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A Veiled Sense of Security: Strategies toward the Deconstruction of Islamist Violence against Women in Iraq

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**A Veiled Sense of Security: Strategies toward the Deconstruction of Islamist
Violence against Women in Iraq**

A thesis submitted in partial fulfillment of the requirements
for the degree of Bachelors of Arts with Honors in
Global Studies: Middle Eastern Studies from the College of William and Mary

by

Alexa J. Hoyne

Accepted for _____
(Honors, High Honors, Highest Honors)

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In "Iraq," *New World Encyclopedia*. <http://www.newworldencyclopedia.org/entry/Iraq>

Chapter 1

INTRODUCTION: THE “LIBERATED”

“In the name of religion... they are being kidnapped and killed and raped.
And no one is mentioning it.” – *Haifa Zangana*¹

Saha Hussein al-Haideri was a successful Iraqi journalist and mother of three, known for her reporting on Islamist militias. She was “liberated” on June 7, 2007 in Mosul at the hands of Ansar al-Islam, a Kurdish Sunni militia known for its more radical interpretations of Islam, particularly with regard to women.² Zeena al-Qushtani, an Iraqi human rights activist, was often seen clad in the latest Western fashions. Her “liberation” occurred in the summer of 2005, upon which she was bestowed an *abaya*, a black garment that covers most of a woman’s body excluding the face and hands, complete with a chilling farewell written across her body: “She was a collaborator against Islam.”³ Then there are those whose professions were less prominent, whose names were lost or unreported amidst the hundreds of undocumented casualties, but whose “liberations” are no less horrific. In May of 2006, two young girls were abducted from Amariya for not wearing *hijab*, a headscarf worn by some Muslim women. Their “liberation” consisted of gang rape and head shaving. Another 23-year-old with uncovered hair was “permanently disfigured” when militants doused her in acid in the name of Allah.⁴ According to Riverbend, a widely-read female Iraqi blogger writing under a pseudonym for security reasons, “a girl wearing jeans risks being attacked, abducted, or insulted by fundamentalists who have been...liberated!”⁵

These brutal realities of “liberation” lie in stark contrast to some of the justifications for the United States’ invasion of Iraq in 2003. Even a few months prior to the invasion, Bush already set the stage for some of the rhetoric that would come to characterize the U.S.’ role in the region: “These nations can show by their example that honest government, and respect for women, and the great Islamic tradition of learning can triumph in the Middle East and beyond.”⁶ Continuing with his speech that marked the commencement of war on March 20, 2003, President George W. Bush championed U.S. presence in Iraq as a fight “to free [Iraq’s] people.”⁷ Other rhetoric throughout the Bush administration more specifically alluded to the plight of Iraqi women, thereby portraying the U.S. as the gallant liberator of a broken and backward people. In a speech on March 14, 2004, President George W. Bush proclaimed that “the advance of women’s rights and the advance of liberty are ultimately inseparable.”⁸ Subsequent remarks that made the case for war cited female oppression, including the “us[e of] women and children as human shields,” “public whippings of women,” and the “deni[al] of schooling”—all amidst a reign of “theocratic terror.”⁹

Additionally, *Slate Magazine* compiled a chronology of a number of occasions upon which a member of the Bush administration referred to the eradication of Iraqi “rape rooms,” a sound bite widely disseminated in an effort to, at least in part, justify the U.S. invasion. The article cites fourteen references¹⁰ between 2003 and 2004 alone (each of which is nearly identical in syntax and wording), which naively assumed that the capture and overthrow of Saddam Hussein necessarily translated into universal freedom: “The Iraqi people are now free;”¹¹ “Every woman in Iraq is better off because the rape rooms

and torture chambers of Saddam Hussein are forever closed.”¹² The stories of Saha Hussein al-Haideri, Zeena al-Qushtani, and the numerous others suggest that U.S. officials may have spoken far too soon.

As a partial justification for invasion, the U.S. treated Iraqi women as symbolic manifestations of a region that must be rescued and freed from oppression, a phenomenon bearing uncanny resemblance to the British justifications for colonial rule in Egypt beginning in 1882.¹³ Clearly, the use of women as a metaphorical or rhetorical instrument for legitimizing occupation is not a recent phenomenon. In any case, despite the undeniable oppression under Saddam Hussein, his overthrow did not result in an end to violence, particularly against women. In this way, geopolitics and feminism become interconnected so as to support the overthrow of “oppressive” regimes.¹⁴

Nevertheless, the notion of women as objects to be defended exists on both fronts. It is perhaps a natural reaction for those who feel victimized to cling to key elements of their identities as a means of protecting that which has come under attack. The *hijab* (headscarf), for instance, is a tangible means of “differentiating Iraqi society from the ‘foreign culture’” of the West.¹⁵ As such, U.S. attempts to free Iraqi women from their “veiled oppression” only further fuel the desire to cling more closely to tradition—to act in a way that reaffirms Iraqi identity as something entirely unique and preferable to that of the U.S.¹⁶ While the U.S. upholds women as a partial rationalization for invasion and occupation, women—and many of the political issues associated with them, such as the veil and family law—are simultaneously used to legitimize efforts *against* the U.S.

invasion: “Resistance to U.S. imperialism and Western cultural encroachment is symbolically articulated through gender ideologies and relations. ‘Our women are different from your women!’ has been a phrase used in the context of communal and naturalist tensions and struggles...”¹⁷ Unfortunately, the use of women as a rhetorical and symbolic tool for legitimization at times results in appalling psychological and physical violence toward women, as is the case at present in Iraq.

This response to the invasion is exacerbated to a perhaps unforeseen extreme due, in part, to the escalating prominence of Islamist political parties and their affiliated militias. The chaotic decentralized environment of post-2003 Iraq allowed “violence and criminality” to thrive.¹⁸ Conservative Sunni and Shiia militants who were forcefully suppressed under Saddam Hussein celebrated their new freedoms, asserting and enforcing their interpretations of Islam through religiously-justified threats and violence in the event of noncompliance. Much of this violence is targeted toward women, as “symbolic markers of the break from the nominally secular...regime... The violence against women is essential in enforcing this new gender ideology, which is also propagated by politicians and mosque imams.”¹⁹ Indeed, the nexus between political Islamist parties and their militant counterparts is one that has not been thoroughly explored, particularly in assessing the validity of religious justifications for psychological and physical violence against women. The ensuing analysis will at least partially attempt to fill this void, linking a wealth of scholarship on women’s rights in Islam with the present realities of on-the-ground violence in Iraq.

The Significance of Deconstructing Islamist Arguments against Women and the Challenges of the Iraqi Case

Though the Iraqi case study is a crucial component of my analysis, the specifics of my ensuing argument cannot be understood without first cultivating knowledge of Islam's basic principles and sources. There is no shortage of scholarship on the topic of women's rights in Islam.²⁰ As injustices against women prevailed after the institutionalization of Islam²¹, numerous scholars worked toward cultivating the notion that religious justifications for misogyny are *not* inherently Islamic. Upon deeper analysis and investigation of the original sources of Islam, notably the *Qur'an*, *Sunna* (the Prophet's Example), and *hadith*,²² it becomes apparent that institutionalized Islam constitutes a sometimes drastic violation of the Prophet Muhammad's highly revered example and the messages of egalitarianism inherent in the Qur'an.²³ Fazlur Rahman, in his preeminent work *Major Themes of the Qur'an*, emphasizes that like the Qur'an itself, modern applications of Islamic women's rights must be put into context; these laws and practices are not infallible nor are they necessarily grounded in infallible religious truths.²⁴

Recent scholarship, particularly that of Amina Wadud, Leila Ahmed, Asma Barlas, and Barbara Stowasser, among others, contributes to what Wadud calls the "hermeneutical model" for *Qur'anic* exegesis.²⁵ The model focuses extensively on linguistic analyses of key passages, an appreciation of the scripture as a complete and gradualist whole, and an awareness of the historical and present-day context.²⁶ This extensive scholarship will largely inform the first half of this thesis, and will specifically rely on Wadud's

framework as a guide in assessing the nature of the claims made by those Iraqi religious extremists purporting to “liberate” women.

Despite the vast array of theoretical sources on women in Islam, there exists a dearth of information with regard to the subject’s more tangible implications for Iraq, and Iraqi women specifically. Even putting aside the challenges of unpredictability inherent in researching such a volatile region, gender-based violence against women is an issue that remains tragically underreported. Most of the accessible literature on the subject appears in the form of occasional news articles from both U.S. and foreign news outlets such as the *Washington Post*, *IRIN*, and *New York Times*. This reporting is useful in chronicling the geographic distribution of violence, as well as specific reported incidents, but lacks more extensive analysis or detail. Although major human rights organizations, such as Amnesty International and Human Rights Watch,²⁷ do address violence against Iraqi women in some of their annual reports, their coverage is cursory at best, as their analyses tend to focus on the entire gamut of issues in Iraq rather than women’s concerns in particular. The U.S. State Department’s most up-to-date Human Rights Report on Iraq (2008) is slightly more constructive than the aforementioned publications, offering statistics and anecdotal evidence of violence specifically against women. Nevertheless, it still lacks the details and comprehensive analyses necessary to understand the intricacies of the matter.²⁸

Organizations based in and focused exclusively on Iraq come much closer to reaching the heart of the issue at hand. Groups such as Women Living under Muslim Laws

(WLUML)²⁹, Organization for Women's Freedom in Iraq (OWFI)³⁰, and MADRE³¹ seek to expose extremist violence against women in more detail, while simultaneously offering strategies for reform. Like the news articles and international human rights reports, however, most of these groups' research is focused on specific facts as opposed to analysis and deconstruction of the violence itself.

Aside from journal articles and news reports, there are very few books on the subject of women in Iraq published in the post-2003 period. Most research in the few existing books, such as *What Kind of Liberation?* by Nadjé al-Ali and *City of Widows: An Iraqi Women's Account of War and Resistance* by Haifa Zangana, is largely anecdotal. Thus a great deal of the information I rely on in the following analysis stems from secondhand reports of observations on the ground as opposed to quantitative data. Nadjé al-Ali, in particular, is one of the first authors to truly draw a connection between political Islamist groups and their militant counterparts on the streets of Iraq. Women's challenges with gender-based violence are not limited solely to the *physical* violence they experience at the hands of militias preaching religious justifications. Perhaps more crucially, their challenges extend into the political realm, where legally-recognized Islamist parties take power and use their influence to enforce a more *psychological* sort of violence—one that attacks women's rights through legal doctrine while simultaneously ignoring the actions of their militant counterparts. This frequently-ignored relationship is one I seek to explore more thoroughly here, as I strive to invalidate these religiously-validated misogynistic viewpoints through original Islamic sources and principles.

The purpose of this thesis is three-fold: 1) to emphasize the critical importance of cultivating a deep understanding of Islam's intended view of women as put forth through the foundational sources themselves; 2) to expose the underreported realities of the ever-escalating post-Saddam violence against women in the name of religion; and 3) to offer a policy proposal, namely that, at least with respect to Iraqi women, the key to liberation in the post-Saddam era is not through secular strategies or solutions, but instead, through non-secular arguments and interpretations, indeed through Islam itself. Ultimately, this thesis is intended to represent one of the first comprehensive applications of existing Islamic exegesis on women's rights to the current Iraqi case.

I will argue that a linguistic and historically-contextual analysis of Islam's sources—the Qur'an, *Sunna*, and *hadith*—will reveal the inherent fallacies in religiously-extremist views on women. Relying on works by Islamic scholars, anecdotal evidence, and interviews with pundits on the Iraqi case, I will demonstrate the capacity for religion to play a constructive and liberating role in Iraqi reconstruction. I will emphasize the existence of violent misogyny on two levels, both psychological through Islamist political parties, and physical, at the hands of Sunni and Shiia militias in the areas far beyond the reach of Baghdad's centralized pocket of control. In the name of religion, Iraqi women are thereby facing a variegated array of threats against their freedom, both through legal proposals that seek to unravel the more progressive Iraqi Family Law of 1959 and through death threats and assassinations for "crimes" such as forgetting to wear *hijab* or applying makeup. Despite the lack of numerous concrete data or facts concerning Iraqi women's struggle with violence, the heart of the issue does not require such details. The

crux of the analysis herein will instead offer a new and critical perspective on how to counter Islamist religious-based violence against women in Iraq, not through secular reform but *through religion* itself.

Outline of Text and Concluding Remarks

Chapter Two will focus predominantly on the theological arguments that demonstrate Islam's capacity for countering misogyny. The chapter will systematically examine demonstrative examples from Prophet Muhammad's life and the Qur'anic verses most relevant to issues pertaining to women's rights and equality in an effort to deconstruct some of the more extreme Islamist justifications for violence against women in Iraq. Many more conservative Islamic interpretations or arguments in favor of female subservience are reliant on carefully chosen Qur'anic verses for legitimacy. Devoid of context and a thorough explanation of each Arabic term's array of potential meanings, these arguments fail to adequately portray Islam's progressive potential with regard to gender relations in general, and women's rights more specifically. As such, Chapter Two will attempt to undermine the perception that Islam is an inherently misogynistic faith by examining the historical context and the linguistic specifics of key verses. Doing so will provide a more holistic view of the Qur'an and reveal the role each verse plays in furthering the Qur'an's greater thematic messages and prescriptions. Finally, Chapter Two will provide the necessary background information and theological justifications that undergird my recommended strategy for ensuring greater security for women in Iraq.

Chapter Three will investigate the intricacies of the on-the-ground realities in Iraq with regard to threats specifically targeting women. A brief background on the evolution of women's rights in Iraq, as well as an examination of the development of Iraqi politics since the 2003 invasion, will provide the necessary context to accurately understand today's complex situation. After conveying this background knowledge, however cursory, Chapter Three will chronicle the troubling circumstances surrounding many Iraqi women's existences. It will look at religious-based violence as it exists psychologically within the legal sphere, as well as physically within individual communities and towns, offering a glimpse into some of the challenges Iraqi women face on a day-to-day basis.

The final chapter will draw a clear connection between the preceding sections, applying the specific theological analyses of Chapter Two to the largely anecdotal evidence of Chapter Three as a means of promoting a seemingly counterintuitive combative strategy. Rather than remove religion from the equation entirely, Chapter Four advocates a strategy that perhaps even more potently relies on Islamic sources and arguments to deconstruct some of the more misogynistic Islamist interpretations. The U.S. invaded Iraq armed with secular rhetoric that preached its intention to free Iraqi women from repression. That this rhetoric ironically permeated an environment marked by rising subjugation and gender-based violence suggests that it may be time to seek an alternative strategy, one that is more sensitive to the Islam practiced and revered by the vast majority of Muslims throughout the world, and the Islam that is so essential to Iraqi culture and people.³² Rather than alienate the Islamist parties that have recently gained political

protest or further fuel the cycle of misunderstanding that exists between “West” and “East,” the U.S. must embrace the reality that a country governed under Islamic principles is not necessarily one that is repressive and violent toward women. Quite to the contrary, a country governed by Islamic principles, if based on the faith’s founding ideals and overriding themes, is more than equipped to counteract extremism and violence performed in the name of Islam.

Chapter 2

UNVEILING ISLAM'S INHERENT EGALITARIANISM

“When looking at photographs in the context of social history, a number of other forms of meaning have to be taken into consideration. These include the context in which the photograph was taken; the relationships of power and authority between photographer and subject; the aesthetic and ideological considerations which affected the photographer’s choice of subject and the way the photograph might be interpreted by its viewers in a particular historical period.”

- Sarah Graham-Brown in *Images of Women*³³

Iraqi violence against women is difficult to combat when such actions are performed in the name of Islam. This is only further complicated when such violence occurs in a time of heightened conflict and chaos. As Iraqi blogger, Riverbend, states in her blog, “Why is it so very surprising that in times of calamity people turn to religion? It happens all over the world. During tsunamis, hurricanes, earthquakes, blockades, wars—people turn to deities... It’s simple—when all else fails, there is always a higher power for most people.”³⁴ Devoid of any semblance of stability, people view religion as a source of comfort and permanence—and thereby something that is more difficult to challenge. This issue is only exacerbated when coupled with the fact that Islamic law, or *shari’ah*, has not been modified since its codification nearly 1300 years ago. Rather than read the Islamic sources for themselves, many people have resorted to somewhat of a blind sense of trust in those who purport to be well-versed in Islamic sources and truths.

Some of these “Islamic experts,” however—including many of the Iraqi Islamists—offer somewhat of a more twisted version of Islamic theology and history, selectively manipulated so as to serve personal interests for power or political support. These

extremists buttress their misogynistic views toward women through selective Qur’anic verses devoid of context or references to antiquated Islamic laws that sharply contrast with Qur’anic provisions. Indeed, Islamist injustices toward women purported to be justified through *shari’ah* do not actually possess religious justification according to the Islamic sources—an argument that is instrumental in eradicating Islamist violence against women in Iraq at present. In scholar Theresa Saliba’s words: “...it is not Islam per se that oppresses women, but, rather, the continuity of patriarchal values within nationalist and religious ideologies that limits women’s agency.”³⁵ More and more, feminists are advocating a return to the divine sources of Islam as a means of securing greater social freedoms, arguing that a true Islamic system of governance should be rooted in the core elements of the religion itself, not in centuries worth of patriarchal interpretation and outside influences.³⁶

More progressive scholars such as Amina Wadud and Fazlur Rahman suggest that an understanding of the Qur’an’s true principles of guidance can only be achieved through first cultivating a conception of individual *asbab al-nuzul*, or circumstances of revelation—circumstances that encompass not only historical context, but the subtleties surrounding each verse’s linguistic composition and its role as one portion of a greater whole. Rather than isolating selective passages from the Qur’an or individual *hadith*, this approach to Qur’anic analysis and understanding instead considers the fundamental themes that run throughout the various revelations as a whole. Each verse contributes to at least some aspect of the Qur’an’s overarching *Weltanschauung*, or all-encompassing worldview.³⁷ Especially when dealing with more extreme or conservative interpretations

of Islam like those used to justify violence against women in Iraq, it is critical to be able to cultivate a complete contextual understanding of the circumstances under which each verse was revealed and the ways in which its message fits in with the rest of the Qur'an's themes and prescriptive guidance.

