards women, especially in the figure of the mother. The country comes to be appropriated, represented and contained within words, which have strong romantic, erotic as well as maternal connotations. The desire for this land/woman/*dharti* is constructed as masculine desire; the desire to possess it, see it, admire it, love it, protect it and die fighting for it against rivals.

Since the desire for women gets transferred on to the nation and women's bodies come to signify the nation, communal, regional, national and international conflicts come to be played out on women's bodies. These bodies thus become arenas of violent struggle. Women are humiliated, tortured, brutally raped, and murdered as part of the process by which the sense of being a nation is created and reinforced.

The first part of this chapter will examine the ways in which gender ideology lies at the heart of the production of nationalist and militarist thought in Pakistan. The second part will look at how women's bodies were used during Partition as part of a national battle to create Pakistan and India.

### **Militarization and the Erotics of Nationalism**

Pakistan complicates and enriches a more general understanding of the gendered construction of the nation. Pakistan as an idea was imagined in opposition to Hindu/India within the parameters of the two-nation theory. There are constant attempts at the level of popular and official discourse to assert Pakistan and Islam's difference

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1 See Andrew Parker et al., 'Introduction,' in *Nationalisms and Sexualities*, ed. Andrew Parker, Mary Russo, Doris Sommer and Patricia Yaeger (New York: Routledge, 1992): 6; and Nalini Natarajan, 'Woman, Nation, and Narration in *Midnight's Children*,' in *Scattered Hegemonies: Postmodernity and Transnational Feminist Practices*, ed. Inderpal Grewal and Caren Kaplan (Minneapolis: University of Minnesota Press, 1994): 76.

from India and Hindus; in fact these two are often represented as the exact opposite of each other.<sup>2</sup>

When self-definition depends so desperately on real or imagined difference, this difference has to be asserted aggressively, consistently and violently. Most States maintain large standing armies for the purpose of protecting and maintaining the boundaries of the Self against encroachment, conquest, invasion and intrusion by the 'enemy.' These armies are provided with the latest weapons of mass destruction to enable them to enforce internal cohesion and integration, while sealing off the borders against the threatening and polluting outsiders. Militarization thus becomes the foremost imperative of the nation-state, frequently its number one priority even at the expense of the welfare and happiness of its citizenry, which it claims to protect.

The concept of militarization is being used here not merely to denote a large, standing army equipped with the latest nuclear and conventional weapons. Militarization, in a wider and more comprehensive sense, entails the effects of militaristic thinking on an entire society. This happens when the whole society becomes so permeated by violent imagery, thought, emotion, cognition and imagining, that it becomes inconceivable to solve any conflict without resorting to the force of arms. All institutions of society become saturated with violence and ideas of combat, battle, fighting, blood, martyrdom, victory, defeat, heroes and traitors become a part of everyday life even in civilian matters. In such cases, even the language of the military is borrowed and internalized by the civilian institutions, for example, words such as 'strategy,' 'plan of action,' and 'targets' have become part of common usage in the departments of population, education and social welfare. Violence becomes so much a part of everyday consciousness that its brutal effects, its painful consequences and its tragic outcomes are obliterated.

The nation-state, as a form of legitimized violence, inscribes itself on the mind at both the conscious and unconscious levels. This is done through imagery that has immense evocative power through its associations with other objects that are invested with desire. The desire for objects of love is displaced on to the nation-state, which becomes a highly erotic entity. It becomes the object of desire, the subject of poetry and song and it comes to be eulogized in the mass media, textbooks and public monuments.

A complex and intricate relationship develops between the predominance of military values, love and desire for the nation-state and gender ideology. This relation is articulated through the construction of the nation state as mother. As Saba Khattak writes: 'The nation state is portrayed as the mother which needs protection against the outside enemy. This appeals to a male macho psyche that is called for defense and survival.'<sup>3</sup> As an example of the 'protector' and 'protected,' she quotes

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2 For an understanding of how the Hindus and Muslims are constructed as opposites in a shifting and gendered discourse (Muslims being represented primarily in masculine terms and the Hindus in feminine terms), see Rubina Saigol, *Knowledge and Identity: Articulation of Gender in Educational Discourse in Pakistan* (Lahore: ASR Publications, 1995): 217–43.

3 Saba Gul Khattak, 'Militarization, Masculinity and Identity in Pakistan: Effects on Women,' in *Unveiling the Issues*, ed. Nighat Said Khan and Afiya Sherbano Zia (Lahore: ASR Publications, 1995): 63.

Sardar Assef Ali, the former foreign minister, as having said that ‘to us the nuclear program is similar to the honor of our mothers and sisters, and we are committed to defending it at all cost.’<sup>4</sup>

This kind of imagery is clearly evident in our nationalistic songs, poetry, *taranas*, *milli naghmas*, television plays and popular films. A song from the old movie *Aag Ka Darya* (River of Fire),<sup>5</sup> which became very popular, goes:

Oh, Country you are the candle around which we, your lovers, hover.

Candle (*shama*) and the lover (*parwana*) are commonplace images used generously in Urdu poetry to denote the beloved and the lover who yearns for her and burns in the pain of her love. In the song, the country becomes the beloved, therefore feminine, and the lover represents male desire. It reflects the displacement of private passion on to the public sphere of the nation.

There is ample evidence of the appropriating and desirous male gaze in other nationalist songs. One of the oldest comes from the national poet, Allama Iqbal, who wrote:

Hindustan is better than the entire world,  
We are its nightingales and the land is our garden.

Similar feelings are echoed later in a famous song:

My land is the moon,  
My country is a flower.

These songs are extremely well-known and popular. They are often sung in schools and are printed in school textbooks next to pictures of war heroes, guns, tanks, fighter jets and submarines. In all three examples above, the country/land is compared to something considered beautiful in local folklore and national imagery. In the first case, the land/beloved is a candle/light around whom the burning lover hovers; in the second case the land is a garden and the lovers are nightingales who sing love songs for the beloved; and in the third case the land is compared with the moon (usually considered beautiful) and the country with a flower, another symbol of beauty and romance.

The use of such romantic metaphors for the country is widespread in nationalistic poetry. Massive amounts of passion are displaced on to the land, which is invested with images normally used for women and hardly ever used to describe men. The subject of desire is male and the gaze is also that of a male looking upon a beloved. The active/passive relation is easily discernible in the above poems as the candle is passive and it is the masculine *parwana* who hovers around her, the garden is passive and the active nightingale (*bulbul*) sings to it.

The connection of woman with inanimate objects, whether the moon, land, or candle is also common in our society as is obvious in the common saying that most troubles are caused by *zan*, *zar* and *zamin*, that is, woman, money and land. Here

4 Ibid.

5 *Aag Ka Darya* [River of Fire], directed by Hamayun Mirza (Pakistan: 1966).

two inanimate objects are placed side by side with woman, a living being whose connection with land is once again asserted. The important thing to remember is that all three are commodities which males desire and exchange among themselves in the form of transactions and alliances.

The imagery of nation-as-mother and motherland evokes even more passionate responses. Nalini Natarajan argues that the image of the mother is used because it 'suggests common mythic origins. Like the land (which gives shelter and 'bears'), she is eternal, patient, essential.'<sup>6</sup> There seems to be a primordial sense of connection between land and mother; both are perceived as being in need of protection; both are loved and admired; both are respected; there is a willingness to die for the honor of each. The irony is that while the trope of mother-as-nation is so powerful in nationalist thought, actual mothers and women are unequal, lesser citizens with fewer rights in the nation-state's structure of power. The discriminatory laws about women in Pakistan bear ample testimony to that.<sup>7</sup>

Nevertheless, the symbolic appropriation of woman as mother into the nation-state carries immense emotional investment. Women's primary entry point into the nation-state is as mothers, as producers of strong, brave sons ready to fight to death for the sacred land.<sup>8</sup> Parker et al. argue that 'family play[s] such a central role in the nation's public imaginings that motherhood could be viewed as a national service.'<sup>9</sup> The idea of motherhood as a national service is explicitly present in Pakistan's educational policies in which the stated aim of female education is to produce good, moral motherhood for the benefit of the family, nation and State.<sup>10</sup>

The fact that the symbolism of motherhood is intensely emotionally evocative can be gauged from the reaction to the US State Attorney's mindless and foolish remark<sup>11</sup> regarding how easily Pakistanis would sell their mothers. It is a well-known fact that women are exchanged, bought and sold in some form or another in all societies,

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6 Natarajan, 'Woman, Nation, and Narration,' 79.

7 During Zia-ul-Haq's period in Pakistan (1977–1988), nationalism reasserted itself in the form of Islamization. This process entailed the promulgation of laws that discriminate between men and women, for example, the Law of Evidence of 1984 decrees that in certain cases two women's testimony in court would be considered equal to that of one man. This effectively rendered women 'half human beings.' Similarly, the proposed law of *Qisas* and *Diyat* decreed that women's blood money in case of murder would be half that of men. Apart from the barbaric nature of this law, it further strengthened the perception that the value of women's lives is half that of men. Such laws make women unequal citizens of the state even though they are expected to pay equal taxes and the same punishments for crimes can be inflicted upon them. Women's incomplete insertion into the nation-state was a requirement of Islamized nationalism, which was drawing heavily upon gender differentiations.

8 In the reconstruction of the past by nationalists, Hindu womanhood was primarily recast as Hindu motherhood to produce strong warriors for a strong nation. See Uma Chakravarty, 'Whatever Happened to the Vedic Dasi? Orientalism, Nationalism and a Script for the Past,' in *Recasting Women: Essays in Colonial History*, ed. Kumkum Sangari and Sudesh Vaid (New Delhi: Kali for Women, 1989): 51–60.

9 Parker et al., 'Introduction,' 7.

10 See also Saigol, *Knowledge and Identity*, 186–91.

11 Virginia Commonwealth Attorney Robert F. Horan made these comments on 23 June 1997 in an interview with WTTG-TV Channel 5 – FOX 5's '10 O'clock News.'

including American society. The remark was thoughtless and insensitive, but the reaction reveals the intensely threatened self, which relies on moral motherhood to reproduce a nation of valiant sons. As Syed Talat Hussain observed:

Mothers are the hubs of most family activity and even when they do not enjoy financial freedom and when they are confined to their homes, they enjoy incredible power and clout over the whole family. They run this basic unit of the society and command a position on the scale of honor that cannot be compared with any other relationship. Pakistanis do take their mothers very seriously.<sup>12</sup>

In the quotation above, Hussain recognizes the confinement and lack of financial power Pakistani mothers suffer but refers to their clout in the family. The family is the basic unit of society, as well as the pillar of the State, and it is within the family that the nation can reproduce itself, its sons and future mothers. It is the family, therefore, that exercises the greatest control over female sexuality in the name of the purity of the nation. Women's sexuality can find legitimate expression only in national service through the family; it is otherwise denied, controlled and hidden behind the *chadar* and *chardivari*, the personalized boundaries placed around the woman, equivalent to the boundaries, frontiers, and borders of the state, all of which are under the protection of the son/*mujahid* or other male member.

The figure of the mother appears in nationalistic poetry and war songs as the bearer of brave sons, the sacrificing brave mother who suffers in silence, the proud mother who bore the martyr (*shaheed*) and who salutes him. Women in war songs praise male valor and the fact that the lover, or husband, or son, is a soldier. They praise his war exploits, urge him on and promise eternal love in life or in death. The following song was extremely popular during the 1965 war with India and brought tears to the eyes of all who heard it. In this song, the mother of a soldier who has just been killed in battle, is the speaker:

The one who gave you birth is your mother,  
The land is also your mother,  
It has taken you from my loving embrace,  
And placed you in her own lap,  
May you have my life, Oh you who calls me Mother.  
When you were killed in battle,  
The news came in a letter,  
The people asked 'who is the proud mother of this soldier'  
I bowed my head in obedience to God's will,  
May you have my life, Oh you who calls me Mother.  
Pakistan is the land of sons like you,  
Of whom mothers like me are proud,  
May you have my life, Oh you who calls me Mother.

Here the various elements of nationalism are all woven together; the sacrificing but proud mother, the connection between the mother's lap and the land/grave, the

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<sup>12</sup> *The News*, 3 August 1997.

soldier as the son of the soil who was killed defending the honor of the motherland. Another extremely popular song during the 1965 war had the following words:

Oh, martyrs in the path of righteousness  
 Pictures of faith  
 The daughters and mothers of the land salute you

The women of the nation are cast as those who praise, applaud and eulogize the young males who fight in battle. The glory, the greatness and the eternal life belong to the men; the women are in the background urging, encouraging, praising and supporting. An essentially passive role is carved out for them to participate vicariously in the masculine exploits of war. Giving birth to such sons, or having such brave men as lovers is the greatest honor that a woman can receive. In a lighter vein, the lover/fighter is praised for his position in the army by a doting beloved who sings:

My lively lover is a colonel, a general

Songs like this one became so popular during the war of 1965 that the singer Noor Jehan, who sang these at the front to entertain the *jawaans*, herself became a kind of icon of the eulogizing, doting, loving woman/mother.

Nationalistic poetry and songs, which connect the whole enterprise with the honor of mothers/sisters and one's inner sanctum, enable the gory reality of war to be forgotten. The glory attached to martyrdom and bravery in battle, the playfulness in the song above, all mask the sordid reality of war – the mangled and charred bodies, the brutalization, the violence, the excruciating pain, the needless wastage of precious life, the human degradation and misery, all for state expansion and economic gain. When religion is added on to the protection of state and nation, the emotional investment doubles.

In the creation of the war mind-set, it is not only young men who are conditioned to be the defenders of the faith, the motherland and nation; women are similarly conditioned to believe that they need defending by strong male protectors and that, as mothers, they must raise strong sons. Women are taught to be convinced of their own 'inherent weakness' from childhood and it is in opposition to this 'weakness' that male 'strength' is constructed. Hence, as mentioned earlier, gender ideology lies at the heart of the production of nationalist and militaristic thought. This kind of complementary construction of masculinity and femininity enables warlike nationalism to be imbibed by the whole population, which feels empowered by a sense of participation in the State's nationalist triumphs.

Women not only participate in the imagery of violence and war by creating and upholding it, they constitute the bodies on which the narrative of gendered violence is written. War imagery gets divided into masculine and feminine, for example, being defeated is equal to being feminine and winning is equal to being masculine. A very popular song during the 1965 war had the following verse:

Today, the Hindus have stirred up war,  
 Surprise itself is surprised,  
 Maharaj, this is a game of the sword;  
 War is not the play of women

In this song not only is war referred to in terms of a game and play, which removes attention from its horrors, the clear message is that war is not the play of women. In other words, war is a masculine pursuit, the implication being that it requires strength, valor and bravery, which women lack. It is a manly enterprise, and Hindus, who are here equated with women, are too weak to fight.

The feminization of Hindus is commonplace in Pakistan. It is indicated in common sayings like ‘the *banya* is a vegetable eater, he cannot fight.’ In textbooks, Hindus are frequently presented as weak, timid, non-warlike and effeminate, in contrast to Muslims who are represented as hypermasculine. Trawick notes that ‘difference between male and female human beings is exaggerated in warlike societies.’<sup>13</sup> With Pakistan’s massive defense spending, and the preponderance of warlike imagery, it can safely be considered a warlike society.

Pakistani war songs not only reflect this hypermasculinity, but exaggerate the imagery of blood, gore, death, weapons and pain. A very popular song during the 1965 war went:

Whichever direction you come from,  
We will kill you there,  
You will not even have the time to ask for a drink of water;  
So completely will we erase your intoxication with war.

The enemy becomes a soldier who is dying in battle and cannot even ask for a drink of water. The humanity of a dying soldier is erased; he is merely the ‘enemy’ and has no existence as a person. His pain is obliterated, his sorrow a matter of scorn. The whole song is designed to show the immense power and prowess of the Pakistan army, which is represented as capable of inflicting exemplary defeat on India. In the process, the army *jawaan* is also created as heartless and inhuman. Strength is equated with cruelty.

