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Women, Sexuality, and Social Change in the Middle East and the Maghreb

BY PINAR ILKKARACAN

Introduction

IN THIS age of globalization, women's bodies and sexuality are increasingly becoming arenas of intense conflict. Conservative and religious right political forces are fiercely trying to maintain or reinforce traditional mechanisms of control over women's sexuality and even create new ones. Four UN conferences held in the 1990s—the 1994 International Conference on Population and Development (ICPD) in Cairo, the 1995 Beijing Conference, the 1999 five-year review of the ICPD (ICPD+5), and the 2000 five-year review of the Beijing Conference (Beijing+5)—witnessed the Catholic and Muslim religious right engaging in unprecedented cooperation to oppose and restrict women's right to control their bodies and sexuality.

At the same time, in the last decade, women around the globe have joined forces to counter these moves from the conservative and religious right and have engaged in an international struggle against violations of their sexual and reproductive rights—a struggle transcending national borders as well as real or constructed North-South and East-West dichotomies. A visible sign of the success of this struggle is the significant change in the way international agencies use language. As the global women's movement has become stronger and the “rights” approach has gained credibility, reproductive rights” discourse has increasingly replaced reproductive “health” and “sexual health” and become a focus of

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interest and a part of common terminology. The shift from “sexual health” to “sexual rights” constitutes the last link in this chain of global change as introduced by the global women’s movement.

In this context, several traditional cultural practices—such as honor crimes, the stoning of women accused of adultery, virginity tests, or female genital cutting—in Muslim societies, including the Middle East, have increasingly drawn the attention of the Western media and public in recent years as human rights abuses. The lack of information on Islam and on the wide diversity of Muslim societies, the parallel rise of the Islamic religious right, which claims such customary practices to be Islamic, and the tendency to “essentialize” Islam are some of the factors that have led to the incorrect portrayal in the West of such practices as Islamic. This depiction is not only misleading, but also stands in sharp contrast to the efforts of women’s movements in Muslim societies, which, in their fight against such practices, are campaigning to raise public consciousness that these practices are against Islam. In fact, the incorrect depiction contributes to the Islamic religious right’s cause of vigorously trying to create extreme forms of control over women and their sexuality by incorporating and universalizing the worst customary practices in the name of religion.

In this article, I argue that the practices leading to violations of women’s sexual rights in the Middle East and the Maghreb are not the result of an Islamic vision of sexuality, but a combination of political, economic, and social inequalities through the ages. In this context, religion is unfortunately often misused as a powerful instrument of control with the goal of legitimizing violations of women’s human rights.

In making this argument I will first provide some information on the contradictory construction of women’s sexuality in the Qur’an and the early *fiqh* texts (the legal science of Islamic jurisprudence), which are at the root of the controversy. I will then explore some of the historical and sociopolitical factors that have had an impact on women’s sexuality in the region today. In particular, I will consider the contradictory impact of moderniza-

tion on women's sexual lives; the nationalist ideologies of the nineteenth and twentieth centuries and their efforts to create new mechanisms to control women's sexuality; and the rise of the Islamic religious right, which has placed the construction of an "Islamic" sexual identity of women at the top of its agenda.

*Sexuality in the Qur'an and the Early Fiqh Texts:
The Initial Roots of Controversy*

Several researchers have pointed to the contradiction between the notion of gender equality in the Qur'an and the patriarchal misinterpretation of it by male religious authorities in the early and medieval canonical texts traditionally accepted as establishing Islam's normative practices (Mernissi, 1987; Sabbah, 1984; An-Naim, 1990; Ahmed, 1991, 1992; Hassan, n.d.; Wadud, 1999; Mir-Hosseini, 2001). As in other monotheistic religions, the classical *fiqh* texts—that is, texts of early Islamic legal jurisprudence—ignored gender equality as it was presented in the Qur'an and introduced interpretations in line with the prevailing patriarchal social order. Thus, one can find several logical contradictions in the classical *fiqh* texts since they reflect two dissenting voices: an egalitarian voice inspired by revelation (*wahy*), and a patriarchal voice incorporating the social order and the social, cultural, and political pragmatisms of the time and place where Islam was trying to ensure its survival (Mir-Hosseini, 2001). An analysis of discourses based on the Qur'an and the early literature of Islamic legal jurisprudence leads to contradictory conclusions about the construction of women's sexuality in Islam.

