

Dossier 32-33

**Sexualities, Culture and Society
in Muslim Contexts**

Guest Editor: Anissa H lie

Dossier: Journal of Women Living Under Muslim Laws

حوائير زير اش مسلم قوانين
Women Living Under Muslim Laws
النساء في ظل قوانين المسلمين
Femmes sous lois musulmanes

The Dossier, Women Living Under Muslim Laws' annual journal, explores a broad range of discourses, interpretations and strategies of women on issues of feminism, culture, religion and fundamentalism, sexuality, laws, gender and politics, nationalism and transnationalism. The Dossiers are conceived as a space for reflection and sharing of analysis and information, to enrich and support the struggles and strategies of women living in diverse Muslim communities and countries.

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Source: beenasarwar.wordpress.com

Dossier 32 is dedicated to Cassandra Balchin, who died on July 12, 2012, age 50. Cass moved from Britain to Lahore, Pakistan, when she was in her early 20s to work as a journalist. She later spent a decade working at Shirkat Gah – Women’s resource Centre, the WLUML Asia Coordination Office in Lahore. She relocated from Pakistan back to England with her two young sons, Raul and Dani, in the summer of 2000 specifically to set up the WLUML International Coordination Office in London. Having left the UK about 18 years earlier, Cass had to start from scratch on many fronts, from finding a home, to finding schools for her sons, all of which she accomplished with her characteristic determination and efficiency. The early weeks saw both of us sitting on the bare floor of an office made even larger by its lack of basic furniture, with a shared laptop and the boys playing around. But plenty of work there was and soon the office grew and buzzed. Cass’ enthusiasm, her tireless dedication, her wide ranging knowledge and witty humor made the whole endeavour possible. Her commitment and passion for gender justice lives on through the WLUML networkers.

Anissa Hélie.

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About Women Living Under Muslim Laws

Women Living Under Muslim Laws is an international solidarity network with a mission to effectively advance gender justice, equality and women's rights through a variety of channels: providing information, research and analysis, workshops and support, in addition to facilitating a collective space for women whose lives are shaped, conditioned or governed by laws and customs said to derive from Islam.

WLUML was founded in 1984 by nine women from Algeria, Morocco, Sudan, Iran, Mauritius, Tanzania, Bangladesh and Pakistan who came together and formed the Action Committee of Women Living Under Muslim Laws in support of local women's struggles. Since then, WLUML has linked individual women and organisations across contexts, and now extends to more than 70 countries ranging from South Africa to Uzbekistan, from Senegal to Indonesia and from Brazil to France. It links:

- Women living in states where Islam is the state religion, secular states with Muslim majorities, and women from Muslim communities governed by minority religious laws;
- Women in secular states where political groups are demanding religious laws and women in migrant Muslim communities in Europe, the Americas and around the world;
- Non-Muslim women who may have Muslim laws applied to them directly or through their children;

- Women born into Muslim communities/families who are automatically categorised as Muslim but may not define themselves as such, either because they are not believers or because they choose not to identify themselves in religious terms, preferring to prioritise other aspects of their identity such as political ideology, profession, sexual orientation or others.

Our name challenges the myth of one, homogenous 'Muslim world'. This deliberately created myth fails to reflect that laws said to be Muslim vary from one context to another. The laws that determine our lives are from diverse sources: religious, customary, colonial and secular. We are governed simultaneously by many different laws: laws recognised by the state (codified and uncoded) and informal laws, such as customary practices which vary according to the cultural, social and political context.

WLUML's open structure has been designed to maximise participation of diverse and autonomous groups and individuals as well as collective decision-making. WLUML does not have formal membership and networkers are a fluid group of individuals and organisations who maintain regular two-way contact with the network. For more information please see the WLUML website at www.wluml.org.

WLUML's mission is to strengthen women's individual and collective struggles for equality and human rights, especially in Muslim contexts. It achieves this by breaking their isolation, by creating and reinforcing spaces for women to share experiences and lend support to one another, and by making linkages between women within Muslim countries and communities and with global feminist and social justice groups. In this way WLUML promotes the creation and strengthening of both local and transnational women's movements. WLUML conducts research and analysis, mobilizes knowledge, organizes workshops, trainings and conferences, publishes books, journals and newsletters, launches campaigns and circulates information regarding women's diverse experiences and strategies in Muslim contexts and helps to demystify the diverse sources of control over women's lives. WLUML's current focus is on the four themes of fundamentalisms and identity politics, peace building and resisting the impact

of militarisation on women's lives, promoting and protecting women's equality under laws (particularly family law), and sexuality and women's bodily autonomy. Violence against women, as a theme, cuts across all of WLUML's projects and activities. WLUML's publications in English, French, Arabic (and some in other national languages) are freely available from its website. Networkers also translate information into numerous other languages.

WLUML's Regional Coordination Offices are located in Senegal (Africa and Middle East) and Pakistan (Asia) and coordinate network activities in their respective regions. The International Coordination Office, located in the United Kingdom, facilitates coordination between networkers worldwide.

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Finally, many thanks to all our contributors, who patiently agreed to review and revise their papers.

Anissa Hélie.

Editorial Foreword

Anissa Hélié¹

In both Muslim-majority countries and Muslim communities, the last decade has witnessed unprecedented organizing efforts by human rights defenders around sexual and reproductive rights, and produced evidence of ongoing local engagement around sexuality issues.

Yet, sexuality constitutes a highly contested and tightly patrolled terrain in all societies, and activists from Muslim contexts are witnessing troubling trends that threaten previous gains or seem indicative of a worsening climate. These trends include curtailing sexual and reproductive rights as well as increased policing of sexuality, and may operate at different levels: there is a tendency to seek to reverse existing policies or legislations; and also a targeting of individuals, or even of entire groups, as and when possible. Recent examples – among many possible others – include the attempt under way in Turkey to restrict abortion (a right obtained since 1983), with

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the Prime Minister Tayyip Erdogan comparing, in May 2012, abortion to air strikes on civilians and equating it with “murder”²; the same month, Egyptian human rights groups demanded that mobile convoys which promoted and performed female genital mutilation (FGM) in the Minya governorate be investigated³. Such medical convoys clearly undermine Egyptian law and violate international conventions and treaties.

As noted, individuals or groups – especially those whose personal circumstances, bodies, sexualities or gender appearance are deemed non-normative – may also bear the brunt of the criminalization of sexuality. Whether they are girls resisting marriage, divorced women, single women, lesbian women, teenagers who have not undergone FGM in contexts where it is the norm, or ‘effeminate’ heterosexual men, many face strict penalties imposed either by state institutions and representatives or by non-state actors. For example between May and July 2012 at least two young Sudanese women have been sentenced to death by stoning on charges of adultery⁴, despite having had no access to a lawyer during their trials. The regime in Khartoum is known for enforcing laws that discriminate severely on the basis of gender but, sadly, the celebrated popular uprisings in the MENA region⁵ in 2011 have not been promising either with regard to equality in

² Vela, Justin. 2011 (May 30). “‘Abortions are like air strikes on civilians’”: Turkish PM Recep Tayyip Erdogan’s rant sparks women’s rage’, *The Independent*, <http://www.independent.co.uk/life-style/health-and-families/health-news/abortions-are-like-air-strikes-on-civilians-turkish-pm-recep-tayyip-erdogans-rant-sparks-womens-rage-7800939.html> [accessed 1 June, 2012]

³ Abdel Salam, Mohamed. 2012 (14 May) ‘Egypt’s Brotherhood mobile FGM convoys condemned by women’s group’, *Bikyamasr*, <http://bikyamasr.com/68750/egypts-brotherhood-mobile-fgm-convoys-condemned-by-womens-group/> [accessed 15 May 2012]

⁴ Both women were prosecuted under article 146 of Sudan’s criminal code of 1991. On 13 May 2012, 20-year old Intisar Sharif Abdallahas was sentenced by the criminal court of Ombada, in Khartoum state. 23-year old Lyla Ibrahim Isaa was sentenced on 10 July 2012 by the Criminal Court of Mayo. At the time of writing, both were still detained with their babies. These two cases are being appealed but lawyers face intense pressure from the Sudanese authorities.

⁵ These uprisings, motivated by aspirations for economic justice and democracy, are often referenced as the „Arab Spring“. This label is misleading as it suggests that populations in these regions are primarily Arab, hence making invisible other indigenous groups such as Amazigh /Berbers or Nubians. The emphasis on Islam as a driving force, also present in various commentaries, is similarly misleading as it invisibilises non-Muslim social actors, including the Copts or secularists.

the sexual realm: sexuality remains at the core of how women, in particular, are judged and sanctioned.

Two examples from Egypt and Tunisia show that both ‘old’ and ‘new’ forms of political power operate along the same tired dichotomies (who is a ‘whore’ and who keeps her ‘honour’ intact) and that both are keen to evict women from public spaces. In March 2011, the Egyptian army attempted to discredit women involved in Tahrir Square protests by violently forcing almost two dozen female demonstrators to undergo ‘virginity checks’. As the women were verbally accused of prostitution, an Egyptian general justified detaining them, stating “these girls were not like your daughter or mine... These were girls who had camped out in tents with male protesters”.⁶ The stigma is such that only one victim of this abuse (in addition to invasion of privacy and bodily integrity, the vaginal examinations were enforced with stun-gun shocks) has dared to file a lawsuit. But the Egyptian military apparatus is not alone in targeting women on the basis of their alleged sexuality – or just plainly because of their gender. Several recent attacks on female journalists by large male crowds have involved sexual assaults and sexual harassment in the streets, endemic before the revolution, is back with a vengeance. Sexual behaviour has also provided a justification for violence in Tunisia, where in February 2011 mobs of hundreds (and allegedly up to 2,000-strong in the capital) launched a wave of systematic attacks on brothels. Armed with “cocktail molotovs and long knives”⁷, non-state actors attempted to set fires to several brothels and violently terrorized sex workers in the cities of Tunis, Sousse, Médenine, Sfax and Kairouan⁸.

While the example implicating the Egyptian army rightly reminds us that the harsh control of women’s bodies – and the obsession with their

⁶ Amin, Shahira. 2011 (30 May). ‘Egyptian general admits ‘virginity checks’ conducted on protesters’, *CNN*, http://articles.cnn.com/2011-05-30/world/egypt.virginity.tests_1_virginity-tests-female-demonstrators-amnesty-report?_s=PM:WORLD [accessed 5 December 2011].

⁷ *Ennahar*. 2011 (20 February). ‘Prostitutes terrorized by Islamists’, <http://www.ennaharonline.com/en/international/5830.html> [accessed 15 May 2012]

⁸ Bensaïed, Imed. 2011 (23 March). ‘Les islamistes s’attaquent aux maisons closes’, <http://www.france24.com/fr/20110318-prostituees-tunis-tunisie-prostitution-bordel-avenue-bourguiba-mosquee-islamistes> [accessed 10 May 2012]

sexual ‘purity’ – is not the prerogative of religious extremists, it should however come as no surprise that all other examples involve politico-religious groups and fundamentalist states: restrictions on abortion in Turkey are spearheaded by the Islamist Justice and Development Party (AKP); FGM is being promoted and enforced by the Freedom and Justice Party (FJP), which is the political arm of the Muslim Brotherhood in Egypt; death sentences for zina crimes are handed down by the Southern Sudanese Islamist judicial system; and attacks on sex workers in Tunisia are instigated by groups of Salafists.

As feminist scholars have noted, in all cultures, women are the pivotal territories, markers, and reproducers of the narratives of nations and other collectivities⁹. The WLUML network has also noted, based on its nearly three decades of documenting and analyzing the strategies used by politico-religious forces, that sexuality often constitutes the corner stone of a fundamentalist agenda. With the rise of fundamentalist politics, and given that the sexual arena is strongly politicized, discourses of moral codes or arguments of cultural and religious ‘authenticity’ are increasingly being deployed to control sexuality. Further, in contexts where the scope for sexual agency and sexual diversity is increasingly restricted, women (along with others deemed ‘undesirable’ and ‘deviant’) are specifically targeted by politico-religious groups.

But it also comes as no surprise that women in Muslim societies tend to be at the forefront of organizing around issues of sexuality – analyzing existing social norms, debunking oppressive rationalisations, documenting violations, critiquing governmental policies or proposing alternative frameworks. This Dossier offers a glimpse of the variety of sexuality-related issues which activists are engaging with. Authors address a range of themes – from the need to tackle cultural factors in HIV/AIDS prevention to strategies around ‘honour’ crimes; from bride kidnapping to drawing the links between female political leadership and dress codes; from women’s perceptions of abortion to the use of the internet as an advocacy tool for stigmatized sexualities; from organizing against rape in conflict to challenging inequalities affecting women in the reproductive health field; from the rise

⁹ Yuval-Davis, Nira. 1997. *Gender and Nation*, London: Sage: 39.

of institutionalized moral police corps to impotence as a legal ground in divorce settlements. Case studies offer insights from diverse contexts including Senegal, Sudan, the East African coast, Zanzibar, Georgia, Pakistan, Iran, Indonesia, Jordan, Turkey and the USA. As per the usual Dossier's format, papers vary in style and approach: some adopt a legal lens, others privilege a historical perspective while others are highly personal, such as the short narrative by a Palestinian woman from Israel which ends this collection.

Comprised of a combination of short factual reports and more in-depth articles, this Dossier explores how women, and some men, navigate the expectations and realities linked to sexuality and reproductive rights in their specific contexts. Contributors also highlight the many ways in which culture, religion, customs and sexual conduct intersect and they demonstrate that sexuality, far from being static, is the object of constant contestation and negotiation. Indeed, the World Health Organization has recognized that 'sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical and religious and spiritual factors'¹⁰. Hence, numerous elements related to sexuality remain tightly linked to both political developments (for example the ability of politico-religious movements to affect local realities, as mentioned above) and cultural notions (for example what constitute 'modesty' or 'promiscuity' in a given time and place).

On the latter issue – the question of culture – it is worth reiterating the statement made by Farida Shaheed, U.N. Special Rapporteur in the field of cultural rights, who reminds us that "No society ever has a singular culture. Each society, and every community, has *both* a dominant culture *and* multiple subaltern cultures". Shaheed adds: "Women rarely - if ever - define the dominant culture, because they do not have the economic, social or political power to do so"¹¹; her remark of course also applies to mainstream sexual culture.

Some of the papers gathered here acknowledge the positive role that women play in challenging oppressive cultural norms; or in reshaping

¹⁰ World Health Organization. 2010. 'Gender and Human Rights – working definition', 16 January, http://www.who.int/reproductivehealth/topics/gender_rights/sexual_health/en/ [accessed 30 May 2012].

¹¹ Shaheed, Farida. 2011. 'Cultures, Traditions and Violence Against Women: Human Rights Challenges', Panel presentation, Palais des Nations, Geneva, March 7. (On file with author.)

cultural production – for example, how women singers influence the language and themes associated with the *Taraab* musical genre in Tanzania. Yet, other issues addressed in this Dossier hint at the necessary recognition that women also play a critical role in perpetuating gender-biased values and practices – for example by underplaying the threats and actual violence often associated with bride kidnapping in Georgia; or by enforcing female genital mutilation, a tradition that can provide a gateway to the HIV virus, as noted in the article on AIDS prevention in Senegal.

Many women human rights defenders, feminist activists and sexual rights advocates in Muslim contexts are devising ways to ensure that “women can be brought from the margins of subcultures to a central position in defining the overall culture”¹². The crucial struggle is to do so in ways that are beneficial to every member of a community – that is, to guarantee equal rights for all by promoting a culture of respect for gender non-normativity and sexual agency.

¹² Shaheed. 2011, *ibid.*

Surviving in the Spotlight: Gender and Sexuality in Shaping Women's Political Image in Pakistan

Sadia Ahmed and Amina Samiuddin¹

Abstract

This paper analyses the public image and portrayal of two of the most prominent women in recent Pakistani politics: Fatima Jinnah (1893-1967) and Benazir Bhutto (1953-2007). Sadia Ahmed and Amina Samiuddin argue that the few women able to rise to prominence in the hostile arena of Pakistani politics were caught in a marked paradox: on the one hand, they challenged conservative values by the virtue of their immense political and public presence; but on the other hand, they were often indebted to those same values and judged on that basis. The paper explores how, in order to retain their legitimacy in the ever-vigilant public eye, Jinnah and Bhutto had to downplay their sexuality and were compelled to assume the image of a 'modest Muslim' woman by adopting socially conservative conduct and dress codes. Ahmed and Samiuddin discuss whether these leaders would have been accepted or successful had they not diligently adopted these norms.

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Amina Samiuddin joined Shirkat Gah Women's Resource Centre, Pakistan, in 2009 as a Research Assistant, after completing her Bachelors degree with a major in Political Science and a minor in History and Philosophy from the University of Toronto, Canada. Her current area of research is women's empowerment and women's participation in the political arena.

Introduction

A person's image is one of the most significant determinants of success in the world of public politics. This image has to be carefully constructed to ensure that a wide range of social classes, ethnicities, and, very often, religious elements, can accept and relate to it. The higher the public office, the more significant the projected image. This is particularly true for women, especially in certain parts of the world such as Pakistan and South Asia where the predominant practices of gender segregation and gender ideology depict women as primarily belonging to the private/domestic sphere.

The private and public divide is often used to bar women from entering the political process, effectively isolating them from the highest level of decision making. This divide is often maintained through the principle of honour that is intrinsically linked to a woman's sexuality. Consequently, her mobility is controlled and restricted through the system of *purdah* and segregation.² Though such practices have excluded most women from high political offices, some women have, in particular historical junctures, managed to break these traditions, often at much heavier costs to their personal liberties than their male counterparts have had to bear. This is particularly applicable to issues related to their personal life, sexuality, and dress codes.

This paper focuses on the image and portrayal of two of the most prominent and pioneer female leaders of Pakistan who ran for the highest government offices in the country – Fatima Jinnah, the sister of Pakistan's Founder, who was also known as "*Mader-e-Millat*" (Mother of the Nation) and was a presidential candidate in the 1965 elections; and Benazir Bhutto, who was the first and only woman Prime Minister of Pakistan from 1988-90 and then again from 1993-96.³ While there are a number of other female politicians in Pakistan's history (pre- and

² Asian Development Bank. 2000. 'Women In Pakistan', Asian Development Bank http://www.adb.org/Documents/Books/Country_Briefing_Papers/Women_in_Pakistan/women_pakistan.pdf (accessed 7.06.2011)

³ Ziring, Lawrence. 1994. 'Political Connections: Fatima Jinnah and Benazir Bhutto'. *Asian Affairs*, 21(2):67-79.

post- the partition of India) who have made a name for themselves,⁴ few have been able to attain the recognition and status of these two leaders. Women's entry and true participation in politics in Pakistan, though facilitated by the increase in women's reserved seats,⁵ is still extremely challenging. Thus, their recognition/acceptance at the highest level of government is no ordinary feat.

Focusing on the cases of both Jinnah and Bhutto, this paper argues that the few women able to rise to prominence in the hostile arena of Pakistani politics were caught in a marked paradox: on the one hand, they challenged conservative values by the virtue of their immense political and public presence, but on the other, were often beholden to those same values. To retain their legitimacy in the ever-vigilant public eye, they were compelled to conform to the image of a 'modest' Muslim woman by adopting socially conservative conduct and dress codes, generally downplaying their sexuality, and 'erasing the markers of their femininity' especially when in the public eye.⁶ At least publicly, they had to display the values widely expected of women in order to gain acceptance in the patriarchal structures that permeate state and society. Everything from their dress to their status as a single or married woman – indeed, all aspects related to their sexuality that could come under public scrutiny – would become a major factor in their general acceptance as leaders and their consequent success. This paper explores such aspects of the careful and deliberate fashioning of their public personae, including covering

⁴ Indeed the notion that no other women participated successfully in political and public life is mistaken. For example, one such prominent woman who was active prior to the 1947 partition is Begum Shaista S. Ikramullah: she was the first Muslim woman in the Indian parliament and later she moved to Pakistan, continuing to hold political offices (although she did not run for election).

⁵ The Legal Framework Order introduced by General Pervez Musharraf in 2002 included reservation of 17% seats for women in the Senate and in the National Assembly, whereby women were awarded 17 seats from a 100 in the Senate and the number of reserved seats for women in the National Assembly increased from 20 to 60. http://www.quotaproject.org/CS/CS_Pakistan.pdf and http://www.idea.int/publications/wip/upload/CS_Pakistan_Reynes.pdf

⁶ Ayaz, Aazar, Rai, Shirin M. and Shah Nafisa. 2007. *Achieving Gender Equality in Public Offices in Pakistan*, Pakistan: United Nations Development Programme.

their heads, and discusses whether they would have been accepted or successful had they not studiously adopted these mores.

Transcending the Public-Private Divide

Fatima Jinnah and Benazir Bhutto rose to prominence at different times and due to different circumstances. Yet, upon close examination, one can see many similarities between their extraordinary lives. Both derived legitimacy from already prominent male relatives: Fatima Jinnah, from her brother, the Quaid-e-Azam, Muhammad Ali Jinnah, the Founder of Pakistan, and Benazir Bhutto, from her father, Zulfikar Ali Bhutto, the Prime Minister of Pakistan from 1973-77. Both were encouraged by these men to pursue a modern education at English language schools (which was more unusual for women during Miss Jinnah's time but women being sent abroad to study was also unusual in Ms Bhutto's time) and to develop an interest in the politics of their nation/country. The two women, thus, slowly came into the public eye and gained popularity at least partially on account of their relationships with these prominent men. Even so, both women ultimately forged a unique path for themselves and made many sacrifices to attain their goals. Their popularity has been attested at various points in time—for example, during Fatima Jinnah's presidential campaign, and at various occasions for Benazir Bhutto, her return from self-exile in 1986 being one of the most poignant examples when the masses expressed their support of her in throngs.⁷

Another commonality between Jinnah and Bhutto was that they both outright challenged two of the most powerful (male) military dictators in the history of Pakistan – General Ayub Khan (1958-1969) and General Zia ul Haq (1977-1988) respectively. This opposition may in fact have increased their legitimacy in the eyes of the public who were dissatisfied with the regimes and hoped to displace them.⁸ These con

⁷ Ziring, Lawrence. 1994. 'Political Connections: Fatima Jinnah and Benazir Bhutto'; Al-Mujahid, Sharif. 1965. 'Pakistan's First Presidential Elections'. *Asian Survey* 5(6): 280-294.