The idea of being unrelenting towards the enemy is emphasized in other songs as well, possibly as a way of keeping up the spirits of the *jawaans*. Another very popular song, also from the 1965 war days, is the following:

Don’t lose heart and become strong,  
The infidels must be eliminated,  
Give them a severe bashing,  
Give them a bashing, give them a bashing...

The conflict is presented as that between Islam and *kufir* (non-Muslims), which is not unusual. National war is couched in religious terms in order to increase emotional investment in it and exploit people’s religious feelings. The aggressive impulses within human beings, meant for survival purposes, are here harnessed to the national cause in which manhood can be proved by a repeated bashing of the enemy.

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13 Margaret Trawick, ‘Gendered Aspects of International LTTE Image formation’ (paper presented at Conference on Violence against Women: Victims and Ideologies, Colombo, Sri Lanka, March 1996).



In Pakistan, children have always been indoctrinated in the discourse of war, bloodshed, fighting and manhood. In a song which emerged early on after Partition:

Come children, we will take you on a journey around Pakistan,  
The country for which we sacrificed millions of lives.  
See, this is Sindh where the cruel Dahir had a band of men,  
This is where Muhammad Bin Qasim pronounced Allah-o-Akbar,  
There was lightening and fire in their broken swords,  
There were only a handful of ghazis and millions of the enemy.

By associating victory, power, glory and fire with a hero and in turn associating the hero with religion, children, who all grow up listening to this song, are infused with the desire to become like the historically reconstructed heroes. The same message of martyrdom, war, death and fighting turns up in virtually every history and social science textbook. Aggressive impulses are directed towards a real or imagined enemy, within and without, so that legitimacy can be provided for organized state violence.

As the song moves around the newly independent state of Pakistan it comes to Bengal. Praise is lavished on the beauty of the province, on its jute as a golden fiber and its ability to withstand floods and cyclones. The last line is:

Every child of this land is willing to die for the nation.

This is highly ironic given that in 1971 many Bengalis did die for the nation, but the nation was not Pakistan; it was Bangladesh. They died fighting against Pakistan. The nation is a fictional construct and at any moment in time, its boundaries can shift re-determining who is excluded and who is included. In 1947 East Bengal was part of the nation, a part much derided by Ayub Khan and other West Pakistani leaders. In 1971, Bengalis became outsiders, enemies of the nation. This shows how the homogenizing process of the nation-state is replete with violence and how tentative the identity of any nation-state is; nevertheless, people are expected to lay down their lives for this precarious and contested entity.

In the last part of the same song, the masculinity and strength of the men of the Frontier Province is established.

This is the Frontier region, everyone has a unique glory,  
Children grow up in the shadow of the gun,  
It has withstood many Earthquakes and Storms,  
Every *Pathan* wears a *kafan* on his head at all times,  
If the nation desires, they are all willing to die.

Children are told here of how *Pathans* grow up in the shadow of a gun and are ever ready to die for the nation. The emphasis on the word *jawaan* repeatedly does not simply mean youth, but virility, power, strength and valor.

A recent incident shows how pervasive the evocative power of battle, conquest and glory, and masculinity have become. The Wills World Cup Cricket Championship in 1996 was described almost entirely in terms of war. The cricket grounds were referred to as the 'battlefield,' the cricketers as 'warriors,' coke bottles as 'missiles'

and winning and losing became a matter of life and death.<sup>14</sup> In this kind of cricket nationalism, gender imagery was once again employed; the defeated Pakistani team was sent a set of bangles signifying that losing to arch-enemy, India, meant they must be feminine.<sup>15</sup> Similarly, Wasim Akram was accused of losing the ‘battle’ against India because he wears an earring.

The concern about maintaining gender identities is evident in a news item entitled ‘No long hair for *Sahiwal* boys,’ which reported that the District Administration in *Sahiwal* had decided to launch a campaign against young men with long hair and earrings. The City Magistrate started a campaign in which he took barbers with him to give haircuts to any offending boys and remove their earrings on the spot.<sup>16</sup> This is a telling example of the state’s nationalist anxiety manifesting itself in the possible loss of masculinity – if we don’t have ‘masculine’ men, our nation will be weakened.

It is through a consistent reinforcement of the imagery of power, masculinity, strength, blood, death and war, that a masculine and powerful nation is evoked. Along with the imagery of strong and brave men, a concomitant imagery of weak women/mothers in need of protection is maintained. In order to buttress this imagery further, a permanent sense of threat and impending doom is maintained by means of the myth that India wants to devour Pakistan, as it never accepted its existence.<sup>17</sup>

### Women’s Bodies as Arenas of Violent Struggle

An important part of nationalism in South Asia has been the way women and their sexuality are treated as the symbol of culture, tradition and home. In a situation of national conflict this leads to the women of the enemy being forced into a similar symbolic role. This is why, while violence during communal, ethnic and international conflicts is directed against everyone, women are violated in a sexually-specific way, that is, they are raped. Not only are they raped, their bodies are marked in particular ways that are meant as reminders of their being women, the honor of the community/nation.

The use of women in this way marked the moment of independence for India and Pakistan. The most horrifying tales of torture and insane violence during the Partition of 1947 have been recorded by writers like Saadat Hasan Manto in stories like *Thanda Gosht* (Frozen Flesh) and *Siyah Hashiyeh* (Black Frames). Similarly, Krishan Chandar in his story *Ghaddar* (Traitor) recorded the specific kinds of sexual violence against women of opposing communities. There are terrible instances of this in the more recent history of Pakistan. According to one estimate, the Pakistan army raped two hundred thousand women during the army action in East Pakistan in 1970.

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14 *The News*, 17 March 1996.

15 *The News*, 12 March 1996.

16 *The News*, 31 May 1997.

17 See Tariq Rehman, ‘Myths as Causes of War,’ *The News*, 24 September 1994. He discusses Pakistan’s most dominant myth that sustains the high level of defense spending, that India has never accepted Pakistan and wants to end its existence.

Writing on the Partition of 1947, Veena Das comments that widespread violence against women of all religious communities was witnessed with more than one hundred thousand women having been abducted from each of the two parts of Punjab alone.<sup>18</sup> She argues that ‘the bodies of women became political signs, territories on which the political programs of the rioting communities of men were inscribed.’<sup>19</sup> In her view, the desire to assert collective identity, whether of nation or of community, becomes transformed into ‘the desire to humiliate the men of other nations and communities through the violent appropriation of their women.’<sup>20</sup> Women’s own identities are transformed and subsumed in this process of state-formation and nation-building.

In their analysis of communal sexual violence during the Partition of India, and more recently in Bosnia, Ritu Menon and Kamla Bhasin find there are three specific features of the crimes against women, namely their brutality, their extreme sexual violence, and their collective nature. The range of explicit sexual violation includes ‘stripping; parading naked; mutilating and disfiguring; tattooing or branding the breasts and genitalia with triumphal slogans [including the phrases ‘Pakistan Zindabad!’ and ‘Jai Hind!’]; amputating breasts; knifing open the womb; raping, of course; killing fetuses.’<sup>21</sup> Furthermore, violent sexual crimes were often committed against women of other communities in public places, such as the marketplace, usually in the presence of their male kin.

Given the symbolic role of women, the desecration of women becomes a matter of national shame and cultural/religious dishonor and must be avenged. Menon and Bhasin note that ‘one rumor guaranteed to provoke communal violence and reprisal during Partition, was that of large-scale raping of a community’s women.’<sup>22</sup> Thus, just as the nation is narrated on women’s bodies, the enemy inscribes its victory on the female body. The ultimate defeat that can be inflicted on the enemy is the pollution of its race through collective rape during war and other forms of conflict. Women’s dishonor is the dishonor of the race, the nation and the country. It is the ultimate form of defiling, the defiling of one’s mother. It is interesting to note that since so much emotion is evinced through the imagery of the mother, most forms of Punjabi abuse center around the defiling of the mother, sister or daughter. This is usually considered the ultimate insult to be avenged with physical violence.

Menon and Bhasin quote Stasa Zajovic about ethnic cleansing in Bosnia: ‘when “their” women are raped, it is experienced not as, and through, the women’s pain, but as a male defeat: they were too feeble to protect their property.’<sup>23</sup> They conclude that the failure to protect women-as-property reflects on a man’s masculinity – and,

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18 Veena Das, ‘Sexual Violence, Discursive Formations and the State’ (paper presented at the Conference on Violence against Women: Victims and Ideologies, Colombo, Sri Lanka, March 1996): 1.

19 *Ibid.*

20 *Ibid.*, 48.

21 Ritu Menon and Kamla Bhasin, ‘They Wanted to Die: Women, Kinsmen and Partition’ (paper presented at Conference on Violence against Women: Victims and Ideologies, Colombo, Sri Lanka, March 1996): 8.

22 *Ibid.*

23 *Ibid.*, 9.

by extension, his community's honor. This is one reason why, in communal violence, a whole collectivity is involved. Women's bodies are treated as territories to be conquered, claimed or marked by the assailant. The fact that so much of communal sexual violence took place in temples or *gurudawaras* means that it was the simultaneous violation of women and sacred space.<sup>24</sup> As Menon and Bhasin assert:

In the context of Partition, it engraved the permanence of the division of India into India and Pakistan on the women of both religious communities, in the way that they became the respective countries, indelibly imprinted by the Other.<sup>25</sup>

For Menon and Bhasin, then, the marking of the breasts and genitalia made permanent the sexual appropriation of the woman. This enabled the enemies to pollute the 'biological national source of the family.' In this way, women's reproductive power was appropriated to prevent the undesirable proliferation of the enemy's progeny. Thus, the female body itself could be made to appear as a traitor. Such violence constituted the 'profaning of everything that was held to be of sacred and symbolic value to the Other.'<sup>26</sup>

It is clear that wherever identity and self are threatened by an Other, an outsider defined as an enemy, women's bodies become the arena of the most violent forms of conflict. As global conflicts intensify, and males of weak and dependent countries feel threatened by global powers, the notion of women's bodies as signifiers of nation, home, and honor is likely to increase. This increase can potentially manifest itself as nationalist anxiety and the response is most likely going to be further incarceration of women, greater emphasis on the veil and the *chardivari*, an enhanced desire to confine women to domestic tasks and motherhood. This is likely to be accompanied by an intensified glorification of motherhood and a more urgent need to protect motherhood against violation and impurity, even while increasing women's participation in the market due to economic imperatives. The double burden is, therefore, likely to increase along with the controls imposed on women's bodies. Women's bodies will not merely be the site of political, national and armed struggles; they will also become the major signifiers in economic struggles and market conflicts.

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24 Ibid.

25 Ibid.

26 Ibid., 10.

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## Chapter 9

# Towards a Cultural Definition of Rape: Dilemmas in Dealing with Rape Victims in Palestinian Society<sup>1</sup>

Nadera Shalhoub-Kevorkian<sup>2</sup>

Societies, cultures, and religions differ in their reactions to crimes against women. A given society's perception of such criminal acts is related to the nature of the society, to the status it confers upon women and to the accepted boundaries of their permissible behavior. Moreover, the values, beliefs, and practices pertaining to all aspects of sexuality are apt to change over time; behaviors defined as immoral in a given period can be considered criminal or pathological in a different era.

This chapter examines predominant attitudes toward women and rape in a specific setting and point of history: contemporary Palestinian society. Based on actual cases of rape, it emphasizes the importance of examining and understanding the underlying sociocultural and political context when attempting to deal with and offer help to rape victims. In doing so, this chapter aims to clarify the impact of sociocultural factors upon the social and psychological reaction of the client, and, in turn, of the helper. Moreover, it stresses the need for mental health workers to look at society's response in terms of (a) the gender variables affecting the status of the victim before the act of rape, (b) the way this status influences and in some cases controls the social reaction to rape, and (c) how this reaction impacts upon the helping process.

The main intention of this chapter is to show that there is no universal method of dealing with rape victims and that helping professionals need to anchor their efforts in the cultural context. The importance of studying rape from a culture-sensitive perspective is supported by Richard Quinney's claim that personal and social values shape our concept of the victim, and that the victim is actually a social construct used as a means of social control by those in power.<sup>3</sup> Indeed, early work on victimology

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1 This chapter was published in *Women's Studies International Forum*, Vol.22, Nadera Shalhoub-Kevorkian, 'Toward a Cultural Definition of Rape: Dilemmas of Dealing with Rape Victims in Palestinian Society,' 157–73, Copyright Elsevier (1999).

2 I would like to thank Professor Eliz Sanasarian, of the Political Science Department at the University of Southern California, and Professor Ahmad Baker, Vice President for Academic Affairs at Bir Zeit University, for their insightful comments. I am also grateful to Helene Hogri for her editorial assistance.

3 Richard Quinney, 'Who is the Victim?' *Criminology*, 10 (1972): 314–23.

has shown that: 'Responsibility for one's conduct is a changing concept, and its interpretation is a true mirror of the social, cultural, and political conditions of the given era.'<sup>4</sup>

It is the social values that shape our concept of the victims and, therefore, our ways of helping and intervening. It is my contention that efforts to change these values should not be made at the expense of the victim. Rather, the helper needs to be aware of the different power structures that affect social policy as well as the sociocultural construct of the victim. At the same time, we need to keep in mind that, even within a specific sociocultural context, no single model of intervention should be imposed indiscriminately; rather, the uniqueness of each case needs to be taken into consideration.

### Cross-Cultural Literature on Rape

The relation between rape and a patriarchal, gender-biased perception of women's status has long been a topic of controversy among researchers. While early work on rape tended to blame the victim,<sup>5</sup> later studies have pointed to the effect of rape myths, prejudicial stereotypes, and misconceptions on the ways in which legal and social actors relate to the crime.<sup>6</sup> More to the point, they have emphasized the importance of understanding the patriarchal setting and its impact on criminal acts that subordinate women. Brownmiller, in her book *Against Our Will*, states that rape 'is nothing more than a conscious process of intimidation by which all men keep all women in a state of fear.'<sup>7</sup> This patriarchal intimidation tends to weaken women's self-esteem and social achievement and empowers traditional gender roles that are translated into social policy. A gender-biased perception of the victim shifts responsibility for her protection from society to the woman herself.<sup>8</sup> Perceived responsibility for rape mirrors the social, cultural, and political conditions of a given society.<sup>9</sup>

Cross-national research has shown that cultural differences – in terms of public misconceptions of rape and acceptance of rape myths – significantly correlate with

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4 Stephen Schafer, *The Victim and His Criminal: A Study in Functional Responsibility* (New York: Random House, 1968): 4.

5 For instance, Menachim Amir, *Patterns in Forcible Rape* (Chicago: University of Chicago Press, 1971).

6 Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Simon and Schuster, 1975); Martha Burt, 'Cultural Reports and Supports for Rape,' *Journal of Personality and Social Psychology*, 38 (1980): 217–34; Hubert Field, 'Attitudes toward Rape: A Comparative Analysis of Police, Rapists, Crisis Counselors, and Citizens,' *Journal of Personality and Social Psychology*, 36 (1978): 156–79; and Susan Griffin, *Rape: The Power of Consciousness* (San Francisco: Harper and Row, 1979).

7 Brownmiller, *Against Our Will*, 5.

8 Lawrence Clark and Dorothy Lewis, *Rape: The Price of Coercive Sexuality* (Toronto: Women's Press, 1977); Field, 'Attitudes toward Rape;' and Joyce Williams and Kelly Holmes, *The Second Assault: Rape and Public Attitudes* (Westport, CT: Greenwood Press, 1981).

9 Field, 'Attitudes toward Rape;' and Joyce Williams, 'Secondary Victimization: Confronting Public Attitudes about Rape,' *Victimology*, 9 (1984): 66–81.

restrictive beliefs about the social roles and rights of women.<sup>10</sup> In a case in Sri Lanka those in power acted as if the crime of rape had never occurred and punished the woman for asking for help.<sup>11</sup> Wijayatilalke tells of a woman who complained to a police officer that she was raped by security guards when she went to a government office.<sup>12</sup> The guards, who were friends of the police officer, claimed that the woman had been loitering, and she was subsequently arrested under the Vagrancy Ordinance for prostitution.