It is through such an exhaustive study that one can uncover what Wadud terms the “spirit” of Islam—those broader ideals that must be “practical[ly] appli[ed]” to current conditions “in accordance with how that original intention is reflected or manifested.”³⁸ When applied to those Qur'anic verses relevant to women, an analysis centered around this multifaceted interpretation of the *asbab al-nuzul* offers a religiously-centered argument in favor of women's equality and freedom. The following pages will provide the theological underpinnings for what I will argue is the most promising means of combating Iraqi gender-based violence. Arguably, the most promising mechanism for eradicating patriarchy within Islam is a critique of historically-entrenched interpretations of the fundamental text itself, beginning quite logically with those verses pertaining to the inception of humanity.

Brief Background: The Jahaliyyah

The Qur'an is revered as the literal word of God as revealed to the Prophet Muhammad in the 7th century CE. As opposed to a book of law, the Qur'an constructs a moral and ethical ideal, serving as a “book of moral persuasion and revelation” intended to inspire a life of moral conviction and guidance.³⁹ The verses are not organized in chronological

order, but instead are distributed in somewhat of an ad hoc manner, having been acquired over a period of twenty years under varying circumstances. Together, the verses present a number of “specifically contextualized” prescriptions for humankind’s idealized state of being, thereby warranting a full and thorough reading of the text. Throughout the period of revelation, changing conditions resulted in seemingly-contradictory verses that warrant reassessment through *naskh*, or abrogation, wherein later verses cancel out the former.⁴⁰ Such a process instills the Qur’an with the acknowledgment that “it is not the text or its principles that change, but the capacity and particularity of the understanding and reflection of the *principles* of a text within a community of people” that change.⁴¹

The Qur’anic prescriptions’ capacity for continual development and adaptation to shifting circumstances is evident in the manner in which the Qur’an was revealed. Verses were not revealed haphazardly and, in fact, occasionally constituted *direct* responses to precise historical occurrences. In this way, some of the Qur’an’s explicit messages were intended solely as guidance for a particular situation. In these cases, it is again crucial to extract and consider the broader themes that can be applied to *any* person in *any* time period while remaining cognizant of the *asbab al-nuzul*.

A well-known illustrative example is Sura 24:11-26 which cautions against slandering a chaste woman: “Those who slander chaste women, indiscreet but believing, are cursed in this life and in the Hereafter: for them is a grievous Penalty.” The verse was revealed immediately following an incident involving Aisha, the Prophet Muhammad’s youngest and most beloved wife. While searching for a lost necklace, Aisha was accidentally left

behind at a camp in the middle of the desert. She was eventually given a ride back to town by a kind gentleman who happened upon the lost girl, after which she became the subject of scandal and was inappropriately accused of unfaithfulness. The aforementioned sura was a direct response to this event, serving a dual purpose of clearing Aisha's name, as well as more broadly cautioning against gossip and slander.⁴² The specific people and occurrences in the verse may possess more circumscribed applicability, but the revelation's underlying themes can be much more universally understood. Society itself is "cumulative" and Islam, therefore, has within its very core an embedded fluidity and gradualism that allows for the prospect of future evolution.⁴³

Taken in its historical context in comparison to pre-Islamic Arabia, or the *Jahiliyya* ('time of ignorance'), the Qur'an was extraordinarily revolutionary in its treatment towards women. Prior to the advent of Islam, women "were deemed to be chattels"—objects to be bought and sold at whim.⁴⁴ Once acquired, the "wife was the property of the husband" and possessed no legal or social rights whatsoever.⁴⁵ Devoid of rights such as those of inheritance and divorce, women were also regularly confronted with forced marriages, unrestricted polygamy, and rampant female infanticide, or the killing of baby girls.⁴⁶ With society primarily centered on the advancement of the tribe, women served as the key toward ensuring each group's continued survival. The purpose of marriage, then, was not primarily for love or companionship, but instead for procreation.⁴⁷ There were, in fact, over ten forms of forced marriages, many of which treated the woman as property to be inherited, captured, traded, or purchased. One of the most reviled forms of marriage in pre-Islamic Arabia was that of *mut'a*, or temporary marriage. Essentially marriages of

convenience, temporary marriages offered men the opportunity for physical pleasure without any sort of long-term commitment. *Mut'a* marriages were subject to the whim of each individual “husband,” who could terminate the agreement at will after he felt thoroughly satisfied.⁴⁸

The advent of Islam marked a tangible shift in the status of women, as the Qur'an challenged many of these misogynistic pre-Islamic conceptions and “also conferred rights on women in the seventh century that women in the West were unable to obtain until quite recently.”⁴⁹ Under the provisions of Islamic sources, women possessed “full legal personality” with the right to own and inherit property, as well as protections against infanticide, and polygamy.⁵⁰ In addition, the relationship between husband and wife was completely reconfigured such that both parties were required to give their consent in the marriage contract.⁵¹ In what retrospectively constitutes a significant break from inherently patriarchal traditions, the Qur'an also eradicated the concept of “marriage of dominion,” awarding the woman full control over the dowry—control that had previously belonged to her father.⁵² One of the underlying Qur'anic prescriptions is that women no longer constitute objects to be bartered and purchased, implying “recognition of a degree of women's autonomy and volition.”⁵³ The Qur'an was revolutionary in not only reforming many of these conventions and customs that had forced women into submission, but also in emphasizing man and woman's inherent egalitarianism: “It is [God] who hath produced you from a single person (6:98);” “We created You from a single (pair) Of a male and a female, And made you into Nations and tribes, that Ye may know each other (49:13).”

Despite this nearly pervasive theme of egalitarianism, the Qu’ran does not always explicitly confer identical rights upon men and women. With regard to inheritance, for instance, the Qur’an decrees: “For men shall be a share in what their parents and kindred leave and for women shall be a share in what their parents and kindred leave... the male shall have the equal of the shares of two females...” (4:7-12). Religious scholar Shaheen Sarder Ali reconciles this seemingly paradoxical juxtaposition with a reference to the Qur’an’s inherent sense of gradualism, stating his opinion that Islam’s “hierarchical structure [at] the basis of relations between men and women” was merely a construct of its historical context.⁵⁴ As previously elucidated, women were not privy to any rights of inheritance at all during the *Jahaliyyah*. Even though the Qur’an may not have completely altered these realities, it did take the first steps toward change when it offered women *any* share of inheritance, no matter how imbalanced in comparison to that of men. Ali continues: “[The Qur’an] also preached, in its ethical voice... the moral and spiritual equality of all human beings. Arguably, therefore, even as it instituted a sexual hierarchy, it laid the ground, in its ethical voice, for the subversion of the hierarchy.”⁵⁵ Indeed, the Qur’an’s specific prescriptions were imparted to the Prophet amidst specified conditions and should thus develop and modify themselves as circumstances change and evolve.

The process of individual human interpretation, known within Islamic discourse as *ijtihad*, was exercised vigorously, continually and without controversy among legal scholars in the initial years after Islam’s inception. Combined with the Qur’an’s intrinsic gradualism, this process of persistent interpretation provides one of the most promising avenues for establishing gender equality within the Muslim world.⁵⁶ Around the tenth

century CE, however, “a consensus gradually established itself that from then onwards, no one could be deemed to have the necessary qualifications for independent reasoning in religious law,” thereby leaving future Islamic legal discourse to be determined on the basis of these somewhat antiquated decisions.⁵⁷ This decision to close the “gates of *ijtihad*” developed in the face of society’s continual progress and expansion, constituting an effort to try to protect traditional societal mores and ensure legal continuity amidst the growing independence of “regional powers.”⁵⁸ Once the persistent interpretation and adaptation of Islamic law that had so characterized the formative years following the Prophet Muhammad’s death was brought to a halt, the capacity for *shari’ah*’s development in the face of changing circumstances was made immensely more difficult. Consequently, *ijtihad*’s cessation as a legal process has been extremely problematic with regard to women’s rights in Islamic law, leaving women’s status as it was institutionalized in the tenth century.

In stark contrast to their dramatic improvement in status with the advent of Islam, women witnessed a regression in treatment in the years following the Prophet’s death. The “egalitarian message of early Islam was conveniently forgotten” as the male-dominated field of Islamic jurisprudence became institutionalized amidst a predominantly patriarchal cultural context.⁵⁹ Prevailing notions of male superiority that already were rampant within the traditional tribal lifestyles of many Arabs at the time were compounded by similar patriarchal attitudes within regions such as the Persian and Byzantine Empires that were conquered early on in the time of Islamic expansion.⁶⁰ As a result, jurists interpreted basic Islamic principles in accordance with their own biases

toward women at the time—interpretations that eventually became entrenched within the four schools of Sunni law.⁶¹

Patriarchal juristic tendencies, however, were not the only factors affecting the degradation in women's rights in the years following the Prophet's death. In the modern era, European colonialism and the associated local backlash against encroachment on tradition had a significant impact on prevailing societal views toward women. Local religious and political leaders attempted to maintain a semblance of normalcy in any way possible, a desire that often resulted in a drastic tightening of control over the one area that foreigners cannot touch—that of private home life.⁶² This trend is similar to that witnessed today in a country such as Iraq, where those under threat are inclined to cling intensely to traditions like *hijab* as a means of maintaining their identity.

When legally-sanctioned *ijtihad* came to a halt in the tenth century, Islamic *shari'ah* had already grown to encompass the prevailing derogatory attitudes toward women and the collection of discriminatory practices that came along with such opinions. Women were deemed subservient within the family and faced limitations with regard to areas such as child custody and divorce.⁶³ More conservative interpretations and rulings also occurred in areas pertaining to women's roles in society, particularly in areas such as education, the workforce, and politics, on which the Qur'an is more ambiguous. Without explicit textual guidance, provisions prohibiting women from employment outside the home, participation in government or elections, and even at times educational opportunities managed to find their way into *shari'ah* law.⁶⁴

It is somewhat ironic that *shari'ah*—a legal system supposedly grounded in Islamic principles—strays quite far at times from the true attitudes and prescriptions of the Qur'an and Prophetic examples with regard to women. It is, of course, worth acknowledging that *shari'ah* is not at all entirely misogynistic and indeed institutionalizes some of the revolutionary protections women were granted in the Qur'an, such as the rights to dowry, initiate divorce, inherit property, and to offer consent for marriage. The primary issue at hand is two-fold: not only are many Muslim women unaware of the full extent of their protections under Islamic law, but there also exists enough legal ambiguity at times so as to allow for the more conservative religious clerics and leaders to enforce their more patriarchal interpretations of Islam.

Gender Equality in Islam

One of the most frequently-cited Qur'anic verses relevant to man and woman's creation is verse 4:1, which reads:

O mankind! reverence your Guardian-Lord, who created you (human plural) from a single person (*nafs*), created, of (*min*) like nature, His mate (*zawj*), and from (*min*) them twain scattered (like seeds) countless men and women.⁶⁵

Despite some male jurists' blatantly misogynistic interpretations of the above verse, a closer reading of this passage and others like it reveals a more egalitarian version of creation, apparent through the language and content itself. This version of creation is largely devoid of gendered conceptions or hierarchy and instead offers a robust argument in support of gender equality within Islam.

As a means of framing contextual comprehension, Amina Wadud offers a brief description of the term ‘*ayah*’ (plural, *ayat*)—a term that is used quite frequently throughout the Qur’an.⁶⁶ Most commonly translated as ‘a sign,’ the word is used dualistically to refer to implicit *ayat* and explicit *ayat*, both of which are meant to portray a meaning beyond superficial definitions. Implicit *ayat* refer predominantly to “empirical signs which can be perceived by humankind;” in other words, natural phenomena that “reflect the presence of Allah” on earth.⁶⁷ The changing seasons, the growth of a flower, or the birth of a child can all be described as implicit (or non-linguistic) *ayat*. Explicit *ayat*, on the other hand, are *linguistically* symbolically significant, overtly meant to convey “specific information about the realm of the Unseen world”.⁶⁸

Unlike implicit *ayat* which refer to tangible earthly occurrences, explicit *ayat* are “verbal symbols,” ones which—by their very nature—are only capable of being exposed through the word of God as revealed through Muhammad and are thus “irrevocably linked with creation.”⁶⁹ From this dualistic understanding of *ayat* come two possible interpretive strategies: one that follows historical precedent with a strictly grammatical and conceptual analysis of the Qur’anic words, and another that examines the indexicality⁷⁰ of words as a symbolic meaning entirely divorced from grammatical, syntactical, or semantic characteristics.⁷¹ In an effort to offer more straightforward arguments that could conceivably be implemented as part of an Iraqi reconstructive policy, this analysis follows the traditional approach with respect to grammar and context in offering a rebuttal to past misogynistic analyses of creation.

Aside from the term ‘*ayat*,’ the preposition ‘*min*,’ utilized in the Arabic language to mean either ‘from’ (as in, “the extraction of a thing from [an]other”) or ‘of the same nature as,’ appears a number of times in verse 4:1.⁷² Depending on how each translation is ascribed to the aforementioned verse, it conveys drastically different meanings regarding man and woman’s equality. If, as in scholar al-Zamakshari’s interpretation, the ‘extraction’ definition is applied, the verse would read as follows: man was created “*in/of the same type as a single nafs*, and that the *zawj* of that *nafs* was taken *from* that *nafs*”.⁷³ As such, woman is deemed to have been *extracted from* man.

This notion of extraction is supposedly corroborated with additional verses (Wadud cites 7:189 and 39:6) that convey similar ideas but utilize the term ‘*ja’ala*’ (‘to create something *from another thing*’) in the place of ‘*khalafa*’ (‘to create’). Nevertheless, the definition of ‘*ja’ala*,’ is far from clear-cut. *The Hans Wehr Dictionary of Modern Written Arabic* provides almost twenty possible meanings of the term, none of which necessarily indicate the sort of extractive meaning stated above.⁷⁴ Thus, the verse can be reinterpreted to state that woman was made ‘*in the same form*’ or ‘*of the same nature*’ as man, rather than coming *from* him.⁷⁵ Though less widespread, there is another alternative interpretation as well that relies even more heavily on some of the linguistic characteristics of the verse. The Arabic term ‘*nafs*’ (‘person’ or ‘self’) is grammatically feminine, while the term ‘*zawj*’ (‘mate’) is grammatically masculine. As such, the verse could be read as suggesting that the *man* was actually derived from the *woman* (with the ‘*zawj*’ being derived from the ‘*nafs*’).

It is also worth noting that neither verse 4:1 nor any of the other “30 or so passages which describe the creation of humanity” provide explicit grammatical indication that humankind was derived from Adam or any other male.⁷⁶ Unlike the biblical representation of Adam and Eve in which Eve is created from Adam’s rib, the Qur’an is much more general. Many of its relevant verses reference men and women with rather ambiguous terminology such as ‘*an-nas*,’ ‘*al-insan*,’ and ‘*bashar*’: “*And indeed We, created al-insan from an extract of clay]*” (23:12); “*Say: ‘I seek refuge in the Lord of an-nas’*” (114:1); “*It is not for al-bashar that God should give him the Book and Judgment...*” (3:79). Though each of these terms does have ‘man’ as one of its translations, *Hans Wehr* also offers many other alternative definitions that are less specific. In their most common usages, ‘*an-nas*’ can mean ‘people’ or ‘folk’; ‘*al-insan*’ can mean ‘human being,’ ‘someone,’ ‘somebody,’ ‘one,’ or ‘a person’; and ‘*bashar*’ can mean ‘human being’ or ‘mankind.’⁷⁷ There are still other verses pertaining to creation that refer to men and women more informally, addressing humanity using the pronoun ‘*-kum*,’ which refers to the pluralized ‘you’: “*He it is Who Created you(-kum) of clay*” (6:2). Speaking directly *to* the people as opposed to *about* them only further divorces Qur’anic proclamations of creation from gendered readings.

Importantly, Arabic nouns necessarily require either a masculine or a feminine grammatical gender. Still, as Wadud argues, “it does not follow that each use of masculine or feminine persons is necessarily restricted to the mentioned gender”.⁷⁸ For one thing, Eve’s name is never unequivocally stated in the Qur’an [she is referred to only as “The Wife of the Prophet Adam”].⁷⁹ Although Adam is frequently referenced by

name, the wider occurrence of his name does not inevitably translate into a preference for the male. Indeed, this manner of referring to women was, at the time, a sign of respect.⁸⁰ Moreover, aside from its assumed reference to the man itself, the word ‘Adam’ is actually derived from the Hebrew word ‘*adamah*’ or ‘soil.’ As Riffat Hassan describes, “in Hebrew the term ‘Adam’ functions generally as a collective noun referring to ‘the human’ rather than to a male human being... In the Qur’an, the term ‘Adam’ refers, in twenty-one cases out of twenty-five, to humanity”.⁸¹ Thus, the use of ‘Adam’ can be both a reference to the actual male figure, or to a universal portrayal of human creation.

To more vividly illustrate these ideas of a genderless depiction of creation, one must first understand a key function of the Arabic language itself: the potential dichotomy between grammatical and conceptual genders. All Arabic nouns possess a gender, including inanimate objects like the masculine ‘*house*’ (‘*al-bayt*’) and the feminine ‘*car*’ (‘*al-sayyaarah*’) that are very clearly devoid of gender on anything more than a linguistic level. This principle is reflected quite clearly in verse 4:1 after an examination of the terms ‘*nafs*’ and ‘*zawj*.’ ‘*Nafs*,’ as defined by *Hans Wehr*, refers to the ‘self,’ one’s ‘personal identity,’ or a ‘human being’.⁸² As used in Arabic, the term takes a feminine gender with “corresponding feminine adjectival and verbal antecedents”—a *grammatical* construct that in no way conceptually necessitates reference to a specific *human* gender.⁸³ Although the later Sufi sects saw the term as a reference toward the soul as an entirely separate substance, Fazlur Rahman emphasizes that this definition was not the intention in the Qur’an [“The Qur’an itself does not endorse mind-body or body-soul dualisms”].⁸⁴

Therefore, despite its feminine *grammatical* construct, ‘*nafs*’ is a conceptually-implied neuter—a reference only to the ‘Self,’ with gender left largely ambiguous.⁸⁵

The term ‘*zawj*’ is also rather dubious. While grammatically masculine (taking the associated masculine adjectival and verbal constructions), the actual definition of the word yields much greater ambiguity with regard to specific gendered implications. *Hans Wehr* provides an array of definitions, including ‘one of a pair;’ ‘husband;’ ‘wife;’ ‘mate;’ and ‘couple.’⁸⁶ Clearly, this range of meanings implies a number of possible interpretations, the vast majority of which do not specify a particular gender and instead refer more generically to either member of a couple. Moreover, as Wadud mentions, ‘*zawj*’ is conceptually used throughout the Qur’an to refer to not only men and women but also to non-gendered things such as “plants [55:52]⁸⁷ and animals [11:40]”.⁸⁸ Creation itself is framed around the emergence of pairs, two parts derived from the same *nafs* (Self): “And of all things We have created (*zawjayn*) pairs. Perhaps you [will all] reflect [on this fact]” (51:49); “...It is stirred (*to life*) and swelleth up and produceth every kind of attractive herbage (*in pairs*)” (22:7); “And We created you (*plural*) in pairs” (78:8).