⁸ Ziring, Lawrence. 1994. 'Political Connections: Fatima Jinnah and Benazir Bhutto'.

ditions set them apart from other women as they defied tradition by continuing the legacies set by their male relatives. Such characteristics were generally not accepted of women in Pakistani society. The public sphere was and still is considered by and large to be the man's domain in many areas of Pakistan including in urban cities, even though more women are entering politics and other fields in the public domain during the last decade. Thus, Fatima Jinnah can be considered a pioneer as the first woman to stand for election for a public office in Pakistan,⁹ whereas Benazir Bhutto is, to date, the only woman in Pakistan (and the first in the Muslim world) to hold the office of Prime Minister (1988-1990 and 1993-6).¹⁰

Fatima Jinnah: The “Mother of the Nation”



Source: http://upload.wikimedia.org/wikipedia/en/d/da/Fatima_jinnah1.jpg

⁹ Justice Shah, Nasim Hasan. 2004. Madar-i-Millat and the Role of Women, in Dr. Riaz Ahmad (ed.), *Pakistani Scholars on Madar-i-Millat Fatima Jinnah*, National Institute of Historical and Cultural Research Centre of Excellence, Quaid-i-Azam University, p.18.

¹⁰ Ziring, Lawrence. 1994. 'Political Connections: Fatima Jinnah and Benazir Bhutto'.

Fatima Jinnah is most remembered for her devoted support to her brother, the “*Quaid-e-Azam*”, the Founder of Pakistan, who played a key role in the creation of Pakistan in 1947. Fatima spent much of her life as his companion, taking care of him and providing him with the necessary support for his political goals. Having already lost their mother, the Quaid became the guardian of Fatima, his youngest sister, after the death of their father.¹¹ He encouraged her to complete her education, and then later, despite family opposition, supported her decision to open her own dental practice—even though at the time taking up a profession was not considered an appropriate path for elite Muslim girls. He advised her to ignore any attacks on her personal behaviour. Later, she became politically active herself as she got more and more involved in his political life, and accompanied him to political meetings and official tours. She stood shoulder to shoulder alongside, rather than behind him. Just by doing this, she was sending a message to other women to participate equally with men in the freedom struggle.¹²

Such actions clearly showed that she defied the norms set for most women by society, and the system of *purdah* which demarcated the private sphere as women’s domain, restricting their freedom and confining them largely within the parameters of the home. Such divisions existed before the British colonization of India but were further sharpened after its advent.¹³ Fatima Jinnah’s biggest challenge to the role women were expected to play in Pakistan, however, came in 1965, when she was 71 years old. She defied tradition by standing for the presidential elections against then-President and military dictator, General Ayub Khan. She successfully confronted the Islamic orthodoxy and more conservative elements in society who believed in upholding restrictive values and roles for women.¹⁴ In fact, her candidacy was proposed by an alliance of opposition parties including

¹¹ Jinnah, Fatima. 1987. *My Brother*. Karachi: Quaid-e-Azam Academy.

¹² Kazmi, Laila. ‘Fatima Jinnah’. *Jazbah Magazine for Women*. <http://www.jazbah.org/fatima.php> (accessed 8.06.2011)

¹³ Lateef, Shahida, 1990. *Muslim Women in India: Political and Private Realities 1890s-1980s*. New Delhi: Kali for Women, p.58.

¹⁴ Ziring, Lawrence. 1994. ‘Political Connections: Fatima Jinnah and Benazir Bhutto’; Al-Mujahid, Sharif. 1965. ‘Pakistan’s First Presidential Elections’.

the religious right-wing party, the *Jamat-i-Islami*; and though reluctant at first, she decided to accept this offer and to fight for democracy.¹⁵ While she did not actually win (it is believed that Ayub himself was the architect of the elections and had set himself up for victory),¹⁶ she was still a strong candidate whose popularity was demonstrated by the support and votes that she still managed to garner in these elections. She had managed to weaken General Ayub's position, after which he never quite recovered.¹⁷ But that was not the only reason for which these elections and Fatima's candidature were historic. Prior to her, no other woman had stood for any kind of public office in Pakistan let alone the position of the head of state. Thus, her candidacy raised the critical issue of whether a woman could become the leader of a Muslim nation.¹⁸

The question that comes to mind then, is what enabled Fatima Jinnah to achieve what she did? What was it about her that even the conservative religious political party, the *Jamaat-i-Islami*, was in favour of her standing for the elections? Was it purely to get rid of Ayub and there were no other viable male candidates that the opposition alliance could agree upon? She was, after all, the "*Madar-i-Millat*" and enjoyed huge popularity and respect among the masses long after her brother had died. She was also at times referred to as "*Khatun-i-Pakistan*" (Lady of Pakistan).¹⁹ Her political opinions were widely respected and sought.²⁰ As a woman, her acceptance as candidate for the office of President by the

¹⁵ Kazmi, Laila. 2008. 'Fatima Jinnah'; Ziring, Lawrence. 1994. 'Political Connections: Fatima Jinnah and Benazir Bhutto'.

¹⁶ Ziring, Lawrence. 1994. 'Political Connections: Fatima Jinnah and Benazir Bhutto'

¹⁷ Ziring, Lawrence. 1994.

¹⁸ Justice Shah, Nasim Hasan, Madar-I-Millat and the Role of Women, p.18; Awan, Samina and Dr Malik, Rizwan. 2003. *Women Emancipation in South Asia: A Case Study of Fatima Jinnah*. Lahore: Centre for South Asian Studies University of the Punjab, p 49; Al-Mujahid, Sharif. 'Pakistan's First Presidential Elections'.

¹⁹ Ziring, Lawrence. 1994. 'Political Connections: Fatima Jinnah and Benazir Bhutto'; Al-Mujahid, Sharif. 'Pakistan's First Presidential Elections'.

²⁰ Ziring, Lawrence. 1994 'Political Connections: Fatima Jinnah and Benazir Bhutto'. Al-Mujahid, Sharif. 'Pakistan's First Presidential Elections'.

Jamaat-i-Islami was due to “extraordinary circumstances”²¹ and to her special place in the hearts of the public. It did not, in the *Jamaat’s* view, necessarily open the way to female leadership in general.²² Although she had time and again challenged women’s role in society, could she have been such a strong symbol for the nation had the public not been able to identify with her in some way? This is where her ‘image’ comes into play: the image of a devoted sister and the “mother of the nation”.

Whenever in public, and in almost all public images of her, we see that she wears a *dupatta*²³ on her head, as most women, including other politically active women and many advocates of women’s rights, did in her day. In addition, Fatima Jinnah was unmarried and her public image was that of a chaste and modest woman who had devoted her life to nurturing her brother’s dream of establishing the Pakistani state. Would she, and in fact, would the *Quaid* himself (who always kept Fatima close by his side whether in public or at home) have been accepted if she had portrayed herself any differently? Although few records exist of her personal life (most of them focus on her mainly as a major figure of support for the *Quaid* or on her Presidential candidacy), it is highly unlikely that she would have been considered the symbol of the Pakistani nation had she been more glamorous, ‘immodest’ in her dress and appearance and ‘unchaste’, or if she were associated with other men (given that she was unmarried).

In fact, it is interesting to note that when women become an inconvenience, as was the case for Fatima Jinnah in relation to Ayub Khan during the 1965 elections, one of the first things to be attacked is their ‘honour’ and their sense of propriety. Little could be used to attack

²¹ Awan, Samina and Dr Malik, Rizwan, *Women Emancipation in South Asia: A Case Study of Fatima Jinnah* p.50; Al-Mujahid, Sharif. ‘Pakistan’s First Presidential Elections’

²² Awan, Samina and Dr. Malik, Rizwan, *Women Emancipation in South Asia: A Case Study of Fatima Jinnah* p.50; Al-Mujahid, Sharif. ‘Pakistan’s First Presidential Elections’

²³ The *dupatta* is a scarf that is part of the Pakistani national dress (the *shalwar kameez*) and which can be used by women to cover either their chests and/or their heads.

the image of the chaste and modest Miss Jinnah. Yet, though she was initially accepted as a public figure (as long as she was escorted by her brother), had Miss Jinnah not taken care of her public image, she may not have been held with such regard long after he was gone. It is also fairly probable that General Ayub would have used her image against her if she were in any way considered immodest, to incite people into thinking that she was not an ideal model of a Muslim woman, and thus unfit to run for President.

Instead, Ayub, who believed himself to be a liberal person, had to resort to looking for support amongst some religious scholars (*ulema*) and dignitaries. These groups felt that a woman's candidature for the presidential office or a woman head of state was against the injunction of *shari'a*²⁴ and *fatwas* (religious decrees)²⁵ against Fatima Jinnah were soon issued.²⁶ Other attacks orchestrated by Ayub's supporters portrayed her as a 'tool' of other politicians²⁷ – an argument that supports the view that women cannot think or act independently. Given the respect customarily given to elders, her age could have been a factor that played in her favour and due to which no one could point a finger at her. She was 71 years old when she was approached by the opposition alliance against Ayub's regime to be their candidate.²⁸ At that age, she was seen more as an "elderly mother", delinked from her sexuality, whose wisdom and advice on political matters was held in high regard.²⁹ A younger woman may have been an easier target, as Benazir Bhutto was, who for the sake of her career made the decision to enter into an arranged marriage because she felt that a young, single woman would be a much easier target for her political opponents.

²⁴ Islamic Law.

²⁵ Originally, fatwas were opinions formulated, upon request, by a learned scholar and were not legally binding.

²⁶ Shah, Syed Mujawar Hussain. *Bhutto, Zia and Islam*. http://www.bhutto.org/images/books_Pictures/Bhutto_Zia_and_Islam.pdf; Al-Mujahid, Sharif. 1965. 'Pakistan's First Presidential Elections'.

²⁷ Al-Mujahid, Sharif. 1965. 'Pakistan's First Presidential Elections'.

²⁸ Al-Mujahid, Sharif. 1965 as above

²⁹ Al-Mujahid, Sharif. 1965. As above

Benazir Bhutto: Modernity Meets Tradition



Source: http://upload.wikimedia.org/wikipedia/commons/archive/9/93/20080104130715!Benazir_bhutto_1988.jpg

Benazir Bhutto perhaps more fully embodies the paradox facing women in Pakistani politics: she challenged the status quo by breaking into a male-dominated space while also conforming to social norms to some extent in order to survive. Western-educated at Harvard and Oxford, and exposed to a somewhat public life early on, accompanying her father on official visits and meetings with politicians and foreign dignitaries, she was far from being a conformist. Although she came from a feudal background with conservative values and mindsets, her own parents were liberal and never discriminated amongst their sons and daughters. In her autobiography, *Daughter of the East* (2007), Benazir relates a story from her youth when she was travelling from Karachi to her ancestral home, Larkana. Her mother produced a *burqa*³⁰ for her to put on. She writes:

³⁰ A burqa is typically a piece of clothing that covers a woman's body from head to toe, other than her face which may or may not be covered.

‘You are no longer a child,’ she told me with a tinge of regret. As she performed this age-old rite of passage for the daughters of conservative land-owning families, I passed from childhood into the world of the adult. But what a disappointing world it turned out to be. The colours of the sky, the grass, the flowers were gone, muted and greyish...³¹

Later, when her father learnt about the incident, he told his wife that Benazir did not need to wear the burqa. “Let her be judged by her character and her mind, not by her clothing,”³² he said. Therefore, we see that the immediate family environment in which she grew up provided Benazir a supportive background from which she was able to emerge as an independent woman. In fact, in Pakistan, it is not uncommon to look at the eldest son as the heir to a father’s legacy whether it is in politics, business or any other field. Benazir Bhutto was the eldest of the Bhutto children and it was she whom Zulfiqar Bhutto groomed to enter politics. Benazir was also the first Bhutto woman to study abroad.³³

When Zulfiqar Ali Bhutto, then Prime Minister of Pakistan, was ousted in a military coup by General Zia ul Haq, the Chief of Army Staff of the Pakistan army in 1977, Benazir was suddenly catapulted to the centre of the political scene. She had, along with her mother, assumed leadership of her father’s political party, the Pakistan People’s Party, after he was imprisoned.³⁴ Pakistan would remain under military rule for the next eleven years. This period saw General Zia becoming President and beginning a process of Islamization that reshaped the social set-up of the country as well as the structure of the political and legal systems.³⁵ New measures adopted under this regime created a hostile environment especially for women and non-Muslims, leading to a systematic erosion of civil liberties for these groups. The new legal system weighed heavily in favour of men, further compromising the principle of equality

³¹ Bhutto, Benazir. 2007. *Daughter of the East*, Great Britain: Simon and Schuster. p.36,

³² Bhutto, Benazir. 2007: 36-7.

³³ Bhutto, Benazir. 2007:36.

³⁴ Doherty, Craig and Doherty, Katherine. 1990. *Benazir Bhutto*, Franklin Watts. <http://www.qau.edu.pk/betaqau/bnbs/ Acrobat/Benazir%20Bhutto.pdf>

³⁵ Shaheed, Farida. 2009. *Gender, Religion and the Quest for justice in Pakistan*, Switzerland: United National Research Institute for Social Development, p.9.

between the genders.^{36, 37} By reshaping laws to conform to misogynistic interpretations of Islam, Zia tried to ensure the withdrawal of women from the public sphere, reducing their visibility and restricting them “within the confines of the *chador* (veil) and the *chardiwari* (four walls of the home)”.³⁸ Zia introduced the notion of an ‘ideal Muslim woman’ who was to remain ‘silent’ and ‘invisible’ and adhere to a strict, so-called Muslim dress prescribed by the State, with the *chador* becoming mandatory for all including female students, teachers, women on television, and women in the government.³⁹

This period also saw the execution of Benazir’s father, based on a murder trial maneuvered by Zia, as well as her own and her mother’s (Nusrat Bhutto) incarceration (and torture). It was because of this hostile environment that Benazir Bhutto’s resolve to enter into politics began as she first campaigned for the release of her father, and later sought to avenge his death by putting an end to the repressive Zia dictatorship and ushering in democracy in Pakistan.⁴⁰

With her continued defiance of the military regime, Benazir emerged as the “symbol of resistance”⁴¹ for the people of Pakistan. Despite her continued persecution and the repressive measures adopted by the regime against its opponents, Benazir continued to hold and attend political meetings, openly challenging the authority of the regime as well as deep rooted customs and traditions that still viewed politics as the exclusive domain and responsibility of men.⁴² The fact that she was Zulfikar Ali

³⁶ Shaheed, Farida. 1997. ‘Women, State and Power: The Dynamics of Variation and Convergence Across East and West’ in Neelam Hussain (ed.), *Engendering the Nation State*, Lahore: Simorgh Women’s Resource and Publication Center.

³⁷ For example, under the law of evidence one man’s testimony was equal to that of two women, the law of *Qisas* (retaliation) and *diyat* (blood money) stated that payment to the family of a murdered woman would be half of that of a murdered man.

³⁸ Shaheed, Farida. 2009. *Gender, Religion and the Quest for justice in Pakistan*, p.17.

³⁹ Shaheed, Farida. 2009. *Gender, Religion and the Quest for Justice in Pakistan*, p.9; and Weiss, Anita M. 1990 ‘Benazir Bhutto and the future of women in Pakistan’, *Asian Survey* 30(5): 433-445.

⁴⁰ Bhutto, Benazir. 2007. *Daughter of the East*.

⁴¹ Shafqat, Saeed. 1996. ‘Pakistan Under Benazir Bhutto’, *Asian Survey* 36 (7):655-672.

⁴² Bhutto, Benazir. 2007. *Daughter of the East*; and Shaikh, Muhammad Ali, 2000. *Benazir Bhutto: A Political Biography*, Karachi: Orient Books Publishing House, p.107.

Bhutto's daughter, who was considered a martyr by the large part of the Pakistani public, along with the public's unhappiness with the government, and given that she had endured so much, including long prison terms and self-exile in London under the Zia regime, made her a hero in the eyes of the people of Pakistan and added legitimacy to her bid for leadership.

In 1986, Benazir returned to Pakistan from London, where she had continued to campaign and prepare herself for the elections that Zia had promised. Fighting in an already conservative society which saw women as unfit to rule,⁴³ the Islamization process under Zia had further radicalized a society in which women were seen to belong to the private domain. Increasingly, their main responsibility was perceived as limited to reproduction and motherhood.⁴⁴ Fearful that her unmarried status would be used against her politically, Benazir agreed to enter into an arranged marriage,⁴⁵ announcing that, "conscious of my religious obligations and duty to my family, I am pleased to proceed with the marriage proposal accepted by my mother."⁴⁶ Once she took up office, accusations would likely be made that she was sleeping around, as is done with today's female politicians regardless of marital status.

Once she had decided to marry, the only choice for her was an arranged marriage. Benazir herself said that "an arranged marriage was the price in personal choice I had to pay for the political path my life had taken."⁴⁷ Her marriage was used to appease the conservatives, who were against the idea of a single woman ruling as Prime Minister and depicted her as a 'normal woman' in their eyes, following the norms expected of women, i.e. marrying and having children.⁴⁸ Stating that her Western friends would

⁴³ Bokhari, Sajjad. 1993. *Mohtarma Benazir Bhutto: The Leader of Today*. Lahore: Fiction House, p.18.

⁴⁴ Shaheed, Farida. 2009. *Gender, Religion and the Quest for Justice in Pakistan*, p.21.

⁴⁵ Bhutto, Benazir. 2007. *Daughter of the East*.

⁴⁶ Lamb, Christina. 2007. 'My Life with Benazir' Dr. Javaid Laghari (ed.), *Reflections on Benazir Bhutto*. Szabist: Karachi, p.25.

⁴⁷ Bhutto, Benazir. 2007. *Daughter of the East*, p.350.

⁴⁸ Kharal, Muhammad Nawaz, *Murder of Democracy: A Life History of Benazir Bhutto (1953-2007)*, p.225.

be quite surprised that she had not chosen a “love marriage,” she provided justifications on many occasions:

I must confess that if it hadn't been for my own peculiar position, where I have to consider the political ramifications of every step I take, then perhaps this would not have been an arranged marriage, but, in the circumstances, it seemed the only course.⁴⁹

I couldn't have a love match. I was under so much scrutiny. If my name had been linked with a man, it would have destroyed my political career.⁵⁰

Even the hint of a relationship would have been used by my opponents to destroy me politically.⁵¹

My being the leader of the largest opposition party in Pakistan, it would have been a lot of rumour to the grist and bad for the image if I had chosen another course.⁵²

An arranged marriage may seem traditional, but what is not traditional is the fact I'm not abandoning my identity or my career.⁵³

These quotes illustrate that Benazir clearly understood the power of imagery or the need to project a certain kind of image, even if it came at personal costs. In trying to break into a male-dominated public space, the status of a wife and mother was crucial to deflect potential accusations of promiscuity.

⁴⁹ Raines, Howell. 1987. 'Benazir Bhutto to marry, in a pact by 2 families'. *The New York Times*. <http://www.nytimes.com/1987/07/31/world/benazir-bhutto-to-marry-in-a-pact-by-2-families.html> (accessed 8.06.2011).

⁵⁰ Dreifus, Claudia. 1994. 'Real-Live Dynasty; Benazir Bhutto', *The New York Times*, <http://www.nytimes.com/1994/05/15/magazine/real-life-dynasty-benazir-bhutto.html> (accessed 13.06.2011).

⁵¹ Hughes, Libby. 2000. *Benazir Bhutto: From Prison to Prime Minister*, Backinprint.com. <http://www.qau.edu.pk/betaqau/bnbs/ Acrobat/From%20Prision%20to%20Prime%20Minister.pdf>

⁵² Raines, Howell. 1987. 'Benazir Bhutto to marry, in a pact by two families'.

⁵³ Marshall, Tyler. 1987. 'Political Maverick Bows to Muslim custom', *Los Angeles Times*. http://articles.latimes.com/1987-08-07/news/vw-1204_1_political-ambitio (accessed 08.07.2011).

To achieve her political ambitions and goals, Benazir not only had to submit to an arranged marriage but also had to dress in a manner that would be acceptable to the public. As mentioned earlier, under the rule of Zia ul Haq, the idealized image of a Muslim woman propagated by the State was of one who was “faithful to the chador and *chardiwari*”.⁵⁴ In this environment, Benazir had to be careful to maintain her ‘reputation’ and had to cultivate an image that would pacify not only the religious elements but the general public as well. Being the first amongst her (extended) family not to wear a burqa, Benazir ended up wearing a *dupatta*⁵⁵ to cover her head as she gained prominence during Zia’s rule. At first she only covered her head during public rallies and meetings, when mobilizing support against Zia, and only when she was in Pakistan. Later on, as she became a leading public figure, she was seen to be wearing the *dupatta* at all times.⁵⁶ In her youth she had witnessed firsthand the interest that could be generated by the media about what she wore. On a trip to India with her father to discuss the prisoners of the 1971 war⁵⁷ her clothes had become ‘a national fashion’ event; whereas Benazir saw herself as more of a “Harvard intellectual whose mind was occupied with the serious questions of war and peace...the press persisted in asking me question after question about my clothes.”⁵⁸

In 1988, Zia was killed in an air crash and the national elections that followed saw Benazir’s rise to power – a significant moment in Pakistani history and democracy, as well as for women. As a female Prime Minister, Benazir had to make sacrifices in her personal life far greater than those that any male Pakistani head of State has had to

⁵⁴ i.e. “the four walls of the home”. Weiss, Anita M. 1990. ‘Benazir Bhutto and the future of women in Pakistan’.

⁵⁵ Kharal, Muhammad Nawaz. *Murder of Democracy: A Life History of Benazir Bhutto (1953-2007)*

⁵⁶ Bhutto, Benazir. 1997. *Diary Entries*, http://benazir.bhutto.org/Articles_by_her/article-9.htm (accessed 11.06.2011)

⁵⁷ This was the third major war fought between India and Pakistan. Tensions between East Pakistan (now Bangladesh) and West Pakistan triggered the war and eventually led to the creation of the State of Bangladesh.

⁵⁸ Bhutto, Benazir. 2007. *Daughter of the East*, p.61-2.

make.⁵⁹ In the preface to her autobiography *Daughter of the East*, she wrote that her election “broke down stereotypes” and “proved that a Muslim woman could be elected Prime Minister, could govern a country and could be accepted as a leader by both men and women”⁶⁰. However, her acceptance as a leader came at the price of having to conform to some of the very traditions and norms which she had, in part, broken. Obligated to marry because of her political aspirations and to adopt the *dupatta* as part of her daily dress code, Benazir always wore loose *shalwar kameez*⁶¹, usually with a jacket on top; and she often had to keep a female companion by her side.⁶² To further conform, she was also expected to become a mother – although this particular development did not necessarily always play to her advantage.