Recently, we have been witnessing growing interest in the relation between the study of rape and sociocultural and legal policies.<sup>13</sup> In the West, rape entered the law books by the back door as a property crime against men.<sup>14</sup> In the Mexican system, even though rape is treated as a crime, its legal definition does not include forms of sexual assault other than vagino-penile penetration. Thus, a woman who files a rape charge must produce physical proof of forced vaginal intercourse obtained through a legally approved physical examination. Moreover, if a man marries a minor female he raped, he cannot be prosecuted for the crime. In this way, the legal definition of rape victimizes and blames women seeking legal redress and fails to protect their rights.<sup>15</sup>

Thompson and West clarified the importance of a cultural definition of rape and its socio-legal implications in that it affects the victim's self-perception, assessment of the event and decision to seek treatment. For example, they found that the African American woman's tendency to seek help may depend on her assessment of community response regarding rape treatment.<sup>16</sup> Lees, analyzing the effect of legal intervention in Britain, claimed that victims are further traumatized by the judicial system – what she terms judicial rape.<sup>17</sup> Bourque described how the victim becomes emotionally wounded not only by the terrifying experience of the assault itself,

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10 Frank Costin and Norbert Schwartz, 'Beliefs about Rape and Women's Social Roles: A Four-Nation Study,' *Journal of Interpersonal Violence*, 2 (1987): 45–56; and Gloria Fisher, 'Hispanics and Majority Students' Attitudes toward Forcible Date Rape as a Function of Differences in Attitudes towards Women,' *Sex Roles*, 17, 1/2 (1987): 93–101.

11 Wijayatilalke, 1990, cited in Margaret Schuler, ed. *Freedom from Violence: Women's Struggles from around the World* (New York: United Nations Development Fund for Women, 1992).

12 *Ibid.*, 8.

13 Janet Barkas, *Victim* (New York: Scribner, 1970); Suresh Kanekar and Maharukh Kolsawalla, 'Responsibility of a Rape Victim in Relation to Her Respectability, Attractiveness, and Provocativeness,' *Journal of Social Psychology*, 112 (1980): 153–4; Melvin Lerner and Charles Simmons, 'Observers' Reaction to the Innocent Victim: Compassion or Rejection?' *Journal of Personality and Social Psychology*, 4 (1966): 203–10; and Leroy Schultz, *Rape Victimology* (Springfield, IL: Charles C. Thomas, 1975).

14 Jacquelin Dowd Hall, 'The Mind that Burns in Each Body: Women, Rape, and Racial Violence,' in *Race, Class, and Gender: An Anthology*, ed. Margaret Anderson and Patricia Collins (New York: Wadsworth: 1995).

15 Elizabeth Cox, 'Developing Strategies: Efforts to End Violence against Women,' in Schuler, *Freedom from Violence*, 175–98.

16 Vetta Thompson and Sharon West, 'Attitudes of American-African Adults toward Treatment in Cases of Rape,' *Community Mental Health Journal*, 28 (1992): 531–6.

17 Sue Lees, 'In Search of Gender Justice: Sexual Assault and the Criminal Justice System,' *Feminist Review*, 48 (1994): 80–93.



but also by the internalization of public attitudes and cultural values regarding the victim; this is likely to diminish her self-concept and psychosocial functioning.<sup>18</sup> In other words, the definition of rape and the social response may become an integral part of the victimization.<sup>19</sup>

## Women and Sexuality in the Arab World

As elsewhere, the social reaction to rape in the Arab world is strongly related to perceptions of women's status and sexuality. In Arab culture, sexuality is considered a very private matter, closed to open discourse and inappropriate for the socialization of children. Hence an Arab, especially a female, is perceived as asexual until marriage. Moreover, her sexuality (particularly if she is unmarried) is perceived as an obstacle and a constant threat to her family's reputation and honor.

This perception is compounded by the subordinate status of the woman in Arab society. In the private domain, this is affected by her role within a family that is traditional, extended, patriarchal, and hierarchical, encouraging endogamy (marriage between relatives) and allowing for polygamy.<sup>20</sup> This patriarchy has rendered women an inferior status, to the extent that the birth of males is preferred to that of females.<sup>21</sup>

The nature of the Arab family also affects the woman's status in the social and political sphere. The family is considered a social union that is the center of economic and social activities, built on the basis of cooperation and commitment in a hierarchy determined by sex and age.<sup>22</sup> The preference of males over females restricts women to the private realm and determines their continuous economic dependency on their male relatives (be it the father, brother, husband, or any other male member of the extended family). This subordination has been translated into legal and cultural codes, leading to an emphasis on early marriage and a focus on the woman's honor as the main issue that directs and influences social reactions toward any behavior by or against her. Arab women are perceived as the property of men, whom they need for protection, a perception that leads to further control and subordination.<sup>23</sup>

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18 Linda Bourque, *Defining Rape* (Durham, NC: Duke University Press, 1989).

19 Williams, 'Secondary Victimization.'

20 For instance, Ehsan Al-Hassan, *Al-aela wa-alqaraba wa Alzawag: Dirasa tahlilia fi tagier nuzom al-aela wa-alqaraba wa-alzawag fi al-mujtamaa' Al-Arabi* [The Family, Family Relations and Marriage: An Analytical Study of Change in the Rules of the Family, Family Relations and Marriage in Arab Society] (Beirut: Dar-Altaliyah, 1981); Raphael Patai, *Culture and Change in the Middle East*, 3rd ed. (Philadelphia: University of Pennsylvania Press, 1971); and Edwin Prothro and Laila Diab, *Changing Family Patterns in the Arab East* (Beirut: American University of Beirut, 1974).

21 Hisham Sharabi, *Mukadmat li-drasat al-mujtam'a al-Arabi* [Introduction to Studies of the Arab World] (Beirut: Dar Altali'a Liltiba'a Wa'anasher, 1975).

22 For instance, Halim Barakat, *Al-mujtamaa al-Arabi al-muaser* [Contemporary Arab Society] (Beirut: Markaz Dirasat Al-Wihda Al-Arabia, 1984).

23 Laila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven, CT: Yale University Press, 1992); Nawal Al-Saadawi, *Woman at Point Zero* (London: Zed Books, 1975); Nawal Al-Saadawi, *Al-wajeh al-aari lil-maraa alarabia* [The

Many have pointed to a duality in the perception of the Arab woman's status. For instance, Fouad Zakaria, analyzing Muslim Fundamentalist perceptions toward women, refers to a duality of women's emancipation and slavery, of sentiment and reason, of spirit and body, and of how men are perceived.<sup>24</sup> Nawal Al-Saadawi, the well-known Egyptian writer, argues that the need to protect male domination and power has brought about a moral duality in the Arab countries regarding relations between men and women, particularly in respect to women's sexuality.<sup>25</sup> In some circumstances, Arab society perceives women as weak, fragile creatures who need the protection and help of men; in others, women are seen as strong, evil devils against whom society needs protection. Fouad Zakaria emphasizes the confusion in Arab social and cultural discourse regarding the woman's sexuality, reflected in an exclusively sex-oriented view of the female, one that gives overwhelming importance to her sexual life, which in turn has prevented women from developing in both the sociocultural and economic spheres.<sup>26</sup>

The factors underlying this dualistic perception of women have been a topic of interest to researchers. Some have highlighted the role played by the religious Islamic background of Arab society.<sup>27</sup> Others see the dual and inferior status of women as a misinterpretation of Islam. For example, Mernissi argues with Fouad Zakaria's perception, stating that neither the Prophet Mohammed nor Allah, as the sources of *shari`a* (Islamic canon law), desire anything other than equality.<sup>28</sup> She asserts: 'How did tradition succeed in transforming the Muslim woman into that submissive, marginal creature who buries herself in her veil? Why does the Muslim man need such a mutilated companion?'<sup>29</sup> She believes that 'The answer without doubt is to be found in the time mirror wherein the Muslim looks at himself to foresee his future. The image of "his" woman will change when he feels the pressing need to root his future in a liberating memory.'<sup>30</sup>

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Naked Face of the Arab Woman] (Beirut: Almuasasa al-arabia lil-dirasat wa-alnashr, 1982); Barakat, *Al-mujtamaa al-Arabi al-muaser*; Fatima Mernissi, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam* (New York: Addison-Wesley, 1987); and Khaleda Said, 'Al-maraa al-Arabia: Kaen bi gairihi la bithatih' [The Arab Woman: A Creature without an Entity], *Mawakef*, 12 (1970): 91-4.

24 Fouad Zakaria, 'The Standpoint of Contemporary Muslim Fundamentalists,' in *Women of the Arab World*, ed. Nahida Toubia (London: Zed Books: 1988): 27-41.

25 Nawal Al-Saadawi, *Al-Maraa Wa Al-Siraa Al-Nafsi* [The Woman and the Psychological Struggle] (Beirut: Almuasasa al-arabia lil-dirasat wa-alnashr, 1977); and Al-Saadawi, *Al-wajeh al-aari lil-maraa alarabia*.

26 Zakaria, 'Standpoint of Contemporary Muslim Fundamentalists.' See also Fatna Sabbah, *Woman in the Muslim Unconscious* (New York: Pergamon Press, 1984).

27 For instance, Sabbah, *Woman in the Muslim Unconscious*; and Zakaria, 'Standpoint of Contemporary Muslim Fundamentalists.'

28 Mernissi, *Veil and the Male Elite*; and Zakaria, 'Standpoint of Contemporary Muslim Fundamentalists.'

29 Mernissi, *Veil and the Male Elite*, 194.

30 *Ibid.*, 195.

Some sociologists attribute the subordination of Arab women to social, economic, and cultural factors.<sup>31</sup> In Arab cultural codes and norms, honor is much more than a measure of the individual woman's moral quality: it reflects upon the entire family and its relations to the community.<sup>32</sup> Therefore, insults to a family's honor must be avenged in kind or in material compensation. On the one hand, this emphasis highlights society's responsibility to safeguard women so as to protect family honor; on the other, when such honor is violated, the female victim is perceived as having failed to protect herself, and she is forced to pay the ultimate price so as to preserve her family honor (for instance, by having to marry the rapist, or even being killed). This dualistic perspective has not only caused further discrimination and subordination of women; it has created a social atmosphere in which people are afraid to discuss any abuse of women (be it sexual or societal).

It must be noted that the low status of women in the Arab world has not been taken at face value. Rather, it was criticized by liberal voices as much as 100 years ago, when Kasem Amin, a pioneering Egyptian thinker, wrote a book on women's liberation, calling upon all Arabs, regardless of gender, to reject the ascription of inferiority to women and search for better ways to deal with women.<sup>33</sup> In a more recent work, Khaleda Said, author of *The Arab Woman: Creature Without an Entity*, has elaborated on and argued against the historical discrimination and devaluation of Arab women.<sup>34</sup>

Ahmed claims that there have been changes in the Muslim perception of women: most Middle Eastern nations have moved or are moving toward adopting the new international political language of human and political rights and toward according these rights to women as well as to men.<sup>35</sup> Yet, despite efforts toward change, Islamic family law remains patriarchal. These laws, which govern men's and women's rights in marriage, divorce, and child custody, are perceived as the cornerstone of the system of male privilege set up by establishment Islam.<sup>36</sup> In addition, the Islamization of the penal code, and in particular the laws governing conviction and punishment for adultery and rape, has had appalling consequences for women. Four adult male Muslim eyewitnesses are required to convict anyone of adultery or rape, and the testimony of women for either is excluded. Women who accuse men of rape or who become pregnant are thus open to punishment for adultery, while men go unpunished for lack of evidence. Moghaizel pointed to discriminatory legislative measures dealing with what is termed 'crimes of honor' in some Arab countries

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31 For more details, see Amin Al-Said, 'Al-maraa al-Arabia wa-tahadi almujtamaa min waqea al-giab ila hudur mughamer' [The Arab Woman and how she Challenges Society from a Reality of Non-Existence to the Dangerous Present], *Muhadarat Al-Nadwa Al-lubnania*, year 21, *Al-Nashra*, 11, 12 (1967): 10–11; and Barakat, *Al-mujtamaa al-Arabi al-muaser*.

32 Kitty Warnock, *Land before Honor* (London: Macmillan, 1990).

33 Kasem Amin, *Tahrir al-mara'a fi al-Islam* [The Emancipation of Women in Islam] (Cairo: Dar Al-Maa'rif, 1970).

34 Said, 'Al-maraa al-Arabia.'

35 Ahmed, *Women and Gender in Islam*.

36 Ibid.

(Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Syria, and Tunisia).<sup>37</sup> She found that, while the penal code condemned the murderer of a woman, allowances were made if the homicide was related to a crime of honor, and the killer could receive a reduced sentence or even avoid punishment altogether.

### Women and Sexuality in Palestinian Society

As part of the Arab world, Palestinian women have faced the same oppressive patriarchal forces mentioned above, affecting the social perception and definition of their role in society. At the same time, their status has been elevated somewhat as a result of the unique political history of Palestinians, characterized by life in the diaspora and under occupation. Within this context, Palestinian women have taken an active role in the political struggle of their nation, especially during the Intifada (popular uprising). This has changed social perceptions about the importance of the woman's role in society in general and in the national political struggle in particular. Sayigh, for instance, discusses the means Palestinian women have used in their struggle for the education of girls, the abolition of arranged marriages, the right to rear their own children, the right of access to 'male' professions, and the right to form or join public bodies.<sup>38</sup> Moreover, the Intifada has brought nearer the prospect of the Palestinian state, and gender equality has been included in the state's Declaration of Independence (November, 1988). Although it was generally felt that the political situation had a positive effect on the status of the Palestinian women, some researchers have cautioned that the Intifada served to further victimize and abuse them.<sup>39</sup>

Notwithstanding the active role Palestinian women have taken in the political struggle, their status continues to fall below that of their male counterparts, mainly because their lives remain framed in an ideology of family, honor, and chastity.<sup>40</sup> Here, too, a dualistic perception of women is observable. On the one hand, women are admired for their power in the political struggle – they are *ukht al rijal* (the sister of men), or as the proverb goes, *mar'a bi-miit zalameh* ('a woman is equal to a hundred men'). On the other, this very activism is feared owing to the intense sociocultural importance ascribed to women's purity and honor. By participating in the struggle, Palestinian women could become open to exploitation and abuse by the

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37 Laure Moghaizel, 'The Arab and Mediterranean World: Legislation towards Crimes of Honor,' in *Empowerment and the Law: Strategies of Third World Women*, ed. Margaret Schuler (Washington DC: OEF International, 1986): 174–80.

38 Rosemary Sayigh, 'Palestinian Woman: A Case of Neglect,' in *Portraits of Palestinian Women*, ed. Orayb Najjar (Salt Lake City: University of Utah Press, 1992): 24.

39 See, for instance, Nadera Shalhoub-Kevorkian, 'Fear of Sexual Harassment: Palestinian Adolescent Girls in the Intifada,' in *Palestinian Women: Identity and Experience*, ed. Ebba Augustine (London: Zed Books, 1993): 171–9; and Nadera Shalhoub-Kevorkian, 'Crime of War, Culture, and Children's Rights: The Case–Study of Female Palestinian Detainees under Israeli Military Occupation,' in *Children's Rights and Traditional Values*, ed. Guillian Douglas and Leslie Sebba (Aldershot, England: Dartmouth Press, 1998): 228–48.

40 Warnock, *Land before Honor*.

enemy. The continuous political oppression has not only raised social sensitivity to the need to prevent violation of women's purity, but sometimes even led to fear and paranoia of sexual abuse and rape. A study conducted during the Intifada showed that fear of sexual harassment and rape and, in turn, of losing family honor, was an extremely stressful factor, particularly during political disturbances.<sup>41</sup> It should be noted that social discourse on the sexual abuse of women for political reasons (*al-iskat*) has reinforced this dualistic perception of the women's role: while women's organizations and social activists emphasize the need to empower women socially and politically, family members take special measures to protect their women from outsiders – for example (according to the author's clinical experience), imposing early marriage on their daughters or forcing them to become religious and wear the veil.