Mir-Hosseini (2001), for example, asserts that this contradiction is most evident in the rules that classical jurists devised for regulating the formation and the termination of the marriage contract—a product of tension in which the voice of the patriarchal social order outweighs the egalitarian voice of the revelation (*wahy*). Her analysis of the classical *fiqh* texts on marriage shows

that the model of gender relations in the early texts of Islamic jurisprudence is grounded in the patriarchal ideology of pre-Islamic Arabia, which continued into the Islamic era in a modified form through a set of male-dominated theological, legal, and social theories and assumptions, such as “women are created of and for men.”

These theories stood in sharp contradiction to the Qur’an, which holds that the relationship of men and women is one of equality, mutuality, and cordiality. In the Qur’an, Eve is not a delayed product of Adam’s rib, as in the Christian and Jewish traditions; instead, the two were born from a single soul: “O mankind! Be careful of your duty to your Lord, who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women” (Surah 4:1).¹ It was not just Eve, but both Adam and Eve, who let the Devil convince them to eat the forbidden fruit.² Islam has recognized that both women and men have sex drives and the right to sexual fulfillment and has also acknowledged that women, like men, experience orgasms. The Islamic view of love and sexuality—in which pleasure and responsibility are coexistent—removes any guilt from the sexes (Bouhdiba, 1998). Marital intercourse does not need the justification of reproduction and is based on the right to sexual fulfillment; contraception is permitted and abortion tolerated (Musallam, 1989). Women’s ejaculation was recognized in the *hadiths*, the traditional body and texts of knowledge and memories about the Prophet’s life, his custom and his words, where female sexuality is regarded as active, like male sexuality (Ahmed, 1989).

Mernissi (1987), in her classic work, *Beyond the Veil*, analyzes the double theory of sexual dynamics in the medieval canonical texts and historical interpretations of Islam. According to Mernissi, while the “explicit theory” of female sexuality depicts women as passive subjects who seek pleasure in surrender and subjugation, the “implicit” theory as reflected in Imam Ghazali’s interpretation of the Qur’an “casts woman as the hunter and the man as the pas-

sive victim” (1987: 33). To highlight the dynamics of the implicit theory, Mernissi compares Ghazali’s writings with Freud’s construction of female sexuality in order to represent Muslim and Western-Christian cultures. She concludes that in contrast to Western-Christian culture, in Muslim culture female sexuality is recognized as active, an acknowledgment that has threatening implications for the social order. The security of the social order is linked to that of a woman’s virtue and consequently to the satisfaction of her needs. Social order, therefore, requires male control of women’s bodies and sexuality. Male and female, particularly in terms of sex drives, are seen as opposites; men are rational and capable of self-control and women are emotional and lacking self-control. Female sexuality, if uncontrolled, could lead to social chaos (*fitna*). Some Qur’anic verses, especially the story of Zuleikha and Yusuf, have laid the foundation for interpretations of women as capable of greater sexual desire and temptation than men—casting women as beguiling seductresses and men as susceptible to seduction but rational and capable of self-control.³

Yet, several of the customary practices aimed at controlling women’s sexuality, like honor crimes, stoning for adultery, or female genital cutting, cannot be justified by appeal to the Qur’an. The Qur’an forbids adultery,⁴ like the other two main monotheistic religions, Judaism and Christianity, and foresees heavy punishment (100 lashes) for both women and men guilty of adultery or fornication.⁵ It requires, however, four witnesses to the act.⁶ Otherwise, if a woman denies the accusation, then it is her word that must be accepted rather than that of her husband.⁷ Thus, according to the Qur’an, the punishment for adultery, meant both for women and men, can only be carried out if conviction is based on the testimony of a minimum of four witnesses. In addition, although it foresees a stern punishment of 100 lashes, it is not stoning or execution—contrary to the customary practices of honor crimes or stoning as carried out in some Muslim countries. Stoning as a punishment in cases of adultery has only

recently been introduced as an “Islamic” practice by the Islamic religious right in Iran, Pakistan, and Nigeria.

Likewise, the Qur’an does not mention female or male circumcision. Female genital cutting (FGC) is a customary practice primarily found in Africa and those countries influenced by African culture. Although the practice was prevalent before Islam in African communities, and although the practice has continued in some Christian, Jewish and Muslim communities in Africa since the advent of Islam, “it is often strongly associated with Islam because *some* African Muslim communities cite religion as the reason for performing it, and because Westerners have mistakenly related FGM to Islam” (Toubia, 2000: 421). In the Middle East, FGC is common in Egypt and Sudan; in the majority of Muslim communities, the practice was unheard of until it became a topic of media attention through the advocacy efforts of women’s groups.