After news of her first pregnancy in 1988 spread, General Zia used the opportunity to hold the general elections around the time that she would deliver so that it would be difficult for her to campaign. Such circumstances are easily used as opportunities for men to further themselves professionally, and in this case, for political success. Benazir has stated that she was “*acutely conscious that what should have been a family matter became a topic of intense political discussion from military headquarters to editorial boards. Aware of this, I kept the exact details of my pregnancy confidential.*”⁶³ Even later on, when she was in office and pregnant with her second child, the political opposition saw it as an opportunity to depose her, stating that “Pakistan’s government rules did not provide for a pregnant Prime Minister going on maternity leave” and that she “would be incapacitated during delivery and therefore the government machinery would irretrievably break down for that period of time.”⁶⁴ However, Benazir was able to prove them wrong and became

⁵⁹ Bhutto, Benazir. 2007: xii.

⁶⁰ Bhutto, Benazir. 2007: xi.

⁶¹ The national Pakistani dress is comprised of a long shirt, loose pants and a scarf which can either be worn on the head or on the shoulders.

⁶² Bhutto, Benazir. 1997. *Diary Entries*.

⁶³ Bhutto, Benazir. 2007. *Daughter of the East*, p.xiii.

⁶⁴ Bhutto, Benazir. 2007: xiv.

the only head of state to give birth while in office, without compromising her job.⁶⁵

Conclusion

The cases of these pioneer women in the arena of Pakistani politics illustrate how a well-crafted image plays a significant role for all those entering politics but also show how women's public image, in particular, is fashioned after conservative gendered norms and informed by the need to project a flawless sexuality. Both Fatima Jinnah, seen at times as a wise 'spinster' and benevolent mother, and Benazir Bhutto, the embodiment of an affluent, modern Pakistani wife, appear extremely devoted to their families and/or to upholding their families' political legacies. Further, the importance of projecting a modest image, symbolized by women's dress

⁶⁵ Benazir's government was later dismissed by President Ghulam Ishaq Khan on allegations of corruption, nepotism and for inadequate performance on August 6, 1990, after twenty months in power. <http://www.immigvanheugten.nl/downloads/A%20taste%20of%20power%20-%20the%20uneasy%20reign%20of%20Benazir%20Bhutto%201988-1990%20%28MERA%20April%201992%29.pdf> (accessed on 02.12.11) Benazir returned to power again in 1993. Her second government was dismissed by President Farooq Leghari on charges of corruption Following the dismissal of her government, Benazir went into self-imposed exile in Dubai (<http://benazir.bhutto.org/profile.htm>). She returned to Pakistan in 2007 after a US-backed deal was brokered between her and the President of Pakistan, General Pervez Musharraf (Shahzad, Syed Saleem, *Inside Al-Qaeda and the Taliban*, p.39). This was meant to be a transitional step from military rule to democracy in Pakistan. However, before this transition could be achieved Benazir Bhutto was assassinated on 27th December 2007 in Rawalpindi as she was departing from her hugely successful political rally at Liaquat National Bagh. Bhutto was shot twice before a suicide bomb was detonated killing at least 20 people <http://news.bbc.co.uk/2/hi/7161590.stm> (accessed on 02.12.11). Bhutto had survived an earlier assassination attempt in Karachi on 18th October 2007, the day of her return to Pakistan, when two suicide bombers killed 120 people and injured at least 150 <http://www.telegraph.co.uk/news/worldnews/1566627/Twin-bombs-strike-at-Benazir-Bhuttos-parade.html> (accessed on 02.12.11). The central command of Al-Qaeda took responsibility for the attacks. The mastermind behind the plan is believed to be Al-Qaeda's second in command Ayman al-Zawahiri (http://www.longwarjournal.org/archives/2007/12/al_qaeda_takes_credi.php). Her assassination changed the political scenario and paved the way for a victory for her party, the Pakistan People's Party, in the 2008 general elections.

codes and the veil in particular, can hardly be disputed. In fact, the manner in which female politicians dress continues to be a topic of sustained interest and discussion in the media to this day.

For example, in more recent news, when Hina Rabbani Khar visited India in July 2011 as Pakistan's new Foreign Minister (July 2011-present), a media frenzy broke over her style, reminiscent of Benazir Bhutto's visit to the country in 1971. Khar, who also had been wearing a *dupatta* and could not be accused of 'immodesty', said: "You don't want the attention to focus on the frivolous. A guy in my place would never get such attention; nobody would be talking about his suit."⁶⁶ Some women currently members of parliament have admitted to dressing more conservatively once entering the political arena⁶⁷. They are expected to downplay their sexuality and to project a modest and conservative image if they are to survive politically and be respected in the public eye. Female family members of male politicians have also come under public scrutiny and have been condemned for not conforming to the image of a chaste and modest 'Muslim woman'. Such considerations are much more pertinent to women politicians than their male counterparts, and the rules that apply are more stringent as well.

At times, entering politics has meant that women candidates have had to rely on their male relatives during campaigns for winning the support of conservative sections in society. For example, when first contesting for a seat in her rural constituency, Hina Rabbani Khar stayed at home and her photograph did not even appear on posters, while her father addressed rallies on her behalf, "in deference to local sensibilities about the place of women."⁶⁸ Perhaps what allowed Fatima Jinnah and Benazir Bhutto to transcend gender roles was to some extent their family name, the support and education they received, and also the

⁶⁶ Walsh, Declan. 2011. Pakistan Foreign Minister Bags Attention on India Trip', *The Guardian*. <http://www.guardian.co.uk/world/2011/jul/29/india-pakistan-kashmir-policy> (accessed 29.07.2011).

⁶⁷ Interview with Tasneem Siddiqui (Member of National Assembly From the Party Pakistan Muslim League-Nawaz). Conducted at Shirkat Gah Women's Resource Centre, Lahore, in 2011.

⁶⁸ Walsh, Declan. 2011.

fact that they were “perceived as filling a political void created by the death or imprisonment of male family members.”⁶⁹ They broke the tradition of *purdah* which kept women confined to the private sphere and made a name for themselves at the highest level of state and society. However, there is no doubt that they still had to conform to social expectations and take care of their image in a more scrupulous way than men in their positions have had to do – Miss Jinnah was portrayed as an elderly mother who took care of the nation and its Founder. Even Benazir Bhutto accepted an arranged marriage despite her modern ideas and upbringing, believing that it would make her more politically acceptable, and adopted a more traditional dress code than she was otherwise used to.⁷⁰ All these measures illustrate how important a role a woman’s sexuality plays in our society. Her sexuality is not just a personal matter but an important lens through which she is viewed and judged, in public as well as in private. Bearing these factors in mind, we can conclude that a woman has to typically downplay her sexuality and conform to or adopt certain conservative values in order to be socially and publicly accepted before she can expect to be taken seriously as a leader.

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Sexuality and Politics in Indonesia: How Democracy Failed Women

Homa Hoodfar¹

Abstract

A range of forces, often associated with radical Islam, are engaged in further policing moral norms and regulating sexuality in a variety of countries. Such efforts, promoted by both conservatives and Islamists, aim primarily at controlling female bodies in the public arena. This broad, cross-regional trend of moral policing can be either enacted as part of state legislations or enforced by non-state actors. Focusing specifically on the political history of Indonesia since the 1950s, Homa Hoodfar shows here that Islamist non-state actors (such as politico-religious groups or religious leaders) have gradually become sufficiently assertive and powerful to effectively impact national debates and the legal system. Further, Hoodfar notes that democratic institutions and processes appear ineffective to counter legal developments that, under the disguise of moral or religious arguments, in fact criminalize sexual conduct and self expression. Through analyzing various so-called shari'a-inspired laws and, in particular, the recent re-emergence of the Indonesian Anti-Pornography Bill, Hoodfar shows that, once institutionalized, these forms of gendered policing severely restrict women's access to public spaces.

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Introduction

The increasing influence that political Islamists² exercise on political structures has been particularly visible recently with regard to Muslim-majority societies that have struggled for democratization and, often as well, for the secularization of their societies. The Islamists' emphasis on controlling public morality, through the control of women's bodies and minds especially, has raised some troubling questions for women and proponents of gender equality.³ It has long been assumed that the democratization of political systems, particularly – though not exclusively – through free multiparty elections, would lead to open and plural democratic societies. Thus many human rights activists and women's and democratic organizations have for decades focused on bringing about state secularization and democratic reforms. Yet, evidence from Turkey, Indonesia, Malaysia, and more recently Egypt and Tunisia, contradicts this well-established assumption. If the recent elections held in post-revolutionary Egypt and Tunisia in 2012 and the ascendancy of the Muslim Brotherhood in Egypt, Ennahda in

² Political Islamists' refer here to various political perspectives which appropriates a rigidly defined religious 'identity' as the basis for overall social organization. Political Islamists claim that their ideology is in accordance with 'divine laws', based on their particular readings of religious texts – a claim which denies the diversity of lived Islam over time and space. Their ideological perspective rejects gender equality and demands a gender-apartheid social system. Similarly they reject equality between Muslim and non-Muslim citizens.

³ *Editor's note:* As far as this phenomenon relates to sexual expression, it must be noted that while women are primary targets of these policing efforts, so are people associated with stigmatized sexualities (including gay men, lesbian women, bisexual individuals) and non-mainstream gender identity (including transgender people). In addition, heterosexual couples whose public behaviour is deemed 'immoral' can also be at risk, as demonstrated in the many contexts where young couples are randomly harassed (either by police forces or vigilante groups) and asked to produce evidence of their marital status. This policing of heterosexual couples was demonstrated dramatically with the July 2012 murder in Suez, Egypt, of Ahmed Hassan, a young man in his 20s who was stabbed by "three bearded men" for walking along with his fiancée. According to media reports on legal proceedings, the three "accused had formed a group calling for 'the propagation of virtue and the elimination of vice' ". Reuters, July 15 2012, 'Egyptians charged with being Islamic vigilantes', http://www.msnbc.msn.com/id/48188918/ns/world_news-africa/t/egyptians-charged-being-islamic-vigilantes/#.UDqDUKNWIUo

Tunisia, and *salafis* (ultra orthodox) parties to parliaments and presidency are any indication, the Indonesian experience (discussed below) is deemed to be repeated, particularly if democratic forces continue working with the same old assumptions that democratic elections can guarantee equality for all.

The appeal and power of mobilization of the new social movements that recently triggered the end of decades-old dictatorships have brought a new urgency to reflecting on the nature of political structures. While these mass movements have emerged as a major vehicle for young and disenfranchised citizens, and are demanding democratic and just societies, the fact that they are highly decentralized and their lack of pragmatic vision raise questions for the future of secular, democratic states. In particular, it raises questions with regard to the risk that popular dissent can be manipulated or even hijacked by organized conventional forces, including political Islamists. While much is written about the ability of political Islamists to exert power over legal and social arenas, few scholars have asked why these developments occur when proponents of political Islam are clearly a minority. Further, few have focused on possible strategies to halt their ascendancy to political power. Advocates of gender equality and supporters of human rights for all have to muster deeper insights into the reasoning and tactics used by political Islamists in various contexts so as to develop strategies that effectively counter the rise of Islamism on the ground. Indonesia, with its plural cultural history and the success of democratic forces in 1998, can provide a relevant appropriate case study – particularly given that democracy has become a vehicle to deny women their basic citizenry rights. The central questions that have guided this report include: why is it that Islamist forces have been more apt at using new democratic structures to their advantage? What were the ingredients that led to political Islamists' success? Why have liberal and feminist forces been less successful? And what kind of strategies have human rights activists on the ground adopted to counter political Islamists? Finally, what potential lessons can we draw from the Indonesian experience?

Development of Indonesian Democracy

After the ousting of Suharto's corrupt and dictatorial New Order Regime (1968-1998) through a popular uprising in 1998 following 30 years of repression, there were high hopes for the creation of an open, liberal society. And indeed, in contrast to the 1979 revolution in Iran which led to establishment of a theological state, dashing the hopes and ideals of many who participated in the ousting of the shah, Indonesia's revolution did result in a secular, democratic and decentralized state structure. Progressive forces worldwide celebrated the apparent dawn of democracy of Indonesia. However, subsequent developments have sullied the vision of an open plural society, particularly the hijacking of the democratic structure by political Islamists in order to promote a society based on a restrictive *Wahhabi*⁴ interpretation of Islam and *shari'a*⁵ law, where women, religious, and sexual minorities are considered lesser citizens. The irony of decidedly undemocratic social forces manipulating democratic structures to impose their discriminatory ideologies onto society has added to the complexity as well as urgency of understanding the political parameters required to achieve pluralism and gender equality. Evidently a constitutional secular democracy, while important, does not always guarantee a free and open society. What also appears to be needed is an engaged and committed public, the ongoing mobilization of liberal forces, broad alliances in support of collective demands, and efforts from both within and outside the state. A review of political development in Indonesia since 1998 suggests that political Islamists have learned lessons from diverse contexts (including the Iranian revolution, and the resilience and adaptability of political Islam in the context of Turkish democracy) to advance their agenda. On the

⁴ **Wahhabi**: A very orthodox and sectarian interpretation of Islam that has gained currency since mid 19th century in Saudi Arabia but is increasingly exported into other regions through various *Salafist* networks (proponents of wahhabi school) who benefit from petro dollars, particularly from the Gulf States.

⁵ **Shari'a**: A term commonly but erroneously used to refer to the body of religious 'laws' that are said to be derived from Islam. Contrary to popular belief, there is no single, homogeneous set of Muslim laws or practices which can be labelled '*Shari'a*'; there is a great diversity in terms of interpretation of religious texts, and various Muslim schools of law.

other end of the political spectrum, proponents of pluralistic democracy have neglected to account for or counteract their opponents' strategies. The following concise account of political developments in Indonesia as they relate to the regulation of sexuality and women's rights is intended to raise questions and elucidate issues that may help develop strategies not just in reaction to oppressive developments, but also strategies that can prevent their occurrence. While resistance has its place, it is purely reactive, and, as proponents of substantive gender equality, it is time to conceptualize a proactive process, minimize the energy expended in reaction and resistance, and re-orient towards achieving our goals.

Indonesian Modern Political Context

Indonesia has the largest Muslim population of any country in the world, with 88% of the country's 207 million inhabitants being Muslim. It is a secular, multicultural state – historically, Indonesia is one of the most liberal and plural Muslim societies and one where women have enjoyed relative autonomy and gender equality (Henfer 2005, Robinson 2009). In particular, historically women have not been subjected to restrictive dress codes and, despite a degree of gendered division of labour, there has not been visible gender segregation such as was/is prominent in many Middle Eastern societies. Given that a bilateral kinship system gave equal weight to women and men, virginity was not a social pre-occupation and pregnancy outside marriage, though uncommon, was not stigmatized as women's relative sexual autonomy was accepted.⁶

However, this liberal picture has changed over the course of complex political developments in Indonesia, particularly since the early twentieth century when Islam was galvanized as an ideology of resistance to colonialism, with significant implications for women. Post WWII oil wealth lured many Indonesians to Saudi Arabia as migrant workers and, concurrent with more Indonesians undertaking the pilgrimage to Mecca, *Wahhabi* Islam

⁶ For example Wee's (2012) research has identified cases of migrant workers with children born out of wedlock and whose families help look after these offspring.

spread in Indonesia. The highly restrictive Wahhabi interpretation of Islam focuses on control of women, sexuality, and morality by the state and by male kin; it is claimed that this is part of an agenda to build a unified constituency of Muslim nations to counter imperialist and Western influences in Saudi Arabia (Bowen 2007, Commins 2006, Uwaidah 2002). While proponents of Wahhabi Islam actively try to export this iteration of political Islam to other Muslim contexts, many liberal forces view these efforts as a Saudi Arabian, and specifically Wahhabi, form of imperialism.

It is worth noting that Islam had been invoked as an ideological tool to oppose colonialism and westernization in various colonized Muslim contexts long before Saudi Wahhabism emerged as a major socio-religious force. In Indonesia, Islam first appeared in a political guise when a united front of various Muslim organizations mobilized against a 1937 law legalizing *voluntary* monogamous marriages, decrying the law as a step towards ‘Christianization’ of the country. As Wee (2012) points out, opponents politicized polygyny⁷ as an expression of anti-colonialism. In that context many Muslim women, observant or otherwise, felt unable to support the bill limiting polygyny, even though many of them did in fact find polygyny offensive and oppressive to women. On the other hand, given that polygyny was not a prominent feature of Indonesian Muslim society, it did not touch most women’s lives.⁸

This episode marked the beginning of precarious relations between secular liberal/nationalist/modernist anti-colonial forces and religious anti-colonial forces. Since then, both liberal modernist and religious forces have remained the most prominent players, and their uneasy relationship has especially continued to shape the politics of modern Indonesia. Secular and modernist forces looked to various religious (religio-political) organizations⁹ (especially those deemed less ‘orthodox’) to help galvanize wider

⁷ Although the debates are often phrased in terms of ‘polygamy’ which refers to multiple partners for either wife or husband, in actuality the debates in Indonesia but also in a wider context refer to ‘polygyny’, a term referring to men being allowed to have more than one marital partner.

⁸ Indeed it appears that polygyny was more frequent among matri-local and matrilineal ethnic groups since men only visited their wives and did not pay for the up-keep of the wives and the children; women were the major property holders (Wee 2012, Denny 1983).

⁹ Please also consult footnote 10 below.

support and legitimacy for the anti-colonial movement – even though they did oppose many of the Islamist agendas, particularly concerning women and religious minorities. Thus, even when secular nationalist, liberal and socialist organizations took the lead in the anti-colonial struggle, they tried not to alienate Muslim political organizations. Issues of sexuality and women’s rights were therefore often deliberately left out of political public discourses (Robinson 2009).-After a long struggle, Indonesia declared independence in 1945 immediately after the surrender of Japan, but independence was only formally acknowledged by Indonesia’s Dutch colonisers in 1949. The new state set up a centralized, democratic political system and supported an ideology of individual rights and the Universal Declaration of Human Rights issued in 1948 by the nascent United Nations. Although nationalist and communist parties dominated, the existence of many other smaller parties meant that no single party achieved majority rule and coalitions formed and reformed. This fragmentation allowed Muslim political parties and coalitions an opening to promote a vision of uniting most (i.e. Muslim) Indonesians and to strengthen their agenda concerning morality and sexuality in national political discourses.

The inability of central government to control or bring an end to various armed rebellions, along with a weak economy, lead to frequent changes of government, to the great discontent of the Indonesian people, who had hoped to live in security and dignity following independence (Hefner 2005). At the same time, throughout the 1950s a widespread desire for an Islamic state persisted among some Muslim constituencies. All of this meant that political Islamists continued to further their agenda of working towards an increasingly Islamic state, and to gain control of some regions. At the same time Western countries, particularly the United States, concerned at the possibility of further communist revolutions following China’s in 1949, anxiously watched as the Indonesian Communist Party grew through the 1950s to be one of the largest outside the Soviet Union. In the mid-1960s, three years of political and social upheaval – including the massacre of up to an estimated half a million intellectuals, nationalists, trade unionists, and communists by the military – took place under the leadership of General Suharto, then head of the military, with the backing of conservative Muslim organizations and the tacit support of the United

States. Questions of sexuality and morality were central to the justification of these brutal actions. The propaganda subtext alleged that communists were promoting moral decay as well as promiscuous sexuality, and that, if left unchecked, they would destroy the institution of the family and Muslim mores and ruin the nation (Wieringa 2002, Robinson 2009). The women's movement, particularly left-leaning coalitions or organizations demanding equal rights for women, were framed as part of this plot and this was used to justify the arrest, torture, imprisonment, and killing of many women activists, mostly without trial (Wieringa 2002). However, in reality, the women's movements in their diversity were mobilized primarily around anti-polygyny and equal rights (Robinson 1995, 2002). It is in this context that an alliance among political Islamists, conservative Christian religious forces, and the secular right-wing was stroked, in opposition to the communists and the women's movement. Wee (2012) argues that this firmly established an inherent subtext of nation-building, linked to a particular sexual script that shaped subsequent political development.

General Suharto replaced President Sukarno in 1967 as Acting President and became president in 1968 and ruled with an iron fist through a centralized, military-dominated government until 1998 (Henfer 2005). Seeking political stability, Suharto's regime tried to both appease and control Islamic groups, making concessions such as maintaining the plural legal system wherein Muslim law governs family matters for Muslim citizens. Yet, despite Indonesia's considerable regional diversity, all policies, whether regionally or nationally significant, were formulated and implemented by the central state. Many of these top-down policies, allegedly promoting modernity and secularism, were resented by much of the people and resulted in widespread anti-state centralization sentiments. Various Islamist groups (including fundamentalist organizations), the only permitted independent civil society organizations, used the situation to garner public favour: they addressed some of the problems created by top-down social and legal policies applied homogeneously to very diverse economic and cultural national contexts, and acted as an alternative to the state, gaining considerable legitimacy in the process. External factors also contributed to the legitimacy of fundamentalist groups in Indonesia including the 1979 Iranian revolution and the promotion by Western allies' of so-called Islamic Freedom fighters (Islamic warriors/*mojahedin*) who mobilized against

Russian invaders of Afghanistan during the 1980s. Within this larger political context, Islam in Indonesia provided a channel for the expression of political opposition when no others were tolerated by the state, and some Indonesian political leaders revived the idea of Islam as the path to ultimate social justice (Henfer 2005). It was within this particular confluence of factors that many urban, educated Indonesian women took up veiling, not simply as a symbol of piety, but equally as a means of expressing opposition to Suharto's secular but military-dominated, authoritarian regime and its Western supporters (Brenner 1996, White 2006). While for many women veiling was a purely political act, their action bolstered a positive public image for Islamist organizations and by definition could not help but convey the sexual political subtext that women's bodies should be hidden from the public eye (Wee 2012).