Other verses expound upon these ideas, emphasizing both the inherent dualism *and* egalitarianism associated with creation: “It is [God] Who created You from a single person/And made [its] mate of like nature...;”⁸⁹ “We created You from a single (pair) Of a male and a female.”⁹⁰ There is, however, a verse that some interpret as a subversion of these equitable principles. It states: “By the Night as it/Conceals (the light);/By the Day

as it/Appears in glory;/By (the mystery of)/The creation of male/And female;-/Verily, (the ends) ye/Strive for are diverse”.⁹¹ Night and day, some argue, constitute a binary opposition that is linguistically juxtaposed against “male and female” in this verse. Still, these contrasting images are not meant to hierarchically preference day over night or man over woman, indicated “not only from the totality of the Qur’an’s teachings but also from the Ayat quoted above in which the first half of the dyad is not privileged over the second”.⁹² The Qur’anic conceptualization of man and woman as *zawjayn* is thereby one of two distinctive yet entirely congruent components of one ‘Self,’ one *nafs*—components that are in fact dependent on each other. Indeed, each element exists only in reference to its counterpart; without a wife, one cannot be a husband and without light, one cannot have dark. These ideas lend further credence to the Qur’an’s underlying message of egalitarianism and the mutually beneficial relationship between man and woman.

The dichotomy between the grammatical gender of key terms such as ‘*nafs*’ and ‘*zawj*’ and the *ideas* to which they refer in verse 4:1 and others dealing with creation reveal that specified gender exists only to the extent that the Arabic language necessitates it. Any linguistic analysis of the words of revelation demands that one reach beyond proscribed grammar. Framed by the dualism of both implicit and explicit *ayat*, the nature of the Qur’an as a set of lexical and syntactical constructions is such that a word’s grammatical gender does not unilaterally translate into an identical conceptual one. The result is a penumbra of linguistic ambiguity with regard to gender in the Qur’anic creation verses, an ambiguity that is manifested in the multitude of relevant *tafsir* (interpretations). Most early religious scholars, operating within a patriarchal cultural framework, ascribed

grammatical gender to the creation verses so as to imply male superiority.⁹³ Still, this ambiguity *can* feasibly be analyzed with a more egalitarian outlook. Hassan even goes as far as to say that the Qur'an "could be interpreted as stating that the first creation was feminine, not masculine!"⁹⁴ A brief examination of the Arabic pronouns in verse 4:1 confirms the plausibility of Hassan's hypothesis.

With emphasis added for reference, the verse reads as follows: "*Wa min ayatihī an khalaqa-kum min **nafsin** wahidatin wa khalaqa min-**ha** zawjaha wa baththa minhuma rijalan kathiran wa nisa'an*".⁹⁵ In Arabic, the pronoun '-*ha*' is attached to the end of a noun to indicate possession, with its English parallel being the feminine pronoun meaning either "her" or "its" (provided the non-human noun is grammatically female). '*Nafs*,' while grammatically female, is conceptually used throughout the Qur'an in a more neutered fashion, acquiring a symbolic meaning in the purely linguistic dimension of *ayat*. As such, there is nothing in the Arabic itself to specify the term's usage in this verse as referentially male, female, or neuter. Since it is just as feasible that the usage of '*nafs*' in this verse is conceptually female, Hassan's hypothesis can draw upon linguistic evidence. If '*nafs*' is interpreted as a conceptually female 'Self,' the successive '-*ha*' pronouns would reference the noun accordingly and the rest of the sentence would translate as: "And from his signs... He created You (mankind) from a single **female Self** and created **from her [her] spouse...**" In accordance with Hassan's premise, man can thus be interpreted as having been created from the *female* 'Self.'⁹⁶

Notwithstanding the legitimacy of Hassan's argument, just because something is linguistically *conceivable* does not mean it is an accepted interpretation. In the absence of God's explication of these revelations, humanity is left to its own devices when it comes to interpreting God's intentions. The details, however, are conspicuous by their absence in the Qur'an; accordingly, there is evidence to suggest that the absence of such descriptive language is perhaps just as significant as those words that are explicitly stated. The most striking consequence of these omissions is the lack of a grammatically *or* conceptually gendered portrayal of creation.

In fact, the lack of detail with regard to the creation story led many early *mufassirun* (those who perform exegesis) to turn to the Bible for assistance in filling in these seemingly essential gaps. Just as biblical details such as Eve's derivation from Adam's rib have been mistakenly attributed to the Qur'an, so, too are there portrayals of the Garden story that are entirely inaccurate according to Islamic sources. Though the vast majority of these traditional interpretations place predominant blame for the Fall of mankind on the woman, they do differ according to the specific details. Al-Tabari, a well-known *mufasir* (one who performs exegesis) from the tenth century, cites Adam and his wife's contrasting moral and physical characteristics as evidence of woman's "weakness and guile." Other interpretations refer to woman's alluring "sexual desire" as that which was able to overshadow Adam's prudence. Still more traditions state that Satan directly tempted Hawwa', who then cunningly persuaded Adam to join her in eating from the tree.⁹⁷ Even the word Hawwa'—the Arabic name for Eve that actually never appears in

the Qur'an itself—is connected to a tradition that comes from the Christian Bible in which “its meaning is likewise defined in relation to the man’s body.”⁹⁸

As previously shown, however, the Qur'anic description of Creation in no way indicates that woman and man are anything but equal, and there is even an alternative interpretation (though unpersuasive to most) to suggest that woman may have preceded man. Similarly, the Qur'an's version of the Garden story never confers blame on the woman; in fact, blame is either equally distributed or solely imparted to Adam. The overarching thematic emphasis of the Garden story, however, divorces itself almost entirely from gender, highlighting not the inherent capacity for sin in both men and women, but instead, the broader idea about “[humankind’s] purpose on earth and ways of God’s guidance.”⁹⁹

When taken together as a whole, the various Qur'anic suras (chapters) tell a story similar at least in basic premise to that of the Old Testament. Iblis (Satan) refuses to prostrate to Adam, challenges God, and is thereby framed as an “enemy” to mankind (7:22; 20:116; 15:30-33; 38:73-76; 7:11-12; 12:5).¹⁰⁰ Adam and his wife, meanwhile, are called upon to “dwell...in the garden,” permitted to “eat from wherever you [two] desire, but go not near this tree for then you [two] will be of the unjust.”¹⁰¹ Tempted by Iblis, man and woman disobey God’s words and eat the forbidden fruit. Having demonstrated mankind’s capacity for error, man and woman repent and are forgiven: “[Allah] said: ‘Get you down. With enmity between yourselves. On earth will be your dwelling-place and your

means of livelihood—for a time. Therein shall you live, and therein shall you die, and from it shall you be raised.” (7:21; 7:23-25; 2:36-38).¹⁰²

Despite these similarities to the biblical Garden story, a deeper analysis of the relevant suras—particularly Suras 7, 20 and 2—strongly debunks any traditional readings that attribute primary blame to the woman. The Qur’anic version of the Garden story is, like the rest of the text, not arranged chronologically. The narrative is dispersed throughout a number of suras with each one differing “as to focus, sequencing of events, and the involvement of the woman.”¹⁰³ There are two relevant analyses that follow from this sort of an organization, both of which are helpful in confirming man and woman’s equality and framing the broader message of the Garden story.

First, in examining the language of the suras pertaining to the temptation, the Qur’an “always uses the Arabic dual” construction ‘-*huma*’ in its references to man and woman. This conjugation helps to abstract the importance of gender in analyzing the implications of the Garden story, instead placing emphasis on Adam and his wife’s actions as a *unit*, not as individuals. Importantly, Sura 20—the earliest chronologically with regard to this story—marks the “one exception to the Qur’anic use of the dual form to refer to the temptation and disobedience”:

And indeed had We covenanted unto Adam before, but he forgot; but We did not find in him any intention (to disobey Us)...But Satan whispered unto him saying: ‘O’ Adam! Shall I guide thee unto the tree of eternity and unto a kingdom which decayeth not?’ Then they both ate of it... And Adam acted not (to the advices of) his Lord (deceived by Satan) and got astray... (20:115-121)

Here, it is *Adam* upon whom the emphasis is placed. Even though both he and his wife partake in the fruit, the word ‘*adam*’ is the one cited with regard to disobedience. It is in this way that blame is perhaps attributed to man. A more persuasive explanation, however, is that this sura represents one of the many times in which ‘*adam*’ is used to refer to humanity as a collective—a further illustrative piece of evidence for man and woman’s equality, both in capacity for culpability and for forgiveness.

The second analysis, relying on order of revelation, reveals a trend that suggests that gender may not be an overly critical component of the Garden story at all. Placed in chronological context, the relevant suras offer an evolution of the Garden story that “proce[eds] from a focus on Adam (Sura 20) to one involving both Adam and his wife (Sura 7), [with] the final version...transcend[ing] both by way of introducing” themes which are universally applicable, namely those of forgiveness and “spiritual well-being” for those who follow God’s direction. Men and women are equally susceptible to temptation, but this reality is not an indication of any inherent evil within humanity. Islam, unlike Christianity, does not preach any concept of original sin; even though people will inevitably stray from God’s guidance at times, they will be forgiven as long as they recognize their errors and repent. Here, specific gender is rendered largely inconsequential in the presence of this more universal message.

There is a compelling linguistic argument in support of this egalitarian message as well. Though there are six different words for ‘garden’ in Arabic, each sura pertaining to the Garden story uses the word ‘*juna*’—a word that can also be translated as ‘obsession;

madness; insanity’ as well as ‘protection, shelter, shield.’¹⁰⁴ These shared meanings reinforce the notion that despite men and women’s unavoidable madness at times, God will still protect them and shield them from overall harm. Men and women’s roles as corporeal beings in the story allow God’s guiding principles to be made more tangible. As Amina Wadud states, “The female and male characters are particularly important to demonstrate certain ideas about guidance. The characters and events in the Qur’an should always be examined in the light of this overall goal.”¹⁰⁵ As such, the Garden story is not meant to delineate specific gender roles or individual characteristics, but instead to convey a broader message with regard to men and women’s shared capacity for forgiveness, provided they repent to God and follow the straight path.

Marriage

Notwithstanding the necessity of understanding man and woman’s inherent equality in the Qur’an, these general egalitarian principles can only go so far in countering violence against women, particularly when such violence directly targets specific legal areas. Although women in many Muslim countries do face legal challenges in a number of areas, they are often particularly restricted when it comes to family law or personal status law, which pertains to matters relevant to the relationship between husband and wife such as marriage and divorce. The more conservative personal status laws often rely quite heavily on supposed Islamic justifications in favor of women’s circumscribed rights within the home. A closer look at the Qur’an as a whole and examples from the Prophet

Muhammad's life, however, reveal an alternatively compelling argument in favor of women's intended freedom in matters of personal status.

Prior to Islam's development, there existed over ten forms of marriage (permanent, *Nikah al-Zainaab*, *Zawaj-al-Badal*, *Nika al-Dayzan*, etc.), nearly all of which disregarded women's opinions or rights as a human being. While Islam did still permit a master to marry his slave, nearly all of the other forms of marriage were abolished as the Prophet delegitimized all but "marriage by contract."¹⁰⁶ Rather than constituting the *object* to be contracted, women became a "principal transacting part[y]" in marriage, valued just as much as the husband.¹⁰⁷ One of the most tangible manifestations of this shift in status is that, for the first time, "Islamic law recognized the wife—not her father—to be the recipient of the brideprice," traditionally referred to as the dowry.¹⁰⁸ Within the Qur'an, women are declared to be the "twin halves of men," and are forbidden to be forced into marriage.¹⁰⁹ Although a male guardian's permission is required under certain schools of Islamic law,¹¹⁰ marriage cannot take place without both the husband and wife's consent as well: "A previously married woman shall not be married till she gives her consent nor should a virgin be married till her consent is sought."¹¹¹

If a woman is forced into matrimony against her will or is not satisfied with her situation, the issue can be brought to court. The *hadith* provide a useful example in the story of "Khansa' bint Khidam al-Ansariyya [when her] father married her to someone when she was a woman who had already been married. She did not like this state of affairs, so she went to the Prophet and he revoked the marriage contract for her."¹¹² In this way,

although the man remains the symbolic head of the household, the woman is given new abilities to interfere should he misuse his power.¹¹³ Complete and utter reform could not occur automatically or all at once, but this development set a precedent for women's gradual augmentation in power and status within marriage.

Islam's inherent gradualism is also quite apparent through an examination of the practice of polygamy. Although the Qur'an does not expressly forbid the practice, it did institute a number of restrictions that, at the time, marked a dramatic shift in the treatment of women. Not only does the Qur'an limit the number of wives to four, but it also clearly states that a man must be able to treat each of his wives fairly:

And if you fear that you cannot act equitably towards orphans, then marry such women as seem good to you, two and three and four; but if you fear that you will not do justice (between them), then (marry) only one or what your right hands possess; this is more proper, that you may not deviate from the right course.
(4:3)¹¹⁴

This verse severely hindered much of the rampant marriage and subsequent disparaging treatment of women that had previously occurred. Qur'anic opinion of polygamy takes on an even more liberal meaning when this verse is considered in tandem with verse 4:129: "You are never able to be fair and just between women, even if it is your ardent desire."¹¹⁵ Taken together, verses 4:3 and 4:129 imply the impossibility of exercising polygamy and equitable treatment of all wives simultaneously and some "theologians opine that... therefore, polygamy is as good as banned."¹¹⁶ Such an interpretation acknowledges the Qur'an's intrinsic gradualism. Progress does not occur overnight; a blatant forbiddance of polygamy would have been too radical a change after centuries of its permissibility. Moreover, polygamy was viewed as a humanitarian way to help

orphaned widows find stability and support in an environment where single women did not fare well. Accordingly, the Qur'an is constructed in such a way that its verses imply a need for constant development over time. Restrictions limiting the number of wives and requiring equitable treatment were effective immediately, but, according to moderate interpretations, these stipulations were also meant to continually evolve over time.

The specific historical context of the revelations relating to polygamy shed further light on the situation, suggesting that polygamy may have only been advised under specified circumstances. The Qur'anic verses that permit men to take up to four wives were revealed following the devastating Battle of Uhud in the year 625, a battle that quite literally decimated the population of Muslim men. Countless women and young girls were left widows and orphans, forced to fend for themselves in a society that still largely favored men.¹¹⁷ Many Qur'anic commentators highlight the importance of these atypical circumstances when analyzing the intentions of those verses discussing polygamy. Given the dire situation in the aftermath of the battle, Qur'anic commentators such as Muhammad Ali suggest that men were permitted to take more than one wife as a means of helping to save female victims of war from a life of destitution.¹¹⁸ Between verses 4:3 and 4:129 and an understanding of historical circumstances, the Qur'an implies the near impossibility of acquiring a relationship that is both polygamous and fair—a reflection, perhaps, of the intention for an eventual full-out ban of the practice.

Aside from improvements for women when entering into marriage, early Islam also enhanced equality within the home. Qur'anic verse 2:187 declares: "...they are (like) an

apparel for you and you are an apparel for them,” thereby fostering a union ground in mutual dependency and cohabitation.¹¹⁹ While the male remained the head of the household as was customary at the time, the Qur’an did not intend for such a relationship to be a dictatorship; men and women were indeed created from the same source.

Profound support for the equitable status of the sexes is derived from the Prophet’s life as well; his example is traditionally looked to and revered by Muslims as the closest paradigm of perfection. His own wives Khadija and Aisha were extremely strong figures in the development and promulgation of the Islamic community, with Aisha even playing a role on the battlefield.¹²⁰ More specifically pertaining to household affairs, there is a *hadith* that reads as follows: “I asked Aisha: ‘What did the Prophet use to do about the house?’ She answered: ‘He would do chores for his family and then, whenever he heard the call for prayer, he would go out to pray.’”¹²¹

Despite his prescribed hierarchical role as caretaker, the Prophet recognized the limitations of this status and saw no need to exercise absolute authority over every aspect of the home. Instead, he split the burden and took part in practices often stereotypically assigned to the female, “help[ing] women with housework and mend[ing] his own clothes.”¹²² The Prophet’s approach to family matters was quite monumental and revealing given the hierarchical way in which household roles were eventually reinterpreted to imply male dominion. Moreover, shared domestic responsibilities marked yet another demonstration of woman’s dramatic and transformative shift from chattel to *person* after the advent of Islam.

Despite these overwhelmingly positive points, there are two Qur'anic verses that can be (and often are) construed as misogynistic. The first of these, verse 4:34, is frequently upheld in support of both women's subservience and physical abuse against the wife. Nevertheless, like many of the words in the verses surrounding the Creation story, there are a number of Arabic terms in 4:34 whose implications change drastically depending on interpretation. Leaving the questionable terms in Arabic for the time being, the verse reads as follows:

Men are *qawwumun* 'ala women on account of the qualities with which Allah hath preferred (*faddala*) some of them to excel over the others and for what they spend of their property; therefore the righteous women are *qanitat*, guarding the unseen that which God hath guarded; and as to those whose perverseness ye fear *nushuz*, admonish them and avoid them in beds and *adriboo* them; and if they obey you, then seek not a way against them. (4:34)¹²³

By one conservative interpretation of each of these words, this verse can be taken to mean that men are superior (*qawwumun*) over women. In addition, God's preference (*faddala*) for the male over the female thereby renders women entirely submissive (*qanitat*). Finally, the husband is permitted to beat (*adriboo*) his wife upon being made aware of her misconduct (*nushuz*). Still, this reading of verse 4:34 is rather circumscribed; each of the words '*qawwumun*,' '*faddala*,' '*qanitat*,' '*nushuz*,' and '*adriboo*' possesses a host of potential interpretations, many of which convey a significantly more progressive and egalitarian vision of women.