Islam has set consent of both the woman and the man as a precondition of marriage. In the main classical schools of legal jurisprudence of Islam (*Hanafi* or *Shi’a* law, for example), a girl who has attained majority age is free to contract marriage without the consent of her father or any other relative and cannot be forced into a marriage by her male relatives (Carroll, 2000). Accordingly, the practice of “forced marriages” in Muslim societies constitutes a clear violation of the basic premise of marriage as specified in the Qur’an.

The diversity of Muslim societies shows that Islam does not have a static or monolithic tradition. Islam has absorbed not only the practices and traditions of the two other monotheistic religions—Judaism and Christianity—from the region of its birth, but also other pre-Islamic practices and traditions from the geographic location in which it strove to survive and gain power as a cultural and political system. Thus, it is very difficult to define what is intrinsic to Islam in shaping sexual behavior. The issue becomes even more complicated when we attempt to analyze its interaction with various socioeconomic and political systems. In the follow-

ing, I will explore some of these factors, which affect the norms governing and practices of women's sexuality in the Middle East and Maghreb.

Gender Inequality and Sexuality in the Middle East and the Maghreb

The past two centuries witnessed radical political, economic, and social changes in the Middle East and the Maghreb. Since the nineteenth century, there have been modern legal, economic, and social reforms concerning the position of women, and women have increasingly participated in political movements and debates. The era of postcolonial state formation in the late nineteenth and early twentieth centuries was accompanied by the rise of a feminist consciousness in, for example, Egypt, the Ottoman Empire, and Iran.⁸

The Middle East shows a great degree of diversity in the formulation of legal codes and their application to women's everyday lives, which is also the case in the rest of the Muslim world. The extent of the legal reforms redefining gender relations varies greatly between countries. While in Turkey, for example, modernization included the adoption of Western legal codes and aimed at complete secularization,⁹ most Gulf countries preserved their interpretation of Islamic legal jurisprudence as the fundamental law in all juridical areas. It is striking that most other countries in the region abandoned Islamic jurisprudence but retained an "Islamic" interpretation of the "personal status law," which includes mainly the laws on family (that is, the private sphere and the status of women), but with certain reforms, as in Egypt or Iran during the shah's reign. The reforms in Turkey were the most comprehensive, followed by the reforms in Tunisia, and reforms in Marxist Yemen, Syria, and Iraq (Moghadam, 1993; Esposito, 1998; Keddie, 1991).

Despite the positive impact of all modern legal, educational, and economic reforms on the position of women and the grow-

ing strength of feminist movements, the majority of women living in the region have not benefited from the opportunities created, especially in the economic and political spheres. The United Nations Development Program (UNDP) 2002 report, *Arab Human Development*, states that the Arab world shows the fastest improvement in female education of any region, with female literacy expanding threefold since 1970, and primary and secondary enrollment doubling. However, in terms of the Gender Empowerment Measure, which the UNDP introduced in 1995, the Arab region's ranking is lower than any region except sub-Saharan Africa. Arab countries have the lowest rate of women's participation in the workforce and the lowest rate of representation in parliaments. More than half of Arab women are illiterate. The maternal mortality rate is double that of Latin American and the Caribbean and four times that of East Asia (UNDP, 2002). The collective mechanisms aimed at controlling women's bodies and sexuality continue to be one of the most powerful tools of patriarchal management of women's sexuality and a root cause of gender inequality in the region.

The Contradictory Impact of Modernization on Women's Sexual Lives

Modernization movements and efforts occupied a central place in the regional political discourses of the nineteenth and early twentieth centuries in the Middle East. Women's status has also occupied a central place in the modernization efforts in the region; for decades, the modernists argued that reforms in the position of women in the economic, educational, and legal spheres would lead to more "modernization," and consequently, to greater gender equality in all spheres. Women were among the first who recognized the complex and contradictory nature of modernity and that modernization projects did not necessarily lead to real gender equality for all or in every sphere.

In Turkey, the new feminist movement of the 1980s was based on an analysis and critique of the official discourse, which claimed that the problem of the status of women had been solved through the modernization reforms of the new republic. Several female researchers have developed a critical perspective on the impact of modernization on women's lives in the Middle East (Abu-Lughod, 1998; Hatem, 1997; Haddad, 1998). The impact of reforms has been divergent for women, depending on their class, race, or ethnicity. In general, those who benefited from the modernization movement were mainly women from the urban middle and upper classes or dominant race. At the same time, modernization could also mean a restriction or loss of traditional modes of power for women of other classes or for minority women.