In sum, despite changes in women's status and role in both the Arab world in general and Palestinian society in particular, women are still considered a politically and culturally sensitive issue, and societal perceptions of them remain contradictory and ambiguous, particularly with regard to their sexuality. This, in turn, renders women an inferior status, which has been translated into discriminatory legal and social regulations that contribute to their oppression and subordination.

With this background in mind, this chapter points to the need to consider social acts in general, and the crime of rape in particular, in terms of the sociocultural, legal, and political apparatuses of a given society in a given period of time. Specifically, this chapter argues that definitions of and responses to rape victims are a product of public attitudes within the society in question. While the crime itself is not a culture-specific phenomenon, it is shaped, defined, and reacted to differently in different cultures. Thus, a sociocultural and politically sensitive analysis could not only contribute to the understanding of rape, but also help in building culture-sensitive policies to combat such crimes.

## **The Study**

This study derives from the clinical experience of the author in working with Palestinian rape victims living in the Israeli occupied territories of the West Bank (East Jerusalem included) and the Gaza Strip. It is based on in-depth analysis of the content and context of 22 case studies of raped women who sought the author's assistance personally, or who were brought to her attention through the hotline service she established for Palestinian women in distress. Hence, the cases that form the basis for this study could be construed as a sample of convenience. It also should be noted here that no data are available on the number of cases of females who are raped but do not seek help. The chapter scrutinizes the factors affecting the decision-making process when dealing with the trauma of rape. Moreover, it examines the alternatives offered to victims and resources available to cope with the problem. Its main thrust is on the way the sociocultural context imposes moral/ethical dilemmas

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41 Shalhoub-Kevorkian, 'Fear of Sexual Harassment.'

that impinge upon the after-effects of the crime. It also focuses on the difficulty of adopting a ‘universal’ method of dealing with rape that is applicable to all cultures.

### *The Role of Definition in Shaping the Reaction*

I was alone in the house. It was a very cold day, and I was cleaning the house and singing a national song that I like, which tells about the need to carry on with our heads raised high, asking for peace and freedom. Suddenly I heard a knock on the door. I thought it was Mom coming back from the market. I ran to open the door for her so I could take the heavy shopping bags from her tired hands. But it wasn’t Mom ... it was our neighbor Wajeeh who wanted to borrow sugar. I went to the kitchen to get him some sugar and did not think much of the request because we borrow things from them when we need to.

Wajeeh followed me into the kitchen and began to stare at my body. Suddenly he wrestled me to the floor and climbed on top of me. It did not take much effort, since I am only 10 years old and he is 19. I was so scared ... I tried to stop him ... but I lost my voice, I lost all my power. I think I’ve lost all my power ever since. He pulled down my skirt and pants and did something very painful to me. He then got up and left me on the floor.

While he was on his way out, Mom and my eldest brother (15 years old) came home. They knew what happened from the moment they looked at him and at me. They both started beating me, and I thought they were going to kill me. They kept repeating ‘*Inshallah tmuti*’ [it is best for you to die]. From that day, I became a prisoner of the house, a prisoner of fear. No one knew about my rape except my Mom and brother and Wajeeh’s parents. They didn’t want to tell my Dad because they were afraid he would kill both Wajeeh and me. They all agreed that I would remain at home until I reach the age of 14, when I will be able to marry Wajeeh legally.

My Mom said that I am fortunate to be alive. She said that Wajeeh’s parents were good to agree to my parents’ proposition of forcing him to marry me. Mom keeps blaming me for dishonoring my family and curses the moment she gave birth to me. My whole family keeps asking: ‘Why did you open the door?’

I am so angry at myself ... I keep blaming myself for being imprisoned in the house and not playing with my girlfriends or going to school. Oh God. Why did I open the door?

This story powerfully exemplifies how the very sociocultural definition and perception of a ‘raped girl’ (or woman) shapes and constructs the social reaction. The victim’s status is extremely low, and her feelings, interests, and future are discussed only within the context of the impact the event has on her family. The focus is not on the victim’s needs, her agony or her psychological trauma, but rather on her family’s societal trauma. The battle becomes one between families. The power of the idea of ‘family honor,’ as well as the need to protect and preserve it, defines the victim’s status and rights and frames the options that are open to deal with the problem – in this case, marrying her own rapist.

Within this context, direct overt blame is placed on the victim for having been raped. As this ten-year-old’s father cannot blame her explicitly, because he must remain ‘unaware’ of events (otherwise, family honor would dictate that he take radical action against his daughter and her assailant), he ascribes responsibility for the ‘catastrophe’ to another female – his wife. The girl’s mother constantly repeats his harsh words to her daughter: ‘An honorable woman knows how to raise her

daughters. Mothers are to be held responsible for any dishonorable behavior by their daughters.' In this way, the young girl and her mother are continually blamed for the dishonor to themselves and to their entire family.

Another illustration that clarifies the social response to the rape victim involves a case in which the father argued with the doctor for hymen repair, one of the alternatives considered acceptable for dealing with the outcome of such crimes. When informed that surgical repair was impossible in this instance, the father's response was: 'How am I going to face the public? ... In our culture, we say *Waitha bulitum fastatiru* [if you are faced with misery or calamity, cover it]. There are only two ways to hide the calamity: one is to kill my daughter; the other is to perform the hymen repair and not tell anybody about the incident. If you won't do the hymen repair, you'll be the reason for her death. This is a *waliitee* [dependent female] with broken wings.'

Categorizing an abused individual as 'female' goes beyond gender identification; it is a definition that carries social, cultural, economic, and political connotations. Being a raped woman reinforces these connotations and carries even more intense social myths. Owing to her sociocultural background, the Palestinian victim is virtually always held responsible for her victimization. Even if she is not, she is still the one who pays the ultimate price in order to deal with such a crime.

#### *The Honor of Virginity or the Virginity of Honor*

In all cases in the study, victims were obsessed about whether they had lost their virginity (whether the hymen was damaged). To them, this meant losing all they had. In one case, a client who had lost her husband on their wedding night (marriage not consummated), but who was raped subsequently, had an anxiety attack following our discussion of virginity. She said:

You mean, I lost my virginity? When my husband died on my wedding day, I was not as upset as I am now. All I was proud of was that he died, but I stayed a virgin. He didn't touch me. Everyone kept saying, 'she is still a *binet*' [a virgin, as opposed to *marah*, a non-virgin woman]. It was the only thing left for me to be proud of after my husband's death. It was the only hope, and I've lost it. I had nothing except my virginity.

The supreme importance of staying a virgin is clearly illustrated by the mother of a 15-year-old girl who was raped without full penetration. The result was that the victim became pregnant, yet she was still technically a virgin. When the mother learned from the doctor that her daughter was still a virgin, she asked him whether he could perform the abortion without losing the hymen. The doctor agreed to abort by means of a cesarean section. The suffering of the victim and the amount of pain she had to endure were disregarded. The main issue was to rescue the hymen. The mother eventually convinced her daughter that saving her hymen was of utmost importance.

Virginity also played a significant role in the case of a woman who was raped by her fiancé in an attempt to force her to marry him. She explained to me that he knew the mentality of the people in her society. They would accept and rationalize the marriage because she had lost her virginity:

After I was raped, I became a second-hand, used thing. Nobody would agree to marry a second-hand woman. He knew that by opening me [an Arabic word denoting the first sexual intercourse in which the female loses her virginity], I would have no choice but to agree to marry him.

The emphasis placed on virginity can get so extreme that the victims, or her family members, feel that its loss removes her reason to live. In one case, a 16-year-old raped by one of her newly married cousins was driven to attempt suicide by her loss of virginity, as well as by her pain and her fear of telling others. Following her first suicide attempt, she stated:

Nothing is left for a girl after she loses her virginity. All I see is my deep need to die and to run away from my shame (*a'ar*). He forced himself on me, and I couldn't even stop him. Death is the best solution for dirty girls like me. How can I look in my father's eyes without feeling the shame and fear? How can I look into my mother's eyes when I know that she's planned for my wedding all her life? What is she going to do with all the embroidery she prepared for my wedding? There is nothing I can tell them ... all I can do is kill myself and bury the secret of my rape with me.

The victims themselves are not the only ones who consider death as a 'solution' to the problem of their rape; their caregivers also share the same perception. In one case, a 17-year-old victim ran away from home because her uncle knew about the rape. As she related to the hotline service in tears and considerable pain:

They want to kill me ... they want to burn me and throw me in the well ... I haven't done anything bad to anybody ... Do you think I should be slaughtered? ... should I be killed, do you think I deserve that? I didn't know what rape is. I didn't know what his act meant, and he is my oldest brother, my own brother ... it never crossed my mind that he would ever hurt me. Today, when my uncle asked him, he said that he suspected I am having an affair with someone. How could he do such a thing to me? ... When he said I am having an affair, I knew this was my end. I feel like he's killed me ... I ran away because I am scared of dying ... But I know one day they will kill me ... I have no other choice but to be killed ... Do I?

### *Neutralizing Social Responsibility and Criminalizing the Victim*

In most of the cases studied (20 out of 22), both the victim and her family stressed that the social and legal reaction to the rape would focus blame on the victim and her family. In one case, the brother of one victim stated: 'People have no mercy, and if anyone ever learns of the rape, that will be the end for the whole family. I will never be able to find a husband for my daughters, and the shame and dishonor will stay with us as long as we live.'

Even in the single case in which the victim felt she was not to be blamed and was willing to turn to informal social control agents to punish the rapist, her mother's and brother's reaction was a point-blank refusal to ask for external intervention. In the words of her brother: 'This is our problem, our *mussiba* [catastrophe]. We wish she were dead. I wish the earth would crack open and swallow me up. Anything but to be in this situation.'



The hardships and fear of social disgrace following public knowledge of the crime is salient in one victim's story:

I was in my aunt's house. Her son Salim was a very calm and good looking man. My mom always wanted him to marry me. When we were making cookies for the feast, my aunt asked me to go to the storage room, in the lower level of the house, and bring semolina. I went there. On my way out, Salim came. He started talking to me and telling me that he adores me. He asked me to come back to the storage room, he wanted to discuss something very important with me. I went upstairs, gave them the semolina, made a couple of things, and then went back to Salim.

Salim was waiting for me. He started hugging me, telling me that he wants to marry me. I told him that I love him too. We both agreed to meet the next day. We met four times. On the fifth time, he went too far and he was very violent. He raped me. I didn't scream or shout; I was scared that my aunt and the family would discover us. I left the storage room, and Salim never approached me. Two weeks later, I met him in my uncle's house. I asked him to marry me, and he said that I am *maraa ra-khisaa* [a cheap trashy woman], and he is not interested. A month later, he got engaged to my own sister. I couldn't find a way to tell anyone in my family. I tried to hint to my mother, but her reaction was *hai ismi wenasib*, this is fate.

I know I am responsible, I know that no one will understand the circumstances. I lost my pride, my virginity, my whole future. Now I will spend my life paying the price for my mistake. I must refuse to marry; I have nothing to offer anyone. Worse than that, I have to see him with my sister, and not be able to tell her that he was my love. To tell her that he is a criminal, he stole all I have, and now he is stealing her from me, and building her life on a lie. A big, bad, killing lie. I am responsible. I lost all I own, all I have. I lost myself.

Even though she is aware that her rapist committed a crime and is responsible for his actions, this victim is convinced that no one will understand or support her. In fact, she considers herself responsible as well: the act of meeting a man alone, even her own cousin, is against social, cultural, and religious norms in Palestinian society. She now sees her choice to meet with him, because she believed his declarations of love, as a reflection of her own misjudgment, as choosing the wrong and sinful path. More ominously, the victim feels that she will have to pay for her 'mistake' the remainder of her life.

The strong feeling of self-blame, repeated by virtually every victim studied, together with the fear of telling anyone (including father, mother, or other close relative), is indicative that the crime of rape is experienced as more of a personal, female problem than a sociocultural or political one requiring formal social intervention. The need to personalize and feminize the problem, rather than criminalize, legalize, and publicize it, is affected by the social definition and perception of rape and its victims. One of the women in the study aptly described the situation: 'No one ever asked me how I feel or how I spend my nights. All they kept asking is what did you wear, why did you open the door, why didn't you defend yourself? Couldn't you scream?' Social reaction to the rape is based on the amount of social harm the crime imposes on the collective honor. This concentration on social harm causes members of Palestinian society to question the victim's behavior (how she dressed and walked, why she left the house, why she did not wear a veil) rather than examine

the offender's criminal act. Indeed, in order to accept the fact that a crime of rape has actually happened, evidence is demanded of the victim (screams, signs of a struggle) rather than against the offender. These and other questions make it almost impossible to obtain legal and social acceptance of the occurrence of rape without blaming the victim.

### *The Moral Dilemma of Speaking Up*

Speaking up means the ability and desirability of the victim to tell family members (internal resources) or external social resources (social workers, therapists, police), that she has been raped and is in need of support and help. Only two of the 22 victims interviewed shared the trauma of their rape with some other person before turning to the clinician; the remainder were apprehensive and reluctant to inform anyone. The helpers, for their part, basically dealt with all 22 cases in a confidential and discreet manner. In deciding whether or not to speak up, the main concern was the need to safeguard the victim's life, as the fear of being killed was present in all cases. The crime was disclosed only when the helper was confident that informing family members (those who may be supportive) would not pose any risk to the victim.

Victims expressed a clear reluctance to speak out to state officials, who represent their political enemy (Israeli authorities in occupied territories). The interviewees constantly voiced their unwillingness to turn to the Israeli police for fear of being further abused and victimized. One stated that she heard a story from one of her schoolmates about a girl who had told a local police officer that she was being physically abused by her father. She was then sexually abused by the police officer himself for political reasons, in order to enlist her as a collaborator. She felt responsible for imprisoning five *shabab* (young political activists) as a result of her collaboration with the Israeli intelligence services. Given that the data for this study was collected prior to the Oslo agreement and the advent of the Palestinian Authority, it is difficult to ascertain whether this reluctance to speak to officials will be maintained.

Victims also exhibited immense fear of seeking the help of informal social control agents, such as prominent persons in the community (for instance, heads of clans and social conciliators), as this increased the risk of social disgrace and dishonor to their families and endangered their lives. One victim explained her silence as follows: 'If the *mukhtar* (clan leader) ever finds out, not only will I be killed, but all my sisters will pay the price of my mistake. Everyone in the village will refuse to marry any of the girls in the family, and that's in addition to the high probability that my father will divorce my mother ... and God knows who else will be divorced.'

Disclosure of the rape, even to close family members, has far-reaching repercussions for the entire family – nuclear and extended family alike. Many marriages in Palestinian society are of reciprocal exchange (for instance, willingness to offer a female member of one family to a male of another family is conditional on the willingness of the other family to offer one of its female members in return). Moreover, many of these marriages involve a union between close relatives, especially cousins. In the words of one victim: 'If anyone knows about my calamity, I will destroy all chances for my sisters and close female relatives to get married. If

people know about my rape, no one will be willing to come close to us, or become a close relative.’

The situation is exacerbated further because, in most cases of rape, the offender is a close relative. Hence, it is difficult for family members to take an objective stance regarding the rape. In one of the cases encountered, two families were divided between supporters of the victim and supporters of the offender. Men married to women whose families supported the ‘opposition’ divorced their wives – sisters, aunts, or close relatives of either the victim or the offender:

I feel so bad. My aunt will get divorced and be deprived of her children because she is my father’s sister. My own sister is married to the rapist’s uncle, and I am sure she faces the same destiny. As a counter reaction, my brother might have to send his wife back to her family and threaten to divorce her. My uncle might do the same ... I tried my best not to speak out or ask the assistance of any of my family members ... I knew that I should protect those who love and have stood by me all my life, but I never thought that I would end up causing the pain of divorce to so many men and women in my own family.