'*Qawwum*' (the singular form of '*qawwumun*') comes from the root '*qam*,' whose most relevant translations are either 'to be in charge of, to guard' or 'to take care of, to attend to.'¹²⁴ As such, before even examining the noun form of this root, it is apparent that the

beginning of verse 4:34 has two very different potential meanings: one implying that men assume full control over women and the other connoting men as caretakers. The noun ‘*qawwum*’ is also translated a number of ways, ranging from ‘protector’ in Yusuf Ali’s Qur’anic translation to ‘authority’ in Ahmed Ali’s translation. *Hans Wehr* defines the term and some of those closely-related in terms of spelling and pronunciation as either ‘fellow tribesmen, kinsfolk, kindred (*‘qaum*’),’ ‘caretaker, custodian (*qayyim*),’ or ‘guardian, caretaker, keeper (*qawwaam*).’¹²⁵ Assuming that any of these translations is possible, the verse could be interpreted as suggesting that men and women are kin, men are in charge of women, or men should care for women. Still, out of the three terms translated above in *Hans Wehr*, the final—‘*qawwaam*’—is most similar in spelling to that written in the Qur’an. Even a focus solely on this word, however, leaves one with some ambiguity as to exactly what the Qur’an is implying about its characterization of men in relation to women.

Recent scholars such as Amina Wadud, Azizah al-Hibri, and Riffat Hassan, echoing some older exegesis, read the term ‘*qawwamun*’ as an implication that men must provide financial support for their wives. Translating the term as ‘breadwinners,’ these analyses are quick to point out that the husband’s economic responsibilities do not necessarily translate into fewer rights for women. While uncommon, some women did greatly excel at achieving economic prowess long before such opportunities became more culturally entrenched. The Prophet Muhammad’s own first wife, Khadija, was in charge of a business and possessed wealth that far exceeded the means of the Prophet at their time of marriage.¹²⁶ Here, there is a notable difference between Qur’anic *expectation* for women

and explicit *obligation*. Just because women are not specifically mentioned as the financially-responsible party does not mean that they are in any way forbidden from supporting themselves or deemed subsidiary to men. Certainly this was not the case with the Prophet's own wife, Khadija.

In fact, taken in the historical context, such an analysis becomes coherent and meaningful. At the time of revelation, women had not yet had the opportunity to provide for themselves or maintain a household. Men had to take care of women by virtue of necessity, not out of an inherent hierarchical difference. Rahman declares this dependent role to be “purely functional...such dependence is no longer necessarily true, and thus, in a new sharia, male guardianship over women should be terminated,” for women have gradually grown to possess more opportunity for economic freedom and protection.¹²⁷

Islamic scholar Muhammad Abduh provides further support for this premise, stating that the laws pertaining to religious duties (*ibadat*) “by nature lie beyond interpretive change, [but] the laws on social transactions (*muamalat*) by nature require interpretation and adaptation by each generation of Muslims in light of the practical needs of their age.”¹²⁸

Taken as such, man's role as caretaker of women should be readjusted with modernization and women's ever-enhancing capacity for self-sufficiency.

Whether or not one chooses to uphold this more economic reading of ‘*qawwamun*,’ it is worth noting that, either way, the verse still does not unilaterally favor men over women. The verse “does not read ‘they (masculine plural) are preferred over them (feminine plural).’” Instead, it reads ‘*ba'd-hum* (some of them [plural encompassing both male and

female genders]) are preferred over *ba'd* (others)' As such, the verse merely points out a rather obvious reality of existence, namely that people are not equal in all areas: "Some men excel over some women in some manners. Likewise, some women excel over some men in some manners." Furthermore, the term '*qanitat*' ('submission' or 'obedience') is commonly read as implying women's subservience to men. Nevertheless, a consideration of this term as it is used throughout the Qur'an reveals its association with both women¹²⁹ and men.¹³⁰ In this context, '*qanitat*' refers to *spiritual* submission to God—the general prostration of all humans before God and not the prostration of one human before another.

'*Nushuz*,' coming from the root meaning 'to be recalcitrant or disobedient,' is typically translated as 'recalcitrance of the woman toward her husband.' According to *Hans Wehr*, however, '*nushuz*' has a variety of other definitions including 'animosity, hostility,' 'dissonance, discord,' and, perhaps most notably, 'violation of marital duties on the part of either husband or wife, specif. recalcitrance of woman toward her husband and brutal treatment of the wife by the husband.'¹³¹ In this verse, therefore, '*nushuz*' could imply anything from a woman's specific misconduct to general marital discord or discontent. Given the term's usage in its other context in the Qur'an, the latter definition is much more likely: "And if a woman feareth from her husband *nushuz*..." (4:128). Even though the same term is used in both verses, conservative exegesis frequently chooses a different translation for each, with the one in verse 4:34 implying a woman's 'disobedience to her husband.'¹³² Still, this dichotomy between meanings does not make sense; the term "cannot mean 'disobedience to the husband'" as it is used to refer to the conduct of *both*

husband and wife. As such, verse 4:34 likely connotes a mutual “state of disorder between the married couple” and not one of a woman’s disobedience to her hierarchically-superior husband.¹³³

In any case, the final portion of verse 4:34 outlines what should occur in the event of ‘*nushuz*,’ whether female misconduct or general discord. The verse first suggests a verbal attempt at reconciliation, followed by a physical separation (“...admonish them, avoid them in beds...”). If all else fails, men are then permitted to ‘*adriboo*’ their wives, a term commonly translated as ‘to beat’ and thereby justifying the husband’s physical violence against his wife. This word comes from the root ‘*daraba*,’ which, in addition to meaning ‘to beat, strike, hit,’ also means ‘to turn away from, leave, avoid,’ ‘to set an example,’ and ‘to set apart.’¹³⁴ The verse could just as easily be interpreted as permitting the husband to ignore or leave his wife if their problems do not improve.

Regardless of either choice of interpretation, this verse is still a positive step away from the rampant abuses against women that took place throughout the *Jahiliyya*. Wadud points out that the use of the word ‘*daraba*’ as opposed to its related term ‘*darraba*,’ or ‘to strike repeatedly or intensely,’ indicates a prescriptive mitigation of “unchecked violence against females. Thus, this is not permission, but a severe restriction of existing practices.”¹³⁵ Just as the Qur’an has imbued within it the expectation of gradual reform over time in areas such as polygamy, so, too, does verse 4:34 perhaps put into effect the first steps toward complete eradication of even the possibility of a husband doling out a physical blow.

The second controversial verse is Sura 2:228, which states: “And [(the rights) due to the women are similar to (the rights) against them, (or responsibilities they owe) with regard to] the *ma'ruf*, and men have a degree [*darajah*] above them (feminine plural).”¹³⁶ Often interpreted as implying man’s inherent hierarchical preference over woman in all circumstances, the sura is actually much more ambiguous when considered in relation to other Qur’anic verses or within its historical context. According to the Concordance on Oxford Islamic Studies Online, the word ‘*darajah*’ appears in 17 verses throughout the Qur’an. Other examples include Sura 58:11 which states, “Allah will exalt those who believe among you, and those who have knowledge, to high *darajat*,” Sura 3:162-163 which states, “Is then he who abideth by the pleasure of God, like him who hath brought on himself the wrath from God, and whose abode shall be Hell? What an evil destination (*it is*). They are of diverse *darajah* with God; and verily God beholdeth what (*all*) they do;” and Sura 6:132 which reads, “And for all are *darajat* in accordance with what they do; and thy Lord is not heedless of what they do.”¹³⁷

Taken together, the various uses of ‘*darajah*’ indicate that although all people are generally deemed equal before God, they are distinguishable from one another along the lines of certain traits such as level of knowledge or, as is mentioned most frequently, quality of behavior and actions. In this way, the verse that uses ‘*darajah*’ with regard to men and women was not likely intended to be applicable to more than a very circumscribed context, in this case, divorce. It is with regard to this issue of *talaq*, or divorce, that the circumstances of revelation are particularly valuable in explaining away seemingly misogynistic readings of the Qur’an.

Divorce

The Qur'an also greatly enhanced women's rights pertaining to the dissolution of marriage. Representing one of the more controversial issues within Islamic thought at present, divorce is much more clearly defined when it comes to Islam's original tenets. In reality, many of the current human rights abuses associated with divorce stem not from the time of Prophet Muhammad but from the development of formalized Islamic law in the years following his death. While not expressly forbidden by any means, divorce is neither recommended nor encouraged. Still, both the Qur'an and *hadith* do acknowledge the need for some sort of mechanism of separation should irreconcilable marital conflicts arise. At this stage, the Qur'an advocates intercession or adjudication utilizing representatives from not only the husband's side of the family, but from the wife's as well: "If you fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers." (4:35)¹³⁸

Already awarding women more equitable treatment through this balanced arbitration, the Qur'an further eroded pre-Islamic misogyny in verse 2:229 which reads: "A divorce is only permissible twice: after that, the parties should either hold Together on equitable terms, or separate with kindness."¹³⁹ As advocated by the Prophet, these three divorces were not to occur simultaneously on the same occasion. The abusive practice of "*talaq bid'i* or *talaq thalatha fi majlisin wahidin* (triple divorce in one sitting) is an innovation introduced after the death of the Prophet Muhammad... There is no mention of the triple *talaq* in the Qur'an and Hadith."¹⁴⁰ Before these limitations were implemented, men

could repetitively divorce and remarry their wives as many times as they wanted with impunity—a practice that severely objectified women and left them unable to adequately exercise control over their lives. This unbridled means of divorce was severely reigned in during the time of the Prophet, as the number of permissible divorces was capped at three in verse 2:229.

Additionally, in order to guard against rash and impetuous actions on the part of the husband, the Qur'an instituted the notion of *'Iddat*—a waiting period lasting the length of the wife's three menstrual cycles. Only at the end of the *'Iddat* does a divorce become irrevocable. Verse 2:231 further expounds on *'Iddat*:

When you divorce women, and they fulfill the term of their (*iddat*), either take them back on equitable terms or set them free on equitable terms; but do not take them back to injure them, (or) to take undue advantage. If anyone does that, he wrongs his own soul. (2:231)¹⁴¹

If and when divorce was deemed irrevocable, the Qur'an instituted other mechanisms for ensuring the divorced wife's protection and continued care. For example, men are obligated to pay alimony to their former wives: "For divorced women, maintenance (should be provided) on a reasonable (scale). This is a duty on the righteous" (2:241).¹⁴² Moreover, the Qur'an also allotted certain circumstances in which women could instigate divorce as well. While still not completely equitable, the Qur'anic changes with regard to divorce were progressive in comparison to pre-Islamic practices.

The Hijab

Aside from legal challenges with regard to personal status laws, some women also face significant restrictions on their appearance and dress. For many Muslim women, the decision to wear the *hijab* is purely a personal choice—an expression of individual faith, modesty, or security. Too often, however, conservative clerics or leaders exploit the *hijab* as a mechanism for imposing more misogynistic or traditional gender roles by mandating that all women remain covered, in some instances fully covered (head, body and face). In Iraq today, many women are confronted with the omnipresent threat of violence from Islamist militias if they do not don the appropriate clothing. The *hijab* became twisted and manipulated over time, representing male dominion over women and tangibly signifying a group of women who were in desperate need of liberation from the West.¹⁴³ Nevertheless, as Asma Barlas elucidates, the *hijab*'s symbolic manifestation as an object of female subjugation possesses no Qur'anic basis whatsoever, despite conservatives' arguments to the contrary. Rather than ordaining that women be fully covered or entirely secluded, the Qur'an instead promotes modesty, privacy, and—perhaps ironically given many arguments to the contrary—security from sexual abuse.¹⁴⁴ As a result of the intricate intersection of patriarchal interpretations and disregard for the *asbab al-nuzul*, the veil has undergone both a semantic and cultural shift, emerging from Qur'anic verses 33:53-55, 33:59-60, and 24:30-31 as a “misplaced symbol” of women's oppression and societal isolation.

While '*hijab*' is defined as the traditional veil by one translation, the term can also refer to a physical barrier such as a curtain, screen, or partition. In fact, nearly every instance in which the Qur'an uses the term refers to some sort of barrier, be it a physical partition within the home or a metaphorical separation between believers and nonbelievers.¹⁴⁵ On a purely linguistic level, there is consequently no obvious indication that the Qur'an ever intended to prescribe a certain way of dress for women. Beyond the specific word choices and grammatical constructions of relevant verses, the historical context of revelation is also applicable when considering verse 33:53-55, which reads:

O believers, enter not the houses of the Prophet, except leave is given you for a meal, without watching for its hour. But when you are invited, then enter and when you have had the meal, disperse... And when you ask his wives for any object, ask them from behind a *hijab*; that is cleaner for your hearts and theirs...¹⁴⁶

The Prophet frequently entertained visitors at his house, some of whom were not necessarily explicitly invited nor encouraged to stay for long periods of time. After marrying his wife Zainab, the wedding festivities continued late into the night and the Prophet Muhammad's home was filled with guests, some of whom lingered on long after the appropriate time of departure. The above verse was revealed in this context, as a means of allowing the Prophet's wives at least some semblance of domestic privacy.¹⁴⁷ Given these circumstances, it is likely that the literal meaning of '*hijab*' was that of a physical curtain to be pulled shut should the wives desire some time to themselves amidst the constant flux of visitors. This tangible yet temporary partition has taken on the much more broad-spectrum meaning of seclusion in general. The extent of this seclusion varies by interpretation, ranging from a mere scarf to connote modesty to women's complete seclusion and separation from the rest of society.¹⁴⁸

All the same, a brief analysis of verses pertaining to the *hijab* removes any sense of ambiguity, suggesting that the Qur'an mandates neither the full concealment of women's bodies nor their physical isolation. Verse 33:59-60 reads as follows:

O Prophet! Tell thy wives and daughters and the believing women, that they should cast their *jilbab* over their persons (when abroad): That is most convenient that they should be known and not molested... Truly, if the Hypocrites and those in whose hearts is a disease...desist not, we shall certainly stir thee up against them.

Before delving into any of the historical *asbab al-nuzul*, it is necessary to note that the term '*hijab*' is not used at all in this verse. Instead, the Qur'an uses the term '*jilbab*' ('outer garment'), thereby referring to a garment that traditionally covers only the bosom and neck and no more of the body. As is made evident in the verse above, the *jilbab* was not suggested in this context as a means of preventing men from viewing women's bodies. Instead, it "served as a marker of *Jahili* male sexual promiscuity and abuse at a time when women had no legal recourse and had to rely on themselves for protection."¹⁴⁹ Returning again to pre-Islamic Arabia and the time of ignorance, one may recall that women possessed no rights or freedoms whatsoever. Although their slave-like status was drastically reformed with the advent of Islam, "believing women" still required some means of differentiating themselves—a symbolic shield from the "*Jahili* men" who might otherwise assume they were "nonbelievers and thus fair game" for abuse. It is somewhat paradoxical that a garment originally intended to protect women from *male* lechery has been twisted so as to become a necessity guarding against "*female* immorality and inferiority."¹⁵⁰

The final verse typically upheld in support of female subjugation is 24:30-31. Note again that the word ‘*hijab*’ is not present:

Say to the believing men that they should lower their gaze and guard their private parts: that is purer for them... And say to the believing women that they should cast down their gaze and guard their private parts and they display not their adornment save what is apparent of it; and to draw their *khumar* over their bosoms, and they display not their adornment save to their husbands or their fathers...¹⁵¹

The word ‘*khumar*,’ while possessing one possible definition meaning ‘to veil the head and face of a woman,’ also comes from the root that merely means ‘to cover, hide, conceal.’ Indeed, the semantic associations in the rest of this verse suggest a less stringent interpretation of the word—one that necessarily “establishes that people must be free to look upon each other publicly” and not be concealed or isolated from one another.¹⁵² For one thing, the verse clearly advises modesty for both men and women. The only stated difference between its counsel to men and women is the mention of women’s “adornments.” While this term does initially appear rather vague, the subsequent line helps to clarify this ambiguity, instructing women to “draw their *khumar* over their bosoms.” Although this phrase does not explicitly define the term ‘adornments’ as a reference to women’s ‘bosoms,’ the parallel syntax seems to suggest as much. Devoid of a clearly stated explanation, however, conservatives still cite ‘adornments’ as a reference to not just women’s bosoms, but also their “hair and faces” as well.¹⁵³

Still, ‘adornments’ aside, there are other indications that this verse was not intended to advocate women’s entire physical seclusion or covering. Barlas points out that, in addition to referencing the veil as an article of clothing, the verse is perhaps also concerned with a veil that is more emblematic than it is tangible—that of the

“eyes/gaze.”¹⁵⁴ With its statement that men and women “cast down their gaze,” the Qur’an suggests that people themselves can act as their own veil through respectful conduct, serving as their own enforcers of modesty. Men and women are both given the same stipulations with regard to modesty, thereby implying their mutual responsibilities to one another and to themselves. As a corollary, the fact that the verse actually states the necessity of “cast[ing] down one’s eyes” guards against interpretations that argue in favor of women’s complete segregation in society; there would be no need for such a recommendation if men and women were already set apart from one another in seclusion.¹⁵⁵

The preceding Qur’anic analyses demonstrate the potential fallacies in Islamist arguments that rely on the Qur’an or other Islamic principles to support restrictions on women’s dress. As exhibited, the Qur’anic verses pertaining to the *hijab* do not explicitly require women to remain entirely covered or segregated and in fact suggest an equal and reasonable amount of modesty for both men and women. Nevertheless, the fact remains that these more conservative or misogynistic views related to women’s seclusion and coverings do exist and certain Islamic voices attempt to justify them through religious ideology. These occurrences do nothing to help mitigate the already-existent Western perception of the veil as a symbol of Muslim women’s oppression. Leila Ahmed devotes an ample amount of analysis in her book *Women and Gender in Islam* to what she terms the “colonial narrative” and the “resistance narrative”—narratives she argues perhaps paradoxically mirror one another. As the veil marked the “inferiority of Islamic societies...and the backwardness of Islam” to Western eyes, it simultaneously came to

represent the “dignity and validity of all native customs...and the need to tenaciously affirm them as a means of resistance to Western domination” on the other side of the spectrum.¹⁵⁶ This phenomenon is one that was evident with the dawn of colonialism hundreds of years ago, and it is just as prominent today within countries such as Iraq. While the United States cultivated an image of itself as a liberator, freeing Muslim women from oppression tangibly represented through the veil, those under attack clung even more tightly to their customs and traditional ways of life. As Ahmed postulates, the *hijab* is just as rhetorically and symbolically powerful for resistance movements as it is for the West.