A New Dawn for Democracy

In 1998, a popular uprising led to the fall of Suharto's regime and by 1999 a decentralized democratic system with free elections was re-introduced to Indonesia. Despite the opening of democratic spaces, the major religious civil society organizations did not formally transform into political parties. Rather, secure that politicians would need their support given their wide-spread membership and public legitimacy,¹⁰ they recognized the advantage of being in a position to significantly influence politics while appearing to be above the fray. Smaller conservative political Islamist groups such as the Crescent Star Party (PBB), operating without the infrastructure and reach of the mass Islamist organizations, did choose to campaign, on platforms pledging to uphold *shari'a* law, advocating gender-segregation and emphasizing control of women's

¹⁰ The leading "modernist" religious social organization, Muhammadiyah, established in 1912, has branches throughout the country and claims approximately 30 million followers. Nahdlatul Ulama (NU) was established in 1926 as an orthodox Muslim Organization in opposition to the modernist Muhammadiyah. They claim some 40 million followers, which makes them the largest "traditionalist" religious social organization. The NU, despite their traditionalist stand, used to reject a literal, dogmatic interpretation of Islam and support a more pluralistic (if not always liberal) view of society. However, they have recently shifted somewhat towards a more conservative position vis a vis gender. Although ostensibly they present themselves as a social and religious organization, they have always played a role in the political mapping of Indonesia.

sexuality and mobility. These Islamist parties did very poorly in national elections; evidently Indonesians did not support the idea of *shari'a* law regulating everyday life but rather embraced the model of a secular state which would be sensitive to the multicultural makeup of the nation and which would uphold human rights, including the rights of women as equal citizens (Hosen 2007).

However, debate on the legitimacy or acceptability of the conservative Islamist gender vision was never introduced into public discourse and this has had significant consequences for Indonesian women in subsequent development. The reason behind such a silence, and in fact the exclusion of the question of sexuality from the field of “conventional politics” in general, is yet to be the subject of further research and discussion. Nonetheless, the silence around these issues allowed political Islamists time to rethink their strategies and bind them to the widespread enthusiasm for democratic processes and decentralization, while working towards achieving their goal of fashioning an Islamist society.

Democracy at the Service of an Islamist Gender Vision

Post-Suharto, Indonesians' key demands centred on decentralization and increased regional autonomy, and the dawn of true democracy was celebrated by Indonesians when these began to be implemented in 2001, allowing regencies and cities to become the key administrative units for municipal services according to constitutional and national legal systems. Consequently, the elected village administrations became the most influential entities in citizens' daily lives. However, given the limited history of citizen involvement in state affairs, the majority of the population had neither the knowhow nor the institutional support to allow effective use of the democratic structure. Headquarters of various liberal and democratic organizations, usually located in major cities, had not considered devising programs to support the engagement of constituencies with newly created democratic institutions.

In contrast, small Islamist parties viewed the local councils as a strategic opportunity to promote their political vision, using familiar religious

idioms and concepts with popular positive inferences. They ran campaigns in contexts where few major liberal political parties had provided support for the liberal minded candidates. Political Islamists in these small towns and villages were elected as officials and council members, thus able to introduce laws which they claimed were inspired by *shari'a*. Often focusing on morality issues and the role of women, based on political Islamists' own peculiar interpretations, some of these laws contradicted national and provincial legislation and ran counter to local traditions and practices (WEMC 2009, Satriyo 2003, Robinson 2009, Noerdin 2002).¹¹

The success of political Islamists was aided by the unfortunate fact that limited literacy among women and the lack of a culture of women's involvement in formal politics meant that few women were elected to these local bodies, as there were no quotas for women and thus women had little direct political influence. To cite but one example, in the region of South Sulawesi, under the auspices of improving moral conduct, Islamists created regulations ordering female civil servants to wear 'Islamic' attire, and female high-school students to wear long skirts (Galingging 2006, quoted in Allen 2007). Although there is no tradition of Indonesians learning Arabic to any substantial degree, they also mandated that government employees be able to read and write Arabic, a law clearly designed to give Islamists preferred access to control and influence in the state structure.¹²

By infiltrating state structures, Islamists seek to subvert the secular state, often at great cost to women and minorities. Ironically such Islamist-backed regulations claim to protect women and uphold social morality, while they are in reality intended to exercise control over women's bodies, minds, and access to public spaces, and they lead to the criminalization and stigmatisation of women. Though there was some questioning of these misogynistic laws, most people were hesitant to challenge them because they were framed and justified with reference to Islam and *shari'a*. On the other hand, proponents of these laws, aware of public opposition to the so called "*shari'a*" laws, continued to insist the laws were essential to upholding morality and

¹¹ There is an established hierarchy of law beginning with the constitution. Laws formulated at lower levels cannot in theory contradict higher level legislation.

¹² Except for graduates of Islamic studies, few Muslims in either Indonesia or other non-Arab countries can read and write in Arabic.

public order (see Robinson 2009, Satriyo 2003: 221, Noerdin 2002). In many instances, district governments have enacted regulations which are purposely vague, leaving room for the exercise of force to control women's sexuality and mobility. A telling example is the 'whipping law' which was enacted in a village in Padang (West Sumatra) and in other states including Aceh, as a form of punishment for women who engage in 'sexual relations outside of marriage' (*zina*). *Zina* in its general understanding relates to having intercourse outside marriage but it is interpreted so broadly here that it includes males and females who are not relatives conversing. The victims of *zina* are frequently women – as the case below, just one among hundreds of examples which have occurred in recent years, illustrates. Fatma, a thirteen-year-old girl, was punished under the "whipping law" because she went to her neighbour's house to watch television in the evenings. One night while at the neighbour's she went to the bathroom, which was in the court yard, and the neighbour's nephew followed her and tried to hold her hand. She was frightened and ran away; the young man ran after her. Eventually Fatma and her assailant were caught by village officials and brought to the village office for questioning. Without a formal trial, and although she was a minor, Fatma was lashed as punishment; the man was merely fined for the alleged *zina*. Traumatized, Fatma became very reclusive, refusing to participate in any public activities, and her family was ostracized by the community (summarized from WEMC Report 2009).¹³ Other dubious laws include the so-called 'sweeping law' as well as anti-prostitution laws, which prohibit women from being outside in the evening or early morning unless they are accompanied by close male kin. This law has created serious constraints for

¹³ WEMC report- http://www.wemc.com.hk/web/e-bulletin/09-2009/files/campaign_against_discriminatory_regulations_bulukumba.pdf There are many more examples of these kinds of abuses by local Islamist leaders. Mir-Hosseini and Hamzic (2010: 50-79) present case studies of a range of human right violations and identify some 154 local laws that were enacted between 1989-2009 just in Aceh, and which contradict the Constitution of 1945. There are many more of these kinds of examples – unfortunately these incidents are not often addressed in the mainstream media, while the tabloid-style press repeatedly covers them (as the following example shows) : "Medieval punishment in front of a baying mob", *Daily Mail Reporter* (10 April 2011); <http://www.dailymail.co.uk/news/article-1375168/Sharia-Law-A-woman-whipped-having-affair.html#ixzz1rNtiXdnX> (accessed 5 April 2012); and <http://www.youtube.com/watch?v=h6QKgXq1hng>

many working women, whether they are office workers or have more traditional occupations in the markets. The following reports have been selected for review here because they reflect the most common and widespread forms of victimization of women under these misogynistic laws. Thousands of women shift workers who work outside the so-called “legitimate” hours find themselves harassed and under constant threat of being arrested.

West Java, Indonesia: Lilis Lindawati, the pregnant wife of a local teacher, was arrested around 8pm as she boarded local transport on the way home from her waitressing job. She was subsequently charged with being a prostitute (the clinching evidence being that she was carrying lipstick in her handbag), fined Rp 300,000 (about US\$50) and detained for four days. (Noerdin 2002: 179)

A young woman in Garut (West Java) en route to visit her grandmother experienced transport delays and found herself boarding a public vehicle at 7 p.m. A group of men forced her out of the vehicle, saying she had violated the local regulation of “*shari’a* law” by being out at night without her *muhrim* (close kin). They took off her *jilbab* [veil, head scarf which in the Indonesian context may cover down to the waist] and shaved her hair.” (Noerdin 2002: 179)

Though perpetrators were ordinary citizens with no judiciary authority, and despite the fact that removing a woman’s *jilbab* against her will is in fact a complete violation of the very *shari’a* regulation these men used to justify their actions, these non-state actors did not hesitate to impose their understanding of *shari’a*. No charges were brought against them, nor were there any inquiries into why such violent acts, which contravene the spirit of the Indonesia constitution and its guaranteed individual freedoms, remain unchallenged and unpunished. Certainly, few politicians are willing to engage in public debate for fear of losing the votes of powerful conservative religious leaders and their millions of supporters. Consequently, in areas where such regulations are enacted, women are increasingly cautious concerning their attire and movements, avoiding being in public outside the ‘permitted’ hours, which is precisely what the Islamists intended. In response, and in the absence of meaningful state intervention, women’s and human rights organizations and various NGOs have tried to bring these issues to national attention by documenting

the numerous ways in which women and citizens from minority groups have been victimized by these regulations, and by encouraging public discourse on the politicization of religion which has hampered the development of democracy and gender equality in Indonesia. One young activist lawyer explained: “Our strategy is to flood the public sphere with stories of abuses of women and to subject the fundamentalists to the court of public opinion. We want to inform the public of contradictions between local and national laws and about the kinds of abuses and injustices that are done to citizens in the name of Islam and *shari’a* law. The court of public opinion is our main means of struggle against them.”¹⁴ However, the reality is that coalitions of political Islamists and their organizational networks have more resources at their disposal to counter liberals’ efforts.

Nevertheless, widespread abuses have created a groundswell of multi-pronged campaigning among civil rights, women’s rights and human rights organizations, including some liberal Muslim organizations, and various NGOs. Given the low level of female literacy outside major cities, liberal activists have used local radio programs and talk shows to reach women and the general public. Religious classes for women present gender sensitive interpretations of Islamic texts. Lobbying groups and local leaders work to expose contradictory laws. Provincial leaders, wanting to avoid controversy and seeking re-election, sometimes have been open to approaches for reforming misogynistic laws.

One successful strategy used by liberal forces is ‘naming and shaming’ – that is, bringing specific incidents to the attention of the national and international communities through social and other campaigns in hopes that politicians seeking re-election may be sensitive to bad press and controversy. In some contexts this approach has been very effective: the widespread publicizing of caning and stoning laws in Aceh, which led to revision of these laws, is one example. However, the bigger picture in decentralized Indonesia remains rather gloomy and these strategies, though important, are woefully insufficient in countering the extent of everyday abuses that citizens, and women in particular, face in the name of *shari’a* and morality.

¹⁴ Personal communication with the author, Jakarta, May 2008.

There is an urgent need to find more collective and effective strategies to counter this ominous development.

The Resurrection of the Anti-Pornography Bill

While various coalitions coordinated a national campaign against the imposition of so-called *shari'a* law which was spreading through local councils, in 2006 an Islamist coalition of conservatives and fundamentalists resurrected the Anti-Pornography Bill, originally drafted in 1999 but discarded due to widespread opposition. The reintroduction of this bill was hotly debated nationwide, including many large-scale demonstrations by both supporters and opposition. While the broad definition of pornography as 'man-made sexual materials in the form of drawings, sketches, illustrations, photographs, text, voice, sound, moving pictures, animation, cartoons, poetry, conversations and gestures' was at the center of the controversy, the bill's definition/criminalization of sexual desire, and the mistreatment of women which the bill aimed to legislate, alarmed many citizens (Allen 2007).¹⁵ The bill's definition of eroticism and pornography was so broad and vague that partially bared arms could be construed as illegal. This alarmed ethnic groups and religious minorities whose traditional dress does not cover the entire body.¹⁶

The bill's most disturbing aspect states, 'Anyone who by virtue of their suspicious attitude or behaviour creates the impression that s/he is a prostitute is forbidden from being in public streets, squares, places of accommodation, hotels, boarding houses, rental accommodation, coffee shops, places of entertainment, performance venues, street corners or alleys or other places in the Region' (Soekirno, 2006 quoted

¹⁵ Also see "Indonesia passes anti-porn bill", *BBC News*, 30 October 2008, <http://news.bbc.co.uk/2/hi/7700150.stm> (accessed 12 Nov. 2011); and, Brandon, 'Indonesia passes anti-porn bill despite furious opposition to it', *JavaJive*, 31 Oct. 2008. <http://www.thejavajive.com/blog/?p=1020> (accessed 12 Nov. 2011)

¹⁶ *Editor's note*: Beyond ethnic and religious minorities, it must be noted that most members of the Indonesian Muslim community also did not wear garments that "cover the whole body" until recent years.

in Allen 2007:106). It also encourages public involvement in curbing obscenity, an invitation to extremists to impose their notions of propriety on all Indonesians, particularly women. “Even Saudi Arabia has shied away from such practice. Indonesia is on a dangerous path and women will pay for it dearly,” Sri Wiyanti a human rights lawyer and activist commented.¹⁷

Clearly the Islamists’ intention is to empower supporters to champion fundamentalist views through vigilante actions under the guise of upholding morality and the law. While a campaign by a coalition of democratic forces, along with public pressure and the position of some Indonesian political parties, resulted in minor revisions to the Anti-Pornography Bill, the major clauses, including the definitions of prostitution and acts of immorality – as well as the leeway for the public to enforce the law – remained intact. The bill passed in 2008 even as one hundred MPs walked out in protest, while, tellingly, proposed laws concerning anti-corruption and the protection of citizens in police custody remain in limbo and have yet to be passed. Women’s rights proponents continue to oppose the bill in the courts and publicly demonstrating how deeply it attacks the core pluralism of Indonesia and gives the state power to censor reading material, impose a universal dress code, and define ‘appropriate behaviour’. Advocates also work to provide alternative reference points to challenge such policies through woman-centred interpretation of Islamic texts, and through expanding the public understanding of various human rights charters to which the public can appeal in demanding protection of their rights.

The anti-pornography bill is troubling not only for women at large but also for sexual minorities. The Q! Film Festival 2010, organized for a decade by a lesbian, gay, bisexual, and transgender (LGBT) non-profit organization called Q-munity Foundation for Equality in Indonesia recently attracted violent protests by religious hard-liners led by the Islamic Defender Front (FPI). Masked protestors threatened to set fire to one of the festival’s venues in Jakarta in an effort to force the festival to shut

¹⁷ Personal communication with the author, Jakarta, May 2008.

down its operations. The festival continued but several screenings were cancelled.¹⁸

Progressive Indonesian forces view the current climate and ideological shifts as a form of cultural colonization – a ‘Saudi Arabization’ of their society.¹⁹ The irony is that currently, Saudi society appears to be gradually moving towards increased social and political liberalization, while in contrast Indonesian Islamists are trying to restrict the open, plural culture and politics of Indonesia in favour of a society based on the traditional Saudi model. An example is the recent (March 2012) objection by six fundamentalist and conservative organizations to the Gender Fairness Bill, intended to remove some laws that are discriminatory against women, which Indonesia, as a signatory to CEDAW, must address. These organizations, which include NU,^{20, 21} claim that bills providing increased rights for women will lead to women divorcing their husbands, a claim which suggests that their patriarchal vision of family and society rests on a foundation of gender discrimination and lack of opportunity for women. These organisations have the power of huge memberships and can rely on an excellent organizational infrastructure to ‘encourage’ elected officials to take notice of their views.

Human rights advocates strive to challenge these developments and policy shifts. In this era of global inter-connection, creating legitimacy through

¹⁸ The film festival had been held since 2002 but the protests by religious hard-liners occurred only after the passing of the anti-pornography. See “9th Q! Film Festival in September 2010”, <http://ilga.org/ilga/en/article/mBVU7iC1gR> and <http://ilga.org/ilga/en/article/ncEDYZ11L> (accessed 11 April 2012).

¹⁹ Hong Kong, February 2009, personal communication with Sri Wiyanti Eddyono, representative of a women’s group and advocate in the democratization movement coalition in Indonesia.

²⁰ ‘Islamic Groups Object to Gender Equality’, *Jakarta Post*, 15 March 2012. The groups represented were Ulema Council (MUI), the Indonesian Consultative Council for Muslim Women’s Organizations (BMO-IWI), Aisyiah, Hizbut Tahrir Indonesia (HTI), the Islamic Community Party (PUI) and Muslimat NU. <http://www.thejakartapost.com/news/2012/03/15/islamic-groups-object-gender-equality.html> (accessed 11 April 2012).

²¹ The NU (Nahdlatul Ulama) is one of the largest independent Islamic organizations in the world with an estimated up to 30 million members (as noted above, NU claims a membership of 40 million). It acts as a charitable body, filling in where the government falls short by funding schools, hospitals, and various community and anti-poverty initiatives, while disseminating its conservative ideology.

the transnational public sphere and through women's organizations/movements in particular can also support the process of countering political Islamists and their restrictive sexual and gender ideology in Indonesia. However, these strategies demand much energy and resources from civil society activists – and yet are barely sufficient to undo the damage that these undemocratic laws have done. The important question here is how these unholy developments could be prevented and what can civil society and human rights activists elsewhere learn from the Indonesian experience. In particular, how to prevent deeply undemocratic forces from using the democratic state machinery, and democratic institutions, to promote laws that are clearly antithetical to democratic principles.

Questions to Reflect Upon

The goal of this report was to briefly analyze the political developments in Indonesia as a way to raise questions which can help us to analyze the failures of liberal and progressive forces for social justice in counteracting the political Islamists' legal and social interventions more effectively. Why is it that social justice and rights activists and organizations always seem to be in re-active and resistance mode instead of adopting a more pro-active strategy? Clearly it is possible for progressive forces to be more effective partner in political and social development, as was the case in the 1950s and 1960s when liberal and socialist forces enjoyed wide spread support among the population. The central question is: what are the missing elements which can enable democratic forces to devise more effective strategies to achieve their goals?

Given that the Indonesian people rejected the call for *shari'a* by not voting for Islamists in 2001, how have political Islamists managed to win so many seats in the ensuing years and to ascend to so many decision-making positions? How did the Islamists envisage their relation to the state and its decision-making processes? What was their analysis and understanding of the state and of the wider society in relation to their political goals? Clearly they managed to fill in the political vacuums created within the new political structure, while the democratic forces had neglected communities outside

the metropolitan and larger urban centres. Furthermore, it appears that in contrast to liberal forces, diverse political Islamists in Indonesia, despite their differences, have built coalitions based on a shared interpretation of *shari'a*, particularly as it pertains to women, morality, and sexuality, and have worked aggressively to establish their perspectives and build a public legitimacy by presenting themselves as 'defenders of women and the community'. Concurrently they have vigorously worked to become part of the state apparatus, and have used the 'democratic' political structure to try and impose *shari'a*, despite Indonesia's official status as a secular state.

We also have to ask why liberal forces gradually lost ground to the political Islamists and conservative forces. Why didn't they manage to mobilize the public in support of democratic values, especially given that cultural and religious diversity had been ingrained as part of Indonesian cultural practices? How did they understand the role of the new democratic state? Did they view the new state as a vehicle for positive social change, including gender equality? Did they revise their pre-1998 strategies of distancing themselves from state (as they had done under Suharto's regime)? If so, why did the women's movement(s) largely stay aloof from entering into state politics? It is also paramount to understand and analyze the global environment(s). What are the diverse global forces at work and how do they intersect with political developments in a particular context? How have political Islamists benefitted from using their global networks? What lessons did they draw, and what strategies did they apply, from experiences in other contexts? To what extent have the secular public intellectuals, democrats and civil society leaders tried to understand, analyze and learn from experiences of other nations in devising their strategies to promote their vision of an open plural society? Looking at the picture emerging from this report, it seems to highlight a rather belated realization that a modern, democratic political structure is not in itself a sufficient guarantee of a plural, open, liberal society. Instead, an engaged public, an open public discourse, the ongoing mobilization of liberal forces, the building of broad alliances to lobby for collective demands, and efforts from outside and within the formal political structure are basic ingredients to protect gender equality and democratic principles.

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Organizing Around Rape Law Reform in Sudan¹

Fahima A. Hashim²

Abstract

The political situation in Sudan has changed since the writing of this report, yet the issues – discriminatory legal provisions and rape law reform – remain vital. Hashim describes how Sudanese activists joined with advocacy groups and feminist networks from other regions to strategize about legal issues related to sexual assault and rape in conflict. While the goals pursued by Sudanese advocates could not be achieved fully, this initiative highlights two facts that are familiar to human rights defenders. First, sustained organizing efforts may not always lead to measurable markers of success – a reality which donors’ mainstream reporting formats (with their insistence on “deliverables” and proven “outcomes”) generally [dis]miss. This report also shows, however, that international solidarity remains meaningful, not least because collective brainstorming and collaborative learning help sustain progressive forces working for change.

¹ *Editor’s note:* This text has been edited for clarity while retaining as much as possible the voice of its author, whom we thank for writing in an idiom which is not her first language.

² **Fahima A. Hashim** is the director of Salmmah Women’s Resource Centre. The organization under her leadership has focused on capacity building for women leaders and on advocating for legal changes of Sudanese laws, particularly the reform of rape law. The organization trains young women and men from various contexts on issues of human rights, on the elimination of violence against women and on women’s political rights. Additionally, the organization has conducted successful campaigns, carried out research, and documented various human rights abuses. Confronted with the dire situation in Darfur, they worked to compile information on the sexual violence taking place in the Western region of Sudan. They have formed a coalition of human rights activists and lawyers who discuss and create alternative laws, as well as lobby and campaign to have them adopted by the state and judicial system.

Introduction

Since 2003, rape has been used as a weapon of war in the prolonged armed conflict in the region of Darfur in Sudan. Although there is recognition that rape is endemic, there are no available statistics documenting the extent of this form of violence against women. While the Sudanese government denies the spread of rape among women and girls, the relative increase in rape cases which are committed by both rebel organizations and the government backed militias has continued. The major reasons for the continuation of such widespread violations include the huge structural barriers, including bureaucratic and procedural obstacles and the defective laws³ which rule on rape and prevent women from seeking justice.