Mervat Hatem (1997) illustrates a good example of the contradictory effects of modernization on women's sexual lives in her research on the professionalization of health in nineteenth-century Egypt. The school of *Hakimahs*, which was established in the early nineteenth century and was the first modern state school for women in Egypt, aimed at replacing local midwifery practices with modern female professionals. While the local Egyptian midwives (*daya s*) performed circumcisions on girls, thus implementing patriarchal control of women's sexuality, they also provided women with folk-based means to control their reproductive capacities, such as supplying them with information on fertility and providing quick and effective abortions. Although the establishment of the *Hakimahs* school established an opportunity for middle class women to become professionals, it also led to a loss of power for traditional midwives, contributed to the extinction of women's indigenous knowledge, and to a state policy of criminalizing abortion. Moreover, the new midwives from the middle class were given the task of policing working class midwives (*daya s*) and their middle and working class clients.

Sonbol's (1997) analysis of rape laws in Egypt shows how modern legal reforms could have a negative impact on women's lives. In Egypt at the end of the nineteenth century, new legal codes

handling rape were imported from France as a part of the centralization efforts involved in nation-state building. The standardization and rationalization of the penal codes led to the application of uniform laws and brought criminal procedures under the authority of the state. However, the new laws superimposed a system that did nothing to discourage rape yet, simultaneously, introduced new forms of discrimination based on gender and class. Financial compensation for rape became very hard to obtain and justice turned into a commodity that could be accessed only by women who could afford to hire lawyers and pay legal expenses.

An example of the negative impact of modern legal reforms on women's lives and sexuality is reflected in the lives of Kurdish women in Turkey. Our research, based on a representative sample of 599 women living in eastern Turkey, the majority of whom were Kurdish, has shown that several customary practices, such as early and forced marriages, polygyny, and honor crimes, continue to shape the lives of women living in the region, despite legal reforms in Turkey prohibiting them since the 1920s. While a minority of Kurdish women who have had access to education could benefit from the legal reforms, those who had never been to school and spoke no Turkish (19.4 percent) had little or no possibility of applying to legal institutions in cases of violations of their rights within the family. This was because Turkish is the official language in all governmental organizations, including judicial ones (Ilkkaracan and Women for Women's Human Rights, 1998).

The Nationalist Ideologies and Women's Sexuality

Nationalist movements and ideologies that accompanied the foundation of nation-states in the Middle East have posed contradictory roles for women. On the one hand, they allowed women—especially those from the middle and upper classes—to

participate more fully in social and political life, as they disrupted traditional gender roles and relations. On the other hand, they redefined women's role as mothers and bearers of the nation and its newly constructed legacy (Kandiyoti, 1996; Mehdid, 1996; Pettman, 1996; Saigol, 2000). This led to the emergence of new strategies to control women, and especially their sexuality, which was meant to serve the reproduction and maintenance of the newly constructed "national identity" and "uniqueness" of community.

In Turkey, for example, the foundation of a secular nation-state and the "modern" Turkish Republic set revolutionary changes in gender roles as a priority in order to destroy the links to the Ottoman Empire and to strike at the foundations of religious hegemony. However, nationalist discourses almost competed with Islamic discourses in their zeal to regulate the sexual identity and behavior of Turkish women. The leaders and the ideologues of the Turkish nationalist movement took great pains to establish a new nationalist morality regarding women's sexuality in which the new rights gained by women in the public sphere could be justified as an integral part of so-called Turkish culture (Kandiyoti, 1988). The leading ideologue of the newly constructed Turkish identity, Ziya Gökalp, went so far as to construct the principal virtue of Turkish women as chastity, *iffet*. In fact, this construction has been so powerful that Turkish women are still faced with the human rights violations it causes. The Statute for Awards and Discipline in High School Education, enacted in January 1995, states that "proof of unchastity" is a valid reason for expulsion from the formal educational system. This statute, which served to institutionalize a customary practice, led to suicides of girls whom school authorities sent for so-called virginity tests. Female students were forced to undergo "virginity tests" even in such cases where a girl was merely seen walking with a male classmate on the playground. As a result of the Turkish women's movement's protests and campaigns, the Ministry of Justice banned virginity testing in January 1999.¹⁰ However, in July 2001, the tests were

reinstated for student nurses through a decree of the health minister, who is from the far-right National Action Party. The reinstatement of the tests led to extensive protests by the Turkish women's movement and international human rights organizations. Finally, in 2002, the Ministry of Education changed the Statute for Awards and Discipline and deleted the provision that stated "proof of unchastity" as a reason for expulsion from the formal educational system.