The next section will elaborate in much greater detail on these ideas, demonstrating how conservative interpretations of Islamic ideas relating to the *hijab* and the rest of the personal status matters analyzed in this chapter are taken to a dramatic extreme in post-Saddam Iraq, where women currently face immense threats of psychological and physical violence. The comprehensive examination of each relevant Qur’anic verse and its *asbab al-nuzul* is a critically potent tool for countering the prevailing threat of Islamist violence. Religiously-justified misogyny can and must be countered using arguments that rely on just as many Islamic principles—arguments that take extremists’ selective readings of Qur’anic verses and place them back into their historical context and their context as merely one piece of Revelation’s greater *Weltanschauung*.

Chapter 3

THE OMNIPRESENT THREAT OF VIOLENCE FOR IRAQI WOMEN

“The women...are being horrifically murdered and then dumped in the garbage with notes saying they were killed for violating Islamic teachings... Sectarian groups are trying to force a strict interpretation of Islam...They send their vigilantes to roam the city, hunting down those who are deemed to be behaving against their [the extremists’] own interpretations.”

- Bassem al-Moussawi, head of Basra Security Committee

The Qur’anic analyses and examples from Prophet Muhammad’s life presented in the previous chapter are invaluable tools in the fight against misogynistic violence in the name of Islam. Political and militant Islamists’ religious arguments possess a powerful appeal within society, one that offers comfort and a sense of stability and continuity to those within a chaotic war zone such as Iraq. It is precisely *because* of the pervasive appeal of Islam, however, that these misogynistic and conservative religious interpretations are best deconstructed using Islamic sources themselves. The following chapter will provide a more in-depth examination and analysis of the omnipresent threat—both psychologically and physically—that women currently face at the behest of some Islamist groups within Iraq. The concluding chapter will then apply the Islamic analyses presented in Chapter Two to these realities in Iraq, arguing in favor of religion itself as a potent strategy toward eradicating Islamist misogyny and violence.

A Brief History of Women’s Rights in Iraq

In order to develop an adequate understanding of the status of women in Iraq today, it is critical to first possess a cursory awareness of their status throughout modern Iraqi

history. As in my previous analyses of Qur’anic revelation, context is key—offering a window into the circumstances that helped bring women to where they are at present. Qasim Amin, a well-known Egyptian scholar, is remembered as one of the most outspoken advocates for women’s rights in Islam in the 19th century.¹⁵⁷ Contrary to popular perceptions regarding the situation of women in Iraq, Amin’s declaration that “women [are] central to progress and modernization” is one that fits relatively well with much of Iraqi history.¹⁵⁸ Indeed, even amidst their somewhat variable levels of freedom, women in Iraq still lived in one of the more progressive societies in the Middle East up until the 1990s. Iraqi women were involved in civil society as early as the 1920s, forming groups such as the Women’s Awakening Club, which offered a venue for women to engage in political discussions and to enhance their literary skills. This group, and others formed in subsequent years, became instrumental in raising awareness of women’s concerns, particularly those relevant to education and family rights.¹⁵⁹ Although these efforts did not translate into legal equality at the time, the mere existence of women’s organizations foreshadowed women’s eventual active (and government-sanctioned) participation in the public sphere.

Ironically, women’s most progressive time period in Iraqi history occurred under the Ba’ath Party’s¹⁶⁰ watch, a secular political party that was associated with repressive political control and societal oppression. Fondly referred to as the “days of plenty,” the 1970s and early 1980s constituted a period of immense economic growth and social progressivism for Iraq. While the Ba’ath did curb the creation of independent women’s organizations and unions in favor of their own bureaucratically-regulated group known as

the General Federation of Iraqi Women (GFIW), women were granted enhanced employment opportunities. Amidst a favorable oil market and a soaring economy, the government not only possessed the impetus to continue to buttress its own industries and internal labor force, but the financial capacity to make governmental employment appealing to potential employees. Offering services such as childcare that catered exclusively to women, the Ba'ath also instituted programs with an exclusive focus on women's education. The regime even went as far as legally requiring "all illiterate persons between ages fifteen and forty-five...to attend classes at local 'literacy centers.'"¹⁶¹ Unlike elsewhere in the Middle East at the time, women were viewed as essential components of Iraq's workforce—valuable contributors to the country's economic prowess.

Moreover, the Ba'ath government quashed the influence of religious parties and leaders in an effort to crack down on any possible threat of waning centralized control. In this way, even those conservative Islamic ideologies that did exist were suppressed and shielded from tangible influence in the public sphere. These restrictions allowed Ba'athi dictators such as Hassan al-Bakr and, later, Saddam Hussein, to ensure that people's loyalties lay solely with the centralized government.¹⁶² This tactic is characteristic of dictatorships worldwide, which thrive on power and seek to preempt, often through brutal means, any and all suspected threats. Keeping this sort of a governing philosophy in mind, it is also not at all surprising that the Ba'ath regime was initially quite supportive of women's contributions to society outside of the private confines of the home. Women were, after all, just as much Iraqi citizens as men, and their support was just as much

desired and needed to maintain a tight grip on power. Given that female support was more easily acquired and maintained when immersed in public life, the government actively sought to include women in the workforce, and to a lesser and strictly controlled extent, in the public affairs of the state.¹⁶³ Clearly, the government's promulgation of women's rights was largely motivated by the desire for power and economic strength as opposed to a fervent belief in egalitarian principles.¹⁶⁴ Still, as scholar and University of London Reader Nadjie al-Ali pointed out in an interview, the fact still remains that no matter how cynical the motivation, the government-supported image of the "good Iraqi woman" in the 1970s and 1980s was equivalent to that of the "educated working woman"—a view that allowed Iraqi women many more opportunities than women in other parts of the Middle East.¹⁶⁵

This depiction of women changed with the subsequent Iran-Iraq War (1980-1988) and still more drastically, the first Gulf War and the resulting economic sanctions. The conflict in the 1980s saw the propagation of the notion that men were expected to defend the homeland from foreign attack and, in so doing, preserve the honor and integrity of Iraqi society, notably including Iraqi women.¹⁶⁶ As the concept of honor was already well-established in Iraqi culture, women came to constitute a corporeal manifestation of the land itself, symbolically representing that which necessitated shielding. The enhanced militarization of society in the wake of conflict marked a stark contrast to the prior focus on social services and economic development.¹⁶⁷ As conceptions of masculinity such as the "fighter, the defender of his nation, and the martyr" became increasingly valued, women's education and contributions to the labor force were no longer as important as their capacity to bear sons who would contribute to the future Iraqi army.¹⁶⁸ These

circumstances were further exacerbated by the U.S.-initiated economic sanctions against Iraq after its invasion in Kuwait. While these sanctions had a debilitating economic effect on collective Iraqi society, their repercussions had a disproportionately negative effect on women in particular.¹⁶⁹ Even ignoring the waning governmental support for women's education and employment opportunities, the financial crisis and soaring unemployment rates associated with the sanctions inhibited many families from funding their children's education. Girls were often the first victims of these constrictions, as families tended to use what little money they had to send their sons to school.¹⁷⁰

Moreover, the governmental suppression of religious groups that had so characterized the "years of plenty" in the 1970s took an opposite turn with the onset of the Gulf War.

Surrounded by chaos and instability, people began to rely more heavily on religion—on Islam—for solace and continuity. Wishing to maintain the support of the populace, Saddam Hussein sought to harness these sentiments of enhanced religiosity and began to relax some of the former restrictions.¹⁷¹ The Ba'ath government not only lacked the financial capabilities to continue its provision of welfare and employment benefits that had previously aided women, but it also upheld a more conservative ideology as it sought to win the support of those seeking religion as a source of comfort through actions such as harshly speaking out against prostitution and requiring women to have an escort upon leaving the country.¹⁷² The "good Iraqi woman," Nadjé al-Ali explains, was no longer someone well-educated and hardworking, but instead someone who kept house, raised her children, and behaved dutifully toward her husband.¹⁷³ Just as greater "women's rights" had been the political gambit of choice in the earlier decades, so, too, was the newfound support of religion a "political tool to consolidate power."¹⁷⁴ Nevertheless, the

reality was still that religious groups could wield considerably more influence over society—influence that, especially from the more radical Islamist groups, contributed to a tide of conservatism that would only grow with the collapse of the centralized government in 2003.

Causes of the Current Violence

Before delving into the specifics of the current realities within Iraq, it is useful to examine the preeminent and enduring catalysts of psychological and physical violence against women. As the brief examination of Iraqi history demonstrates, the stage was set for rising conservatism and the emergence of Islamism, the political use of Islam, in the years leading up to the 2003 U.S. invasion. Even in the 1990s when Saddam Hussein granted religious parties greater societal functionality, they were still largely unable to act without explicit governmental sponsorship or support.¹⁷⁵ For years, Islamist ideologies existed beneath the surface of Iraqi society, unable to fully materialize amidst the dictatorial rule of Saddam Hussein. Once the U.S. toppled the regime in 2003, however, Iraq was left devoid of any sort of centralized governmental or institutional structure. As such, “religious influences that had been sweeping the Arab world for decades but had lain underground in Iraq emerged into the open and began to fill the void.”¹⁷⁶

Conservative militias began to take control of towns and cities across Iraq, particularly in the South, often enforcing their rule through violence in the name of religion.¹⁷⁷

Even after general stability was restored in Baghdad, its reach was neither enduring nor widespread, confined as it was largely to the capital city. Power remained extraordinarily

decentralized, thereby permitting Islamist militias to maintain their strongholds over various areas of the country, including within certain districts of Baghdad itself.¹⁷⁸ Left without anyone else to turn to for security or governance, many Iraqi women became more and more enveloped within the Islamists' cultivated penumbra of terror.¹⁷⁹

In her blog, Riverbend gives a powerful account of her experience in Baghdad:

I look at my older clothes—the jeans and t-shirts and colorful skirts—and it's like I'm studying a wardrobe from another country, another lifetime. There was a time, a couple of years ago, when you could more or less wear what you wanted... [Now,] there's always that risk of getting stopped in the car and checked by one militia or another... There are the men in head-to-toe black and the turbans, the extremists and fanatics who were liberated by the occupation, and at some point, you tire of the defiance. You no longer want to be seen. I feel like the black or white scarf I fling haphazardly on my head as I walk out the door makes me invisible to a certain degree—it's easier to blend in with the masses shrouded in black. If you're a female, you don't want the attention—you don't want it from the Iraqi police, you don't want it from the black-clad militia man... You don't want to be noticed or seen.¹⁸⁰

Islamist violence was an unfortunate symptom of the post-2003 decentralization, but this is not to say that an internal coup or other source of instability would not have caused the same sort of phenomenon to occur. The United States' invasion was merely a trigger, while the real igniter is instead linked to decades of Ba'athi suppression of religious groups, who were eager to fill the power vacuum left by Saddam's overthrow.

These groups are not, however, limited to militias employing physically violent tactics. In fact, another preeminent contributor to the dire situation for Iraqi women is the often-underreported nexus between Islamist militias and (at least ostensibly) democratically-elected Islamist parties in Baghdad. The more the elected Islamists silently stand by in the face of blatant violence from their militant counterparts, the more these physically-

violent groups feel justified in their actions.¹⁸¹ The situation is, of course, only intensified when one considers that many of the various police forces are infiltrated by militants, rendering law enforcement virtually indistinguishable from the threats themselves in many cases.¹⁸² This was an enormous concern in the years leading up to 2008 especially, and though police forces are demonstrably more effective in recent years, there is still little means of determining whether certain members of the law enforcement community may act as double agents.

Moreover, militias roaming the streets of Iraq espouse a fundamentalist ideology that is echoed by some of the more impressionable or staunchly conservative mosque imams, or religious leaders: “Sheikh Salah Muzidin, an imam at a mosque in Baghdad, was reported as saying, ‘These incidents of abuse just prove what we have been saying for so long. That it is the Islamic duty of women to stay in their homes, looking after children and husbands rather than searching for work.’”¹⁸³ These ideological currents penetrate up from the more localized level, reaching Islamist militias’ political counterparts in Baghdad and helping to propel attempts at institutionalizing religiously-based misogyny into law.¹⁸⁴ Though the specifics of this connection will be elaborated on later in this chapter, it is worth noting that those more extremist political and militant Islamist groups created a mutually reinforcing cycle of violence—violence that constitutes a double-edged sword, existing as much on a psychological and political level as on a physical level.

There is, in addition to the aforementioned decentralization and symbiotic relationship between political and militant Islamists, another critical dimension to the surge of violence against women. U.S. rhetoric, especially under the Bush administration as previously demonstrated, focuses on the need to “sprea[d] the hope of liberty in the Middle East” and enforces the notion that “military dictatorship and theocratic rule are a straight, smooth highway to nowhere.”¹⁸⁵ The situation with regard to women often constitutes a concrete emblem of these ideas, rhetorically expounded upon so as to further allude to Arab oppression: “These nations can show by their example that honest government, and respect for women...can triumph in the Middle East.”¹⁸⁶ Confronted with these charges, many Iraqis deflect the symbolic representation of women in a different way. As in the past during the days of colonialism, which was in part justified on grounds of liberating women, ensuring control of women and imprisoning them within a traditional sphere becomes a way to stand up to the foreign invaders, to assert one’s independence in the face of imposed foreign ideologies, and more importantly, to assert some lever of power over a society increasingly under foreign control.¹⁸⁷

Clad in the already widely-recognized *hijab*, women constitute a tangible differentiation between Iraqi and Western culture. In this way, many Iraqis have perhaps uncharacteristically clung tight to their traditions as a means of rebellion and an assertion of identity. These sentiments alone are not all that unusual; the desire to hold onto that which one feels is under assault is indeed a normal human reaction that is observable throughout Middle Eastern history. In her chapter entitled “Discourse of the Veil,” Leila Ahmed focuses extensively on this phenomenon as it played out in Egypt under British

occupation beginning in 1882. She describes the societal rift that developed between the foreigners and the rest of the Egyptian populace. As the British and their sympathizers upheld the veil as a symbol of Islamic backwardness and inferiority, the Egyptians felt the need to staunchly assert their identity by holding fast to custom.¹⁸⁸

These narratives—the “colonial narrative” and the “resistance narrative,” in Ahmed’s words—are just as observable within Iraq today as they were in Egypt.¹⁸⁹ When coupled with the more extreme religious ideologies of Islamist groups, however, these more routine reactions take on an entirely more dangerous and radical dimension. Yanar Mohammed, an active and outspoken Iraqi human rights activist, describes the situation from personal observation:

When an Islamist militia wants to take control of a neighborhood, imposing the veil on women is the first point on their agenda. It is their way of claiming power over the area. In Sadr City, you no longer see a single woman without the veil... It is not that these women have suddenly become more religious. It is because they will be killed if they do not wear the veil... When a political party gains control of an area, it puts its flag everywhere. The flag is a message to your opponents that this is your area and they should not dare to step onto it. The veil on women is like a flag now.¹⁹⁰

Women’s symbolism goes still one step further when delving into the political realm.

Laws most frequently associated with women’s rights, such as personal status codes,¹⁹¹ are also typically those that apply predominantly to the private realm of the home. It is much more difficult for an invader to take control over what happens behind closed doors with regard to the relationship between a husband and wife than, say, that between a judge and a criminal.

Consequently, there exists a sector of more extreme Islamist parties in Baghdad that uphold conservative family laws partially as a means of demonstrating their influence and rule against the U.S. and its allies. The mindset, perhaps, is that the U.S. may readily exert its influence over reformulating a sizeable amount of Iraq's legal system, as the colonialists did in the past, but those more traditional practices within the home are beyond its reach or purview. It is with regard to these personal status laws that Islamist political parties thereby possess some of their greatest weight, particularly when they utilize selective Qur'anic verses or *hadith* as a means of garnering support and justification. Such efforts, much akin to the practices of Islamist militias, are in many ways a technique of "gain[ing] credibility and legitimacy" in the face of chaos and uncertainty.¹⁹² These tactics, while less overtly malicious, are just as critical to women's safety in Iraq as are the physical tactics of Islamist militias. Indeed, the scars of the more radical political Islamists' attempts at restricting women's rights are not necessarily outwardly visible, but their psychological impact is no less cutting.

An Introduction to Iraqi Politics

The state of Iraqi politics since the 2003 invasion can only be described as convoluted and disorganized. Though many of the intricacies and specificities of the political parties and their maneuvers to gain power are beyond the scope of this paper, a brief summary of the evolution of politics since the fall of Saddam Hussein is useful in providing some context. Shortly after the dissolution of the Ba'athi government, the United States and its allies established the temporary Coalition Provisional Authority (CPA), which served as

the umbrella organization for Iraq's transitional government until June 28, 2004 when it was replaced with a series of subsequent organizations before finally translating into Iraq's first permanent government on May 20, 2006.¹⁹³ Prior to its suspension, the CPA instituted the Iraqi Governing Council (IGC) as a mechanism for Iraqi involvement in the reconstruction process. Many members of the IGC were individuals representing more conservative religious parties—parties that continue to dominate Iraqi politics in the present day.¹⁹⁴

The vast majority of these parties are divided along strongly sectarian and religious lines. Iraq can roughly be divided into three groups: the Kurds, the Sunnis, and the Shias. The Kurdish region of northern Iraq is largely an anomaly with regard to politics, violence, and over-arching cultural issues and thus will not be focused on in the current analysis.¹⁹⁵

Ali Allawi, in his book *The Occupation of Iraq: Winning the War, Losing the Peace* gives a detailed explanation of the various Sunni and Shia trends in the aftermath of the invasion. He divides the Sunni organizations into three major camps: (1) those in the minority who acknowledged the shift in regime and sought to promote gender and human rights and reconstruction; (2) those who had previously spoken out against the Ba'ath and sought to exert new political influence; and (3) those in the majority who assertively condemned the invasion and comprised many of the Sunni militant organizations.¹⁹⁶ It is with the second group of Sunnis—those with the strongest political aspirations—that I am concerned with regard to psychological or political violence against women. Many members of this group had been previously banned or exiled after expressing criticism of Saddam Hussein and his regime. Finally free to express themselves, the formerly

suppressed Sunnis are now active participants within politics, seeking to win the affections of the public through platforms that rely on the broad appeal of Islamic principles.¹⁹⁷

While certainly not suggesting that all Shias are united in their beliefs, particularly their political beliefs, Allawi (a Shia himself) does characterize the overall Shia trend as less divisive than the Sunni one. Though various Shia parties may differ as to their specific goals or societal prescriptions, a report from the Center for American Progress in January 2009 states that many Shia organizations do similarly “derive their legitimacy from the opinions and edicts of a relatively small group of high-ranking clerical scholars in Iraq and Iran. While these clerics do not govern directly, they do offer opinions regarding what is and is not acceptable regarding government policy.”¹⁹⁸ As a Sunni, Saddam Hussein mercilessly repressed the Shia majority during his time in power. Existing largely as an undercurrent of Iraqi society for years, the Shia developed a specific sense of identity all their own—an identity that became much more outwardly evident in the chaotic years after 2003.