In June 2007 Refugees International issued a report entitled “Laws Without Justice”,⁴ highlighting the situation in Darfur and stressing how difficult it is for rape victims to access to any kind of justice and fairness due to the gaps in the 1991 Sudanese Criminal Act. This report provided recommendations and practical suggestions to human rights advocates, the Sudanese women’s movement in general and women’s rights organizations

³ *Editor’s note*: Two of the main issues at stake in the Sudanese context are: 1) the narrow definition of what constitutes rape; 2) the legal conflation between rape and *zina* crime (i.e. sex outside a marital relationship). The latter exposes survivors of sexual violence to further abuse in the courts. Quoting from the 2007 Concluding observations of the UN Human Rights Committee, Redress noted in 2010 that “Article 149 of the Criminal Act defines rape with reference to adultery, which creates confusion over evidentiary evidence for a prosecution (...) and puts a woman at risk of facing prosecution for adultery where she cannot prove rape.” Redress and the Sudanese Human Rights Monitor. 2010 (November). ‘Implementing international human rights obligations in domestic law’, Submission to Universal Periodic Review, Sudan, May 2011, p.4. http://www.redress.org/downloads/publications/UPR_Sudan_Nov_2010.pdf (accessed 15.06.2012). If unable to prove herself a victim of rape and if she is therefore convicted of *zina*, a woman faces one hundred lashes (if she is unmarried) or death by stoning (if she is married). Further, it is notoriously difficult to prove rape in court as many judges uphold the requirement that four male eye-witness should be produced.

⁴ For full report, see Refugees International. 2007. *Laws Without Justice: An Assessment of Sudanese Laws Affecting Survivors of Rape*, <http://www.refugeesinternational.org/policy/in-depth-report/laws-without-justice-assessment-sudanese-laws-affecting-survivors-rape> (accessed 14.12.2011).

in particular, to intensify their efforts in order to address the issues of sexual violence and to work seriously to change rape laws in the country.

Both Refugees International (RI) and the Women Living Under Muslim Laws International Solidarity Network (WLUML) play a vital role in protecting vulnerable populations around the world, in addition to WLUML's contribution in supporting the processes of reforming laws pertaining to women in Muslim countries. On the basis of the recommendations contained in the RI report, WLUML in collaboration with RI started to coordinate with Sudanese groups, in order to assist them in taking practical steps to implement the recommendations relating the Sudanese rape laws. The coordination was carried out by the Salmah Center for Women's Resources, based in Khartoum, which is the contact point for the WLUML network in Sudan. In turn, the Salmah Center involved a number of local organizations and individuals to build a strong national coalition which worked together to launch a broad advocacy campaign aimed at reforming sexual violence offences. While our specific focus is on rape and its consequences, the campaign also intends to urge legislative bodies to enact deterrents and specific punishments directed at perpetrators, including those guilty of war crimes, marital rape, and other forms of sexual violence.

With the support of WLUML, RI funding was obtained from a UN fund for humanitarian affairs. Our goal was to implement the project focusing on the reform of the Sudanese rape laws, in order to protect and enhance Sudanese women's human rights. This project was originally designed to use the experiences of WLUML and RI during the first year as a basis for planning a longer-term campaign. More specifically, we planned to:

- Organize an expert consultation conference between women's rights advocacy groups from Pakistan and Sudan;
- Hold a regional level conference in Khartoum between women's rights activists from the Middle East and Africa;
- Launch a strategic campaign through the production and distribution of follow-up advocacy materials, including at least one report and the translation of key documents or books; and

- Use the outcomes of this project to work internally and internationally to create a more comprehensive campaign to reform the Sudanese rape laws.

As part of the project's first phase, a small technical forum of exchange was held in October 2008, bringing together Pakistani women activists who had lobbied extensively for more than 17 years to reform the Hudood Ordinance⁵ and Sudanese activists aiming to achieve similar reform of the existing laws in their country. According to the RI report mentioned earlier, most of the content of the Sudanese Criminal Act of 1991 is similar to the Pakistani Act of 1979 called the Hudood Ordinance. The forum also helped to build the capacities of the Sudanese women's rights groups so that they could further work toward similar reforms in their own country. This gathering was designed as an exchange of experiences to enable eminent Sudanese activists and lawyers to analyze the strategies used by the Pakistani women's movement in its campaign to repeal the Hudood Ordinance. This analysis would in turn feed into designing a campaign led by Sudanese and supported by their allies. The forum lasted three days, with the participation of the Sudanese and Pakistani teams, representatives from two WLUML Regional Coordination Offices (Africa and the Middle East), Adrienne Fricke, RI consultant and co-author of the *Laws Without Justice* report, and Melanie Teff, RI's advocate focused on issues of women and displacement. The main activity of phase two was the holding of a regional conference in Khartoum on 27–30 January 2009. The conference was attended by a number of experts and representatives from women's groups as well as legal organizations from many African and Asian countries. There were sixty participants representing Sudanese national organizations active in the field of women's and children's rights, as well as different groups of human rights activists, and representatives of research institutes and academic bodies. The Sudanese government was also represented by the Ministry of Justice, the Attorney General and

⁵ *Editor's note:* The Hudood Ordinance, which governed punishments for offenses such as *zina* in Pakistan (confusing, like in Sudan, consensual sex and rape), was introduced in 1979 during the islamization program spearheaded by General Zia ul-Haq's military dictatorship. It was revised only in 2006 with the Women's Protection Bill, after intense and ongoing pressure by local women's and human rights groups.

the Advisory Council for Human Rights. The participation of the Sudanese side included the presentation of several working papers highlighting the major challenges facing Sudanese women under the current laws and the strategies used by the civil society to address the phenomenon of sexual violence and the question of sexual offences. Presentations also included a review of a range of efforts to change laws, especially those dealing with rape and sexual violence. The papers reviewed ideas for enacting legislations for the protection of women from all forms of physical and psychological violence and considered laws that facilitate rape survivors' access to justice.

During the first three days, participants explored different strategies addressing violence against women in their respective regions. The focus was on experiences related to changing rape laws, or amending other laws that discriminate against women in countries such as Pakistan, Senegal, or Mauritania. The conference also addressed strategies to lessen violence against women in the region, particularly with regard to ensuring the compliance of national laws with international conventions on human rights. We focused in particular on the African Protocol on the Rights of Women in Africa, on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and on the Millennium Goals which are considered among the modern developments that ensure women's empowerment.

On the fourth day of the conference, a workshop was organized to train participants on how to design and implement advocacy campaigns. Several strategies and different ways to manage campaigns were envisaged, in addition to exchanging lessons learned from experiences in similar contexts. This workshop added many positive outcomes to the previous stages, including for instance the fruitful discussion between female activists and leaders of women's organizations in a group of participants from African and Asian countries.

Overall, we felt that this type of exchange will likely add publicity to the cause of rape law reform. There were also significant explanations provided by Sudanese governmental bodies regarding their attitudes toward the proposed amendments to rape laws. The issues which still need to be addressed were determined in a way that satisfies the hopes

of the civil society and the women's movement. Finally, the discussions during the conference enabled participants from other countries to understand the actual position of women in Sudan and the range of efforts they have deployed to access their full rights without any discrimination.

According to the initial plan, the third phase of the project was scheduled to end in June 2009 and to be followed by a series of events launching the campaign of law reform. That was not possible, however, due to the decision of the International Criminal Tribunal on March 4, 2009 to charge the Sudanese president of war crimes in Darfur. As a result, the Sudanese government banned the activities of several civil society and human rights organizations working in Khartoum and Darfur. These included the Khartoum Center Victims and the Sudanese Development Organization which are considered among the most active organizations campaigning for rape laws reform at the national level. The government's decision also affected ten of the international non-governmental organizations (NGOs) working in Darfur and Khartoum.

The Salmah Center requested a six months extension (without funding) up to December 2009 to finalize the project. In response to the request made by campaign activists, they⁶ offered a training opportunity on how to use alternative media to increase communication between individuals and different entities inside and outside Sudan. This training was carried out in collaboration with the Andalus Center for Tolerance and Non-violence Studies, an Egyptian human rights organization which has a vast experience providing training in this field. Through the five days of intensive training, the participating group gradually managed to gain various skills, particularly how to broadcast its messages and publicize its objectives via the internet, whether through personal blogs or through discussion groups on different websites. The training also addressed other written media and how to make one's contribution more attractive when tackling matters relevant to crimes of violence and rape laws reform. In other words, participants were introduced to ways to create a humanitarian oriented media feature focusing on rape

⁶ *Editor's note:* 'They' presumably refer to funders; we were unable to confirm with the author.

laws. The basis for this innovative idea was to help popularize a new view on issues of violence. As a result, in August 2009, a coalition was established in Cairo called “The Alliance of 149”⁷ – referring to article 149 of the Sudanese 1991 Criminal Act – to raise the visibility of the campaign’s objectives.

In addition, Moroccan Professor Malika Bint Radi was expected to visit Khartoum in the very last phase of the project. She is a law lecturer in Rabat University and an eminent member of the Moroccan women’s movement. She has contributed to the formulation of the Moroccan family law.⁸ Unfortunately, the visit did not take place due to Prof. Malika’s academic commitments, but the Alliance of 149 proposed to utilize the budget initially set aside for this visit for the publication of an official newsletter marking the launch of the campaign.

The campaign for rape law reform was launched in the third phase of the project. This phase has been designed to support Sudanese activists and lawyers to use the knowledge and ideas gained in phase 1 and 2. They are using their lobbying skills to develop concrete strategies aimed at strengthening both official and popular support for the campaign. This step represents the practical beginning of our efforts to implement rape law reform.

This phase is to be followed by other steps and there must be more efforts at the local and national levels to ensure the amendment of rape laws, so that laws concerning rape and sexual violence in Sudan will be just and fair for all Sudanese women and girls. These improved laws will lead to the enhancement of the legal system: by making necessary improvements to the legal system, reform will act as a deterrent to the perpetrators of rape and sexual violence, and will enable the victims to obtain access to justice.

⁷ *Editor’s note:* For a short 2010 press release summarizing the goals of the Alliance of 149, see <http://www.wluml.org/node/5900> (accessed 15.6.2012).

⁸ *Editor’s note:* The Moroccan Mudawana (or Family Code) was initially codified in the 1950s after Morocco achieved independence. It was significantly revised in 2004, following calls for reform by local and regional feminist organizations from the 1980s onward. Its new provisions are considered to have marked a notable step toward greater gender equality.

The Laws of Marriage: Sexuality, Impotence, and Divorce Suits in Zanzibar’s Islamic Courts

Erin E. Stiles¹

Abstract

Focusing on Zanzibari Islamic courts in Tanzania, Erin Stiles explores legal proceedings in which impotence has been recognized as a ground for divorce. As noted, this recognition is actually not specific to Zanzibar, as other schools of Islam in other contexts also consider the fear of a potential enactment of zina (i.e. sex outside marriage) as a legitimate basis to grant a divorce; in other words, if a wife claims she is not sexually satisfied it is understood that she may seek sexual fulfillment with others than her husband, hence leading her to zina, a serious offense that should be avoided at all costs. While impotence-related claims remain comparatively few, those reviewed by Stiles suggest that opening a case with an impotence claim “can be an effective means of persuading a husband to enact an immediate divorce.” Other aspects of the court proceedings examined here provide interesting insights, such as when a kadhi (judge) states that a woman can be granted divorce if her husband prefers the company of other men – without any implication that the practice may be considered sinful. Further, Stiles documents a welcomed fact: that ordinary female citizens in rural areas do access the judicial system to voice their sexual complaints, apparently trusting that courts will support their claims.

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Introduction

By looking at marital dispute cases involving impotence claims, this article examines how Islamic judges and lay people in rural Zanzibar, Tanzania, understand the legal ramifications of sexuality and the physical dimensions of marriage. In Zanzibari Islamic courts, a wife's lack of sexual fulfillment, most commonly due to a claim of her husband's impotence, is generally regarded by the judge as grounds for divorce. Both laypeople and legal professionals draw on their understanding that a satisfying sexual relationship is a necessary element of a marriage in determining when a woman can sue for divorce in court. However, as we shall see with the case studies considered herein, taking a husband to court often results not in the judge's decision to dissolve the marriage, but a husband's decision to divorce his wife unilaterally through repudiation. A man may decide to divorce his wife upon being summoned to court in such a case, or when asked by the judge to take a medical exam to assess his virility. In Zanzibar, men maintain the right to divorce their wives through the form of Islamic divorce known in Arabic as *talaq*, unilateral repudiation. A man does not need the approval of his wife or the court, and most divorces happen out of court through these means. This article is based on data that I have collected during approximately twenty months of ethnographic research in Zanzibar from 1999-2008, which began as my PhD research project. I conducted research in a rural Islamic court on the island of Unguja and in the surrounding community. My research methods consisted of participant-observation; semi-structured, unstructured, and informal interviews; and the analysis of court produced documents, such as plaintiffs' claims, defendants' counterclaims and judicial rulings. In the initial phases of research, two Zanzibari research assistants helped me with making contacts and with language. Once my language skills were up to speed, I conducted all research in Swahili.

Zanzibar is a semi-autonomous island state of Tanzania. It has its own president, parliament and legal system, and Islamic (or *kadhi*)² courts have

² The Swahili term *kadhi* refers to an Islamic judge, and is derived from the Arabic *qadi*. *Kadhi* is the usual spelling in East Africa.

been an official part of the state legal system since 1985. The Islamic courts have jurisdiction over family law matters for all Muslim residents of Zanzibar, who make up the vast majority of the population of just over one million. The *kadhi* courts exist at two levels: the primary courts hear initial claims, and the court of the Chief Kadhi hears appeals. The courts hear cases concerning marriage, divorce, inheritance and some child custody matters.

Unlike many states today that incorporate Islamic law into the legal system, there is no family law code in Zanzibar at present. Therefore, although procedural law is regulated by the Zanzibari state, substantive law is in the hands of the *kadhis*, who base their decisions primarily on their interpretations of the Qur'an, the *sunna*, and Shafi'i legal sources; Zanzibari *kadhis* working today have been trained in the Shafi'i tradition, though some have told me they would reference another *madhhab*³ if litigants of another *madhhab* brought a case to court. As noted, Muslim men in Zanzibar maintain the right to divorce their wives unilaterally, without the approval of either the wife or the court. Women, on the other hand, must file for divorce in court. The majority of cases opened in the *kadhi* courts are brought by women, and nearly all of these concern marital disputes. Among these, claims for maintenance are most common, followed by suits for divorce (Stiles 2009: 28).

In Zanzibar, both laypeople and legal professionals talk about a satisfying sexual relationship as an essential aspect of marriage, and it is often framed in discourse as a legal requirement of marriage. If a woman has a complaint about the sexual dimension of her relationship with her husband, she may phrase this euphemistically in a number of ways. For example, she might say that her husband "*hana uwezo*," which can be translated as "he doesn't have the ability" or "he doesn't have the power." She might also describe him as "*hafai*" which means "he is not suitable; he is useless." Alternatively, she might simply refer to him as "*mgonjwa*"— a sick person.

Women may also describe the unfortunate situation using words indicating her legal right to a sexual relationship by telling the court: "*Sipati sheria zangu*." This phrase can be translated into English as "I'm not getting my rights" or "I'm not getting my legal due." The Swahili term *sheria* is

³ The term *madhhab* refers to one of the various schools of law in Islam.

derived from the Arabic word *shari'a*. In Swahili, however, the term *sheria* is used to refer to law of all types, religiously-derived or otherwise. Thus, *sheria za dini* refers to religious law, and *sheria za kanuni* refers to state law. The term *sheria* is also used colloquially to refer to legally granted rights and duties as in, for example, the rights and duties of a marital relationship. In Zanzibar, husbands are expected to provide many things to their wives, including a home, food, clothing, and money for incidentals. When they fail to provide, women may come to court to sue for adequate maintenance, or claim lack of maintenance as grounds for divorce. In court, or in everyday discourse about marriage, women typically detail such claims as: “I don’t have a house to live in”; “My husband does not provide food”; or “I don’t receive adequate clothing.” However, if a woman says simply “*Sipati sheria*—I don’t get *sheria*,” she is usually referring to lack of sexual activity within the marriage. A woman might also use more specific language by stating that she does not get “*sheria za mke na mume*—the *sheria* of a wife and husband,” or “*sheria za ndoa*—the *sheria* of marriage.”

In court, the Islamic judge (known as a *kadhi* in Swahili) and the clerks often use similar terminology. The *kadhi* with whom I worked most was Shaykh Hamid Makame.⁴ Although only a handful of Shaykh Hamid’s cases involved claims of impotence or lack of sexual fulfillment, he often made it clear to litigants and those coming in to seek informal advice that a sexual relationship was a necessary part of an Islamic marriage. For example, Shaykh Hamid instructed one husband as follows: “You are required to follow *sheria za ndoa*—the *sheria* of marriage. Do you understand? This means that you have to satisfy your wife.” Similarly, in his frequent rulings that required a disputing husband and wife to attempt reconciliation, he would often write that a husband must “sleep at home with your wife in order to fulfill the *sheria* of marriage.” And, as we shall see, he reasoned that lack of sexual fulfillment would be grounds for divorce. However, although Shaykh Hamid considered these claims grounds for divorce, he rarely had to rule on this issue: few cases involving such matters were brought to court and, as we shall see, male defendants in such cases usually divorced their wives on their own initiative.

⁴ All names of individuals have been changed to protect privacy.

Sexuality, Marriage and Motherhood

In rural northern Unguja, the importance of the sexual dimension of marriage is not only stressed in court, but also in everyday discourse among married women. During my fieldwork, as a woman (and then unmarried), I was not privy to the conversations of men about such topics, but married women's songs, banter, talk, and performance are clear indicators of the cultural importance of a robust sexuality in marriage. However, although the topic is certainly discussed among adult women, sex is not generally considered an appropriate topic of conversation between men and women, or between married and unmarried women. Several scholars of gender along the Swahili coast have written about women's sexuality and marriage, both historically and in more modern times. Many of these studies have described the nature of the sexually relevant instruction a young woman receives before her first marriage (Mirza and Strobel 1989, Middleton 1996, Fair 1996, Beckmann 2010), which has been and remains quite widespread in various forms along the Swahili coast, including the part of Unguja in which I have conducted research. Ideally, a Zanzibari woman will be a virgin at her first marriage, and the cultural definition of the bride as virgin shapes women's wedding activities.⁵ As a virgin, a bride needs instruction in the sexual dimensions of marriage. At puberty, a girl becomes known as a *mwari*. In Zanzibar, the term is used to refer to a girl who is physically mature and is theoretically considered to be marriageable; however, most young women do not marry until many years later when they have finished their schooling.⁶ A *mwari* should not wear makeup, use henna, or attend weddings. Ideally, she should be neat, quiet, and modest. Of course, many girls do not meet this ideal, and they may

⁵ Of course, not all brides are virgins, and some women become pregnant before marriage. Although this is regarded as regrettable in rural Unguja, it was not generally considered a disaster but simply viewed as something that is bound to happen when young women and men mature. This is a contrast to what Nadine Beckmann (2010) reports from her recent research in Zanzibar Town, where she observed that extra-marital sexuality is sharply condemned.

⁶ The term *mwari* may be used differently elsewhere on the Swahili coast; John Middleton, for example, writes that the term *mwari* refers to a young woman who is betrothed and thus has begun a process of initiation (1996: 143).

be teased or lightly scolded for being untidy or boisterous. Once she becomes a *mwari*, girls are assigned a *somo*. This is an older female relative or a friend of her mother, who is responsible for teaching her about the physical changes of puberty and how to care for herself.⁷ Eventually, this instruction will include her sexual education, which begins in earnest before her first marriage and may extend several days into the marriage itself, since *somos* may occasionally provide advice or guidance for marital intercourse (see Beckmann 2010).

In addition to the *somo*, other women may also be involved in instructing the bride. In the days before a wedding, when a bride undergoes beauty treatments like the application of elaborate henna, married female relatives and friends give sexual instruction through songs, games, and jokes. This is often fairly rowdy. Women may demonstrate sexual positions on each other or the bride; show ways to please a husband using words, songs, or pantomime; and teach the bride to make herself alluring by squatting over burning incense, by scenting her clothes with incense, or by wearing slender strings of beads around the waist. Everyone enjoys these antics but the bride, who as a symbolic if not actual virgin, should receive the instruction bashfully, solemnly, or even tearfully (see also Beckmann 2010). Sexual play and banter often continues during wedding festivities. I recall noticing the enthusiastic dances of women at one of the first weddings I attended in Zanzibar. My hostess pointed out one animated dancer, and told me simply, in English, “That’s sex.”

Because of the explicit nature of this play, young unmarried women are discouraged from attending weddings. They have not “tasted the stew,” as one elderly woman phrased it, and thus should not be exposed to the antics of sexually active married women.⁸ However, the situation changes as soon as a young woman is married. Once she has joined the coterie of sexually active women by marrying, she can—without judgment—wear make-up, use henna, and participate in joyful banter, play, and teasing

⁷ See Laura Fair (1996) for a discussion of *somo* and more elaborate public dances involved in instructing young women in Zanzibar in the first part of the 20th century; Fair describes different approaches to training in different ethnic and socioeconomic communities and traces changes in the instruction process over time.

⁸ Beckman (2010) also notes that food metaphors are a common way to describe sex.

about sexual matters. I have observed marked contrasts in the public demeanour of newly married women, even after only a day or two of being married.

Impotence Claims in Courts

The court where the following cases were heard is located in the rural northernmost region of the island of Unguja. It is situated in the village of Mkokotoni, and has jurisdiction over a region of approximately 100,000 people. Most people who bring cases to this court subsist by farming, fishing, engaging in small business, or through a combination of these activities. A few are teachers, government employees, or work in the growing tourist industry. Shaykh Hamid presided over the rural court from 1995-2005, when he died suddenly at about age 70. Prior to his selection as a *kadhi*, he was a teacher of religion in a government school for many years. Shaykh Hamid came to court every Monday through Thursday. He talked with visitors to the court, heard litigants, and worked on open cases from about eight in the morning until noon or one o'clock. During the time I conducted research at the court, the court staff was composed of several clerks and a typist. Bwana Fumu was the head clerk, and he assisted Shaykh Hamid with nearly every aspect of the cases opened in the court. He also frequently helped visitors and potential litigants with legal issues.