Another factor contributing to the victims’ silence was their fear of male family members. This is best exemplified by the story of a 16-year-old rape victim, who called the hotline asking for help to get an abortion. She explained that she would be killed if she disclosed the crime to anyone in her family. Her eldest sister had been severely beaten by her brother simply because he saw her talking in the street with a male classmate; he considered this improper behavior that defamed the family honor. She explained how harsh and strict their father is, and how much her mother fears him. Therefore, she did not trust her mother to keep her secret. She believed that her mother would tell her father, who would in turn kill her and perhaps her rapist. The neighbors would then shun them. As her brothers, and father, are highly respected people in the area, she was afraid of causing any harm to their efforts to build their reputations.

As shown clearly in the previously cited cases, the ability to disclose the trauma is affected by the sociocultural message that advocates maintaining such information as confidentially as possible. The common ‘solution’ of hymen repair is largely indicative of a sociocultural need to silence the abuse, provide the facade that it never occurred and allow the victim to marry without being accused of being a non-virgin. The need to privatize and keep the abuse a secret is meant to protect not only the victim, but also other family members (particularly females) from the social stigma of crimes of honor.

One particular case is notable because it serves as the exception to the above rule. It involves a 20-year-old woman who was savagely raped by her fiancé after she tried to oppose the betrothal that had been forced upon her. Several attempts at suicide led her parents to support her rejection of the groom, who interpreted such rejection as a threat to his manhood (*tiksir rejoultu*). To avenge this perceived damage to his manhood, the fiancé, with the help of his brothers, not only kidnapped and raped the woman, but also spilled acid on her face and body in order to scar her permanently. The victim was unable to talk, see, or otherwise communicate with anyone for more than a week following her trauma and suffered a severe nervous breakdown.

The horrendousness of the act evoked a severe reaction within the village, community, political circles, and women's organizations and factions. Not only was there public support for the victim, but the offender and his family were subjected to extreme punitive measures. The entire vineyard of the offender's family was destroyed and monetary compensation was awarded to the victim. Furthermore, the offender and his accomplices were evicted from the village permanently.

As for the girl, a women's organization managed to hospitalize her, enabling her to rest and attend to her physical and psychological injuries. One of the main factors that eventually helped her cope with the trauma was the intervention of the Women's Legal Aid and Counseling Center, which encouraged family members, and particularly the girl's parents, to provide continuous support, love, and care. In this case, despite the pain and embarrassment caused to the family by the crime, and even though three family members divorced their wives as a result, disclosure of the crime helped the victim to cope.

## **Discussion**

The topic of rape and its effects is an intricate, multidimensional one. As the case studies have shown, social, cultural, and political variables play major roles in defining and coping with acts of rape in Palestinian society. Of particular salience is how prevailing patriarchal and sexist attitudes within that society are reflected in its manner of dealing with rape. Social reaction is heavily influenced by such cultural values as family honor, social shame, family reputation, and female virginity. The usage of such terms is a covert method of further political, social, and cultural degradation of women. Thus, the findings point to the importance of the sociocultural context in cases of rape, rendering the definition of the victim as a social construct.<sup>42</sup>

The social definition of rape has also had some bearing on the applied (Jordanian) legal code: it has transformed the definition of rape from a criminal offence to a crime of honor (mainly the honor of males). Although rape offenders may receive capital punishment if convicted, the unwritten legal code permits killing the victim in order to 'cleanse' the disgrace, shame, and dishonor brought on her family. The legal code allows judges to reduce sentences of offenders who justify their criminal act according to 'honor-related' excuses. Furthermore, criminal justice officials generally sympathize with such offenders. In other words, the written and unwritten codes compromise the life of the victim to restore (male) honor.

There is a contradiction between the definition of society, the family, and, particularly, males as the victims of rape, versus the need to focus on the true victim and her psychological state and emotional needs. This contradiction makes the process of helping and assisting rape victims a major dilemma. Helpers are forced to walk a thin line. On the one hand, in order to help the raped woman, the clinician needs to take into consideration existing sociocultural means and resources – values (for instance, family honor), beliefs (female purity), characteristics of the

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42 Quinney, 'Who is the Victim?'

family (patriarchal), family members who could lend support. On the other hand, consideration of these very factors tends to encourage silencing of the victim and denial of the crime, owing to the heavy social consequences of publicizing the event. This, in turn, makes it difficult for mental health workers to help promote and heal the victim's psychological state of mind. Focusing on the cultural values of 'honor' and 'shame' predisposes the victim and helper to search for alternative solutions (such as not disclosing the event, hymen repair) other than those dictated by professional protocol (such as seeking legal action) or personal desire (such as punishing the offender).

This finding that social and cultural values prevent victims from getting needed psychological and legal assistance is similar to the conclusions of Lefley, Scott, Llabre and Hicks, who found that the tendency of Hispanic victims to avoid sharing their abuse with close relatives resulted in underreporting, leaving the victim alone to cope with her trauma.<sup>43</sup> Similar behavior was found among African American women.<sup>44</sup> The role of 'shame,' or what Brownmiller termed *fear*, and the myths and stereotypes that are attached to the crime of rape (mainly claiming the victims wanted or caused their rape) define and construct the victim's reaction to rape, while shaping social policy regarding the issue.<sup>45</sup> As in the cases of Sri Lanka, Mexico, and Malaysia, the cultural weight that Palestinian society gives to the purity of women, virginity, and family honor increases female fragility and vulnerability and enables the patriarchal system to further oppress women.<sup>46</sup>

The sociocultural context was found to have strong power not only over the definition of the crime and its victims, but also over viable coping strategies. Social, cultural, and political milieus were found to be so intensely oppressive that any proposed solution becomes a two-edged sword. In order to better understand this effect on the helping process, we now focus on three main dilemmas (preserving victim's life, hymen repair, voicing out) that both victims and helpers faced in coping with such a crime. These dilemmas not only made healing a slow and very painful process, but also sent an implicit message to females that if faced with such a problem, they are to be blamed and punished.

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43 Harriet Lefley et al., 'Cultural Beliefs about Rape Victims' Response in Three Ethnic Groups,' *American Journal of Orthopsychiatry*, 63 (1993): 623–32.

44 Gail Wyatt, 'The Sociocultural Context of African American Women's Rape,' *Journal of Social Issues*, 48 (1992): 77–91.

45 For instance, Ross Barber, 'Judge and Jury Attitudes to Rape,' *Australian and New Zealand Journal of Criminology*, 7 (1974): 157–71; Burt, 'Cultural Reports and Supports for Rape;' Field, 'Attitudes toward Rape;' Hubert Field, 'Rape Trials and Juror's Decisions: A Psychological Analysis of the Effects of Victim, Defendant, and Case Characteristics,' *Law and Human Behavior*, 3 (1979): 261–84; and Julia Schwendinger and Herman Schwendinger, *Rape and Inequality* (London: Sage, 1983).

46 See Schuler, *Freedom from Violence*, for details.

### Preserving the Victim's Life: A Two-Edged Sword

The helper's task of offering legal, familial, and psychological aid to rape victims was found to contradict the need to protect their lives. Although nondisclosure of the rape protects the woman from the threat of death, it also sends an implicit message to the rapist that his crime will go unpunished. Furthermore, it absolves society of the responsibility of dealing with such crimes. Hence, the question of whether to solicit the support of the family or community was a problematic issue, especially to the victim. Victims were preoccupied with the threat of being killed, and demanded measures to ensure that their lives would not be compromised. At the same time, the focus helpers placed on preserving the victim's life hindered their efforts to seek social support for her. The loss of social support and assistance made victims further blame and hate themselves, feeling totally alone, without understanding or sympathy from those closest to them. These feelings of neglect, fear, and loneliness increased victims' vulnerability and sense of helplessness, leading them to develop severe anxiety and depression symptoms, even pushing some to attempt suicide. Such strong feelings are aptly reflected in one victim's words:

I wish I could scream and shout; I wish I could ask my father to hug me and promise he will protect me, he will avenge me; I wish I could tell my brother so that he would kill him, and in turn I will regain my honor, my dignity; I wish I could share the pain of my rape with my mother; I wish someone could cry with me ... I wish ... I wish, but why wish? ... I am not even allowed to cry. I am talking only to myself. I wish I was killed. Being killed is easier than carrying all this pain alone. I wish I was killed, but I feel I am already dead.

Such a feeling of utter isolation was also expressed by victims who underwent hymen repair – another measure used to ‘erase’ the crime and spare the victim's life. One victim who got married two months following the repair of her hymen expressed anger that, in order to safeguard her life and that of all females in her family, she needs to keep this horrible secret from her own beloved husband. This anger caused her to suffer continuously from depression and psychosomatic illnesses. Her helpers were trapped between the need to work with her husband and family in order to help her cope with her trauma, on the one hand, and the need to hide the rape, on the other, for fear that its disclosure could cause familial discord and much suffering to many people involved.

Clearly, the trauma of rape entails not only the psychological burden carried by the Palestinian victim, but also public attitudes that painfully affect how she is perceived and treated by others.<sup>47</sup> In her book *Woman at Point Zero*, Al-Saadawi showed how the internalization of social expectations of females defines and dictates even the feelings of the victim's close relatives.<sup>48</sup> Hence, the dilemma lies in the fact that, by preventing the killing of rape victims, one does not necessarily prevent psychological and emotional wounds. On the contrary, in the attempt to preserve the

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47 Nawal Al-Saadawi, *Muthakarāt Tabibah* [Memoirs of a Physician] (Beirut: Dar Al-Adab, 1983).

48 Al-Saadawi, *Woman at Point Zero*.

victim's physical life, the helper often felt she was jeopardizing the raped woman's psychological well-being.

### *Hymen Repair: A Two-Edged Sword*

The issue of hymen repair is an excellent example of the importance of female virginity in Palestinian society. The great weight placed by the victim upon restoration of the hymen is a culturally internalized value that reflects not only her perception of the importance of the hymen, but more so the social beliefs regarding the cultural value that virginity carries in society. The social panic that might follow any case of rape made victims focus on the issue of hymen repair, a procedure intended to save her and her family from the social disgrace that could ensue if the crime becomes publicized.

This is a clear example of how the woman's sexuality and body affect and control her past, present, and future. Similar situations can be found in other cultures and societies. For example, when Iranians wanted to execute women for supporting the Shah, they first raped them to prevent them from going to heaven (as they believe that a virgin always goes to heaven). Malaysian families have a greater tendency to blame the victim, feel more ashamed, keep the rape event secret and even alienate the victim when she is a non-virgin.<sup>49</sup> Families and friends in such societies feel that the non-virgin victim created guilt, shame, and fear, and that her marriage marketability and future could be greatly affected. In our case study, it was clear that for victims and their family members, the loss of virginity was as painful as the loss of life. Social reaction to the violation of virginity and family honor shook the social stability and threatened the power and control of patriarchy. Male family members felt the need to restore the social stability and their weakened power through measures such as forcing the rapist to marry the victim, killing the victim, or as one father put it: 'wiping her off the face of the earth' (*amh'iha a'an waj'h al-basita*).

The focal need to silence the abuse by reconstructing the hymen presents a tremendous dilemma for therapists in the Palestinian setting. The importance placed on repairing the hymen makes the healing and coping process more difficult. By mourning over the loss of her hymen, the victim is re-traumatized. The only means to help her cope with this trauma is to suggest surgical reconstruction of the hymen. Recommendations of hymen repair, however, constitute indirect endorsement of the importance of virginity – a cultural issue that needs to be confronted. They reinforce the view that a woman is worthless once she loses her virginity. Yet, while feminists may not consider hymen repair as therapy, it must be seen in the Palestinian context as one of the only alternatives available to preserve and protect the life of the victim.

While fully aware of the importance of restoring the hymen, helpers also knew that such a procedure could induce additional stress and anxiety, increasing feelings of degradation. As one woman aptly put it: 'After I got to the clinic, I started crying non-stop. I was so scared and frightened ... It was so hard for me to sit in that chair ... to open my legs once more against my will ... that for me was another kind of rape.'

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49 Irene Fernandez, 'Mobilizing on All Fronts: A Comprehensive Strategy to End Violence against Women,' in Schuler, *Freedom from Violence*.

Another victim stated: 'Every time I felt the stitches, I became more determined that the moment I leave the clinic, I will go directly and kill the rapist. It was his [the rapist's] fortune on that day that I found my brother in his shop. Had my brother not been there, I would have definitely killed him and killed myself afterwards.' This problem is further complicated when clinicians suspect that the procedure is unsafe or could actually lead to revealing the victim's secret, endangering her physical survival. Indeed, victims tended to perceive clinicians as potential sources of threat in the future, given that they are often the sole individuals who know about the abuse and could use this knowledge to blackmail the victims.

The victim's acceptance of the need to undergo this painful operation for sociocultural reasons beyond her control is based on her belief that by regaining her virginity she can return to a normal lifestyle without the threat of death (looming over her head). Thus, hymen repair ought to be perceived as her sole savior from the trauma of rape and her only means of physical survival. On the other hand, any emphasis placed on this option weakens the victim and leads her to believe she is a hostage to her sexuality. It forces her to endure additional pain, while her attacker is relieved of all responsibility and avoids punishment.

Hymen repair is patriarchal by nature, reflecting men's need to regain their honor. Such a reaction seems to reflect the refusal of the patriarchy to acknowledge its failure to safeguard and protect the female member of society. Hymen repair means that no one will know she was raped. When performed successfully, it means that there is no longer a problem. Other cultural and social alternatives for coping with rape – such as forced marriage, silencing of the victim, even killing her – seem to serve a similar purpose. All are aimed to protect the male from the social 'shame' he faces if the incident is publicized. Thus, the problem here is not the victim's suffering and pain, but rather that which will be caused by social reaction if the incident becomes known to the public.

### *Voicing Out: A Two-Edged Sword*

To tell or not to tell was a question deliberated upon by helper and victim alike. The need of the raped woman to hide her victimization and trauma added more pain and agony to the criminal incident, as it led her to lose her voice. This loss of voice has been found to be true in other cultures and countries. For instance, Montano found that, in Bolivia, the victim tends to keep silent to avoid the psychological pain of criminal procedures and the physical pain of medical procedures.<sup>50</sup> Mernissi claims that in the Arab world women are socialized to hide things, for speaking up tends to further weaken their power.<sup>51</sup> In *A Diary of a Non-Realistic Woman*, Palestinian novelist Sahar Khalifa shows that Palestinian women are under continuous social and cultural pressures to refrain from voicing their inner pains and agonies.<sup>52</sup>

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50 Sonia Montano, 'Long Live the Differences: A Campaign to End Violence against Women,' in Schuler, *Freedom from Violence*, 213–26.

51 Mernissi, *Veil and the Male Elite*.

52 Sahar Khalifa, *Muthakarāt Imra'a Gheir Waqī'ieh* [Diary of a Non-Realistic Woman] (Beirut: Dar Al-adb, 1992).



Cultural norms and values lead these women to the conclusion that it is best to conceal things. The art of keeping secrets and hiding behind lies is not a reflection of their weakness or evil, but rather reflects men's failure to cope with the reality of women's lives.

As the case studies have shown, Palestinian patriarchal cultural values, women's status in the society, and the specific characteristics of the Arab-Palestinian family (for instance, the importance given to family honor, shame, family ties), together with the specificities of a given rape crime, made the victim's and helper's decision to speak out a very complicated and dangerous one. On the one hand, helpers felt that inaction and silence might protect the victim from being killed. On the other, not speaking out or publicizing the problem sends a message to the offender that he can repeat his crime without fear of punishment or social reprisal. In some cases, the therapist knew of the offender and knew he had raped other women in the past, yet was unable to reveal his name to the authorities and warn the public. In addition, failure to voice the trauma and cope with the crime on a personal/victim level was found to add pain to the raped woman. One victim stated: 'What kills me is that I am not responsible. He did it because he wanted to fight and put down my father (*ye-watti rass abui*), but I can't say anything to anybody.' This caused frustration to the rape victim and gave her the indirect message that she is alone and cannot seek help. This feeling is deeply rooted in the cultural codes whereby a female who suffers from any crime against her honor cannot trust anyone, not even her closest relatives.