No longer stifled, Shia groups saw the fall of Saddam Hussein as an opportunity to finally exert influence over their country: “The key shift... was a move from the politics of ‘victimisation’ to an insistence on their rights as a majority. This went beyond the simple assertion of majority rights and extended to the heart of the Iraqi state itself.”¹⁹⁹ Islam, of course, constituted a prime facet of Shia collective identity, having been a unifying motivational force for so long. As such, many Shia political groups came to support

Islamic rule, and, accordingly, Islamist organizations, as a mechanism toward reasserting their identities as Iraqis. Indeed, in addition to sentiments of antipathy toward Saddam Hussein and a constant sense of victimization, religion bound the Shia together in their years of suppression, and it similarly served as the unifying theme of their ascension to power in the post-2003 era.²⁰⁰

Under the auspices of the CPA, the IGC consisted of a number of representatives from visibly Islamist parties. Riverbend refers scornfully to each such individual as a “puppet” (collectively, the “darling Iraqi Puppet Council”), given their presumed level of support from the U.S. government. She specifically mentions Abdul Aziz al-Hakim of the Supreme Council for Islamic Revolution in Iraq (SCIRI), Mohsen Abdul Hamid of the Iraqi Islamic Party, and Ibraheim al-Jaffari of the Islamic *Da'wa* Party in her blog.²⁰¹

While not every member of the IGC possessed an Islamist affiliation, religious parties did make up a substantial portion of the council, foreshadowing their marked influence over Iraqi government to this day.

The Islamic *Da'wa* Party, ISCI (The Islamic Supreme Council of Iraq), and the Iraqi Islamic Party have been some of the most well-known and influential Islamist political parties in Iraq since the 2003 invasion. The Islamic *Da'wa* Party, roughly translating to the “Islamic Call Party,” is one of the few Shia Islamist groups without a directly-affiliated militia. Founded in 1958, the group has splintered since its heyday in the 1970s. Nevertheless, the group still maintains a reasonable following, with the current Iraqi Prime Minister, Nuri al-Maliki, being a member. *Da'wa's* ideology is based on the ideas

of Muhammad Baqir al-Sadr, a scholar from the 1960s and 1970s, who largely advocated for a government committed to “institut[ing] the rule of God on earth.”²⁰² *Da’wa* believes in an Islamic government wherein the ‘*ulama*, religious jurists, play a dominant role with regard to legal jurisprudence.²⁰³ Unlike the model under Khomeini in Iran, however, the *Da’wa* party does not believe in “giving allegiance to a single *marja*,” or source of emulation.²⁰⁴ Instead, the party calls for what scholar Rodger Shanahan calls a “blending of scholars and non-scholars...that supports a technocratic rule in accordance with the tenets of Islam.”²⁰⁵ Rather than blindly following a supreme leader, *Da’wa* believes in the necessity of an additional body of jurists to provide checks and balances, known as the *marja’iyya*, or “the collective body of the most highly regarded scholarly sources of emulation.”²⁰⁶ Due to its factionalism, the party has multiple leaders including al-Maliki and the aforementioned al-Jaffari of the IGC.

ISCI, or the Islamic Supreme Council of Iraq (formerly known as the Supreme Council for Islamic Revolution in Iraq, or SCIRI) was founded by Muhammad Baqir al-Hakim in 1982 as an offshoot of the *Da’wa* party. As *Da’wa* became fraught with inner divisions over the proper “role of the *faqih* (jurisprudent),” al-Hakim and his supporters split off and formed their own party in support of the Iranian model of *wilayat al-faqih*. Though both parties advocate an Islam-centric government, ISCI favors one that is heavily focused around one Supreme Leader or Ayatollah toward whom full allegiance is owed.²⁰⁷ The advisory committee of jurists that figures so prominently in *Da’wa*’s platform is less pertinent to ISCI’s ideology. ISCI is also tied to the militant Badr Corps (formerly the Badr Brigade), and, prior to the March 7, 2010 elections, held the “largest

political bloc in Iraq's Council of Representatives."²⁰⁸ After the recent elections, ISCI and the National Iraqi Alliance together hold the third-highest bloc of seats in the parliament.²⁰⁹

Fadhila is another rival Shia party that wields influence within Iraqi politics. Though not cited in Riverbend's blog, *Fadhila* is also an influential Shia Islamist party, albeit on a much more localized level. Also referred to as the Islamic Virtue Party, *Fadhila* operates preeminently in Basra, in Shia-dominated southern Iraq, and has an associated militia of the same name. Its leaders are Muhammad al-Yaqubi and Muhammad al-Waeli. *Fadhila* is directly tied to the Basra leadership, as one al-Waeli is actually the governor of the town.²¹⁰ Like many of the other Islamist parties, *Fadhila* "claim[s] legitimacy on Shia religious grounds, and justify[s] [its] often violent activities as requirements of the faith."²¹¹ The Iraqi Islamic Party, an offshoot group of the Iraqi sect of the Muslim Brotherhood, is a "Sunni fundamentalist Islamic group." As such, its specific aspirations are much more focused on restoring a Sunni majority to Iraq. Still, the party does utilize religious justifications and arguments in its rhetoric, believing, like many Shia Islamist groups, that Islam must hold a critical place in the reconstructed Iraqi government.²¹²

While understanding the background of the aforementioned Islamist organizations is certainly valuable, one need not get lost in the details of each group's ideology or leadership chain. The bottom line: Iraqi politics, both during the time of transitional governing bodies or the newly-inaugurated permanent government, is brimming with the influence of religiously-bent organizations. There is, of course, nothing inherently

problematic about the existence of these groups. The problem lies within the subset of Islamist organizations that believe so fervently in governance through a more conservative Islamic lens that they inappropriately ascribe religion as justification for disproportionately detrimental behavior toward women. The subsequent section will offer an analysis of some of the legal challenges—what I term ‘psychological violence’—that women have faced, specifically with regard to personal status laws.

Psychological Violence

It is perhaps notable that some of the earliest and most heated legal discussions and conflicts within post-2003 Iraq pertained to women’s personal status rights, or their rights with respect to marriage, divorce, custody, inheritance, and other family-related issues. Much as the *hijab* takes on a symbolic meaning of power and control for Islamist militias across Iraq, many Islamist political organizations treat the “subordination of women [as] a priority of first magnitude because it is a microcosm and precondition of the social order they wish to establish.”²¹³ This prescribed social order is frequently based on particularly conservative and often misogynistic interpretations of Islam’s more egalitarian ideals—interpretations that become still more potent when politicized and utilized as a tactic to help gain the support and trust of Iraqis. Riverbend sums up this phenomenon quite poignantly when she points out that parties operating under a religiously-bent ideology, particularly in a country amidst immense conflict and bedlam, not only appeal to particular political viewpoints, but also to “fervent believers... It’s not about the policy or the promises or the puppet in power... You don’t question the man in

the chair because he is there by divine right, almost. You certainly don't question his policies."²¹⁴

As previously mentioned, religious groups are able to appeal to the public in ways that strictly secular political groups cannot. For people with whom Islam is a critical, comforting, and, most importantly, indigenously-derived (not foreign imposed) part of their lives, religion and, accordingly, the parties that support it, represents an ideal vehicle for change. Indeed, Islamic law *could* represent precisely that if only it were based on Islam's original tenets. Instead, women, many of whom are largely unaware of their rights, find themselves shocked to realize that the "Islamic law" they had passionately supported is actually one that is rather detrimental to their freedoms and equality.²¹⁵ The problem in the majority of these cases is not *Islam*, but instead the manner in which it is being interpreted and applied; to be sure, the Qur'an and the Sunna "giv[e] women certain unalterable, nonnegotiable rights. The problem arises when... Shari'a [is] drastically different from one cleric to another."²¹⁶

One of the earliest illustrative instances of Islamist parties' politicized attempts at subverting women's rights through Islamic law occurred before any sort of official transitional law was even established in Iraq. The IGC was only in existence for a short time when a decree was passed on December 29, 2003 that sought to make substantial alterations to the current Personal Status Law, which was codified in 1959. Staunchly supported by Abdul Aziz al-Hakim of SCIRI, Decree 137 would essentially substitute for the older law one entirely written and inspired by religious leaders and institutions.²¹⁷ It

included various misogynistic provisions including lowering the age of marriage to nine, permitting *mut'ah* (or temporary marriage), and establishing “stoning, acid, and severe flogging” as punishments specifically reserved for females convicted of adultery, the decree circumvented many of the more progressive provisions that exist in the 1959 code.²¹⁸

Though by no means fully reflecting the true Islamic equity illustrated in the previous chapter, the 1959 Personal Status Law *was* viewed by many as one of the most progressive personal status laws in the region. Claimed to have been based on the principles put forth in a variety of Islamic legal schools,²¹⁹ the code establishes eighteen as the minimum age for marriage, drastically restricts and regulates polygamy, and forbids temporary or forced marriages.²²⁰ As such, Decree 137 represented an enormous step backwards for many Iraqi women as pertaining to marriage, divorce, child custody, and other related issues.²²¹ Riverbend, in her blog entries from early 2004, bemoans the situation as she declares, “My head has been spinning these last few days... I’m not the only one—everyone I talk to is shaking their head in dismay. How is this happening? How are we caving into fundamentalism?”²²²

The answers to Riverbend’s questions are quite elusive, but can be at least partially traced again to the symbolism associated with women, and more specifically their statuses within the family, in present-day Iraq. Islamist parties that were suppressed under Saddam Hussein’s rule saw a change in the personal status law as a “symbolic break from the past, as well as from the U.S. occupation, which had also claimed women as a symbol

of the new Iraq.”²²³ Decree 137 sparked such uproar among women’s rights activists throughout the country that it was eventually retracted from discussion.²²⁴ Still, these efforts to implement a new, harsher personal status law foreshadow future Islamist attempts at similar conservative proposals—proposals that, despite being justified through religion, dramatically deviate from both the Qur’an’s core tenets and the Prophet’s living example. At the same time, however, the Decree 137 situation also foreshadows the potential for future successes as a result of collective female political initiative.

The failure of that initial endeavor at personal status law modification has not stopped the Islamist-backed government from other attempts at restricting women’s rights in the name of Islam. A 2007 report from the Organization of Women’s Freedom in Iraq asserts that “Khedeir Abbas, the Secretary General of the Iraqi Ministers’ Council, began requiring all women employees to wear headscarves or be fired” in 2005.²²⁵ Additionally, the Iraqi Interior Ministry further “echo[ed] directives of religious leaders” when it issued a proclamation in 2006 strongly suggesting that women remain in the home.²²⁶ Even the current Iraqi constitution, which requires gender equality (Article 14), possesses certain articles that arguably pave the way for abuses against women in the name of Islam.²²⁷

The two most controversial articles in the Constitution are Articles 2 and 41, both of which open the door for *both* misogynistic and moderate Islamic interpretations. Article 2 establishes Islam as the “official religion of the State” and “a fundamental source of legislation,” meaning that “no law that contradicts the established provisions of Islam

may be established.”²²⁸ The potential trouble with this article is not that Islam is established as the official state religion, but instead the ambiguity as to what specifically constitutes Islam’s “established provisions.” As argued in the previous chapter, there exist an enormous number of ways in which Islamic principles have been interpreted, institutionalized, and upheld over time. Theoretically, if this provision were to *truthfully* protect against practices in violation of Islam, any radical Islamist attempt at circumventing women’s rights through religion would be in direct violation of the core Islamic principles of gender equality, mutual respect, and continual reform over time.

Article 41 arguably provides the capacity for personal status laws to differ by region and religious sect within Iraq. It states: “Iraqis are free in their adherence to their personal status according to their own religion, sect, belief and choice, and that will be organized by law.”²²⁹ Some Iraqis fear that this article essentially institutes somewhat of a confessional system of governance wherein leaders would be starkly differentiated from one another by religion or other sectarian identity. Especially when coupled with the fact that decentralization allowed many religious militias to take control of towns beyond Baghdad, Article 41 could grant each of these various Islamist groups the leniency to establish personal status laws in accordance with their own versions of Islam, no matter how conservative.²³⁰ This capacity for inconsistency greatly enhances the odds of groups taking another swing at personal status codes that resemble Decree 137—codes that “legaliz[e] discriminatory practices with regard to marriage, divorce, child custody, and inheritance.”²³¹ Of course, at the same time, Article 41 also does nothing to prevent more moderate Islamic organizations from implementing personal status laws that more closely

resemble the egalitarian principles of the Qur'an articulated in Chapter Two. These constitutional issues are merely some examples of legal threats women may face in the coming years.

Physical Violence

In addition to their capacity for misogyny within the governmental sphere, some Islamist political parties tacitly, yet significantly, contribute to the physical violence within Iraq. Certain Islamist organizations holding prominent places in Iraq's government have militias that patrol the streets in areas outside the realm of federal government control. ISCI, for instance, which at one point not only had the largest bloc of elected members in the Iraqi Parliament but also had the largest number of governors (namely, eight of the eighteen Iraqi provinces), is directly associated with the Badr Corps.²³² Many of the members of this militia have actually been integrated into Iraqi security forces and local police stations, leaving questions as to where loyalties truly lie.²³³ This issue varies in severity throughout Iraq, with Basra being perhaps one of the worst areas; a former governor there estimates "that as many as 90 percent of officers" held strong ties with Islamist organizations.²³⁴ Still, the inherent ambiguity associated with these issues makes their extent difficult to thoroughly evaluate, and the threat of militant infiltration within Iraqi law enforcement therefore remains a possibility even with security improvements.

Laith Kubba, the Senior Director for the Middle East and North Africa Branch of *The National Endowment for Democracy* who served in the Prime Minister's office in Iraq,

shared an anecdote in an interview regarding this issue. He described a number of rape cases, which occurred at local police centers. After reviewing the files with the help of the Prime Minister, Kubba found that, shockingly, these occurrences were widespread throughout Baghdad, and Iraq more generally. He said, “if this sort of ultimate form of violence is occurring at the police centers themselves, you can only imagine the level of intimidation taking place in offices, in neighborhoods—intimidation that is largely being carried out in the name of religion to keep women ‘in their rightful places.’ The issue here is not Islam; these are social problems into which Islam has been wrongfully injected.”²³⁵

Another example of this nexus between politics and militancy is Moqtada al-Sadr, a leading Shiite leader who heads both the political Sadrist Trend and the once-powerful *Jaysh al-Mahdi* (the Mahdi Army). Al-Sadr’s organizational hub lies in the aptly-named Sadr City, where it is split into twelve committees that are each responsible for overseeing one particular area of society. Ranging from “Friday prayers, health services, media, religious edicts, and Islamic law courts” to “electricity and telecommunications,” the most notorious committee is certainly *The Propagation of Virtue and Prevention of Vice* (PCPV).²³⁶ The PCPV, which exists within many other Islamist militant groups as well, is entrusted with *ensuring* women wear the *hijab* and conform appropriately to al-Sadr’s conservative societal prescriptions, often with the use of death threats and brutal force.²³⁷

There are many other Islamist militant groups that are not explicitly tied to a political party, yet are no less dangerous or significant to this study; physical violence against women in the name of religion is a grave issue no matter who specifically is committing it. Still, the existence of these connections between Islamist parties central to Iraq's government and the militants responsible for hundreds of women's deaths and disappearances must not be minimized. The failure to take political measures to protect against campaigns that enforce women's physical repression on a localized level awards a degree of unspoken legitimacy to Islamist militias—a further reinforcement of ideologies that stray far from the Islamic ideals.

The volume of instances of religiously-motivated violence in Iraq is truly staggering, especially when considering the tragic dearth of research on these occurrences. Though it is immensely difficult to find reliable statistics on the issue due to the constantly-evolving nature of the conflict and the fact that so many violent crimes are never reported, there are some quantitative estimates. One report by Muslim women reformers indicates that Basra officials state that fifteen women are killed monthly in the province, despite reports from “ambulance drivers indicat[ing] they pick up many more bodies every morning when they ‘clean’ the streets. Islamists maintain that those women who are not counted in the official statistics were promiscuous or adulterous.”²³⁸ A 2008 report from the Basra Security Committee stated that at least “one hundred and thirty-three women were killed” in 2007 in Basra alone for “violating Islamic teachings,” and this number is a bare minimum of *reported* deaths for *one* province in *one* year.²³⁹ A *Human Rights Watch* report from 2005 offers numbers relevant to more circumscribed time periods, citing an

incident on March 8, 2005 when three women were killed in Baghdad because “an unspecified religious movement had accused them of being prostitutes.”²⁴⁰

The same report refers to an article in *Newsweek* that chronicled the deaths of thirty-five women in Mosul and Baghdad who were brutally murdered from March 2003 until January 2005, often for no reason other than independently running a business. Zina al-Qushtaini, the owner of a Baghdad pharmacy, was one such victim who was suddenly kidnapped by militants, her body found days later cloaked in an 'abaya.²⁴¹ A 2008 report put out by a group called *Women for Women International* surveyed over 1500 Iraqi women and found that “63.9% of respondents stated that violence against women is increasing,” with many women strongly feeling that respect for women’s freedom has declined.²⁴² This 63.9% varies quite dramatically when accounting for geography, increasing to 91.8% in Central Iraq and 72% in Baghdad, and decreasing to 52.9% in Kurdistan, 56.7% in Southern Iraq, and 50% in Kirkuk.²⁴³

Nevertheless, one need not rely on specific numerical figures as proof of these violent attacks at the hands of Islamist militias. Even amidst the limited scholarship on this subject, there are countless news reports and interviews with Iraqi women’s rights activists that chronicle the dire situation through anecdotes alone. The examples truly abound. Riverbend describes a militia affiliate of SCIRI that set up an office near a friend’s school:

Men in black turbans and dubious, shady figures dressed in black from head to foot, stand around the gates of bureaus in clusters, scanning the girls and teachers entering the secondary school. The dark frowning figures stand ogling, leering and sometimes jeering at the ones not wearing a *hijab* or whose skirts aren’t long

enough. In some areas, girls risk being attacked with acid if their clothes aren't 'proper.'²⁴⁴ Indeed, an *American Bar Association* report described the horrific experience of a 23-year-old woman who was "permanently disfigured" after she was doused in acid when seen without a *hijab*.²⁴⁵ Moreover, a news report from the Integrated Regional Information Network (IRIN) cites a chilling statement from Harith el-Ethari of Muqtada al-Sadr's political following that proclaims the existence of a "concrete religious principle that says wearing makeup and foregoing a headscarf in public is a sin."²⁴⁶ These sentiments are echoed in blood-red Arabic graffiti in Basra that reads, "We warn against not wearing a headscarf and wearing makeup. Those who do not abide by this will be punished. God is our witness, we have notified you."²⁴⁷

Those women who are not killed through Islamist groups themselves and are instead raped or otherwise mistreated are at times "sacrificed" by family members in order to preserve family honor. Some women simply cannot endure the feelings of shame, choosing to burn themselves in order to end their lives.²⁴⁸ Although women holding public office or espousing more moderate ideas concerning human rights are often sought after and targeted, "women are assassinated just because they are women" as well.²⁴⁹ Women across Iraq report that they live in "constant fear" of attack from those who do not approve of the position or color of their *hijab*, their right to drive, or even their rights to "danc[e] and socializ[e] with men."²⁵⁰ CNN's interview with a middle-aged artist and professor named Safana sums up the situation quite succinctly when she declares, "Fear, fear is always there... We don't know who to be afraid of. Maybe it's a friend or a student you teach. There is no break, no security. I don't know who to be afraid of."²⁵¹

Rather than provide comfort in a time of chaos and destruction, Islamist groups' politicization of religion has instead cultivated a veil of fear that is suffocating society.