Women open about 80% of the cases in the Mkokotoni court, and this majority is not unusual for Islamic family courts in Zanzibar and other places: Anna Wurth (1995) has noted similar patterns of court usage in Yemen, as has Ziba Mir-Hosseini for petitioners in Iran and Morocco (2000), Susan Hirsch for Kenya (1998) and Michael Peletz for Malaysia (2002). In Mkokotoni, nearly all cases opened by women involve marital disputes, but claims focusing specifically on a husband's impotence or a lack of sexual fulfilment are few. When a case does feature such a claim, it is typically the primary reason supporting a woman's request for a divorce. During Shaykh Hamid's ten years at the court, only nine or ten cases were brought forward with a sexual problem as the primary claim for a divorce; on average, about 40 cases were opened per year. Nearly all of the cases involving

claims of impotence resulted in divorce. Most often, the husband voluntarily divorced his wife after she brought her claim to court. In one case, court records show that the husband was ordered to divorce his wife, and in only one case does it appear the wife was ordered to return to her husband. During my ethnographic research in the court in 1999 and 2000, I observed three of these cases; in subsequent field trips which were much shorter, I did not witness any cases involving impotence. In this article, I discuss only those cases for which I have ethnographic data.

Raya's Case: One case involving an impotence claim was brought to the court by a young woman called Raya. On her first day in court, she was accompanied by an aunt a few years older than she was. As the two women approached the *kadhi's* desk, the aunt turned to me and whispered loudly "*Mgonjwa!*" As noted previously, *mgonjwa* can be translated as "sick person," and in the context of marital disputes, it is often used to indicate a husband's lack of sexual ability. The two women sat in front of the *kadhi's* desk, and Shaykh Hamid asked Raya what the problem was. She said, simply, "*Mgonjwa!*" The *kadhi* then asked, "*Hawezi...? He can't...?*" and paused. Raya answered "Yes." Shaykh Hamid asked if they lived together, and if her husband had received any *matibabu*, or treatment, for the problem. Raya said that they did indeed live together, and that he had sought and received a great deal of treatment, but to no effect. She noted that he did not want to divorce her, indicating that this was why she was in court. The *kadhi* announced that she undoubtedly had a serious problem, and that she should open a case.

After the *kadhi* had finished with his initial questions, he sent the women to talk to me. On my days in court, I sat in a chair near the *kadhi's* desk. I listened to the proceedings, took notes on my laptop, and talked with the *kadhi*, clerks, and litigants like Raya. Raya had a quiet and gentle manner. She was eighteen years old, and explained that she had been married for about eight months, and that this was the first marriage for both herself and her husband, a man called Juma. When I asked if she had children, Raya's aunt laughed and said "He has no *kazi* (work— here, another euphemism for sex). How could she possibly have children?!" Raya added that her husband had been "sick" since the day that they married. I asked if her

husband was elderly. The aunt answered that he was young, but that he was still unable to perform. They explained that Raya had asked Juma for a divorce, but that he had refused. He had been several times to a *mganga*, a local doctor with expertise in Swahili medicine, but to no avail. When I asked her if she would like to remain married if he was successfully treated and the illness was resolved, she laughed quietly and said “*Basi, tena!* No, I’ve had enough!” Raya then went to talk to the head clerk about opening her case. Bwana Fumu asked what her primary claim was, and Raya said her husband was *mgonjwa*. The clerk then asked what *homa* (fever or illness) he had, but he and Raya’s aunt laughed together at the question, and it was clear that Bwana Fumu knew the nature of his illness. He asked Raya several more questions, and then prepared the claim document, called the *madai*. In the claim, Juma’s impotence was stated as preventing Raya from receiving the *sheria* of husband and wife. All court documents were prepared in Swahili, and the translation follows:

- The plaintiff is a woman, aged 18, African, from C—.⁹
- The defendant is 23, African, from K—.
- The plaintiff and defendant are wife and husband and have been married for eight months. They have no children.
- The plaintiff requests a divorce because her husband has an illness affecting the penis, *hafai* (he is not suitable); the problem has continued since they were married eight months ago.
- The source of this claim is the illness of the husband, the defendant, which the wife claims means that she does not get the *sheria* of husband and wife and she can no longer persevere.
- This plaint stems from C—.
- The plaintiff begs the court:
 - a. To order the defendant to divorce his wife because his illness makes him impotent.
 - b. To order the defendant to pay all court fees.

Juma was then summoned to court, and he appeared a few days later. The clerks read Raya’s claim document to him. Juma prepared a counterclaim,

⁹ Litigants opening cases are asked to state their ethnicity (*kabila*) for the clerk. Most in this area identify as Watumbatu, though some say they are “African,” “Swahili,” or “Arab.”

called the *majibu ya madai*, with Bwana Fumu. The document stated that he was not able to divorce his wife as she requested because he had no desire to do so. He also claimed that he was indeed fulfilling the “*sheria* of marriage.” The document made no mention of an illness, and simply asked the court to dismiss the plaintiff’s claims. In Juma’s hearing with the *kadhi*, however, he said that although he had been well when they married, he became sick somewhat later. He explained that he had received treatment and had recovered, but his wife no longer wanted him. At this, Shaykh Hamid ordered Juma to visit a doctor in a nearby hospital to determine if he was indeed sick, and if this was causing impotence. Juma agreed to do so. However, two days later, Raya was back in court. Juma had divorced her, and she was there to obtain a certificate of divorce.

Raya seemed satisfied with the outcome. Divorce is very common in Zanzibar, and most divorced men and women will marry again. There is little stigma attached to women who are divorced, and this is primarily because most women are divorced through the actions of their husbands; as a result, men who repudiate wives frequently may get a reputation for untrustworthiness. There can be economic consequences, however. Women who are divorced through repudiation do not normally return any of their *mahari*, or marriage gift, although a woman who requests a divorce may be expected to return some or all of her *mahari* to her husband (Stiles 2009: 159-187). Furthermore, very few men maintain their wives during the *edda* period, the three month waiting period after a divorce before a woman can remarry, though *kadhis* and other scholars note that this is a legal requirement and should be observed. Although most women also believe this is a legal requirement, I have never seen a woman request *edda* maintenance in court. I have asked a few women about this, and they indicated that it did not seem worth it to open a case just for *edda* maintenance.

Other Cases: In Shaykh Hamid’s court, similar cases had similar outcomes. In one, a 30-year-old woman called Patima requested a divorce on the grounds that her elderly husband was *mgonjwa* and that she was not getting her *sheria*. The claim document, again prepared with the help of Bwana Fumu, stated that every time she “wanted her *sheria*” from her husband, he told her go outside to find someone who could fulfill her needs.

- The plaintiff is a woman, aged 30, Mtumbatu, from K—.
- The defendant is a man, aged 80, Mtumbatu, from C—.
- The plaintiff and defendant are wife and husband; they have been married for the past two years and have no children.
- The plaintiff requests a divorce; she claims her husband is *mgonjwa* and has not been able to fulfill the *sheria* of wife and husband for two years now, since they were first married.
- The plaintiff claims that when she requests her *sheria* from her husband she is told to go elsewhere, outside, to find someone who can fulfill her needs.
- The plaintiff claims that she has persevered for a very long time in order for her husband to find treatment, but he has not yet recovered and she can no longer persevere.
- The plaintiff asks the court to hear this plaint which arises from C—.
- The plaintiff asks the court:
 - a. To order the defendant to divorce [his wife] one time because he is unable to fulfill the *sheria* of wife and husband.
 - b. To order the defendant to pay all court fees.

Patima's husband was summoned, but instead of appearing in court, he sent a letter indicating to the court that he had divorced her. In another case, a young woman called Mwajuma claimed that her husband, Machano, had been impotent the entire four years of their marriage. She had asked him to divorce her, and he agreed, providing that she compensate him by returning some of her marriage gift, *mahari*. His request for money was in reference to a type of Islamic divorce known as *khuluu* in Swahili (from the Arabic *khul'*). Generally, in *khuluu*, a woman compensates her husband for a divorce she desires; in Zanzibar, this is known colloquially as *kununua talaka*, or "buying a divorce."¹⁰ Mwajuma claimed that she had given the requested sum of money—25,000 Tanzanian shillings—to her husband, but he had not divorced her.

Before Mwajuma opened her case with Bwana Fumu, she and I talked. She told me that she was in court to ask for a divorce because her husband

¹⁰ See Stiles (2009) for an extended discussion of *khuluu* in Zanzibar.

“*hana nguvu za kiume*—does not have the strength of a man.” Like Raya and Patima, Mwajuma explained that she had persevered throughout their marriage, but that she had finally had enough and so decided that it would be better if she was divorced. Her claim document, again prepared by Bwana Fumu, emphasized both the impotence claim and the payment she had made to her husband for the requested divorce.

- The plaintiff is a woman, aged 28, from B—.
- The defendant is a man, aged 38, from C—.
- The plaintiff and defendant are wife and husband and have been married for four and one-half years; they have no children.
- The plaintiff claims that her husband is *mgonjwa* and has been unsuitable for four and one-half years.
- The plaintiff claims that in third month of the year 2000 she asked the defendant to divorce her because of his illness.
- The plaintiff claims that the defendant wanted her to pay him half of her *mahari* to divorce her, and indeed she paid him Tsh 25,000.
- The plaintiff claims that she entrusted this money in the amount of Tsh 25,000 to her elder brother J—, here in C—, in front of her maternal uncle and a representative of the defendant B— and the defendant’s mother M— in order for the defendant to issue the divorce.
- The plaintiff claims she already paid the defendant the Tsh 25,000 that he wanted to be paid, but that until today the defendant has not divorced the plaintiff.
- The plaintiff demands that the defendant divorce her because he has no further reason to refuse the divorce.
- The source of this plaint is that the defendant received money that he requested in order to divorce his wife and he has not divorced her after receiving this money.
- This plaint arises from C—.
- The plaintiff asks:
 - a. The court to order the defendant to divorce [the plaintiff] immediately.
 - b. The court fees must be paid by the defendant.

When Mwajuma and Machano eventually came to court together, Machano immediately agreed with all of her claims about the problems of the marriage, and confirmed that Mwajuma had given him the sum that he had requested to divorce her. He then divorced her right there in the court, and the case was closed—again without a judicial ruling.

Discussion

All three cases described in this article involve a woman requesting divorce on the grounds of her husband's impotence. Each of the three women claimed that illness was causing impotence and preventing her husband from fulfilling his marital duties. As we have seen, this is commonly framed as his failure to fulfill a woman's right to a sexual relationship, phrased as *sheria za mke na mume*, or *sheria za ndoa*. All three women noted that they had persevered for some time, but that now the time had come to ask for divorce. All three husbands agreed to a divorce after their wives opened cases in court, and all three divorced their wives unilaterally: Raya and Mwajuma's husbands both came to court before enacting the divorce, and Patima's husband divorced her after receiving the summons and did not appear in court. Therefore, none of the cases resulted in a judicial decision. As noted earlier, court records indicate that this was also a typical outcome for other cases involving impotence.

Despite this, I have a fair idea of how Shaykh Hamid would have reasoned under the circumstances. As noted previously, the *kadhi* occasionally explained to litigants that a sexual relationship and fulfilment was a legal requirement of marriage. And he viewed lack of such a relationship as potential grounds for divorce. On slow days in court, Shaykh Hamid often took it upon himself to give me somewhat formal lessons in Islamic law, which included more explicit theoretical instruction than what I learned in my observation of the daily proceedings of the court. On one occasion, he described the various grounds on which a woman could get a divorce. First, he told me that beating was justification for divorce. Then, he explained that if a woman simply did not want her husband, she could "buy" a divorce from him by

returning some of her *mahari*; here, he was using the colloquial phrase to describe the type of Islamic divorce known as *khuluu*. I asked the *kadhi* if a woman could get a “free” divorce without her husband agreeing to it; in Zanzibar, the term “free” divorce can refer to a judicial *faskh* divorce, akin to an annulment. Shaykh Hamid replied that this was sometimes possible—for example, if the man was ill. He elaborated by noting that a husband’s contraction of a contagious disease like leprosy was grounds for divorce, as would be a medical condition that prevented him from working to support her. Finally, he explained a woman could get a “free divorce” if she married a man who was impotent or one who preferred the company of other men.¹¹

Shaykh Hamid’s contention that impotence is grounds for divorce is certainly not unusual. Other Islamic courts and scholars on the Swahili coast as well as in other times and places have similarly understood impotence as grounds for divorce (Fluehr-Lobban 1987; Mirza and Strobel 1989; Hoffman 1995; Rispler-Chaim 2007; Tucker 1994, 2008). Jurists from Sunni and Shia *madhhabs* have contended that impotence or lack of consummation of marriage is grounds for divorce. Significantly, this has most often been because of the absence of sexual fulfillment, an essential dimension of marriage, and not the impossibility of procreation.

In her work on 18th century Hanafi Ottoman courts, for example, Judith Tucker finds that impotence was indeed considered grounds for the annulment, although a woman had to testify that she was still a virgin after a full year of marriage (1994: 272). Tucker observes that “all discussion of sex in these cases by judges referenced sexual desire, not procreation” (1994: 272; see also Tucker 2008). A more contemporary example that illustrates similar reasoning about the purpose of marriage is explained by Vardit Rispler-Chaim, in her examination of a 1990s *fatwa* from Kuwait (1994). A woman asked the mufti¹² if she could divorce because of her husband’s sterility. In the *fatwa*, the mufti reasoned that sterility was not grounds for divorce on its own—particularly if the husband could still perform sexually. Again, marriage was not solely about

¹¹ This was the only time I heard the *kadhi* reference same-sex relationships, and I did not pursue the topic of conversation with him.

¹² A *mufti* is an expert in Islamic law who formulates a legal opinion, known as a *fatwa*, in response to a query. [Editor’s note: *fatwas* are considered non-binding.]

procreation, but also sexual fulfilment. However, the mufti in this case also reasoned that if the woman grew to despise her husband because of his sterility, then she could divorce by compensating him financially; this is in reference to the divorce known as *khul'*. As we have seen, a discussion of procreation was not central in any of the three cases from Shaykh Hamid's court. Although all three claim documents noted that the plaintiff and defendant did not have children, this information was included in any type of family law matter, and thus was not specific to the nature of the claim.

Carolyn Fluehr-Lobban's research on Islamic law and courts in Sudan presents both parallels and contrasts to the Zanzibari cases. In Sudanese courts, Fluehr-Lobban finds that impotence is indeed grounds for divorce, but that the burden of proof is on the wife (1987: 165). The cases that Fluehr-Lobban researched primarily involved a woman's claim that her husband had been impotent since the beginning of the marriage, and that she thus remained a virgin. In such cases, Fluehr-Lobban observes that a woman would likely be sent to a hospital to ensure that she was still a virgin; furthermore, in Sudanese law, a claim of impotence would be met in court with a requirement that the couple cohabit for a year in order for them to consummate the marriage. Procedure in Egypt appears to be similar, and Essam Fawzy notes that such requirements may prevent many women from bringing impotence claims to court (2004: 41-42).¹³

This is a notable contrast to Shaykh Hamid's court. As we have seen, although he did not need to rule on any cases involving impotence in my tenure with him, the burden of proof was clearly upon the accused husband. As we saw in Raya's case, her husband was asked to submit to a medical examination. Although there were few such cases in Shaykh Hamid's court, it would have been likely that husbands in similar cases would also have been asked to submit to a medical exam. Although all three women in the cases examined here claimed that their husbands had been impotent from the time of marriage, none of the women in these cases were asked to submit to a medical examination to certify their virginity;

¹³ Vardit Rispler-Chaim (2007) and Judith Tucker (2008) both note that some jurists argue that divorce is possible on grounds of impotence only if a husband was not able to perform from the time of the marriage, and if the wife thus remained a virgin.

during my research, I did not witness or hear about any cases in which a woman's virginity was subject to certification.

Both lay people and legal professionals in Zanzibar consider sexual fulfillment an essential part of marriage. A young woman's first marriage is a time for sexual instruction which may emphasize the pleasure and enjoyment of the wife as well as the husband. Once married, a woman can join in this playful banter and teasing. And as we have seen, lack of sexual fulfillment due to a husband's impotence is used as grounds for divorce. In Zanzibar, because men maintain the right to unilateral divorce, most divorces take place out of court. Unsatisfied women may ask husbands to divorce them, or may file for divorce in court on grounds of impotence. The *kadhi* agrees that that impotence is grounds for divorce and, if necessary, will order medical testing for proof of the husband's impotence or virility. However, as we have seen, although the *kadhi* will often emphasize the importance of sexual satisfaction in marriage in discussions with litigants, it is not clear whether he would approve a woman's request for a divorce based on a lack of sexual satisfaction that did not involve impotence; no cases such as these were opened during my research period—all involved claims of impotence. In the three cases presented in this article, the husbands in question divorced their wives upon being summoned to court, or after appearing in court and then being ordered to the hospital for an examination. In other types of divorce suits, this rapid recourse to divorce was unusual. Normally, a case would proceed through weeks or months of court dates, after which Shaykh Hamid would issue an attempt at reconciliation; such cases typically only resulted in divorce after the reconciliation fell through. Although the number of divorce cases involving claims of impotence in this Zanzibari court is small, the sample suggests that opening a court case featuring a claim of impotence can be an effective means of persuading a husband to enact an immediate divorce. Although I was not able to interview any of the men involved in these cases about their reasons for divorcing their wives so quickly, it is likely that the potential shame and embarrassment of having the sexual nature of their marriages aired in the relatively public forum of the court prompted them to end the matter as quickly as possible.

One might ask, then, why more women are not pursuing this option in court if it can provide a relatively quick path to a desired divorce? First, although Shaykh Haji did express to litigants that a sexual relationship was an important part of marriage, it was not clear if he would consider a woman's complaint about sexual satisfaction grounds for divorce if it did not also involve impotence, and a woman might not assume that her husband could be shamed into divorcing her immediately. Furthermore, although women open far more cases than men do in Zanzibar's *kadhi* courts, most marital disputes never make it to court. In interviews, women express differing views on going to court: some had very positive views of the *kadhi* courts and considered them an option that should be used more often, while others stated that they preferred to leave their marital troubles in the hands of God rather than airing them in public, even when they suspected they had a winning claim (Stiles 2009: 103).

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Communities and Control of Sexuality: Tackling So-called ‘Honour’ Crimes in Muslim Contexts

Anissa Hélié¹

Abstract

Anissa Hélié considers issues linked to bodily rights and sexual rights while examining how women’s sexuality, in particular – though not exclusively – is controlled and restricted through the widespread practice of ‘honour’ crimes. As she focuses on Muslim countries and communities, she draws the links with other regions as well, referring to a broad range of contexts and to comparable forms of violence against women, including femicide. Specifically, Hélié explores the social actors involved in ‘honour’ crimes (including victims and perpetrators, state and non-state actors), the various forms ‘honour’ crimes may take, and their prevalence. She also highlights some of the legal frameworks which support and perpetuate ‘honour’ based violence, and provide concrete examples of strategies developed to eradicate these crimes. The focus is on concrete initiatives, ranging from community mobilization emphasizing women’s empowerment, to legal and policy reforms, and to efforts involving the use of the human rights framework. Throughout her paper, Hélié insists on the need to disentangle culture, tradition, religion, and the way these are used to promote political agendas that are detrimental to women’s rights.

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In October 1999, 23-year-old Muna Hawatmeh, a young woman from a Jordanian family living in the USA, was subjected to death threats, prolonged physical assault and kidnapping by her parents and two elder brothers. Alerted by Muna's partner, police forces managed to free Muna as she was being forced to board a plane to Jordan. The case was then brought to trial before US courts where "prosecutors liken what happened to [her] to 'honour killing', where some families take violent action (...) to avenge a deed, often a sexual liaison by a woman, that is believed to have brought shame and dishonour to the family – in this case, Muna's being gay and living with a lesbian lover" (Freiberg 2001).

Muna's case is clearly linked to discrimination on the basis of sexual orientation and to human rights violations perpetrated by non-state actors² (in this case, close relatives). It provides an example of 'honour' related violence³ that allows the links to be drawn between sexuality, mainstream definitions of gender roles and structures of power. While we recognize that these structures of power can include an economic dimension (as briefly shown later, some so-called 'honour' killings are committed in order to maintain existing economic arrangements), our purpose here is to

² 'Non-state actors' (or 'private actors') refer to individuals or groups who are not linked to state institutions (such as law enforcement, judiciary, etc) and include, for example, families or community members.

³ As noted by Hossain and Welchman (2005) and Terman (2010), researchers and activists keep debating about how to best refer to 'honour' killings/crimes. Some denounce the fact that these terms imply a framing that is used in the West to vilify ethnic or religious minorities, or "Muslim traditions" as a whole – and that their usage leads to minimizing the drastic forms of violence against women that occur in Western cultures as well. Other advocates argue that "to label murder as a 'crime of honour' is to accept the mitigation and reliance upon unacceptable cultural values employed by the perpetrator" (Cryer 2004: 20). Others, still, wish to insist on the notion of "shame" or "violence" rather than on "honour", while Jordanian journalist and activist Rana Hussein has elected to systematically refer to "so-called 'honour' crimes". Further, the German-based women's advocacy group Terre des Femmes promotes the term "Family Honour Related Violence" (FHRV, or HRV) to emphasize the collective responsibility rather than simply the individual deed – which is appropriate, although it confines those crimes to the realm of the family when (as will be seen) there is evidence that 'honour' related violence is also perpetrated by non-relatives. Throughout this paper, I refer to 'honour' crimes/ killings, recognizing that the term is contested and that each of the alternative options envisaged above present its own set of strategic and conceptual (dis)advantages.

emphasize the gender/power nexus underlying 'honour' related violence, and to examine these crimes primarily as a form of regulation of morality and sexual behaviour. This paper also reviews some of the advocacy strategies that have been developed in different Muslim contexts to curb these crimes and hold perpetrators accountable. The focus on Muslim contexts is not intended to suggest that 'honour' related violence is exclusive to Muslim countries or communities, but merely to provide evidence of concrete initiatives developed in various Muslim societies to counter 'honour' based violence.

Part One of this paper defines the scope of 'honour' crimes in terms of the social actors involved (victims as well as perpetrators), the various forms such crimes may take, and their prevalence in various cultural settings. There is no question that the social constructs that allow 'honour' crimes to occur – such as unequal gender relations and the policing of women's sexuality in particular – are widespread across a range of societies including, though not exclusively, Muslim. The examples discussed in this paper are purposefully selected to reflect the far reaching impact of such constructs in various Muslim societies. Part One concludes with a call to disentangle culture, tradition, religion and, perhaps more importantly, points to the political use of these constructs in furthering agendas that are detrimental to women.