Saigol (2000), concentrating on the imagery of desire, eroticism, and male gaze in poetry, songs, plays, and popular films in Pakistan, analyzes how the "sexual" and women's bodies have become a terrain of projection in the construction of communal or national identity in Pakistan. Stressing that gender ideology lies at the heart of nationalist and militarist thought, she asserts that women's bodies have come to signify the country and the nation, the object of "male desire and gaze," reflecting the displacement of private passion onto the public sphere of the nation. The songs that became popular in Pakistan during the 1965 war with India served the contradictory construction of masculinity/femininity (active/passive) as also reflected in war imagery, which associated strength, valor, and bravery with masculinity, and associated defeat and weakness and the need for protection with femininity—thus enabling the entire population to absorb militaristic national ideology.

In Algeria, despite the wide and effective participation of women in the war of liberation between 1954 and 1962, their role "as implicitly projected by revolutionaries, was conceived of purely at the level of the symbolic, as others of the Nation, reproducers of its militants as well as guardians of its cultural memory and ancestral values" (Mehdid, 1996: 80). Just one year after independence, an attempt was made to pass a new repressive family law, which drew women into widespread protests and demonstrations (Mahl, 1995). However, women's bodies and sexuality became increasingly an arena on which the violent struggle between the religious right and the state was played out. The

repressive law, which legalized polygyny and denied women the right to the marriage contract and to initiate divorce, was finally promulgated in 1984 by the one-party state in an attempted reconciliation with traditionalists. Mehdid argues that the underlying concern of the repressive Family Law was the control of “female sexuality and the safeguarding of patriarchy” (1996: 100). In the 1990s, Islamists like the Armed Islamic Group (GIA) adopted violence against women (including rape and murder) as a more overt strategy in Algeria. They killed women for not wearing *hijab*, for expressing their opinions, or for working in certain professions, such as hairdressers and writers. They killed, raped, or abducted women who opposed their rule in rural areas (Human Rights Watch, 2001). The Algerian case has demonstrated the tragic impact of the cooperation between the so-called modernists/nationalists and the Islamic religious right in their efforts to control women’s sexuality.

*The Rise of the Islamic Religious Right and
Its Efforts to Control Women’s Sexuality*

In the decades since World War II, several factors have contributed to the creation of a rather difficult and unfavorable atmosphere regarding the extension of liberal reforms, including reforms in the area of sexuality; these factors have also encouraged the growth of religious right-wing movements in the region. The failure of attempted social and economic reforms resulted in an increasing gap between the Westernized elite and the majority, leading to disillusionment with Westernized rulers. The widening gap of economic and political power between Muslim societies and the West, along with urbanization, migration, and increasing poverty, has contributed to the creation of an atmosphere where religious right-wing movements have gained the support of the masses. The founding of Israel and the resulting occupations and war have contributed to an increasingly hostile atmosphere

against the West and facilitated the construction by fundamentalist groups of the West and its perceived culture as an “enemy.”

The religious and nationalist fundamentalists make utmost use of this perceived threat against “Muslim” identity by constructing a “Muslim” or “national” female identity as a last sphere of control against the “enemy”: the West. Thus, pressure on women to become bearers of constructed group identities and the control of women’s sexuality are currently at the heart of many fundamentalist agendas. Their strategies are multifold; here I will attempt to outline some of them. The dress code, the most perceptible form of identity creation, has been high on the agenda of the Muslim religious right, which wanted to use the code’s visibility as a demonstration of its political power. I would like to note that the misuse of *hijab* by the religious right as a demonstrable sign of their power has had a much more persistent effect on the Western audience than the Muslim one. The reaction of Western society is reflected in Esposito’s analysis:

Few images better capture the stereotype of gender relations in Islam, and the threat of a resurgent Islam to women’s status and roles in society, than that of Iranian women covered by black *chadors* during and after the revolution. For many in the Western world, and for some in the Muslim world as well, the reality and threat of political Islam or ‘Islamic fundamentalism,’ has been epitomized by the Islamic republic of Iran (Esposito, 1998: xviii).