The issue of physical violence, especially when considered in association with the political Islamist side of the spectrum, has a number of implications for women in Iraq. Notwithstanding the colossal state of fear under which many Iraqi women live their lives, and the constant threat of injury, death, or legally-curtailed freedoms, Islamists' use of religious rhetoric to justify both psychological and physical violence casts an incredibly negative light on Islam. Rather than affirming the egalitarian principles put forth through the Qur'an and through the Prophet Muhammad's example, Islamists are conflating centuries of purely patriarchal, and male-derived Islamic teachings with the core principles of the religion itself—principles that should theoretically guarantee women numerous rights and allow for continued evolution of these rights as society progresses.²⁵² The preeminent question is not whether or not Iraq should be an Islamic state; religion is far too entrenched to remove it from the picture entirely. Instead, one must focus on the specific *kind* of Islamic state Iraq should espouse: one that relies heavily on the more misogynistic institutionalized conceptions of religious law or one that draws principally from the sources of Islam and promotes a more moderate and evolutionary form of religious rule, particularly with regard to women rights.

Chapter Four

THE WAY FORWARD

“If we as believers want to live according to the tenets of our faith, a simplistic call to return to an idealized ‘golden age’ of Islam that has little bearing on the realities of today’s world cannot be the answer. And yet, the answers can be found within our faith – if only we have the intellectual vigor, the moral courage, and the political will to strive for a more enlightened and progressive understanding of our faith in our search for answers to deal with our changing times and circumstances.”

- Zainah Anwar, leader of *Sisters in Islam*²⁵³

Chapter Two provided an in-depth analysis of the core Islamic source, the Qur’an, which provides powerful evidence of Islam’s inherent equity between both genders. Chapter Three focused on some of the ways that misogynistic religious interpretations are used against women in Iraq today, specifically by members of Islamist militias and political parties. The arguments in Chapter Two can and should be used to combat the acts and rhetoric of those described in Chapter Three. In other words, the powerful pro-women arguments detailed in Chapter Two should be utilized when considering potential strategies for alleviating violence against women and combating some of its more extremist theological underpinnings. It is my recommendation that U.S. reconstructive policy in Iraq move away from an entirely secularized approach and instead work to harness and cultivate the principles of egalitarianism so pervasively put forth in the Qur’an—utilizing religion to combat religion.

Despite the manner in which Islam is at times portrayed through Islamist rhetoric and ideology, the core Islamic principles are not misogynistic even if they have been interpreted and codified that way by certain influential groups and individuals throughout Islamic history. In stark contrast to their status as inferior chattel in the years before

Islam's inception, women experienced an enormous upsurge in their societal standing and image after the advent of Islam. The specific verses and examples put forth in Chapter Two illustrate the ways in which the Qur'an elevated the status of women not only by establishing fundamental equality between men and women, but also by strengthening their rights in key areas such as marriage, divorce, and polygamy. In addition, the Prophet Muhammad illustrated through his personal example the ways in which he felt women should be treated. As Chapter Two demonstrated, there are numerous *hadith* that recount the Prophet's immense amount of respect and kindness towards his wives, as well as his concern for maintaining justice between the genders in society as a whole. Armed with an understanding of the Qur'an's overall theme of gradual progress toward egalitarianism and social justice within society, an awareness of the continual need to reassess it in light of modern realities, and finally, an appreciation for its polysemous nature which allows for multiple interpretations of key grammatical clauses, it is not difficult for one to conceive of Islam as a tool, rather than an obstacle, for ensuring the protection and enhancement of women's rights throughout society.

The trouble, of course, arises when considering the more misogynistic ways in which these progressive Islamic principles have been misconstrued in the fourteen centuries since Prophet Muhammad's death. Interpretations of Islam that were institutionalized amidst a climate of patriarchal jurists and preexisting social stereotypes have remained in place for so long that they are often equated, or, more accurately, confused, with the essence of Islam itself. Religious leaders and organizations who subscribe to some of the resulting misogynist interpretations have immense amounts of historical precedent on

their side. When coupled with the reality that many people, including Muslims, are not overly cognizant of the exact wording of sources such as the Qur'an, leaders with misogynistic interpretations of Islam are given further credence, trusted with interpreting these allegedly complex texts for the rest of society's benefit. As a result, some women—especially those in less developed areas without ready access to education—blindly express preference for Islamic legal interpretations formulated at a certain time in history when patriarchy was deeply entrenched, without realizing their potentially negative ramifications depending on the bias or interpretative preference of the party in control.

This issue is one that is clearly manifested in Iraq today. Chapter Three detailed the horrific ways in which physical and psychological violence is utilized against women in the name of Islam. A subset of Islamist groups purporting to espouse religious truths as revealed to the Prophet Muhammad is instead manipulating them and taking many of their so-called “Islamic” beliefs ” out of context in the Qur'an and its *asbab al-nuzul*. As a result, women who initially may have been in support of religiously-oriented leaders are met with a sore surprise when they find their rights restricted and, at times, their lives endangered. Some political Islamist organizations and their associated militias view restrictions on women as a prime component of their “attempt to gain control, impose rules, and inscribe a new order rooted in narrow interpretations that are based on political-strategic considerations and ideological righteousness rather than a learned approach to religious texts and traditions.”²⁵⁴

The problem is neither Islam nor the prospect of an Islamic state; instead, it is the *manner* in which Islam is interpreted and applied. Indeed, the same religion that is used to support gender-based violence and misogyny can also be used to combat such acts. This viewpoint has not been particularly popular among some U.S. officials, who prefer secular approaches and strategies to combat Iraq's many societal problems. Former Secretary of Defense Donald Rumsfeld put forth a number of statements that not-so-subtly suggest his thoughts about an Islamic state: "It simply won't happen."²⁵⁵ These feelings also extend beyond the U.S. government, as some powerful Iraqi women's rights activists such as Yanar Mohammed, a member of the Organization of Women's Freedom in Iraq (OWFI), believe that women's equality is impossible unless a purely secular government is installed. It is those activists with such viewpoints who are embedded directly within the Iraqi population who pose perhaps the greatest challenge to any sort of reformulation of strategy based on Islamic ideals. Nevertheless, removing religion entirely from the equation is neither logical nor practical. Riverbend, after remarking upon one of Yanar Mohammed's speeches, agrees and says: "If there were an Islamic government based purely on the teachings of Islam, women would be ensured of certain nonnegotiable rights."²⁵⁶

After all, Islamists are not unilaterally misogynistic and the issues chronicled in this thesis are those associated with a small, yet powerfully influential, subset of groups espousing religious ideologies. The violence and instability in Iraq today is ripe for the emergence of the form of fundamentalist Islamic groups who espouse a misogynistic view of women. Unfortunately, current realities do not suggest the emergence, at least

yet, of a more moderate, egalitarian Islamist movement prepared and ready to make the sorts of assertions made in this thesis. Frequently in Western countries, the term “Islamist” has come to possess an overwhelmingly negative connotation, automatically assumed to refer to fundamentalist or extremist groups. While it is true that some Islamists fit into this category, the term is much broader and deserves to be understood without any preexisting associations attached to it.²⁵⁷ “Islamism” as a concept means nothing more specific than “a form of instrumentalization of Islam by individuals, groups and organizations that pursue political objectives... [Islamism] provides political responses to today’s societal challenges by imagining a future, the foundations for which rest on reappropriated, reinvented concepts borrowed from the Islamic tradition.”²⁵⁸

Though Iraq itself does not currently offer examples of more moderate Islamists, there are a number of illustrative and compelling instances from other countries that can be looked to for inspiration. For instance, Islamic reformists in Tunisia, Algeria, and Morocco successfully utilized Islamic sources and principles to reform formerly misogynistic personal status laws in their respective countries.²⁵⁹ Moreover, the Malaysian organization *Sisters in Islam* continually makes enormous strides in its efforts to enact widespread legal and political reforms of women’s rights—efforts that are nearly entirely reliant on Islamic ideological principles and themes.²⁶⁰ The undeniable reality of the matter is that Islam is a critical and omnipresent cultural and religious force across many Muslim countries, notably including Iraq. Indeed, it is Islam’s widespread appeal and influence that even allows Islamist parties and militias to initially gain support. There

is no better way to counteract a more extreme or conservative manipulation of religion than through harnessing the same principles that at one point led to Islamists' appeal.

Activists such as Zainah Anwar of *Sisters in Islam* and Azizah al-Hibri of the U.S.-based *Karamah*, a group of Muslim female lawyers fighting for human rights, write and speak extensively on this matter, firmly believing that Islam itself is the key to protecting women's rights both legally and physically. Al-Hibri makes a compelling statement in her article "Islam, Law and Custom: Redefining Muslim Women's Rights" when she formidably declares:

The majority of Muslim women who are attached to their religion will not be liberated through the use of a secular approach imposed from the outside by international bodies or from above by undemocratic governments. The only way to resolve the conflicts of these women and remove their fear of pursuing rich and fruitful lives is to build a solid Muslim feminist jurisprudential basis which clearly shows that Islam *not only does not deprive them of their rights, but in fact demands these rights for them.*²⁶¹

Eradicating religious principles and arguments does nothing to resolve the problems faced by women in Iraq today. Quite to the contrary, it creates a new, and more profound, problem—namely, enforcing a system that is largely divorced from matters of the highest importance to the majority of Iraqis.

In an interview with the author, Nadjé al-Ali pointed out that some Iraqi women, preoccupied with the much more immediate concerns of survival, do not always feel as though the specific provisions of the new Iraqi Constitution or recently enacted legislation will have a critical impact on their lives, at least in the short-term. Removing religion entirely will only further compound these emotions and, if connected to U.S.

support and influence, could catalyze even greater backlash among those who feel as though their values are being undermined by foreign powers. Moreover, removing Islamic principles from reconstructive efforts suggests that there is something inherently misogynistic or violent about the religion itself, something that this thesis has attempted to refute.

To be sure, the progressive interpretation of Islamic sources described in the second chapter, is itself rooted in interpretation. There is no way to unquestionably confirm that this analysis of the Qur'an and Prophet's example is the only correct one, but this thesis attempts to strongly demonstrate the reasons it is the most compelling one. After all, at the end of the day, all religions are human interpretations of transcendent realities. Islam was revealed at a time when women had virtually no rights and thereby marked a dramatic transformation with regard to equality between men and women. The Qur'an, for instance, not only eradicated practices such as female infanticide and prohibitions against female inheritance and divorce, but it revolutionized the institution of marriage with its declarations of egalitarianism, companionship, love, and mutual support between husband and wife. The overarching principles of gradualism and considerations of various meanings of key Arabic terminology addressed in Chapter Two further support the notion that Islam has within it many provisions to reinforce the establishment of egalitarian gender roles—roles that should only continue to progress with the development of society and the passage of time. In times of conflict, religion serves as a source of comfort, strength, and consistency on both an individual and communal level; Islam's present role within Iraq is no exception.

Even above and beyond its capacity for spiritual and personal comfort, however, Islam embodies the necessary provisions for ensuring the very ideals that the United States has so desperately pledged to support—ideals such as freedom, equality, tolerance, and justice that we cherish within our own society. The Islamist groups described in the third chapter undermine some of these values when they inappropriately attribute patriarchal and misogynistic attitudes and violent actions to a religion that actually preaches the opposite. Islam must be separated from the manner in which it has been codified over time and instead considered in its original, unadulterated form as represented by the Prophet’s own example. Just as the inception of Islam revolutionized women’s roles during the time of Prophet Muhammad, so, too, can it serve as perhaps one of the most powerful mechanisms for eradicating religious-based violence and discrimination against women in the 21st century. Both men and women alike must be exposed to and educated on the sources of their faith, and accordingly challenged to confront those more extreme Islamist elements within society with even more compelling religious arguments to the contrary. It is naïve to expect Islam’s role within Iraqi society to diminish, no matter how staunch the attempts to exclude it from the legal sphere. Thus, we have before us an opportunity to help promote the existence of a state whose core religious principles and beliefs would necessitate a cessation of psychological and physical violence against women and the assurance of gender equality. Islam constitutes a potent force of inspiration and motivation for many of the Islamist groups in question, but it can be arguably just as powerful in unraveling religiously-justified misogyny.

Notes

CHAPTER ONE:

¹ Haifa Zangana, *City of Widows: An Iraqi Women's Account of War and Resistance* (New York: Seven Stories Press, 2009), 129.

² See "Trapped by Violence: Women in Iraq," *Amnesty International* (1 March 2009), 3.

³ Anissa Helie, "The U.S. Occupation and Rising Religious Extremism: The Double Threat to Women in Iraq," *Women's World* (24 June 2005), <http://www.wworld.org/programs/editorialItem.asp?id=483>.

⁴ "The Status of Women in Iraq: Update to the Assessment of Iraq's *De Jure* and *De Facto* Compliance with International Legal Standards," Iraq Legal Development Project, *American Bar Association* (July 2005), 71.

⁵ Riverbend, *Baghdad Burning: Girl Blog from Iraq* (New York: First Feminist Press, 2005), 17.

⁶ Dan Collins, "Text of Bush Iraq Speech to U.N.: President Urges World Body to Act Against Iraq," CBS News (12 September 2002), <http://www.cbsnews.com/stories/2002/09/12/national/main521781.shtml>.

⁷ "Full Text: George Bush's Address on the Start of War," *Guardian.co.uk* (20 March 2003), <http://www.guardian.co.uk/world/2003/mar/20/iraq.georgebush>.

⁸ Amanda Terkel, "Wave of Violence Against Women in Iraq Undercuts Bush's Claims of Success," *AlterNet*, originally appeared in *Think Progress* (24 November 2007), <http://www.alternet.org/bloggers/http://www.thinkprogress.org/68751>.

⁹ "President Bush Discusses Freedom in Iraq and Middle East," *The White House* (6 November 2003), <http://www.whitehouse.gov/news/releases/2003/11/20031106-2.html> and "Bush's Speech on Iraq, March 2008," *Council on Foreign Relations*, <http://www.cfr.org/publication/15778/> (published 19 March 2008).

¹⁰ (1) "The Iraqi people are now free. And they do not have to worry about...their wives being taken to rape rooms. Those days are over" *Paul Bremer, Administrator, CPA, 9/2/03*; (2) "Iraq is free of rape rooms and torture chambers" *President Bush, remarks to the 2003 Republican National Committee Presidential Gala, 10/8/03*; (3) "There was an announcement by the IGC earlier this week about the tribunal they have set up to hold accountable members of the former regime who were responsible for three decades of brutality and atrocities... We know about the mass graves and the rape rooms and the torture chambers of Saddam Hussein's regime..." *Bush Press Secretary Scott McClellan, White House press briefing, 12/13/03*; (4) "One thing is for certain: There won't be any more mass graves and torture rooms and rape rooms" *Bush, press availability in Monterrey, Mexico, 1/12/04*; (5) "Saddam Hussein now sits in a prison cell, and Iraqi men and women are no longer carried to torture chambers and rape rooms..." *Bush, remarks on 'Winston Churchill and the War on Terror,' 2/4/04*; (6) "Every woman in Iraq is better off because the rape rooms and torture chambers of Saddam Hussein are forever closed" *Bush, remarks on "Efforts to Globally Promote Women's Human Rights," 3/12/04*; (7) "There's still remnants of that regime that would like to take it back... They could torture people and have rape rooms, and the world would turn their head from that and let it happen. But they can't do that anymore" *Defense Secretary Donald Rumsfeld, BBC interview, 3/16/04*; (8) "Our military is...performing brilliantly. See, the transition from torture chambers and rape rooms and mass graves and fear of authority is a tough transition" *Bush, remarks on "Tax Relief and the Economy," Iowa, 4/15/09*; (9) "We're facing supporters of the outlaw cleric, remnants of Saddam's regime that are still bitter that they don't have the position to run the torture chambers and rape rooms..." *Bush, remarks on the USA Patriot Act, PA, 4/19/04*; (10) "We acted, and there are no longer mass graves and torture rooms and rape rooms in Iraq" *Bush, remarks on Victory 2004 Reception, FL, 4/23/04*; (11) "A year ago, I did give the speech from the carrier, saying that we had achieved an important objective, that we'd

accomplished a mission, which was the removal of Saddam Hussein. And as a result, there are no longer torture chambers or rape rooms or mass graves in Iraq” *Bush, remarks in the Rose Garden, 4/30/04*; (12) “There are those who seek to derail the transition to democracy because they want to return to the days of mass graves and torture chambers and rape rooms. But that’s not going to happen” *McClellan, White House press briefing, 4/30/04*; (13) “Because we acted, torture rooms are closed, rape rooms no longer exist, mass graves are no longer a possibility in Iraq” *Bush, remarks at “Ask President Bush” event, MI, 5/3/04*; (14) “It’s very important for people, your listeners, to understand in our country that when an issue is brought to our attention on this magnitude, we act... Iraq was a unique situation because Saddam Hussein had constantly defied the world and had threatened his neighbors, had used weapons of mass destruction, had terrorist ties, had torture chambers and rape rooms...” *Bush, interview with Al Arabiya Television, 5/5/04*. See William Saletan, “Rape Rooms: A Chronology,” *Slate* (5 May 2004), <http://www.slate.com/id/2100014/>.