Part Two of this paper turns its attention to some of the legal mechanisms that support and perpetuate 'honour' violence, and envisages a number of strategies that have been developed to eradicate these crimes. The focus is on concrete initiatives, ranging from documentation of human rights violations, community mobilization, and efforts geared toward legal and policy reforms. This section reviews local and national strategies in locale as varied as the UK, Turkey and Jordan, as grounded examples which are related yet distinct from regional coalition-building endeavours, and from more global advocacy efforts that rely on a human rights framework. While it is necessary to highlight the specific crimes directed at lesbian, gay, bisexual, transgender and intersex (LGBTI) people – as reflected in the case of Muna Hawatmeh – sexual rights advocates working in conservative environments where any challenge to heteronormativity is constructed as a threat can seek to build broad coalitions by emphasizing the impact of

communities' efforts to impose control over sexuality on larger constituencies (including, but not exclusively LGBTI people). This approach can be effective in contexts to the social order, to customary practices, to cultural values, to religious beliefs, etc.

1. Defining the Scope of 'Honour' Crimes: What is at Stake?

Loosely defined, 'honour' related violence aims at punishing a "broad spectrum of actions" (Abu-Odeh 1997) or perceived behaviours that are seen as shaming an individual's or a group's sense of honour. The various forms of control involved – ranging from "direct violence as well as indirect subtle control" – is in part linked to the fact that "the concept of honour is elastic, changing according to time and place" (CIMEL/Interights, 2001:4.) This section begins by examining which social actors are implicated in 'settling' 'honour' disputes, who are the most likely victims, and the diverse forms of violence involved. It concludes by emphasizing the need to distinguish between tradition, religion and culture, and to challenge the notion of a homogeneous 'Muslim culture', or of any other construct that erases the multiplicity of voices within a given culture. Such an approach offers significant options to advocates opposing 'honour' related violence and, more generally, women human rights defenders.

1.1. 'Honour' Crimes as Violence Against Women and Girls

Perpetrators: An Individual or a Collective Responsibility?: According to Human Rights Watch (2001), 'honour' crimes are defined as "acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonour upon the family". However, confining 'honour' crimes to the family arena obscures the fact that 'honour' related violence may well be perpetrated by non-relatives. As women's rights advocates have documented, community members are also involved in establishing and/or enforcing punishments related to 'honour' codes. The following examples evidence the involvement

of non-state actors from the larger community in locale as diverse as Bangladesh, Algeria, Israel, and Pakistan: Bangladeshi women have been victims of acid attacks perpetrated by “men whose sexual advances have been rejected”; in the 1990s, Algerian women were killed by Islamist armed groups⁴ specifically because they did “not comply with the imposition of dress or life style conduct codes” (Rouhana 2004: 394); women from the Palestinian minority in Israel have been threatened by men who “appointed themselves as the guardians of the community’s morals and prepared a ‘black list’ with names of women who should be murdered because of their behaviour” (Rouhana 2004: 395, citing the 1997 Shadow Report to CEDAW); a multiple ‘honour’ killings case was carried out in 2008 following the decision taken by a council of male elders in Baluchistan, Pakistan (Khan 2012). These cases, and numerous others, confirm that communities, rather than simply families, can be implicated in the decision to carry out ‘honour’ related retaliation, including rapes or murders. Further, customary justice systems – often the only forms of ‘justice’ available in rural areas⁵ – not only legitimise honour codes and the violence associated with these codes but also, at times, order that disputes be settled in ways that upset and contradict the relatives’ principles and wishes.

Victims and Motives: Although women generally constitute the large majority of those affected by ‘honour’ crimes, research carried out by the Violence is Not Our Culture/ Stop Stoning and Killing Women Campaign (VNC/SKSW) indicates that men are also victims of such crimes. For

⁴ On developments in Algeria in the 1990s, see also International Women’s Human Rights Clinic and Women Living Under Muslim Laws, 1999.

⁵ Decisions made by these traditional systems of arbitration are delivered, for example, by tribal chieftains (*Aghas*) in Iraqi Kurdistan; through local councils (*Jirgas*) controlled by village elders or religious leaders in Pakistan; or through *khap panchayats* in the Indian context. Advocates are divided as to whether such fora – which are remnants of feudal power structures – are equipped, or willing, to deliver gender equitable decisions. With regard to Pakistan for example, Khan (2012) sees little promise in these typically male-dominated institutions, but Hussain, while recognizing that “such councils, at least in their current form, represent a threat to the fair administration of justice for women”, believes that ensuring oversight by the local administration “may promote fair resolution of issues that would otherwise be backlogged within the formal court system”. (Hussain 2012:234)

example in Pakistan (a country which I refer to repeatedly not only because it has “one of the highest incidence rate of ‘honour’ killings in the world” – but also because advocates there have developed innovative strategies for fighting back) a significant proportion of victims are men (Greiff 2010:12). And Pakistan is by no means unique. This is illustrated by the joint fact-finding mission to the Kurdistan Region of Iraq undertaken in 2010 by Danish and Norwegian immigration services, an initiative which was prompted by increasing numbers of male asylum seekers claiming to face ‘honour’ related threats, often due to circumstances involving “illicit sexual relationships” (Danish Immigration Service 2010:2-3).

Nevertheless, as statistical data show, women remain the most likely targets of such violence, in part because the control of women’s sexuality and morality is constructed as being of utmost importance to most societies. Indeed, while men and boys (including heterosexuals) are also victimized in ‘honour’ related violence,⁶ communities and families tend to overwhelmingly single out women for perceived transgressions of norms and values such as virginity, chastity or fidelity. Women face harsh penalties for overt, or alleged, challenges to sexual boundaries, including heteronormativity. The link between ‘honour’ crimes and control of women’s sexuality cannot be overemphasized. Radhika Coomaraswamy, former U.N. Special Rapporteur on violence against women, makes this point clear: “Honour is generally seen as residing in the bodies of women (...) In many societies the ideal of masculinity is underpinned by a notion of ‘honour’ – of an individual man, or a family or a community – and is fundamentally connected to policing female behaviour and sexuality” (Coomaraswamy, 2006: Preface). Both social perceptions and an individual’s internalization of the prevalent honour code are key here, as the ‘motives’ that trigger perpetrators can appear extremely minor. Jasvinder Sanghera, herself a survivor of ‘honour’ related threats who escaped a forced marriage as a teenager, has set up the NGO Karma Nirvana in the UK, whose hotline receives up to 500 calls a month. Sanghera reports that in today’s Britain she has “seen cases where girls have been murdered for passing their driving tests, for

⁶ For example in Pakistan where, “according to one estimate, around 1,261 cases of ‘honour’ killings were reported in 2003 alone”, there were 938 women and 323 men among the victims. (Sarwar. 2004).

having aspirations after school, for being seen kissing a boy, and women for asking their partners for a divorce – so, these are all triggers” (Wilkinson 2012). For a 16-year-old Pakistani girl who was murdered in December 2002, the trigger was having “joined a dance with other family members at a wedding reception. One of the young men present caught hold of the girl’s hand and, although she quickly snatched it away, her male relatives noticed the exchange and later killed her” (Hussain 2006:226). In January 2009, a 13-year old Jordanian girl was murdered by her brother “because she had been given a piece of paper with a phone number on it” (Spencer 2009).

Documented cases of women victims of ‘honour’ related violence demonstrate that the phenomenon affects a wide range of women– including lesbian and bisexual women, rape survivors, sex workers, divorced women, heterosexuals who chose partners against their relatives’ wishes,⁷ single women, women seeking divorce, trans women, women’s rights activists, unmarried women accused of being seen in public with a male friend, women who do not respect the “appropriate” dress codes, etc. Indeed, a single person can be targeted on the basis of multiple grounds, or, as noted above, based on nothing more than a young man extending his hand or passing a note. Indeed, in many cases the “rationale” for depriving many victims of their freedom of movement, for forcing them into arranged marriage or for taking their lives, is often simply linked to community gossip, rather than factual evidence of their having transgressed social constructs.

⁷ This includes selecting partners of a different caste, class, ethnic group or religious background. For a case related to marriage across religious divides, see the example of the young Druze bride killed in 2005 in Syria for having wed a man from another religion. (IRIN 2006) For a case related to inter-caste marriage, see the example of the young Indian bride (Monika Dagar) who wedded a man from a lower caste. Her husband was arrested on kidnapping charges – a ground that Monika denied – and subsequently informed that Monika had “died of pneumonia”; but he believes she was murdered and has brought a case against her relatives (Human Rights Watch 2010). Further, it is not unusual for the retaliation to be carried out years after the victims have challenged the honour codes. For example, a young couple from the Qambar Shahdadkot district in Pakistan eloped back in 2000, after having waited for three years for the woman’s family’s approval, who did not approve marrying “outside their community”. Upon returning after eight years, the now married couple (by then in their thirties and parents to three young children) was murdered by Nihalaa’s [the wife’s] younger brother (Shirkat Gah, 2011:43).

But while asserting restrictive notions of female's sexuality and enforcing moral norms are key to justifying most 'honour' crimes, "non-conformity" is not the only motive involved. In addition to allegations of illicit sexual behaviour or female impropriety, other factors may come into play. These include economic motivations, involving the control of property or of financial resources. For example, cases documented in Pakistan have uncovered a widespread phenomenon, where 'honour' is used as a cover to kill women, thus preventing them from claiming their inheritance and avoiding the fragmentation of the family's land (Shirkat Gah 2002). Finally, "the tradition of 'honour' killing is also manipulated in the tribal context as a tool for settling old scores amongst rival tribes: maiming, burning, or sexually assaulting the female family member of a rival devalues her worth and dishonours the family" (Hussain 2006: 229).

Forms of 'Honour' Based Violence: Motives may vary, but what about the outcomes? Given that not all victims are murdered, the types of violence perpetrators are engaging warrants further elaboration. In 1999, a groundbreaking international consultation brought together 20 researchers and activists to discuss strategies put in place in different regions. They agreed on the following definition: 'honour' crimes are "patterns of conduct cutting across communities, cultures, religions and nations and manifested in a range of forms of violence directed, in the majority of cases, against women, including murder ('honour killings') and forced marriage". They further referred to "assault, acid attack, coerced marriage to an alleged rapist, abduction or unlawful confinement/ restriction of movement" (Centre of Islamic and Middle Eastern Laws - CIMEL/Interights 2001: 4).

Adding to this already broad range of human rights violations, the Swedish organization Kvinnoforum defines 'honour' related violence to also include: "female genital mutilation, forced marriage, early marriage, threat of violence, violence, and harassment, self harm and suicide."⁸ Likewise, the Violence is Not Our Culture/ Stop Stoning and Killing Women Campaign (VNC/SKSW) includes stoning for alleged sexual offenses as one of the typical manifestations of 'honour' related violence. The Violence is

⁸ *Honour Related Violence within a Global Perspective*, 2004, p.76.

Not Our Culture Campaign has documented cases of stoning (or of women sentenced to stoning) in contexts as diverse as the Middle East, West and East Africa and South Asia.⁹

Crucially, in some contexts, human rights violations in the domain of sexuality are legitimized by law, as briefly discussed in Part Two. As far as traditional interpretations of Muslim jurisprudence (*fiqh*) are concerned, sexual relations must take place within the framework of a marital relationship or else they are deemed unlawful.¹⁰ Hence, legal provisions enacted in various countries protect certain categories of perpetrators (especially young boys and men who are related to the victims) by providing them with impunity or near impunity.

1.2. 'Honour' Crimes as Widespread Phenomena

The fact that such legal provisions also exist in non Muslim-majority countries illustrates that unequal access to power and gender-based discrimination can and do affect all societies, albeit in various ways. Yet, in some communities, attempts to tackle 'honour' crimes are denounced as a biased attack against an entire culture, or a whole religious tradition. In

⁹ The Violence is Not Our Culture (VNC) website provides a visual map of recent cases related to stoning in different regions: see "Stoning in Muslim Contexts: A Mapping Report" (March 2012), <http://www.violenceisnotourculture.org/resources/stoning-muslim-contexts-mapping-report> (accessed 07.18.2012). The VNC site also monitors legal developments (for example, it provides analysis and commentaries on the new Islamic Penal Code in Iran, ratified early 2012); it also offers updates about women who have been sentenced to death by stoning. Most recently, during the summer 2012, there were two such cases in South Sudan, involving women in their early 20s who had been sentenced (despite having had no access to a lawyer) to death by stoning for adultery/ *zina* crimes and were imprisoned with their infant children. Thanks to Sudanese lawyers mobilizing on their behalf, and to an international solidarity campaign, both Layla Ibrahim Issa and Intisar Sharif Abdallah were released; more details are available on the VNC website: <http://www.violenceisnotourculture.org/forms-violence/stoning> (accessed 07.15.2012).

¹⁰ In some Muslim contexts, such as Pakistan until 2006 (when the Hudood Ordinance, which was introduced in 1979 and governed punishments for offenses such as *zina*, was revised) or South Sudan now, the interpretation of what constitutes unlawful sexual relations includes rape. In both contexts, consensual sex and rape are confused and equated with *zina*.

such contexts, it is useful to point out that – around the world – women and girls are the most likely targets of punishment for alleged transgressions with respect to sexuality.

Providing a global perspective and highlighting that ‘honour’ crimes are not geographically or culturally circumscribed, can help counter attempts to portray efforts to curb such crimes as derived from western bias and/or religious discrimination. In fact, these arguments have more to do with a refusal to uphold gender equality and an acceptance of gendered double standards than with nationalist or religious sentiments. But framing ‘honour’ related violence as a legitimate cultural or religiously sanctioned practice provides a potent argument, which is used by perpetrators to their advantage. Advocates are not fooled, however: Simi Kamal, from the National Commission on the Status of Women in Pakistan, stated in 2006: “Honour killing is nothing but murder. And men often use it as a ploy to get away with murder” (Zee News 2006).

Overall, according to data gathered by the United Nations Population Fund in 2000 (the latest global data available), an estimated 5,000 women are victims of ‘honour’ related murders (UNFPA 2002). However, actual numbers are likely to be much higher, especially given that most ‘honour’ killings are not classified as such but, instead, are routinely disguised as accidents, illnesses, suicides, etc. Thus the majority of these crimes remain unreported (as well as unpunished). Indeed, veteran British journalist Robert Fisk, reporting in 2011 on a 10-month investigation focusing on ‘honour’ related murders in Jordan, Pakistan, Egypt, Gaza, and the West Bank, backs up the much higher estimates proposed by local experts, stating: “Many women’s groups in the Middle East and South-west Asia suspect the victims are at least four times” the U.N. figure and “at least 20,000 women a year” (Fisk, 2010). The prevalence in some countries is staggering: a recent report from the Human Rights Commission of Pakistan (HRCP) noted that, according to its own database (and one could assume that these numbers may not necessarily reflect all actual incidences), the number of ‘honour’ killings in 2009 constituted roughly 46

percent of all cases of murdered women that occurred in Pakistan that year.¹¹ In fact, a detailed chronology compiled by the HRCP documents almost daily occurrences of 'honour' killings during the period January-October 2009, with the HRCP registering a "sharp increase despite low registration of gender-related crimes because of societal pressure and a biased and obstructive police force dominated by men" (HRCP 2009:191, 196-208).

Moreover – and noting that it remains difficult to provide estimates of incidences of violence other than murders – evidence of 'honour' related killings have been documented in places as varied as Afghanistan, Israel, Bangladesh, Brazil, Britain, Ecuador, Egypt, Iran, Iraq, Italy, Jordan, Lebanon, Norway, Palestine, Persian Gulf countries, Pakistan, Peru, Sweden, Syria, Turkey, Uganda, Venezuela, the West Bank, and Yemen¹² (Hassan 2006). Fisk rightly insists that "despite its identification by journalists as a largely Muslim practice, Christian and Hindu communities [in the Middle East and Asia] have stooped to the same crimes. Indeed, the 'honour' of families, communities and tribes transcends religion and human mercy" (Fisk, 2010). With regard to India, a Hindu-majority country, Human Rights Watch (2010) states that "a recent independent study found that at least 900 ['honour' related] murders occur every year in three states alone."¹³

Fisk's comment should be extended beyond the geographical framing (Middle East/ Asia) which his investigation limited him to. The reality is that routine murders of women in Western societies are often not seen as being related to prevalent perceptions of 'honour.' Yet Iranian professor and women's rights advocate Homa Hoodfar argues that cases in Europe

¹¹ The 2009's Annual Report of the Human Rights Commission of Pakistan counted 647 'honour' killings among a total of 1,404 murder cases involving women as victims. (HRC 2009:191)

¹² While this list is derived from a journalistic source, the data is partly corroborated by earlier data contained in the 2000 report by the U.N. Special Rapporteur on Extrajudicial, summary and arbitrary executions, which acknowledges receiving evidence of 'honour' killings from the following countries: Bangladesh, Brazil, Britain, Ecuador, Italy, Jordan, Pakistan, Sweden, Turkey, Uganda, Venezuela, and India. UN doc. E/CN.4/2000/3, 25.01.2000, supra n.8, para. 78.

¹³ The three Indian states referred to here are: Haryana, Punjab and Uttar Pradesh.

and North America where “women are killed by their lovers or husbands for having dared to leave them, or simply intended to leave them, are in a way a kind of ‘honour’ killings: these men want to regain their honour by avenging their rejection by women.”¹⁴ Whether or not one endorses Hoodfar’s approach, the fact remains that violence against women is systematically downplayed when it occurs in “the West”. However, statistical data for the year 2003, for example, indicates that “intimate partner homicides make up 40–50 percent of all murders of women in the United States” (Campbell 2003:14-19).

Such facts must be stressed, both in order to highlight the prevalence of femicide across the world, and because this knowledge may encourage women from minority groups to come forward and denounce the crimes they face in their communities. It is equally important to debunk the justifications of ‘honour’ crimes made in the name of cultural norms or religious beliefs. Interestingly, similar arguments are deployed by conservative Jordanian MPs and Brazilian defence lawyers as they seek impunity for perpetrators in the name of “Muslim values” or “Latin blood”. As noted by Widney Brown,¹⁵ “whether we call it ‘honour crime’ in Jordan, or ‘crime of passion’ in Mexico or ‘domestic violence’ in the United States, and whether some terms appear more loaded than others, what we are really talking about, in each instance, is violence against women” (Bauer and Hélie 2006:18).

1.3. Disentangling Culture, Tradition, Religion and Politics

Feminist and human rights advocates in various Muslim contexts have challenged mainstream definitions of “culture” for decades: they argue that it is not acceptable for any culture to condone harassment, torture, or murder, emphasizing that “culture” cannot be left for perpetrators or their allies to define. In contrast, it appears that a number of Westerners

¹⁴ Personal correspondence with Professor Homa Hoodfar, email dated 15 April 2011.

¹⁵ Widney Brown, when quoted, was Deputy Program Director at *Human Rights Watch*, and is currently the Senior Director of International Law and Policy at the International Secretariat of Amnesty International, London.

(including some who wield judicial responsibility¹⁶) may lack such a basic awareness.

To construct “Muslim culture” as homogeneous, without paying attention to differences in class, gender, or political opinion can prove to be extremely problematic, especially when the individuals endorsing these positions are in positions of authority. Even well meaning social actors tend to assert Western moral superiority, conveniently forgetting that women murdered at the hands of relatives and partners occur on a large scale in Western democracies as well – just not under the same name.¹⁷ For example, British Judge Denison, when sentencing the father of Heshu Yones, who killed his 17-year old daughter in 2002 in the UK, referred to a “tragic story arising out of irreconcilable cultural differences between traditional Kurdish values and the values of Western society” (Begikhani 2004:38). Such declaration directly undermines the ongoing efforts of gender equality advocates in Muslim communities. Given the tragic consequences for victims of gender based violence, there is an urgent need to recognize that many aspects of any given culture are often contested.

Nazand Begikhani, of the Kurdish Women Action Honour Killings, is fully aware that there is no such thing as a “Muslim culture” or a “Kurdish culture” which all members of her society embrace: “Combating honour crimes is not a priority among others, it is an absolute priority that demands mobilisation from all of us (...) In all cultures there are men and women who challenge accepted wisdom (...) We are defying conservative voices inside our community and struggle to influence the prevailing mentality” (Begikhani 2004:40). The International Council on Human Rights Policy (2010:4) also stresses that “people are bearers of both culture and rights, [and] acceptance of one does not imply rejection of the other. Both are contested terrains, subject to constant shifts and negotiation.” This reality ought to be further emphasized: both these interrelated fields –

¹⁶ See for example, Eldén, Å. 1998. ‘The Killing Seemed Necessary: Arab Cultural Affiliation as an Extenuating Circumstance in a Swedish Verdict’, *NORA*, (1)2, 89-96.

¹⁷ Only few legal scholars have elaborated on this issue. See the groundbreaking work of Rhonda Copelon on domestic violence as torture, 1994.

culture and rights – form dynamic frameworks which, over time, reflect evolving views and concerns.

Current debates (including at the U.N. level¹⁸) reflect the tensions between different conceptions of what constitute “rights” and to what extent “culture” should take precedence over assertions of the right of individuals to live free from coercion and violence. There is much at stake where individual rights are pitted against collective rights (understood to refer to the rights of a family, clan, tribe, religious group, culture, etc.) – and women human rights defenders often find themselves needing to confront two distinct, negative trends. On the one hand, they need to battle the rise of conservative interpretation of religion and culture, and on the other hand, they must confront the fact that ‘honour’ crimes are constructed as specifically “Muslim” in the European and US contexts – as illustrated by the quote from the British judge above. In other words, women human rights defenders must concern themselves with multi-layered challenges: how to counter ‘honour’ crimes, and oppose fundamentalist voices within their communities, without feeding racist stereotypes?

The rise of politico-religious rhetoric in many Muslim contexts in the past several decades has led the Coalition for Sexual and Bodily Rights in Muslim Societies (CSBR) to criticise the “politicisation of sexuality issues” (Coalition for Sexual and Bodily Rights in Muslim Societies, 2007). Since 1984, the international solidarity network Women Living Under Muslim Laws (WLUML) has also denounced the heavy price paid by women who are faced by both the enforcement of more stringent sexual norms and the increasing justification of gender based violence (including ‘honour’ crimes) in the name of religion or culture.