Aware of the power of the imagery of *hijab* as a demonstration of its influence and authority, the Islamic religious right has sought to prescribe or violently enforce extreme forms of veiling that were specific to certain communities (for instance the *chador* or *burqa*); veiling is intended to be a universal uniform for Muslim women, not only in the region but throughout the world, even in places where they were previously unheard of, such as Uzbekistan, Kashmir, or Senegal. Extinct cultural practices that are disadvantageous to women have been re-appraised as

“Islamic,” such as in the case of *mut’a*, temporary marriage, in Iran (Haeri, 1992). The temporary marriage, one of the various forms of marriage practiced in pre-Islamic Arabia, was incorporated into the Islamic legal school of Shi’a jurisprudence in Iran after the arrival of Islam. Yet, after the Iranian president, Ali Akbar Hashemi Rafsanjani, revived this extinct practice in 1990, Islamic religious right groups declared it “Islamic” and imported it to other Maliki or Sunni Muslim communities. In Sudan, where the majority of the population is Sunni, temporary marriage was introduced in the 1990s and even legalized in 1992 (GroW, 1997).

The Hudood Ordinance, introduced in 1979 in Pakistan under the military dictatorship of Zia ul-Haq in an attempt to legitimize Zia’s power by an Islamization campaign, extended the definition of *zina*, sexual intercourse with other than a legitimate partner, to include rape. Extending *zina* to include rape shifts the focus of all subsequent prosecution from the aggressor to the victim by putting the emphasis on proving or disproving consent instead of on forceful coercion or violation. Afiya Sherbano Zia argues that in dealing with sex crimes, the collusion between men, police, and courts results in an institutionalization of violence against women and the re-victimization of women who experience this violence (Zia, 1994).

In the last two decades, the rise of the Islamic religious right has caused women in countries such as Iran, Algeria, and South Yemen to suffer the loss of previously gained legal rights, especially within the family. In 1979, two weeks after the overthrow of the Pahlavi dynasty through the Islamic revolution in Iran, the Family Protection Act of 1967—which restrained men’s legal right to polygamous marriage by requiring either the court’s or the first wife’s permission, enforced a woman’s right to divorce with mutual consent, and improved women’s chances of retaining the custody of their children or at least visiting rights—was scrapped as un-Islamic (Hoodfar, 1996). Women were dismissed and barred from the judiciary and higher education (Najmabadi, 1998). In Algeria, in July 1984, the government adopted a repressive family

law that legalized polygyny and rescinded Algerian women's rights in the family. Algerian women were quick to mobilize wide and fierce opposition but their strong resistance remained ineffective (Mahl, 1995; Moghadam, 1993). In 1990, the unification of North and South Yemen, which had fostered hopes for political openness and democracy in the country, resulted in a major disappointment for Yemeni women, both from the south and the north. Yemeni women in the north had hoped to profit from the egalitarian laws of the socialist regime in the south. These were basically secular in orientation, defining marriage as a contract with equal rights and responsibilities for men and women, including financial responsibility; they also abolished polygyny, made women's consent a basis of engagement for marriage, ended a man's right to unilateral divorce, and set the minimum age of marriage at 15 for girls and 16 for boys. However, because of tribal rebellion, urban terrorism, sharp cuts in Western and Gulf countries aid programs (in response to Yemen's refusal to join the anti-Iraq coalition after Iraq's invasion of Kuwait in 1990), the two factions in Yemen were usurped by open warfare, which contributed to the rise of the Islamic religious right. As is very often the case in war, the losers were women. Upon unification, the progressive family laws of the south were abolished. Not only did the women in southern Yemen lose the legal rights they had enjoyed since 1974, but the women of North Yemen, who had hoped for the incorporation of the greater degree of gender equality enshrined in the southern codes, had to bury their hopes (Boxberger, 1998; al-Basha, 2001).

*The Impact of Changing Social Values and
Feminist Activism around Women's Sexual Rights*

The violent imposition of practices leading to the Islamic religious right's violations of women's sexual rights presents a contradictory picture of the changing social values regarding