As mentioned earlier, there was one case in which the rape was made public and, owing to the horrendous circumstances (including kidnapping and scarring the woman with acid), community support was widespread. Such understanding of the victim clearly cannot be achieved in all situations involving rape in Palestinian society, especially when the element of 'blame' is unclear. In the above-mentioned case, it was clear in the minds of community members that the victim did not bear any responsibility for the rape because of the injuries she suffered and because her fiancé had accomplices. Hence, a conciliatory approach could be followed. Victims who do not incur physical injury are vulnerable to innuendoes and suspicions that they may have 'provoked' the rape, or else did not resist it as fiercely as was expected of them.

In short, the question of speaking out and seeking support in the Palestinian context poses a dilemma. Given the nature of Palestinian society and its predicted social reaction to rape, helpers and victims were left with no alternative (at times) other than (to maintain) silence. Telling of the event exacts a heavy social price (perhaps even the life of the victim), but remaining silent deprives the victim of her voice, pain, and trauma and may impede her recovery. Advising a victim not to divulge a criminal act implies that her emotions and psychological state of mind are unimportant – that what matters is society's reaction to the incident. If nobody knows about the crime, it is as if nothing ever happened. Not to tell is to suffer the agony of hiding a serious trauma. In the words of one of the victims:

If someone commits a crime against a man, or against property, everyone will condemn it and direct their anger against the criminal. If someone beats or harm an animal, people will react with anger. But if someone commits a crime against a woman, raping her, taking all she has, the only thing this damned society gave to her to be proud of, the only source

of honor, dignity and respect ... she has no right to say anything. Am I responsible for being raped? Why should I die a hundred times a day knowing that I can't tell my own father, knowing that he [the rapist] is the friend of my own brother and the husband of my own sister ... Why?

Speech is not only an important object in healing the trauma, but also reduces guilt feelings and increases the possibility that the victim will regain control over her physical and sexual life. Disclosure of the trauma was a principal tactic adopted by the survivor's movement in the United States.<sup>53</sup> Western literature has underlined the importance of speaking out: 'Survivor strategy must continue to develop and explore ways in which we can gain autonomy within (not over) the conditions of our discourse.'<sup>54</sup>

The dilemma facing helpers in Palestinian society revolves around whether speaking out is an appropriate solution or even an option within the patriarchal Palestinian sociocultural context. Are there specific measures that should be taken into consideration when doing so? What is the price? And who pays it? This dilemma arouses the feeling that the physical act of rape is not the only problem; added to it is the unending pain and degradation of societal rape that undermines the very basic rights of any human being.

### **Conclusion: Scrutinizing Rape through a Socio-Cultural Lens**

The direction we need to take in order to cope with the hardships and dilemmas raised in this case study must take into account the need to analyze patriarchal reaction to the crime of rape through sociocultural and political lenses.<sup>55</sup> Studying abuse of females through such lenses allows members of society, including policy makers, to re-evaluate existing modes of social reaction (formal and informal) to the crime of rape, and expose (the prolonged amnesia regarding) practices that result in women's continuous oppression. In this respect, two equally important aspects of the issue need to be re-examined: the sociopolitical level and the personal level of the victim.

At the sociopolitical level, there is no magic formula for addressing the complex dilemmas cited above. Societies the world over have tried to create policies to combat rape. Those policies have been aimed at deterring offenders from raping and deterring members of society from reacting in a manner that increases the victim's pain. Various modes of intervention have been constructed for specific societies at a specific time and place. Importing solutions from other cultures, even if they

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53 Ellen Bass and Laura Davis, *The Courage to Heal: A Guide for Women Survivors of Child Abuse* (New York: Harper and Row, 1988); and Ellen Bass and Louise Thornton, *I Never Told Anyone: Writings by Women Survivors of Child Sexual Abuse* (New York: Harper Collins, 1991).

54 Linda Alcoff and Tracy Gray, 'Survivor Discourse: Transgression or Recuperation?' *Signs: Journal of Women in Culture and Society*, 18 (1993): 287.

55 Bourque, *Defining Rape*; Thompson and West, 'Attitudes;' and Williams, 'Secondary Victimization.'

increase awareness, might prove to be problematic. Copying models of intervention without in-depth examination of their applicability to a given social setting might not only inflict additional pain and problems, but might also imprison helpers in unrealistic and non-applicable theories and methods. The findings of this study suggest that Palestinian legislators should revise the existing legal codes pertaining to crimes perpetrated against women. Furthermore, Palestinian policy-makers should formulate intervention strategies to combat such crimes.

At the clinical, individual level of intervention, the question is what action must be taken when faced with a case of a raped woman. Helpers need to keep in mind that each victim is a world unto herself, and that the raped woman's evaluation of the situation must be respected.<sup>56</sup> Consideration of the victim's sociocultural, personal, and psychological makeup is of main concern. Consequently, Palestinian helpers should constantly apply various discovery methods, searching for the appropriate mode of intervention for the specific case – one that would, if possible, cut the victim's 'losses.' It is our belief that helpers could utilize the existing social and cultural resources positively in order to reduce the pain inflicted on Palestinian women victims.

The underlying philosophy, at both the personal and the political level, is that we should not ask the victim of rape to fight our battle as social activists, to carry the burdens required to cause social change and thereby pay a high personal price. Crimes against women, including rape, are not 'women's' problems, but rather social problems. As such, it is society's responsibility, and not that of the victim, to reexamine and reshape the sociocultural and political context in order to combat such crimes.

This case study has illustrated the dilemmas and hardships faced by victims of rape and the clinicians who aim to help them. In discussing such dilemmas, we find that intervention and helping strategies can cover a wide range of options – from publicity of the crime and the planning of social actions (such as organizing public campaigns, marches, and demonstrations) to total silencing; from forcing the victim to marry her rapist to punishing the offender and giving full support to his victim; from threatening to kill the raped woman to making every effort to save her life (by hymen repair, abortion, silencing her abuse, and providing support). This large spectrum of options increases the therapist's responsibility for and commitment to seek the most suitable solution for the individual victim. In doing so, we must reassure the victim that we, the helpers, do hear her voice, even if Palestinian society is not yet ready to hear it. We must reinforce her personal strength, stressing that it is the fragility of the society that forces her to keep her rape a secret, and not her own weakness.

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56 Thompson and West, 'Attitudes.'

## Chapter 10

# The 'Natasha' Experience: Migrant Sex Workers from the Former Soviet Union and Eastern Europe in Turkey<sup>1</sup>

Leyla Gülçür and Pınar İlkkaracan

### The 'New Migration': Women in the Global Economy

Women have become increasingly visible in the transnational migration process and currently nearly one out of every two migrants in the world is a woman.<sup>2</sup> This phenomenon has challenged the view, prevalent in scholarship on migration, that the prototypical migrant is a male whose female family members join him for the purpose of 'family reunification.'<sup>3</sup> Consequently, recognizing that women now make their own decisions to migrate for themselves or for their families, feminist scholars have expounded on the need to shift the focus of scholarship from women's associational migration to women's autonomous migration.<sup>4</sup> In addition, arguments have been developed on the need to expand the scope of scholarship to undocumented migrants, of whom women make up an increasingly important component – especially in the largely illegal sex industry.<sup>5</sup>

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1 This article was published in *Women's Studies International Forum*, Vol.25, Leyla Gülçür and Pınar İlkkaracan, The 'Natasha' Experience: Migrant Sex Workers from the Former Soviet Union and Eastern Europe in Turkey, 411–21, Copyright Elsevier (2002).

2 Eleonore Kofman et al., *Gender and International Migration in Europe* (London: Routledge, 2000); and United Nations, *International Migration Policies and the Status of Female Migrants* (New York: United Nations Publications, 1995).

3 Kofman et al., *Gender*.

4 See Floya Anthias, 'Metaphors of Home: Gendering New Migrants to Southern Europe,' in *Gender and Migration in Southern Europe*, ed. Floya Anthias and Gabriella Lazaridis (New York: Berg, 2000); Gina Buijs, 'Introduction,' in *Migrant Women: Crossing Boundaries and Changing Identities*, ed. Gina Buijs (Oxford: Berg Publishers, 1993); and Helma Lutz, 'The Limits of European-ness: Immigrant Women in Fortress Europe,' *Feminist Review*, 57 (1997): 93–111.

5 Mirjana Morokvasic, 'In and Out of the Labor Market: Immigrant and Minority Women in Europe,' *New Community*, 22, 2 (1993): 201–26; Annie Phizacklea, 'Migration and Globalization: A Feminist Perspective,' in *The New Migration in Europe: Social Construction and Social Realities*, ed. Khalid Koser and Helma Lutz (London: Macmillan Press, 1998); and Lutz, 'Limits.'

Several factors have been proposed to explain this increasing ‘feminization of migration.’<sup>6</sup> Different from those that have traditionally stimulated migration in men, these interrelated factors include changes in gender roles in both receiving and sending countries, a growing demand for women in the receiving countries’ informal domestic and sex-related service sectors, economic need that disproportionately affects women in times of economic restructuring, and the wish on the part of women to escape from oppressive or violent environments, to transcend traditional sex-role constraints and to create a ‘better life’ for themselves.<sup>7</sup>

An additional change has been that new countries of destination have emerged within Europe. The boundaries between countries of origin and countries of destination have become blurred as traditional sending countries have become receiving countries at the same time.<sup>8</sup> More specifically, women from the former Soviet Bloc countries have increasingly begun to migrate to countries in Southern Europe, which have traditionally been viewed as sending countries – such as Italy, Spain, Greece, Portugal, and Cyprus.<sup>9</sup> Fewer methods of border surveillance and less stringent entry requirements have been among the explanatory factors for this migration to Southern Europe.<sup>10</sup>

In addition to petty trading, much of the work migrant women undertake in these countries is geared towards the informal service sector, with sex work and other service-related work (for example, domestic labor, care taking of children, the infirm or elderly) being a major source of income.<sup>11</sup> In particular, because of the underground nature of sex work and restrictive immigration policies, many women remain in these countries illegally and without documents.<sup>12</sup>

Sex work across national boundaries is not a new phenomenon and the existence of ‘foreign’ sex workers in countries in Europe and Latin America has been documented at least since the 1800s.<sup>13</sup> However, given the difficulty in obtaining

6 Stephen Castles and Mark Miller, *The Age of Migration* (New York: Macmillan Press, 1993).

7 See Giovanna Campani, ‘Immigrant Women in Southern Europe: Social Exclusion and Gender’ (paper presented at the Conference on Migration in Southern Europe, Regional Network on Southern European Societies, Santorini, Greece, September 1997); Jan Jindy Pettman, *Worlding Women* (London: Routledge, 1996); Floya Anthias and Gabriella Lazaridis, ‘Introduction,’ in Anthias and Lazaridis, *Gender and Migration in Southern Europe*; Valentine Moghadam, *Modernizing Women: Gender and Social Change in the Middle East* (Colorado: Lynne Rienner Publishers, 1993); and Phizacklea, ‘Migration.’

8 Khalid Koser and Helma Lutz, ‘The New Migration in Europe: Contexts, Constructions and Realities,’ in Koser and Lutz, *The New Migration in Europe*.

9 Anthias and Lazaridis, ‘Introduction.’

10 Alan Fielding, ‘Mass Migration and Economic Restructuring,’ in *Mass Migration in Europe*, ed. Russell King (London: Belhaven Press, 1993).

11 Kofman et al., *Gender*; Iordanis Psimmenos, ‘The Making of Periphractic Spaces: The Case of Albanian Undocumented Female Migrants in the Sex Industry of Athens,’ in Anthias and Lazaridis, *Gender and Migration in Southern Europe*, 81–102.

12 Anthias, ‘Metaphors of Home.’

13 Kamala Kempadoo, ‘Introduction: Globalizing Sex Workers’ Rights,’ in *Global Sex Workers: Rights, Resistance and Redefinition*, ed. Kamala Kempadoo and Jo Doezema (London: Routledge, 1998).

official documentation regarding a mostly illegal and ambiguously defined activity such as sex work, the question of whether migrant sex work has increased over the past century remains a controversial one.<sup>14</sup> Nevertheless, there is ample documentation that the sex industry is booming globally and that women are moving – or being moved – across borders for the purpose of working in the sex industry in almost every country in the world.<sup>15</sup>

### Debates Surrounding Sex Work: 'Voluntary' Versus 'Forced' Prostitution

The question of whether women enter the sex industry voluntarily or are tricked and coerced into sexually exploitative practices remains a contentious one. This issue has been divisive in women's international activism as well as in scholarship on sex work in general; even the use of the term 'sex work,' implying that the selling of sexual services should be considered labor like any other, has created much controversy.<sup>16</sup>

There are two diametrically opposed views within this debate and at the core of the disagreement is the question of whether a person can choose prostitution as a profession.<sup>17</sup> The main advocates of the first approach base their arguments on the principle that women's bodies are the site of women's oppression, and that the male use of female bodies for sex is about power, and not about sex. Consequently, all prostitution is unequivocally defined as the sexual exploitation of women and is equated with violent practices such as rape and incest. Thus, according to this view, all prostitution must be criminalized and abolished.<sup>18</sup> This has come to be known as the abolitionist perspective.<sup>19</sup>

The second position, which differentiates between forced and voluntary prostitution, was developed by those in the sex workers' rights movement in response to the proponents of the view that prostitution is inherently violent and exploitative.<sup>20</sup> Here, a distinction is made between women who are tricked and coerced into entering the sex industry by third parties (traffickers and other organized crime) and women who choose to enter the sex industry with full knowledge of the fact that they will be working as prostitutes. Thus, forced prostitution, viewed as a violation of the right

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14 Ibid.

15 See Radhika Coomaraswamy, *Report of the Special Rapporteur on Violence Against Women* (Geneva: United Nations, 1997).

16 Jo Bindman and Jo Doezema, *Redefining Prostitution as Sex Work on the International Agenda* (Anti-Slavery International and Network of Sex Work Projects, 1997); Janice Raymond, 'Prostitution as Violence against Women: NGO Stonewalling in Beijing and Elsewhere,' *Women's Studies International Forum*, 21, 1 (Jan–Feb 1998): 1–9; and Janice Raymond, *Legitimizing Prostitution as Sex Work: UN Labor Organization (ILO) Calls for Recognition of the Sex Industry* (Coalition Against Trafficking in Women, 1998).

17 Jo Doezema, 'Forced to Choose: Beyond the Voluntary v. Forced Prostitution Dichotomy,' in Kempadoo and Doezema, *Global Sex Workers*.

18 Kathleen Barry, *The Prostitution of Sexuality* (New York: New York University Press, 1995); and Raymond, 'Prostitution as Violence.'

19 Doezema, 'Forced to Choose.'

20 Ibid.

to self determination, is counterposed to voluntary prostitution (that is sex work), which is viewed as a labor practice based on women's autonomous use of their own bodies as a source of income.<sup>21</sup>

The difference in opinion surrounding this debate has also had implications on inquiry and activism on migration and transnational sex work. A natural outcome of the abolitionist perspective has been to concentrate on the suffering and victimization of trafficked women, and to campaign against transnational trafficking, while neglecting the need to address sex workers' rights to economic, social and legal safeguards and decent labor conditions in the receiving countries. On the other hand, those in the sex workers' rights movement have focused on the need to create differentiated strategies aimed at firstly penalizing third parties who trick, coerce, and traffic women into the sex industry across national borders, and secondly establishing legal criteria and migration policies for safe working conditions for migrant women who choose to engage in the sex industry in the host country. Thus, following in the footsteps of the controversy surrounding voluntary versus forced prostitution, the debate on transnational sex work has become mired in disagreements between those focusing on trafficking for purposes of sexual exploitation, versus those focusing on labor migration for the purpose of sex work.<sup>22</sup>

### **Migrant Sex Work in Turkey**

Turkey has always had its share of migrants; nevertheless, until recently the absolute numbers remained fairly low, encompassing people of Turkish origin from other countries (such as Bulgaria), or foreigners married to Turkish citizens.<sup>23</sup> More recently, however, migration has increased, and the migrant population has diversified to include individuals from the former Soviet Union and Eastern Europe.<sup>24</sup> In particular, it is mostly migrant women from this region who engage in sex work in Turkey.<sup>25</sup>

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21 Ibid.