¹¹ Paul Bremer, 2 September 2003 in Saletan, “Rape Rooms: A Chronology,” *Slate* (5 May 2004), <http://www.slate.com/id/2100014/>.

¹² President George W. Bush, Remarks on “Efforts to Globally Promote Women’s Human Rights,” 12 March 2004 in William Saletan, “Rape Rooms: A Chronology,” *Slate* (5 May 2004), <http://www.slate.com/id/2100014/>.

¹³ Leila Ahmed, *Women and Gender in Islam* (New Haven: Yale University Press, 1992) 153.

¹⁴ See Sherene Razack, “Geopolitics, Culture Clash, and Gender After September 11,” *Social Justice* 32:4 (22 December 2005) for more information.

¹⁵ Nadjé al-Ali and Nicola Pratt, *What Kind of Liberation? Women and the Occupation of Iraq* (Berkeley: University of California Press, 2009), 80.

¹⁶ Ahmed 164.

¹⁷ Al-Ali and Pratt 13.

¹⁸ Ruth Rosen, “The Hidden War on Women in Iraq,” <http://www.commondreams.org/views06/0713-33.htm> (2006).

¹⁹ Al-Ali and Pratt 80.

²⁰ This scholarship includes works such as Leila Ahmed’s *Women and Gender in Islam*, Asma Barlas’ *‘Believing Women’ in Islam: Unreading Patriarchal Interpretations of the Qur’an*, Fazlur Rahman’s *Major Themes of the Qur’an*, Barbara Stowasser’s *Women in the Qur’an, Traditions, and Interpretation*, Amina Wadud’s *Qur’an and Woman: Rereading the Sacred Text from a Woman’s Perspective* and many others, all of which discuss Islam’s provisions allowing for women’s equality and liberation.

²¹ The institutionalization and codification of Islamic principles into law is known as *shari’ah*. This process took place in the years following the Prophet Muhammad’s death in 632 AD and was dominated by male jurists espousing patriarchal attitudes of the time. See Tamara Sonn, *A Brief History of Islam* (Malden: Blackwell Publishing, 2004), 32-46 for more information.

²² The *hadith* are reports chronicling “what the Prophet said or did” during his lifetime. In the years after the Prophet Muhammad’s death, there were numerous questions of credibility with regard to *hadith*, at which point Muhammad ibn Idris al-Shafii, an Islamic scholar, initiated the formal collection and verification process of the varying *hadith* reports. Today, there exist six collections of *hadith*, only two of which are deemed most credible and trustworthy (Bukhari and Muslim). While I do cite a few illustrative examples from *hadith* in Chapter Two, the reliability of *hadith* is still at times questioned, and therefore

most of my analytical emphasis is on the Qur'an and *Sunna*. The detailed complexities of the debate over *hadith* are beyond the scope of this thesis, but it is worth noting that most who argue in favor of "returning to Islamic sources" are referring primarily to the Qur'an and selective examples from the Prophet, discarding any and all *hadith* of questionable authenticity. See Sonn 38-39.

²³ Alexa Hoyne, "Islamic Origins: A Study of Shari'ah's Compatibility with International Human Rights Standards," *Global Topics E-Journal* 7 (2009), <http://www.anselm.edu/nhiop/research/arc/intaffairs/global+topics/>.

²⁴ Fazlur Rahman, *Major Themes of the Qur'an* (Minneapolis: Bibliotheca Islamic, Inc., 1989), 46-47.

²⁵ Amina Wadud, *Qur'an and Woman: Reading the Sacred Text from a Woman's Perspective* (New York: Oxford University Press, 1999), 3.

²⁶ Wadud 3-4.

²⁷ See, for example: "Trapped by Violence: Women in Iraq," *Amnesty International* (1 March 2009) <http://www.amnesty.org/en/library/asset/MDE14/005/2009/en/e6cda898-fa16-4944-af74-f3efc0cf6a4d/mde140052009en.pdf> and "A Face and a Name: Civilian Victims of Insurgent Groups in Iraq," *Human Rights Watch*, Volume 17, No. 9 (2 October 2005), <http://www.hrw.org/en/reports/2005/10/02/face-and-name> as examples.

²⁸ Bureau of Democracy, Human Rights, and Labor. U.S. Department of State. *2008 Human Rights Report: Iraq*. Washington D.C. (25 February 2009), <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>.

²⁹ WLUML is "an international solidarity network that provides information, support and a collective space for women whose lives are shaped, conditioned or governed by laws and customs said to derive from Islam." There are offices in Senegal, Pakistan, and the United Kingdom. See <http://www.wluml.org> for more information.

³⁰ OWFI is a women's freedom organization based in Iraq working to counter Islamist violence against women, particularly that carried out in the name of religious ideals and principles. See <http://www.equalityiniraq.com> for more information.

³¹ MADRE is an international human rights organization that works toward expanding justice and equality for women. One of their major focus areas is that of "Combating Violence against Women." See <http://www.madre.org> for more information.

³² A Gallup poll conducted between 2001 and 2007 surveyed tens of thousands of Muslims in over 35 different countries around the world. Some notable and relevant statistics reveal that 90% of Muslims state that "religion is an important part of their daily lives." Moreover, the number of Muslims who engage in violent acts in the name of Islam is exceedingly low. The poll found that 7% of the Muslim World stated that they felt the attacks on 9/11 were "completely justified." Of this 7%, however, less than 1% of Muslims actually engage in violence. See John L. Esposito and Dalia Mogahed, *Who Speaks for Islam?: What a Billion Muslims Really Think* (New York: Gallup Press, 2007), 4; 6; 69-70.

CHAPTER TWO:

³³ Sarah Graham-Brown, *Images of Women* (New York: Columbia University Press, 1988), 3.

³⁴ Riverbend, *Baghdad Burning: Girl Blog from Iraq* (New York: First Feminist Press, 2005), 167.

³⁵ Therese Saliba, Carolyn Allen, Judith A. Howard, Eds., *Gender, Politics, and Islam*, (Chicago: The University of Chicago Press, 2002), 4.

³⁶ Saliba 24.

³⁷ Amina Wadud, *Qur'an and Woman: Reading the Sacred Text from a Woman's Perspective* (New York: Oxford University Press, 1999), 3.

³⁸ Wadud 4.

³⁹ Fazlur Rahman, *Major Themes of the Qur'an* (Minneapolis: Bibliotheca Islamic, Inc., 1989), 59.

⁴⁰ Rahman 74.

⁴¹ Wadud 5.

⁴² Barbara Freyer Stowasser, *Women in the Qur'an, Traditions, and Interpretation* (New York: Oxford University Press, 1994), 94-95.

⁴³ Rahman 59.

⁴⁴ Ali 113.

⁴⁵ Rahman 113.

⁴⁶ Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics* (Boulder: Westview Press, 1991), 110.

⁴⁷ "Women in Pre-Islamic Arabia," Muslim Women's League (Los Angeles, September 2005), <http://www.mwusa.org/topics/history/herstory.html>

⁴⁸ Although *mut'a* marriages are rejected by Sunnis, who notably constitute the majority of the Muslim population worldwide, they are still deemed acceptable by some Shiia sects. Even among those Shiia who do not expressly forbid the practice, *mut'a* remains an immensely controversial topic within Islamic discourse. See "Shiia Islam," *Globalsecurity.org* <http://www.globalsecurity.org/military/intro/islam-shiia.htm> for more information.

⁴⁹ Mayer 110.

⁵⁰ See Qur'an 4:11 and 4:7 on inheritance and Qur'an 81:8-26 on female infanticide. The verses pertaining to polygamy will be elaborated on later in the chapter.

⁵¹ Mayer 98.

⁵² Qur'an 4:4 in Shaheen Sardar Ali, *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?* (Boston: Kluwer Law International, 2000), 31.

⁵³ Ali 60.

⁵⁴ Ali 87.

⁵⁵ Ali 87.

⁵⁶ "Ijtihad: Reinterpreting Islamic Principles for the Twenty-first Century," Special Report 125, *United States Institute of Peace* (August 2004), <http://www.usip.org/resources/ijtihad-reinterpreting-islamic-principles-twenty-first-century>.

⁵⁷ J. Schacht, "Law and Justice," Cambridge Encyclopedia of Islam, Vol II, part VIII
<<http://www.fordham.edu/halsall/med/schacht.html>>

⁵⁸ "Ijtihad."; Sonn 135.

⁵⁹ Saliba 67.

⁶⁰ See Sonn 24-5; 33; 83-7 on the expansion of the Islamic Empire.

⁶¹ There are four institutionalized schools (*madhaabs*) of Sunni Islamic jurisprudence: Hanafi, Hanbali, Maliki, and Shafi'i. In addition, there is one primary school of Sunni Islamic jurisprudence known as Ja'fari. Though these schools are in agreement on most of Islam's fundamental guiding principles, they do differ as to many of the more specific aspects and principles in the religion. See Sonn 37-40.

⁶² Patricia Rich, "Women in Iraq," *Peace and Conflict Monitor*, United States Institute of Peace (5 March 2009), http://www.monitor.upeace.org/innerpg.cfm?id_article=589

⁶³ Asma Barlas, "*Believing Women*" in *Islam: Unreading Patriarchal Interpretations of the Qur'an* (Austin: University of Texas Press, 2002), 167.

⁶⁴ Mayer 112.

⁶⁵ Qur'an 4:1 Yusuf Ali translation in
<http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/quran/004.qmt.html>

⁶⁶ The concordance on the Oxford Islamic Studies website cites countless examples of Qur'anic verses containing the word '*ayah*.' A few examples are as follows: "We said, 'Get out, all of you! But when guidance comes from Me, as it certainly will, there will be no fear for those who follow My guidance nor will they grieve—those who disbelieve and deny Our messages (*ayat*) shall be the inhabitants of the Fire, and there they will remain'" (2:37-39); "As He has already revealed to you [believers] in the Scripture, if you hear people denying and ridiculing God's revelation (*ayah*), do not sit with them unless they start to talk of other things, or else you yourselves will become like them" (4:140); "They also say, 'Why has no sign (*ayah*) been sent down to him from his Lord?' Say, 'God certainly has the power to send down a sign (*ayah*)'" (6:37). See *Oxford Islamic Studies Online*, Oxford University Press (2010), <http://oxfordislamicstudies.com/> for more information.

⁶⁷ Wadud 18.

⁶⁸ Wadud 18.

⁶⁹ Wadud 18.

⁷⁰ Indexicality is somewhat of a complicated term commonly used in the field of linguistics. Most of the intricacies of its meaning are beyond the scope of this thesis and my arguments. Nevertheless, to quote the Stanford Encyclopedia of Philosophy, an indexical is a word or expression whose "meaning shifts from context to context." See David Braun, "Indexicals," *Stanford Encyclopedia of Philosophy* (Stanford: The Metaphysics Research Lab, Center for the Study of Language and Information, 2009) <http://plato.stanford.edu/entries/indexicals/> for more information.

⁷¹ Braun.

⁷² Wadud 18.

⁷³ Wadud 18.

⁷⁴ Hans Wehr, *The Hans-Wehr Dictionary of Modern Written Arabic, Fourth Edition*, Ed. J. Milton Cowan (Urbana: Spoken Language Services, Inc., 1994), 151.

⁷⁵ Wehr 190.

⁷⁶ Barlas 135; Wadud 19.

⁷⁷ Wehr 1099; 39; 30; 74.

⁷⁸ Wadud 6-7.

⁷⁹ Stowasser 25.

⁸⁰ Wadud 31-32.

⁸¹ Barlas 136.

⁸² Wehr 1155.

⁸³ Wadud 19.

⁸⁴ Barlas 134.

⁸⁵ Wadud 19.

⁸⁶ Wehr 447.

⁸⁷ Qur'an 55:52: "*Fa-huma min kul fa-kha zojan [In each of them, of every fruit, are two kinds]*"

⁸⁸ Wadud 20; Qur'an 11:40: "*Qal-na ahml fi-ha min kul zojayn ithneyn... [Said We: 'Carry (thou O' Noah) in it two of each kind, a pair].*"

⁸⁹ Qur'an 7:189 in Barlas 134.

⁹⁰ Qur'an 49:13 in Barlas 134.

⁹¹ Qur'an 92:1-4 in Barlas 137.

⁹² Barlas 137.

⁹³ Saliba 67.

⁹⁴ Barlas 135.

⁹⁵ Qur'an 4:1 in Wadud 17.

⁹⁶ Author's Note: The preceding paragraph is the author's personal linguistic analysis, hence the lack of citations.

⁹⁷ Stowasser 29.

⁹⁸ "The angels said: Why was she named Hawwa'? He said: Because she was created from a living (*hayy*) thing." (1:513) in Stowasser 29.

⁹⁹ Stowasser 27.

¹⁰⁰ In Stowasser 26 and Wadud 23.

¹⁰¹ Qur'an 7:19 in "Translations of the Qur'an," Center for Muslim-Jewish Engagement, University of Southern California (2009)
<http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/quran/007.qmt.html>.

¹⁰² Qur'an 2:38, 7:21, 7:23-25 in "Translations of the Qur'an," Center for Muslim-Jewish Engagement, University of Southern California (2009)
<http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/quran/007.qmt.html>.

¹⁰³ Stowasser 26.

¹⁰⁴ Wehr 164.

¹⁰⁵ Wadud 32.

¹⁰⁶ Ali 60.

¹⁰⁷ Ali 60.

¹⁰⁸ Ali 60.

¹⁰⁹ Haifaa Jawad, *The Rights of Women in Islam: An Authentic Approach* (New York: Palgrave, 1998), 7.

¹¹⁰ In Hanafi law, for instance, a guardian's permission is not required for a mature woman to marry. See Vincent J. Cornell, *Voices of Islam; Voices of Life: Family, Home, and Society* (Westport: Praeger Publishers, 2007), 65 for more information.

¹¹¹ Jawad 34.

¹¹² Nicholas Awde, Trans. and Ed., *Women in Islam: An Anthology from the Quran and Hadiths* (Surrey: Curzon Press, 2000) 71.

¹¹³ Awde 70.

¹¹⁴ Qur'an 4:3 in "Translations of the Qur'an," Center for Muslim-Jewish Engagement, University of Southern California (2009)
<http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/quran/004.qmt.html>

¹¹⁵ Qur'an 4:129 in "Translations of the Qur'an," Center for Muslim-Jewish Engagement, University of Southern California (2009)
<http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/quran/004.qmt.html>

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¹²⁹ See Qur’an 4:34, 33:34, 66:5, 66:12.

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¹⁴³ Ahmed 152.

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¹⁴⁵ Qur'an 7:46: "And between the two there shall be a veil, and on the most elevated places there shall be men who know all by their marks, and they shall call out to the dwellers of the garden: Peace be on you; they shall not have yet entered it, though they hope;" Qur'an 17:45: "When thou dost recite the Qur'an, We put, between thee and those who believe not in the Hereafter, a veil invisible;" Qur'an 38:32: "And he said, "Truly do I love the love of good, with a view to the glory of my Lord,"- until (the sun) was hidden in the veil (of night);" Qur'an 42:51: "It is not fitting for a man that Allah should speak to him except by inspiration, or from behind a veil, or by the sending of a messenger to reveal, with Allah's permission, what Allah wills: for He is Most High, Most Wise."

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¹⁴⁶ Qur'an 33:53-55 in *Oxford Islamic Studies*, Oxford University Press (2010) <http://www.oxfordislamicstudies.com>.

¹⁴⁷ Stowasser 90.

¹⁴⁸ Stowasser 91.

¹⁴⁹ Barlas 55.

¹⁵⁰ Barlas 57.

¹⁵¹ Qur'an 24:30-31.

¹⁵² Barlas 158.

¹⁵³ Barlas 158.

¹⁵⁴ Barlas 158.

¹⁵⁵ Barlas 158.

¹⁵⁶ Ahmed 152; Ahmed 164.

CHAPTER 3:

¹⁵⁷ Nevertheless, Amin's reputation was not universally favorable. There are some scholars, such as Leila Ahmed, who are much more critical of him and question his motivations and commitment to promoting women's rights. Ahmed postulates that many of Amin's arguments in favor of supposedly enhancing women's rights were not made out of legitimate concern for women or a belief in their equitable status. Instead, she argues that Amin conformed to the "colonial narrative"—using women to represent the "inherent superiority of Western civilization and the inherent backwardness of Muslim societies." See Leila Ahmed, *Women and Gender in Islam* (New Haven: Yale University Press, 1992) 145; 155-163.

¹⁵⁸ Nadje al-Ali and Nicola Pratt, *What Kind of Liberation? Women and the Occupation of Iraq* (Berkeley: University of California Press, 2009), 22.

¹⁵⁹ Al-Ali and Pratt 23.

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in the late-1950s and early 1960s, the party was finally successful in overthrowing the present form of Iraqi government in 1968. The Ba'ath government remained in power until the 2003 U.S. invasion toppled the Saddam Hussein regime. See Helen Chapin Metz, ed. *Iraq: A Country Study*, Washington: GPO for the Library of Congress (1988), <http://countrystudies.us/iraq/77.htm>.

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¹⁶² Al-Ali and Pratt 26.

¹⁶³ Al-Ali and Pratt 31.

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¹⁶⁵ Nadje al-Ali, telephonic interview, 19 February 2010.

¹⁶⁶ Nadje al-Ali., “Reconstructing Gender: Iraqi Women between Dictatorship, War, Sanctions, and Occupation,” *Third World Quarterly*, Vol. 26, No. 4/5 (2005), 745.

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- ¹⁸⁹ Ahmed 166.
- ¹⁹⁰ Susskind 8.
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A. No law may be enacted that contradicts the established provisions of Islam
B. No law may be enacted that contradicts the principles of democracy.
C. No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution."
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CHAPTER FOUR:

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