sexuality in the region. Although premarital sex is still strongly prohibited in many countries, there is evidence, for example from Morocco, Lebanon, Tunisia, and Turkey, that it increasingly forms part of the experience of young people and that this change has created a social conflict between the patriarchal control of women's sexuality and the socioeconomic changes taking place in the region (Obermeyer, 2000; Khair Badawi, 2001; Belhadj, 2001; Mernissi, 1982; Cindoglu, 1997). Female genital cutting, which clearly has nothing to do with Islam, is now outlawed as a result of the efforts of women's advocacy groups in Egypt (al-Dawla, 2000). In recent years, activism against honor crimes in Palestine, Jordan, Pakistan, Egypt, and Turkey has grown, and women's NGOs have succeeded in putting the issue onto the agenda of national and international bodies (Albadeel Coalition, 2000; Yirmisbesoglu, 2000; Rouhana, 2001; Tadros, 2002, International Women's Health Coalition, 2000; Clarke, 2001). A popular Friday night television program in Lebanon, *Al-Chater Yehki* (Let the Brave Speak Out), topped the ratings with its live debates on sexuality, with issues ranging from masturbation to incest or homosexuality (Foster, 2000). A meeting organized in September 2001 by an NGO based in Istanbul, Women for Women's Human Rights (WWHR)-New Ways, brought together women, academics, representatives of women's NGOs, and international organizations from several countries in the region to discuss essential women's human rights related to sexuality, sexual rights, power, and gender roles, and to exchange ideas and strategies on the topic "Women, Sexuality and Social Change in the Middle East and the Mediterranean." The meeting showed the great need for the exchange of information and a common attempt to deconstruct fundamentalist notions of female sexuality, along with a need for the development of networks and alliances for common strategies and action for sexual rights among women in the region.¹¹

Alongside the legal setbacks in Iran, Algeria and Yemen must be set the advocacy and lobbying by national women's movements that have led to legal reforms for greater gender equality in the

family in Turkey, Egypt, and Jordan. In Turkey, the reform of the civil code in 2001 ended the supremacy of men in marriage by removing a clause defining the man as the head of the family. Through the reform of the its civil code, Turkey has become the only predominantly Muslim country that has legally established the full equality of men and women in the family. The new Turkish civil code raises the legal age for marriage to 18 for both women and men (it was previously 17 for men and 15 for women) and makes the equal division of property acquired during marriage as the default property regime. The concept of “illegitimate children”—that is, children born out of wedlock—has been abolished and the custody of these children is given to their mothers.¹² In addition, in October 2001, Article 41 of the Turkish constitution was amended, redefining the family as an entity that is based on equality between spouses. In Egypt, amendment of the Family Law in 2000 challenged men’s unilateral right to divorce for the first time in recent history. Based on a progressive interpretation of the *hadith*, Egyptian women now have the right to request and be granted divorce on the grounds of inequality; women, however, must forgo alimony and are required to repay their husbands any dowry (Human Rights Watch, 2001; Zuhur, 2002; UNDP, 2002). In Jordan, amendments to the marital status law in 2001 permit women to file for divorce, have raised the legal age of marriage to 18 (it was previously 15 for women and 16 for men), and have introduced legislative amendments to Article 340 of the penal code, which now stipulates that perpetrators of so-called honor crimes are no longer exempt from the death penalty (“Jordanian Women,” 2001”).

The last two decades have also witnessed the emergence of a reformist discourse that argues for equality in Islam on all fronts. This reformist discourse seeks to analyze “women’s sexuality as defined by social circumstances, not by nature and divine will” (Mir-Hosseini, 2001: 12). As such, it removes the issue of sexuality or women’s status from the domain of *fiqh* rulings to social practices and norms, which are neither sacred nor immutable but

human and changing. This new movement is opening new windows by bridging the gap between the traditional divide of the so-called traditionalists—ranging from conservatives to the religious right—and the so-called progressives, including the feminists, blurring the traditional fixed fronts in Muslim societies as constructed in the last century. In addition, women are increasingly daring to participate and invade the domain of production of religious knowledge, a domain of power traditionally owned by men.

Conclusion

The sexual oppression of women in the Middle East and elsewhere in the Muslim world is not the result of an oppressive vision of sexuality based on Islam, but a combination of historical, sociopolitical, and economic factors. Although an analysis of the Qur'an and the literature traditionally accepted as establishing the normative practices of Islam leads to contradictory conclusions about the construction of women's sexuality in early Islam, several customary practices that allow violations of women's human rights in the region—honor crimes, stoning, female genital cutting, or virginity tests—have no Koranic basis, as women researchers and activists in the region point out. Moreover, the prevalence of these practices varies greatly among the countries in the region.