22 See Jo Doezema, 'Ouch! Western Feminists' "Wounded Attachment" to the Third World Prostitute,' *Feminist Review*, 67 (2001): 16–38; Donna Hughes, 'The "Natasha" Trade: The Transnational Shadow Market of Trafficking in Women,' *Journal of International Affairs*, 53, 2 (2000): 625–51; Alison Murray, 'Debt Bondage and Trafficking: Don't Believe the Hype,' in Kempadoo and Doezema, *Global Sex Workers*, 51–64; Pettman, *Worlding Women*; Raymond, 'Prostitution as Violence,' Raymond, *Legitimizing Prostitution*; and Marjan Wijers, 'Women, Labor and Migration: The Position of Trafficked Women and Strategies for Support,' in Kempadoo and Doezema, *Global Sex Workers*, 69–78.

23 Personal communication with Ayse Karaduman-Taş of the Turkish State Institute of Statistics, 2001.

24 Ibid.

25 International Helsinki Federation for Human Rights, *Women 2000: An Investigation into the Status of Women's Rights in Central and South-Eastern Europe and the Newly Independent States* (Vienna: International Helsinki Federation for Human Rights, 2000); and US Department of State, *Human Rights Report on Turkey* (Washington, DC: Department of State, 2000).

It is surprising that Turkey has not been mentioned in the new scholarship on migrant women, which documents increasing flows of migration – especially from the former Soviet Bloc – to what used to be the sending countries of Southern Europe (for example, Italy, Spain, Greece, and the like.). We would argue that the pattern of women's migration from the former Soviet Union and Eastern Europe to Turkey, as well as their participation in small commodities trading and sex work, almost exactly mirrors the phenomenon as it has been described in Southern European countries.<sup>26</sup> While Turkey has traditionally been a sending country, with 3 million Turks having migrated to Western Europe alone, it has now become a major destination country, especially for women from the former Soviet Union and Eastern Europe entering the sex industry.<sup>27</sup> In addition, migrant women's use of the gap created by weaker border surveillance and visa requirements to enter Turkey exactly parallels the use of similar methods to enter Southern European countries.<sup>28</sup>

Different in character from previous migrants to Turkey who often became permanent residents, the travel patterns of these 'oscillating' or 'circular' migrants is best characterized by periodic 'commutes' between Turkey and their countries of origin, to make a living from what is popularly known in Turkish as 'the suitcase industry.'<sup>29</sup> Arriving in Turkey with an initial sum of approximately US\$1,000–2,000, these individuals buy goods (such as clothes, small household commodities) from local merchants and then return to their countries of origin to sell these products at a profit. Continuing the cycle, they then return to Turkey with small commodities, selling these and buying more goods to take back to their own countries. The term 'suitcase industry' stems from the fact that these goods are often transported in suitcases or plastic bags. This type of trade activity has been documented for individuals from many countries of the former Soviet Union and Eastern Europe, including Poland, Romania, Russia, Ukraine and the CIS.<sup>30</sup>

In contrast to their male counterparts, large proportions of women from these countries also supplement their incomes in Turkey with sex work, another form of

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26 Anthias and Lazaridis, 'Introduction.'

27 Ahmet İçduygu, İbrahim Sirkeci, and Gülnur Muradoğlu, 'Socioeconomic Development and Internal Migration: A Turkish Study,' *International Migration*, 39, 4 (2001): 39–61; and International Helsinki Federation for Human Rights, *Women 2000*; International Organization for Migration, 'New IOM Figures on the Global Scale of Trafficking,' *Trafficking in Migrants Quarterly Bulletin*, Special Issue (April 2001); and US Department of State, *Human Rights Report on Turkey*.

28 Fielding, 'Mass Migration.'

29 Buijs, 'Introduction'; Mirjana Morokvasic, 'Entre L'Est et L'Ouest, Des Migrations Pendulaires,' in *Migrants: Les Nouvelles Mobilités en Europe*, ed. Mirjana Morokvasic and Hedwig Rudolph (Paris: Editions L'Hartmann, 1996); Mirjana Morokvasic and Anne de Tinguy, 'Between East and West: A New Migratory Space,' in *Bridging States and Markets: International Migration in the early 1990s*, ed. Hedwig Rudolph and Mirjana Morokvasic (Berlin: WZB, 1993); and Berat Günçikan, *Haraso'dan Nataşa'ya* [From Haraso to Natasa] (Istanbul: Arion, 1995).

30 Morokvasic and de Tinguy, 'Between East and West.'



commodity exchange.<sup>31</sup> Naturally, as this involves longer periods of residence in Turkey, migrant sex workers tend to have greater contact with local daily life and with Turkish society. Especially because they are undocumented migrant workers, they are more likely to come into contact with state officials such as the police.

Sex work in Turkey is allowed under the law as long as the sex worker is registered.<sup>32</sup> Thus at first glance it would seem that since sex work is legal and monitored by the state in Turkey, women would be assured protection from police intervention as well as abuse by clients, which sex workers most often experience in countries where sex work is illegal. The catch for migrant women, however, is that Turkish law excludes sex workers from emigration or immigration. Thus in Turkey under the Passport Act, sex workers are explicitly barred from entering the country, and if caught, are to be immediately deported with no recourse to legal representation.<sup>33</sup> In addition, even documented migrant women are not allowed to enter sex work as professionals, since Turkish citizenship is required in order to be a sex worker.<sup>34</sup> Thus, given that the legal and social restrictions surrounding the job prevent them from a full enjoyment of safe labor standards, migrant sex workers' illegal status exposes them to a high risk of violence, state-sanctioned harassment and discrimination, and labor rights violations, with little or no recourse.

### **Experiences of Migrant Sex Workers in Turkey**

There are few research studies on migrant sex workers in Turkey and we were unable to find any that focused centrally on migrant sex workers' experiences and working conditions. Of these, Aral and Fransen, and Ağaçfidan, Badur and Gerikalmaz discuss the public health (AIDS/STD) implications of undocumented migrant sex work and Beller-Hann and Günçikan focus mostly on local community responses to and cultural discourses on the phenomenon of migrant sex workers.<sup>35</sup>

Ironically, the major forum for information – a good deal of it obtained via interviews with migrant sex workers – has been the news media. Thus, in order to document the experiences and working conditions of migrant sex workers, we used a combination of methods including newspaper analyses, participant observation,

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31 Ildiko Beller-Hann, 'Prostitution and its Effects in Northeastern Turkey,' *The European Journal of Women's Studies*, 2 (1995): 219–35; Günçikan, *Haraşo*.

32 International Women's Rights Action Watch, *Turkey Country Report* (Minneapolis: International Women's Rights Action Watch, 1997).

33 Bindman and Doezema, *Redefining Prostitution*.

34 Anti-Slavery International, *Forced Prostitution in Turkey: Women in the genelevs*, ASI Human Rights Series No. 6 (London: ASI, 1993).

35 Sevgi Aral and Lieve Fransen, 'STD/HIV Prevention in Turkey: Planning a Sequence of Interventions,' *Aids Education and Prevention*, 7, 6 (1995): 544–553; Ali Ağaçfidan, Selim Badur and Özlem Gerikalmaz, 'Syphilis Prevalence among Unregistered Prostitutes in Istanbul,' *Sexually Transmitted Diseases*, 20, 4 (1993): 236–37; Beller-Hann, 'Prostitution,' and Günçikan, *Haraşo*.

interviews with key informants and interviews with migrant sex workers.<sup>36</sup> More specifically, we analyzed a range of articles written on the topic between 1995 and 2001 from three major Turkish newspapers – *Hürriyet*, *Milliyet*, and *Zaman* – as well as from a few other Turkish and foreign news sources such as the *London Times*, *Los Angeles Times*, *Baltimore Sun* and *New York Magazine*. In addition, we visited, observed local activity and interviewed six key informants (encompassing clients of sex workers, local sales people, and bartenders) and three sex workers in hotels, bars, and businesses in the Laleli district of Istanbul, where many of the migrant sex workers live and work. The interviews were unstructured and focused on identifying the experiences and working conditions of migrant women, as well as the local discourses and attitudes surrounding migrant sex workers. To protect the identities of those we interviewed, no real names have been used.

The data analysis identified five themes: (1) the national discourse on 'Nataschas,' (2) reasons women migrate to Turkey, (3) experiences with clients and pimps, (4) experiences with the 'system,' and (5) health issues.

### *The Natasha Discourse*

The migration of women from the former Soviet Union has become a major national discourse, especially in the Black Sea region and in Istanbul. A survey of newspapers showed that in numerous articles, migrant sex workers were portrayed as 'hot, passionate, blond bombshells' who were available and willing for any sexual acts required of them. This was also reflected in the attitudes voiced by the male key informants. From the articles and interviews, it was also clear that for most people in Turkish society, women from the former Soviet Bloc countries had become equated with the term 'prostitute,' regardless of whether they were sex workers or not, and had been given a special name: Natasha. In the Turkish language, Natasha has come to mean a sex worker from the former Soviet Union and is often used as a generic name for all women from these countries.<sup>37</sup> Ironically, this term has even caught on for migrant sex workers from the former Soviet Bloc in countries other than Turkey – such as England, Israel and the United States.<sup>38</sup>

Because of this perception of 'Natasha the prostitute,' foreign women – especially blondes – have been harassed in unprecedented numbers in recent years. This harassment has not only come from local men on the streets but also from the police, who have been known to arbitrarily harass, detain, ask for bribes, and/or deport

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36 Although we were not involved in sex work ourselves, we were 'participant observers' in our approach in that we spent considerable time in the bars, hotels, and local business places of Laleli and observed local activity as well as interacted with people. For example, we had drinks in a bar and chatted with a bartender about his experiences with migrant sex workers; we observed sex workers having drinks/dinner with clients; we went to the hotels that sex workers were staying in and talked to them in their rooms; we talked to local sales people who had transactions with sex workers, etc.

37 See also International Helsinki Federation for Human Rights, *Women 2000*.

38 *London Times*, 'The Natasha Files,' *London Times*, 27 February 1999; Lutz, 'Limits'; *Moscow Times*, 'The Invisible Woman,' *Moscow Times*, 8 October 1997; and Michael Gross, 'From Russia with Sex,' *New York Magazine*, 10 August 1998.

any blonde, foreign-looking woman, regardless of her visa status and regardless of whether she is a sex worker or not. The petty trade (suitcase) industry has suffered a major economic blow because of this harassment, as women traders from the former Soviet Bloc are reported to no longer want to come to Turkey to trade.<sup>39</sup>

The Natasha issue has also provoked much societal debate on the sanctity of the family, even causing stress between husbands and wives. Migrant workers have often been blamed for the increased incidence of AIDS/STDs as well as for the 'breakdown of the family.'<sup>40</sup> Indeed, in Trabzon, disaffected women formed the 'Association for the Struggle against Natashas,' devoted solely to banning migrant women from the city.<sup>41</sup> Others have followed in several additional cities.<sup>42</sup>

### *Reasons for Migrating to Turkey and Personal Background*

Our analyses and interviews showed that the women migrated to Turkey for social and economic reasons, with each influencing the other. Because of the transition to a free market economy and because economic opportunities in their countries of origin consequently became restricted, the women were unable to retain the standard of living which they experienced during communist rule. Simultaneously, however, new opportunities provided by the increased freedom of movement enabled them to travel to other countries, an act previously inconceivable during communism.

Although Western Europe was their first choice, rigid visa regulations prevented women from being able to seek economic opportunities in these countries. Turkey was viewed as a good second choice, since receiving a visa was relatively easy. In addition, its geographic proximity to the former Soviet Union and Eastern Europe allowed for easy periodic travel between countries.

Since the sex industry provides an opportunity to earn comparatively good wages, many women entered this profession when they arrived in Turkey. Key informants, as well as the migrant women, reported that, in the initial years following the fall of communism (early 1990s), small groups of women were brought in by the collaborative efforts of the Turkish and Russian Mafia, marketed to customers in Turkey and then brought back, with the profits divided somewhat evenly between the woman and the pimp. However, the women we interviewed reported that this

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39 For instance *Hürriyet*, 'Her Rus Kadını Fahişe Sanınca' [When one Thinks of Every Russian Woman as a Prostitute], 10 May 1998; *Hürriyet*, 'Bize Fahişe Gözüyle Bakmayın' [Don't Look at us as Prostitutes], 25 July 1999; and *Zaman*, 'Laleli'nin İntiharı' [The Suicide of Laleli], 9 June 1998.

40 *Anadolu Agency*, 'Turkey has 928 AIDS Patients Including 624 Carriers,' *Anadolu Agency*, 28 November 1999; Yalçın Bayer, 'Uyanın, AIDS Türkiye'yi Sarıyor' [Wake Up, AIDS is Taking over Turkey], *Hürriyet*, 25 March 2000; and *Zaman*, 'Karadeniz'de Sorun 'Nataşa' [The Problem is Natasha in the Black Sea Region], 11 October 2000.

41 Günçikan, *Haraşo*.

42 *Baltimore Sun*, 'Prostitution: A Turkish Governor's Prohibition Squelches an Hotelier's Hopes of Riches from his "Natashas."' 1 July 1998; Beller-Hann, 'Prostitution'; and *Hürriyet*, 'Bakan Türk'e Nataşa Şikayeti' [Complaint to Minister Türk about Natashas], 24 August 1998.

practice had decreased dramatically in recent years and that many women now traveled on their own to work as free agents.

The women we interviewed indicated a variety of reasons for migrating. The most compelling reason cited was the need to access new economic opportunities. In addition, the women also reported wanting to see the world and to have multicultural experiences, looking for new experiences, autonomy, and self-growth and a broader perspective of the world, as secondary reasons. Here are some examples of women's perspectives on migration, in their own voices:

*Lena:* I came from Kazakhstan, from a small city near Alma-Ata 3 years ago. After the fall of communism I lost my job. I looked for a job and couldn't find any. I got a loan from my neighbor and came to Istanbul. At the beginning I looked for a job and I started to work for 5 US Dollars a day. This money wasn't enough for food, accommodation, clothes. So I started work as a sex worker. Two months later I met my boyfriend and he told me that he would take care of me so I quit this job ... At the beginning he was giving me a lot of money but later on he started to perceive me as his living partner ... He wants to marry me and have a child with me. I was pregnant twice by him but I had an abortion both times without telling him. His family and his friends know me and accept me but I don't want to marry him although I love him. I'm afraid that if I marry him our love will disappear, he won't value me any more, he will try to restrict my freedom. So I started to go into the suitcase industry and also to work as a sex worker. In Turkey commodities are cheap, for shopping you have to go to Turkey. I have a daughter in Kazakhstan. My neighbor takes care of her and I have to send them money. The money which I get from my boyfriend is not enough. So I lie to him, sometimes I tell him I go to Kazakhstan but I come to Istanbul and work as a sex worker. I would like to buy a house in Kazakhstan.