This article has examined three of the historical and sociopolitical factors that have had an impact on women's sexuality in the region today; modernization efforts in the nineteenth and twentieth centuries; nationalist ideologies that accompanied the foundation of the nation-states; and the rise of the Islamic religious right. Analysis shows that modernization efforts had a divergent impact on women's sexual lives depending on their class, race, or ethnicity. While many women from the urban middle and upper classes or a dominant race generally benefited from the legal, educational, and economic reforms, modernization often meant

a restriction or loss of traditional modes of power for women of other classes or minority women. Nationalist movements also posed contradictory roles for women. On the one hand, nationalist movements allowed women—especially those from the middle and upper classes—to participate more fully in social and political life as traditional gender roles and relations were disrupted while, on the other, they redefined women’s role as mothers and bearers of the nation and its newly constructed legacy. This led to the emergence of new strategies to control women—especially their sexuality, which was meant to serve the reproduction and maintenance needs of the newly constructed national identity and the community’s sense of uniqueness. Finally, the rise of the religious right, which placed the construction of an “Islamic” sexual identity and the control of women’s sexuality at the forefront of its concerns, led to a loss of previously gained rights for women in countries such as Algeria, South Yemen, and Iran; it also led to the dissemination of the worst customary practices as “Islamic” in communities or countries where the Islamists gained power.

However, the changing social values in the region and the increasing activity of women’s groups in the last decade have begun to act as powerful agents of change that have led to new attitudes toward sexuality, especially among young people, and to new progressive legal and social reforms. These have established the basis of new rights regarding women’s sexuality and their status in the family in, for example, Turkey, Egypt, and Jordan. The last two decades also witnessed the emergence of a reformist discourse that argues for equality in Islam on all fronts. This reformist discourse seeks to analyze “women’s sexuality as defined by social circumstances, not by nature and divine will” (Mir-Hosseini, 2001: 12). As such, it removes the issue of sexuality or women’s status from the domain of *fiqh* rulings to social practices and norms. This approach builds a bridge between the old fixed fronts in their struggles of power over the construction of women’s sexuality as constructed in the last century. Another fac-

tor that also promises change in the sexual domain is the increasing participation of women in the traditionally male-dominated production of religious knowledge.

Notes

¹All references to the Qur'an in this article use the translation by Pickthall (1953).

²"And We said: O Adam! Dwell thou and thy wife in the Garden and eat ye freely (of the fruits) thereof where ye will; but come not nigh this tree lest ye* become wrongdoers. But Satan caused them to deflect therefrom and expelled them from the (happy) state in which they were; and We said: Fall down**, one of you a foe onto the other! There shall be for you on earth a habitation and provision for a time. " (Surah 2:35-36). (*Here, the command is in the dual, as addressed to Adam and his wife; **here, the command is in the plural, as addressed to Adam's race.)

³For an analysis of the discussion about the story of Zuleikha and Yusuf in the Islamic tradition, and the need for and possibilities of alternative feminist readings of the story, see Merguerian and Najmabadi (1997).

⁴"And come not near unto adultery. Lo! It is an abomination and an evil way" (Surah 17:32).

⁵"The adulterer and the adultress, scourge ye each one of them (with) a hundred stripes. And let not pity for the twain withhold you from obedience to Allah, if ye believe in Allah and the Last Day. And let a party of believers witness their punishment." (Surah 24:2)

⁶"And those who accuse honourable women but bring not four witnesses, scourge them (with) eighty stripes and never (afterward) accept their testimony—They indeed are evildoers." (Surah 24:4)

⁷"As for those who accuse their wives but have no witnesses except themselves; let the testimony of one of them be four testimonies (swearing by Allah that he is of those who speak the truth;

And yet a fifth, invoking the curse of Allah on him if he is of those who lie.

And it shall avert the punishment from her if she bear witness before Allah four times that the thing he saith is indeed false,

And a fifth (time) that the wrath of Allah be upon her if he speak truth. . . .

Why did they not produce four witnesses? Since they produce not witnesses, they verily are liars in the sight of Allah" (Surah 24: 6, 7, 8, 9, 13).

⁸See for instance Badran (1995); Paidar (1996); Abu-Lughod (1998); and Ilkkaracan (1996).

⁹The Turkish Civil Code was translated and adapted from the Swiss Civil Code of the time and the Turkish Penal Code was adapted from the Italian Penal Code.

¹⁰For a discussion of the virginity tests in Turkey from a human rights perspective, see Human Rights Watch (1994) and Seral (2000).

¹¹For a more detailed summary of the meeting on “Women, Sexuality, and Social Change in the Middle East and the Mediterranean,” see Ilkkaracan (2002).

¹²For a more comprehensive analysis and description of the reform of the Turkish Civil Code, see Women for Women’s Human Rights-New Ways (2002).

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