*Mina:* I was working as a construction engineer in Kharkov. After the fall of communism I met an Italian man whom I followed to Bari, Italy. I stayed there for six months. It wasn't possible to find work as an engineer so I tried to get a simple job such as a barmaid, waitress etc. I left my job in the Ukraine because it was boring there. I wanted to go abroad and experience the world. After my experience in Italy I came to Turkey two years ago because I was looking for a 'chance.' It was more difficult to stay in Europe, or to go to another European country. It was difficult to get a visa and you have to speak their language. Turkey is easier for us. They give a visa for 30 days and moreover it is possible to lengthen the stay through illegal ways. Here we can stay also without a visa. Turkey is also cheaper; you have to have a lot of money for Europe. Everything is very expensive there ... When I came to Turkey I didn't know about the opportunity to work as a sex worker. I first worked as a translator in Karakoy.

*Vera:* I graduated as an economist. I lost my job and searched desperately for another job for six months. It was not possible. My parents were taking care of me, which I didn't want as a 31-year old woman. I came to Turkey for a job two years ago. When I first came I started to work in a carpet shop in a harbor near Karakoy. I was earning very little money. A woman friend of mine told me that it was possible to earn more money as a prostitute so I started one and a half years ago. After working as a prostitute for some time I went back to Kazakhstan and bought a house there for 1500 USD and I tried to find a job again but couldn't. So I came back to Turkey as I had no money to buy the necessary furniture. I don't like this job at all. But there is no one to take care of me ... I don't want to marry but I would like to have a child when I have saved enough money. I want to stay in Turkey in order to save money.

The women had developed several strategies to keep working and living in Turkey, although their official length of visa was restricted to one month and they had no work permits. Most of them stayed in Turkey more than a month either illegally or tried to lengthen their stay through various means such as departing the country for one day across the Bulgarian border or buying false stamps for their passports from the Turkish Mafia. Another way of staying in Turkey was to undergo false marriages, either for money or for sexual favors. Some women also reported meeting European citizens in Istanbul and marrying them, thus obtaining a residence permit for Europe.

### *Experiences with Clients and Pimps*

The women told us that they had experienced violence especially after their initial arrival in Turkey, but that later they learned strategies to minimize the risk of exposure. However, they all reported that they experienced sexual harassment on the street in the form of being called Natasha or being asked for sexual favors and sometimes being groped. Moreover, economic violence, in the form of a client refusing to pay after sex, was also frequently reported. The women indicated they were unable, in such cases, to make the man pay their fee.

*Mina:* When I first came to Turkey I was invited to dinner by a Turkish man. I went to dinner together with a woman friend. He told me that we should meet his boss who was supposed to be very rich. We told him that we wanted to go back to our hotel. He seemed to accept it afterwards but when we got into the car we noticed that he took us to a very far away place, we didn't know where. We were very afraid. He also assaulted me physically. I had some bruises as a result. Sometimes the men leave without paying me. I try to get the money at the beginning but sometimes I think that 'this man is different' or men plead and they ask me not to make them feel bad about it. So I just let it go. But in the morning they say 'ciao' and go away.

*Vera:* At the beginning I experienced some verbal violence. That was with men whom I picked up on the street. Since then I have been working only by telephone with clients who are acquaintances of my acquaintances. At the beginning I felt very bad when men treated me as a prostitute, wanting just to sleep with me.

None of the women we interviewed were continuously working with pimps but they all reported that they feared them. They reported that they worked with pimps only if they were unable to find any clients themselves. When forced to work with pimps, they received only half of the money paid by the client. They themselves had never experienced any violence with pimps but one of them knew two friends who had been forced to have sex with their pimps.

### *Experiences with the 'System'*

Under Turkish law, unregistered – and migrant – sex work is illegal, but few mechanisms exist to prevent this activity. Our observations and interviews with key informants showed that sex workers make significant contributions to local businesses as well as to law enforcement, weakening the state's commitment to the enforcement of laws against unregistered sex work. For example, tourism agencies

benefit from the constant sale of round-trip tickets between Turkey and the countries of origin. Local stores sell clothes and other goods, which the women transport home as part of the suitcase industry. Local hotels rent out rooms for extravagant sums. In addition, migrant women are constantly detained by the police and subjected to threats of deportation even if they have a valid visa. The price for being let free is a hefty bribe, totaling an estimated 10 percent of a woman's earnings every week.

*The role of local businesses* We conducted our observations and interviews in a district of Istanbul (the Laleli area) where most of the sex workers reside and work. Most local landlords took advantage of the fact that the women were undocumented and were engaged in illegal sex work and therefore charged whatever they pleased. For example, our interviews with women took place at a hostel where 90 women were staying. There were three women to a substandard room, with no central heating and stains on the rugs. The price charged for each room was the equivalent of US\$90, higher than in many high quality four-star hotels in the city.

*Police harassment, extortion, and violence* All the women and the key informants we interviewed reported that the Turkish police, especially those in the Laleli district, harass and threaten the women. The women reported regular 'controls' on the street where police stopped almost all blonde women in the streets or in cars passing by and threatened to confiscate their passports even if they were valid. The women were then compelled to bribe the police in order to avoid being taken into custody. On each occasion, the amount of bribes required by the police ranged from US\$25 to US\$100 (local currency equivalent) per person. The women reported that they were stopped, on average, from as often as three times a week to four times a month. They also reported that most women were afraid of the police and thus were readily willing to bribe police officers to avoid further harassment and violence:

*Lena:* When the police stop me and want to take my passport away I get afraid because they want to take me into custody. Therefore I offer them money ... One night I and two women friends of mine were strolling in the street. The police stopped us and took us to Mecidiyeköy police station. They verbally assaulted us, calling us whores and Natashas. One of us didn't have a passport with her. They kept us there a whole night ... They asked where we were staying. I told them I was staying with my boyfriend at his flat; that I am not staying at a hotel. The policeman called me 'you liar, dishonest woman.' When I told them I wanted to call my friend he verbally assaulted me and told me to shut up. He wrote up a report but I didn't know what he was writing. That was one and a half years ago. I refused to sign the report because I didn't know what he had written. I told them I wanted to call my consulate. There was no translator ... They hit me with a stick because I refused to sign the report. So I tried to read it and understand with my little Turkish. He had written that I was caught with a client and that I had slept with him for 700,000 Liras. I asked them 'where is the client, are you the client yourself?' I told them they were lying and that I wouldn't sign the report. I told them that they didn't know who I am, I have my passport and my visa is OK and I threatened to make a lot of problems for them the next day. The police responded again by calling me a whore and telling me to shut up. Then they took us to 'Can-Can' (Turkish slang for the Hospital for Sexually Transmitted Diseases). They did blood tests on us. Then they let us go. The doctor had already told us that we would be let go if we didn't have any sexually transmitted diseases.

It is interesting to note the parallel between the traditional role of pimps and the behavior of the police towards the women. In some ways, the police had taken over the role of ‘pimps’ by taking a percentage of the women’s profits. In turn, this police activity indirectly placed the state in the role of pimp, as state economic interests were supported in two ways: (1) with ‘extra salaries’ for the police and (2) with an infusion of capital from the women’s simultaneous investments in the suitcase industry.

*Lack of access to utilities and services* The women reported that one of the problems they faced, because of their illegal migrant status, was lack of access to utilities and services. For example, it was impossible for them to open up bank accounts without a residence permit. Therefore, they had no choice but to keep their cash in their rooms or on their persons, thereby exposing themselves to the risk of theft and mugging. In addition, the women had no access to national health care and had to pay full fees for medical services, regardless of whether they went to private doctors or to public medical facilities.

### *Health Issues*

The women reported that while they were very much afraid of AIDS, they were unable to enforce their right to practice safe sex. The women indicated that the condom was the primary method of contraception in their home countries but that most clients were reluctant to use condoms. Although the women reported they were insistent on using a condom, only 1 or 2 percent of the clients accepted it. The women noted that they all had regular check-ups when they went back to their countries of origin.

*Mina:* I try to force men to use a condom. I ask them how they can trust me, maybe I have got AIDS. They tell me I am beautiful and clean and that I couldn’t possibly have AIDS. But I am very afraid. I went for an AIDS test only once in Turkey. That was for a man with whom I was in love. I went for a test because I didn’t want to cause him any problems. It costs 15 dollars in Turkey. I sometimes read in the newspaper that the women have got AIDS but I have never met any myself. I don’t use any birth control but I have never been pregnant. I think I will never get pregnant.

*Vera:* I use vaginal sprays. I once had to have an abortion because I was pregnant for five months. I had the abortion in Turkey. It cost 100 dollars. Many women have abortions in the fourth or fifth month as they wish that the men accept the child or marry them ... It is easier to have the abortion in Turkey as the medical system is more modern ... I know that the vaginal spray is not a good guarantee but I still use it. I am very much afraid of AIDS, I get a medical check-up each time I go back to Kazakhstan.

## **Voluntary or Forced? Trafficking or Labor Migration? Implications for Policy Change**

Coomaraswamy has outlined four ways in which women become involved in the sex trade globally. The first three components encompass, first, women who are told straightforward lies by traffickers about the nature of the work to be performed and/or coerced into, second, women who are told half-truths about the nature of the work

to be performed and end up doing types of sex work they did not previously agree to, and third, women who are informed about the work they will be doing but often have to relinquish control to their procurers and who may be kept in situations of debt bondage. The fourth category is comprised of women who are fully informed about the work, are in control of their finances and have relatively unrestricted movement.<sup>43</sup>

Whether more women are tricked or coerced into prostitution or whether more women become sex workers based on their own decisions remains an unanswered question, and it is also unclear what proportion of migrant women who work in Turkey as sex workers were trafficked against their will. Nevertheless, while we make no claims to knowing the number of women working in any one category in Turkey, we do know from our observations and our interviews with sex workers and with key informants that at least some sex workers from the former Soviet Bloc were in the above-mentioned fourth category and thus cannot be considered within the trafficking framework. Rather, these women must be viewed as agents who are in sole control over their finances and make their own decision to work in the sex trade. Indeed, when we visited and observed the localities where migrant sex workers were staying in Laleli, we saw no pimps and no organized activity. Rather, we saw hotels where approximately 100 women were staying independently or with roommates, paying for their own room and board, and keeping their own income for themselves.

This does not mean that we believe women in the first three categories, who fall under the 'forced prostitution' category, do not exist in Turkey. Clearly, economic need on the part of the women, coupled with legal restrictions on migration, citizenship status and sex work, create many opportunities for traffickers and pimps to coerce and dupe women into a life of sexual slavery or debt bondage for indeterminate periods of time. Indeed, the women and key informants we interviewed told us that they knew of women who had been lied to, trafficked and forced into prostitution; however, they also told us that this type of forced prostitution was waning and was increasingly replaced by the advent of women who had control over their own bodies and services, with no third party involvement such as the Mafia or pimps. In particular, it seems that women were more likely to be tricked and trafficked in the early 1990s, while more recent years have seen many (especially relatively older) women use their own resources to initiate free enterprise and to work independently.<sup>44</sup>

Migration to Turkey, even for the purposes of a high-risk job like sex work, can provide social and economic advantages to women from the former Soviet Union. From the migrant woman's perspective, sex work – compared to the alternative of unemployment in her home country – can offer her the freedom to control her own resources, even though some of these earnings may go towards the payment to pimps

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43 Coomaraswamy, 'Report.'

44 Gillian Caldwell, Steven Galster and Nadia Steinzor, *Crime and Servitude: An Exposé of the Traffic in Women for Prostitution from the Newly Independent States* (Washington, DC: Global Survival Network, 1997); and Minnesota Advocates for Human Rights, *Trafficking in Women: Moldova and Ukraine* (Minneapolis: Minnesota Advocates for Human Rights, 2000.)



or bribes to the police. Thus, paid sex can also be seen as a strategy for survival. Our standpoint in this chapter is that although they are vulnerable to violence and discrimination, some migrant sex workers are paradoxically in control of their bodies and create their own survival mechanisms in a patriarchal world, utilizing prevalent ideologies to their economic advantage. Indeed, the women themselves must also be seen as agents of change, in that they themselves devise their own strategies to make the transition to the values and norms of the host society.

Indeed, one reason why women may choose sex work is that it is much better-paid than most other jobs usually available to them and offers flexible working hours (for example women can work periodically, save money, and return home and undertake child care simultaneously). One woman clearly told us that she preferred to undertake sex work because it was flexible and the pay was superior to 'legitimate' work.

Nevertheless, while the women viewed their life situation in Turkey as allowing them, on the one hand, new experiences and economic opportunities, they also reported that their life conditions in Turkey triggered many stresses that affected their psychological and physical well being. The women reported that among the community of migrant women there existed a high level of alcohol abuse and depression. Mina expressed this duality as follows:

Sometimes I enjoy working; I can travel and see beautiful places. I can go to nice restaurants. I enjoy that the Turkish men view us as desirable ... but some mornings I wake up and say to myself, 'What am I doing? Where am I?' I need to go to a doctor. I have a lot of depression. Sometimes I can not get out of bed but I have to force myself to work. There's a lot of stress here. Lately I have been working less. It's as if I'm constantly at war with myself.

Thus, it was obvious that the conditions under which migrant sex workers live and work in Istanbul are, to put it mildly, less than satisfactory. Clearly, the fact that undocumented/unregistered sex work is illegal in Turkey, as well as the legal restrictions on citizenship status and sex work, places women at high risk for numerous forms of state-sanctioned discrimination, coupled with harassment, threats and requests for bribes from the police.<sup>45</sup> In addition, exposure to racist and sexist attitudes and behaviors creates trauma and stress in the lives of the women.

The picture that emerges from our analyses and interviews indicates that the women are frequently subjected to economic exploitation, harassment, arbitrary detention, violence or the threat of violence – from police and the business infrastructure, as well as from clients and local community members. In addition, because of these risks and the ambiguity that surrounds their legal status, the women must constantly negotiate and re-negotiate their needs and rights with these actors. An example of this is the frequent bribes to police officials in return for not being detained or deported. Another is the (usually failed) negotiations around clients' condom use. Moreover, substandard housing conditions and lack of rights even in the most simple of areas – for example the inability, as a nonresident, to open a bank account – compound the effects of these stresses.

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45 Bindman and Doezema, *Redefining Prostitution*; and Anti-Slavery International, *Forced Prostitution*.

Doezema argues that focusing on the voluntary versus forced prostitution dichotomy creates false divisions and moves the debate away from sex workers' rights to self-determination and good working and living conditions.<sup>46</sup> Thus, the next logical step would be to reexamine state policies on migrants that create human rights violations of migrant sex workers. The existence of harsh immigration policies and restrictive laws on unregistered sex work in Turkey has created opportunities for local business owners, clients/community members and corrupt officials to exploit the women's situation as illegal undocumented migrant sex workers. This exploitation has blended together with retrogressive communal attitudes that viewed the women as 'fair game' on the one hand and 'threats to family sanctity' on the other, to generate intolerable conditions during the women's sojourn in Turkey.

Therefore, instead of focusing on whether the women were forced or not, we believe it is more important to look at the living and working conditions of the women, to identify where violations of their rights are occurring, and to find ways to ameliorate these. Accordingly, the notion that receiving country governments must protect the rights of migrant women and address their specific needs has been promoted at the international level, with specific recommendations to improve the status of international female migrants, as well as special provisions for the protection of the rights of temporary migrant workers during their period of stay in a host country.<sup>47</sup>

Contrary to the opinions of some, these rights and needs can be respected by recognizing sex work as labor and liberalizing immigration policies in order to prevent abuse by third parties, including organized criminal networks (for example, Mafia/traffickers, visa procurers, pimps) and local operational arms of the state (for example, police and other officials).<sup>48</sup> Decriminalization of sex work, accompanied by labor standards applied to migrant sex workers that promote and protect their human rights, will enable migrant workers to access social services and systems without any penalty. In addition, proper regulation of the operational arms of the state (such as the police) would ensure prevention of arbitrary detention or arrest and nonconsensual physical or virginity tests, as well as penalize those who resort to violence.

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46 Doezema, 'Forced to Choose.'

47 United Nations, *Migration Policies*.

48 Barry, *Prostitution*; Raymond, 'Prostitution as Violence;' and Raymond, *Legitimizing Prostitution*.

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