Yet, the tendency to single out “Muslims” either as likely targets of violence or as perpetrators of violence, tends to undermine the efforts of women’s human rights defenders struggling from within communities that experience ‘honour’ based violence. Constructing gender equality as

¹⁸ For example, in September 2012, Russia (supported by a coalition of conservative states) has pursued its previous efforts to table at the UN a resolution seeking to promote “traditional values” as a basis for human rights. As noted by numerous U.N. experts, the notion of traditional values is often frequently invoked by governments to justify human rights violations, including family violence, marital rape, forced marriage and female genital mutilation.

typically Western¹⁹ (both in nature and in aspiration) delegitimizes the work of advocates from Muslim societies: activists are seen as operating under pressure from, or in collusion with, “outside” (read: foreign, hostile) forces – and are likely to face further backlash as a result. Radhika Coomaraswamy, former U.N. Special Rapporteur on Violence Against Women, discussing violent ‘customary’ practices in South Asia, noted in 2005: “In response to the international critique of our practices, we have had mixed local responses. One is to say that (...) the practices can be justified by the internal logic of our cultural systems and that any attempt to critique and eradicate such customs is part of the arrogant legacy of colonialism and westernization” (Coomaraswamy 2005).

The misguided emphasis on “Muslim culture” as the culprit is noted by Yakin Ertürk, also a former U.N. Special Rapporteur on violence against women: “Crimes against women receive differential attention and treatment, with some deserving of urgent response and others not. This selective approach is partially linked to the issue of ‘othering’, but it is also inherent in viewing crimes in a hierarchical manner, i.e. some being worse than others. For example, in recent years, the so-called ‘crimes of honour’ have attracted much attention in research, policy as well as legislative reforms” (Ertürk 2008).

On the other hand, the construction of “Muslim” or “migrant” communities as inherently conservative (and violent) can impact a state’s willingness and ability to offer protection to victims of violence, thereby weakening states’ sense of responsibility to protect women in these communities from human rights violations committed by private actors, and undermining the rightful exercise of due diligence.²⁰ Kurdish activists warn that “the application of justice might be diluted whenever considerations of cultural difference enter into the ‘equation’. Cultural relativism paves

¹⁹ For a more balanced view, see Shaheed and Lee-Shaheed (2005), whose research provides a historical overview of women from Muslim countries asserting their rights, from the eighth century to the 1950s.

²⁰ Due diligence refers to state’s responsibility to ensure that human rights are respected. Key obligations are the duties to “respect, protect, fulfill and promote” rights and freedoms. Since a landmark case in late 1980s, due diligence is increasingly understood in international law as including cases where perpetrators and victims are non-state actors.

the way for the division of human rights according to culture and religion” (Begikhani 2004:38).²¹ In other words, they insist, there should be no mitigating circumstances on the basis of culture or religion, arguing that traditions and beliefs are not frozen in time and must evolve.

The conclusion of a 2010 United Nations (U.N.) Report on the Traditional Values of Humankind workshop, acknowledges this reality, emphasising that “traditions, traditional values, and culture itself change and evolve over time in response to changing realities.”²² The same point was made by Farida Shaheed, current U.N. Special Rapporteur in the field of cultural rights, who states that “culture is never static” and that “traditions and the interpretation of these are constantly in flux because culture itself is a constantly evolving process” (Shaheed 2011:2,6).

In a 2011 presentation, Shaheed (then U.N. Independent Expert) raised the important question of “who speaks for the community and who is accepted as ‘the authentic voice’ by decision-makers.” This is a crucial question since, as Shaheed reminds us: “No society ever has a singular culture. Each society, and every community, has both a dominant culture and multiple subaltern cultures.” Further, she notes that “women rarely - if ever - define the dominant culture, because they do not have the economic, social or political power to do so” adding that “it is time to see how women can be brought from the margins of subcultures to a central position in defining the overall culture.” (Shaheed 2011:2-3,6).

2. Concrete Initiatives: Documentation, Mobilization and Advocacy

Women’s human rights advocates have developed a range of strategies in different regions to tackle the issue of ‘honour’ related violence. Activists are engaged in multi-layered initiatives: they may focus on a single case to ensure perpetrators accountability; volunteer at emergency hotlines; fundraise to establish shelters for victims of ‘honour’ related violence;

²¹ See also the Kurdish Women’s Rights Watch website: www.kwahk.org

²² United Nations High Commissioner for Human Rights, report. 2010. ‘Workshop on traditional values of humankind’ - A/HRC/16/37, 13 December 2010. Paragraph 67.

orchestrate media campaigns to raise awareness; promote human rights education; offer training to police forces, health care professionals or teachers; provide expert opinion in support of survivors seeking asylum; work towards achieving legal reform; pressure their governments to ratify (and later implement) international human rights conventions, etc. These diverse initiatives cannot be seen as mutually exclusive but rather as interconnected and complementary tools: as Turkish U.N. lobbyist Leyla Pervizat puts it, “multidimensional and holistic” strategies are needed to confront ‘honour’ crimes.

The scope of this paper only allows to provide a limited snapshot of existing initiatives. In this section, we examine selected strategies (geared toward different constituencies) that focus on three main areas of intervention, including human rights documentation; mobilizing local communities through awareness-raising; and national and regional coalition building, as well as lobbying at the international level. Given that advocates often draw inspiration from initiatives pursued in other regions, these selected examples may be useful to human rights defenders who (once they have assessed which approach is likely to be the most effective in their specific situation) can adapt some of these strategies to their own socio-cultural and political context.

2.1. Documentation: Exposing Human Rights Violations

In order to highlight the scope of the issue, it is crucial to compile as many proven facts as possible: a key aspect of human rights work is to gather solid evidence. Relying on newspaper reports or court cases is not sufficient, especially given that many ‘honour’ killings are disguised as natural deaths, accidents or suicides.

To convey an accurate picture and expose violations in all their complexities, human rights documentation must ideally reflect disparities (whether regional, ethnic, class-based, etc). For example, in Pakistan, the acquittal ratio in ‘honour’ killing cases varies drastically, as data from

2004 show below. (Gillani 2004) These figures reflect the existing balance of power, and the lack of rule of law, in a given region.

Region	Acquittal ratio
Balochistan	43.13%
Punjab	71.97%
Sindh	91.4%
North West Frontier Province	92.9%

2.2. Community Mobilization

Advocates recognize that, when developing an advocacy strategy, the first step is to carefully assess the options available, based on a thorough knowledge of the socio-political and legal context in which human rights violations are being committed. It is on this basis that advocates can identify which arguments are most helpful to rally support from within the community, for example, or from more mainstream human rights defenders. Targeted trainings or broader public awareness campaigns provide effective ways to increase the visibility of ‘honour’ related violence. Regardless of the medium selected, activists from Pakistan to the Kurdish diaspora promote a similar message: “There is no ‘honour’ in killing”. Yet, communities are often more responsive when campaigners adjust their methodology and tailor their message to specific constituencies.

Hence, being aware of ‘touchy’ or problematic issues within a given community helps advocates select which angle to emphasize in order to mobilize potential allies. For example, it is worth noting that, even in conservative contexts where sexual autonomy or same-sex attraction remain difficult issues to raise, advocates may be able to sensitize initially reluctant constituencies by challenging arbitrary dichotomization between victims of ‘honour’ related violence and by linking human rights violations related to sexual orientation with threats faced by other women

who are (or were once) deemed “non conforming” – such as girls seeking an education.

Similarly, when references to international agreements are likely to be viewed with suspicion (because they appear thoroughly divorced from people’s immediate survival needs, or because the human rights framework is associated with Western interests), advocates still run meaningful trainings that popularize human rights principles. People can be introduced and become receptive to egalitarian principles – such as the right to equality, or the right to be free from violence and discrimination – even in places where the very notion of ‘right’ is a novelty. Gradually, people may become more willing to support the position advocated by Farida Shaheed, according to whom: “Harmful practices and customs that contravene or undermine human rights and dignity, regardless of provenance and sources of justification, must be vigorously challenged and overturned. Processes of negotiation are required to institute change within communities in which every community member must be a full and equal participant” (Shaheed 2011:6).

Involving Women as Agents of Change: Trainings, such as those developed by the Jordanian Women’s Union, seek to empower women through legal awareness. Reaching all categories of women through its 10 branches disseminated throughout the country (in rural areas as well as in the large Palestinian refugee camps), the Union provides them with knowledge of what their rights are and where to seek protection. The Union also intervenes to protect potential victims: its general manager Nadia Shamroukh insists that “If a woman calls our hotline and asks for protection, to come and stay in our shelter, and can’t come in by herself, then we will go to her house and take the woman from there. This is what we do. None of the other organizations do this kind of thing: only us.” (Soussi 2005). Women become agents of change in their own lives, initially seeking survival and, later, often pursuing other options.

In Pakistan, feminist advocates have also designed various strategies, including two grassroots projects which are referred to specifically here. Since 2005, the NGO Shirkat Gah (prompted by the need to challenge discrimination against women in disaster-affected areas) has developed the

concept of Women Friendly Spaces (WFS). WFS provide women in rural and impoverished areas with “extended social spaces where [they] can meet, vent and also learn skills” (Shirkat Gah 2011:33). The provision of both skills and equipment that promote women’s involvement in income-generating projects initially attracted participants, who then gradually took advantage of the support and mediation services available. Indeed, WFS was “conceived as a mechanism to facilitate women’s access to services to counter gender-based violence, provid[ing] women with information about police, legal and protection services, psychosocial support, awareness of rights and laws, and mobilization skills”, and addressing issues “ranging from health, hygiene, reproductive health, gender based violence and laws regarding the same” (Shirkat Gah 2011:foreword, 60).

Because WFS were set up in areas where access to services is thoroughly lacking, they proved to be quite popular: for example, in the Qambar Shahdaktot district, it was observed that, within only two months, “the number of women turning out had nearly tripled”; participants’ feedback convey that “they felt [that] attending events, meetings and sessions at the WSF greatly enhanced their knowledge and that they encourage other women to attend the same” (Shirkat Gah 2011:48). This achievement can be attributed in part to the fact that the local coordinator of this particular WSF is the daughter of a *vadera* (local landlord): “her presence and dedication to the WSF cause gives hope that if sensitisation towards women’s issues can be brought into the families of the most influential people of this area, then the plight of women can be improved” (Shirkat Gah 2011:48). This underscores the need (and the benefits) of having a grounded knowledge of the community in which any awareness-raising project is being carried out.

While not geared exclusively towards ‘honour’ related violence, WFS is a promising experiment which has allowed Shirkat Gah to document cases of ‘honour’ killings, to address the issue and to undermine the underlying structures that increase its likelihood. One local male supporter believes that “the WFS can counter violence by economically empowering women through its sewing classes,” recognizing that “violence against women has an economic basis” and that women “are more likely targets of violence because they are economically dependent on males” (Shirkat Gah 2011:41).

Also operating in areas that typically lack facilities, services and resources, Aware Girls focuses on issues of women's empowerment, women's leadership, trauma healing, and sexual and reproductive health. Aware Girls (based in Khyber Pukhtoonkhwa, a conflict area near Peshawar, in the region bordering Afghanistan) was set up by a group of young women and teenage girls who initially met at a seminar on 'honour' killings.²³ It seeks to offer ad-hoc interventions to women and girls who are particularly at risk of 'honour' crimes: as seen earlier, many fall victim to violence due to out of wedlock pregnancies. The NGO therefore promotes information related to reproductive rights, and facilitates the provision of abortions.

In June 2010, with the support of local and international allies, Aware Girls took an unprecedented step (at least in Asia) and launched a hotline²⁴ that advises women about the use of medicine to induce miscarriage safely at home up to nine weeks of pregnancy. As conservative and Islamist religious and political leaders loudly condemned the initiative and issued threats of reprisals, one of the founders of Aware Girls reaffirmed their goal: "We want to save women's lives. We are empowering women, and trying to help them take control of their bodies. Any groups which try to help women will have problems with extremist and fundamentalist groups" (Shields 2010). The hotline "operates with the principle to 'trust women' (...) [and vows to provide] reproductive health information through an affordable, anonymous channel which can maintain confidentiality and can benefit even illiterate women" (Safe Abortion Partnership: 11-12).

The case of 20-year-old Nabeela, from Lahore, is featured on the 2012 "Global Day of Action for access to safe and legal abortion" website: Nabeela was "left alone to face the turmoil of pregnancy in a culture where, if a woman is unmarried and pregnant, her only fate is honour killing." Contacting Aware Girls' hotline through the internet, she was "provided counseling and information but the issue [remained

²³ Personal interaction with Gulalai Ismail, co-founder of Aware Girls and current Co-Focal Point of Safe Abortion Hotline Campaign, in Bangkok, Thailand, January 2010.

²⁴ The hotline is named Sahailee (meaning a female friend in Urdu) and is supported by a coalition of three local partner organizations: Aware Girls, the Peace Foundation, based in Sindh, and Wake-up Call International, based in Lahore; for more information, see Asian Safe Abortion Partnership's report (n.d.).

her] inability to access the medicine as her mobility was restricted (...) her only thought was to kill herself.” Able to have a successful abortion, thanks to a supporter who helped “deliver the medicine to her home,” Nabeela testifies: “The Hotline has given me a new life, a life which I own by myself” (Women’s Global Network for Reproductive Rights/ International Campaign for Women’s Right to Safe Abortion/ Campaña 28 de setiembre).

Despite such success stories, however, one must take into account the fact many women are implicated in ‘honour’ related violence, whose enforcement is demanded (and overwhelmingly carried out) by men. Women’s involvement in such crimes can be explained by the fact that they might have internalized patriarchal norms, or that they wish to preserve their own social status. Further, the emphasis on women’s role as keepers of traditions also leads them to condone, instigate or commit human rights violations, including ‘honour’ killings.²⁵

Obviously, the phenomenon of women embracing patriarchal violence in the name of upholding culture and tradition is not specific to Muslim contexts, as the example of a prominent writer who sided with rapists (rather than with the young girls they assaulted) illustrates. Best-selling author Colleen McGullough considered the 2004 conviction of six men guilty of rape in Pitcairn Island “an absolute disgrace.” Defending the perpetrators, who had forced sex with girls as young as 11-year-old, McGullough stated: “It is Polynesian to break your girls in about 12. These indigenous customs should not be touched” (Sullivan 2004). Herself an Australian of part-Maori descent, one wonders if McGullough would have embraced so wholeheartedly ‘indigenous customs’ if it had meant that her dreams of becoming a doctor and a writer (both of which she achieved) should have been abandoned because of her gender? It is surprising to find an author of historically-inspired novels offering no acknowledgement that societies are not frozen in time – or is it only ‘traditions’ pertaining to gender that ought to be unchanged and unchallenged?

²⁵ In a high profile case in 1999, 29-year-old Saima Sarwar was shot in her lawyer’s office (prominent human right attorney Asma Jahangir) as retaliation for seeking divorce. Sarwar’s mother was instrumental in the murder.

Involving Men as Agents of Change: Human rights education can also be geared towards the most likely perpetrators, i.e. boys and young men. For Kvinnoforum, in Sweden, using a gender perspective means recognizing that “young girls and boys are socialized and forced into a concept of honour related violence. Therefore even the perpetrators in some aspects are victims and need to be involved in preventive measures if we really want change” (Jörling 2004:9). Since 2004, another Swedish project, Elektra, runs a program called Heroes of Honour. Its aim is to “influence the boys who control the girls, their sisters and relatives” by encouraging them to question the “honour culture.”²⁶

Through its WFS program in rural communities, mentioned above, the Pakistani NGO Shirkat Gah also seeks the support of men, whether “religious leaders, teachers and key role players from within the community”, including local lawyers, health care providers or police stations’ staff (Shirkat Gah 2011: 32). Potential male allies are encouraged to join local support committees so as to ensure that women are not alone in attempting to promote less patriarchal and less violent communities. But ensuring men’s involvement – or least non-interference – does imply painstaking efforts on the part of local organizers, and their efforts are not necessarily successful. For example, in the Marghazar valley (in the Swat region), “community outreach has been problematic due to the conservatism and dynamics of the local populace”: despite WFS’s ambition to serve as “a platform which can change gender based violence through awareness sessions and by liaising with males”, resistance to change and the fact that WFS coordinators are female has made “working with males especially difficult in an environment which does not allow intermingling of the sexes” (Shirkat Gah 2011:71). This type of resistance is not surprising given the pressures men face to live up to expectations of masculinity. In many contexts, men are taunted by promptings of “Show us you are men” or “Are you manly enough?” which are meant to incite them to commit ‘honour’ killings.

Yet, while men in some communities remain reluctant (even to allow their wives and daughters to join WFS), others may amend their ways – such as the respected imam from Shahdaskot “who stopped being

²⁶ *Honour Related Violence within a Global Perspective*, 2004, p.96.

violent with his wife” and “now believed [that] being violent with women or with anyone was wrong, and he didn’t want to engage in such evil again,” a development that is “indicative of the fact that important breakthroughs can be achieved through these sessions” with men (Shirkat Gah 2011:107, 47).

Securing the support of key individuals in the community often helps ensure a broader acceptance of initiatives that may initially be viewed with suspicion. In one instance, the WSF coordinator was confronted by “a local feudal lord who (...) threatened with violent repercussions if they did not immediately cancel the activity and leave.” Following the incident, the WSF team obtained a “meeting with a tribal elder who ensured them of his cooperation and also reprimanded the feudal lord, who later apologized to the team for his rude behaviour” (Shirkat Gah 2011:59). In contrast, some communities have proven more welcoming from the onset – and individuals have offered very positive feedback, such as an “elderly man resident” who saw every reason to support the WFS initiative, saying, “These centers are serving women’s needs from education to training and recreational activities, such as ludo and badminton just as men do in hotels and parks. Now women have a space, which is very important” (Shirkat Gah 2011:23). Going further, another man stated that the WSF “has brought 100% awareness to the women of the area and in doing so has impacted the next generation” (Shirkat Gah 2011:21). In all Muslim communities, there are men and women who – spontaneously or with some prompting – are willing to commit, as individuals, to curbing ‘honour’ related violence; among them, socially prominent individuals can especially be of assistance. Local personalities can in fact be seen as having an enhanced responsibility to convey the message that the notion of ‘honour’ should no longer provide an excuse for violence. Securing the support of national figures, whose prestige can lend visibility to the cause, can draw increased benefits, as is the case when local activists capitalize on the support extended by Queen Rania of Jordan.

To convince people to take a stand and oppose deep-seated customary practices requires using multi-faceted approaches and various sets of arguments. We briefly examine a few of these in the following sub-section.

Challenging Discrimination in Religious Interpretation, Historical 'Truths', and the Media: In contexts where 'honour' crimes are routinely justified through references to moral codes, cultural "authenticity" and religious values, advocates may seek official declarations by prominent religious clerics and scholars. Examples from the UK, Syria, Egypt and Lebanon show that some religious voices do insist that Islam does not sanction such crimes. For example, Taj Hargey, director of the Muslim Educational Centre in Oxford, England, takes such a stand: "There is nothing in the Quran that justifies honour killings. There is nothing that says you should kill for the honour of the family." He adds: "This idea that 'somehow a girl has besmirched our honour and therefore the thing to do is kill her' is bizarre, and Muslims should stop using this defense," concluding that the issue is related to culture rather than religion (Greene, 2012). In February 2007, Syria's grand Mufti, cleric Ahmad Hassoun, reacted to the murder of a 16-year-old girl by her brother: he "publicly condemned the crime, calling for the first time for the immediate protection of girls at risk and for legal reform on the basis that such crimes are un-Islamic" (Ellas 2007). A similar position was expressed by Mohamed Serag, professor of Islamic studies in Cairo, Egypt: "In the eyes of Islam, those people [who kill in the name of 'honour'] are criminals" (Hassan 2006). Mohamed Hussein Fadlallah, a prominent Shiite leader from Lebanon, issued a fatwa in 2007 calling for perpetrators to be held accountable. Prompted by reports of an increase in the practice across the Arab world, Fadlallah denounced 'honour' crimes and reiterated that these "are like any other crime which does not carry extenuating circumstances" (Asia News 2007). As discussed in Part One, in order to confront assertions of cultural "authenticity", women human rights defenders challenge the myth that cultural values are static and sacrosanct. For example, leading Jordanian lawyer Asma Khader (former Minister of State and Government Spokesperson for the Kingdom of Jordan, and former President of the Jordanian Women's Union) adopts a historical perspective to assert that the 'honour' based legal defense, which is claimed to be "Islamic" and provides near impunity to perpetrators, in fact derive from non-indigenous sources. She challenges the belief that

links ‘honour’ crimes to observance of the Shari’a²⁷ and points out that existing legal provisions in Jordan actually derive from the Napoleonic criminal code, prevalent 200 years ago, which codified ‘crimes of passion’ (Khader 1999). Deconstructing historical processes linked to the codification of colonial practices, along with analyzing their impact on modern legal codes and their current disguise as “authentic” traditions can be a potent argument. This strategy has been adopted by women’s rights defenders as an awareness raising tool in various locales.

Finally, media strategies can be effective in terms of affecting public opinion, but they must be carefully planned given the potential for backlash and misrepresentation. As seen repeatedly in various contexts, one potential pitfall is to rely primarily on the notion of victimhood. As Lynn Freedman, a lawyer engaged in advocacy and former board member of WLUML, states²⁸: it is important to insist that journalists include “testimonies of pain as well as testimonies of resistance.” This is crucial as journalists (however sympathetic) might be unaware that stereotyping is detrimental to both survivors and to other women potentially targeted by ‘honour’ related violence. In contrast, victimized yet powerful survivors can provide compelling role models grounded in one’s own culture.

Mai Mukhtaran, a young woman from rural Punjab in Pakistan who was gang-raped in 2002 following the order by the local village council, offers such an example. After being raped and publicly humiliated, Mukhtaran was expected to commit suicide to redeem her family’s honour – which she refused to do. While her legal case (which reached the Supreme Court) has been a failure,²⁹ her relentless fight to secure justice has become popular. With the backing of women advocates and the local media, Mukhtaran’s mantra inspired many both within and outside Pakistan – she states: “Our only hope is the fight for justice. End oppression with education. To remain ignorant is a crime. To remain apathetic is a crime. To remain silent about a crime is a crime” (WISE 2006).

²⁷ The Shari’a is the standard interpretation of Muslim laws, and its provisions vary according to contexts.

²⁸ Personal email correspondence with Lynn Freedman, October 2004.

²⁹ On Mukhtaran’s case, see WISE 2006; and Hussain 2012.

Apart from the international outcry it provoked, Mukhtaran's battle has continued to inspire countless local people: back in 2005, "hundreds of other villagers from nearby places [gathered in her village] all protesting in her support."³⁰ In late 2011, online protests requested that the Supreme Court of Pakistan reverse its recent ruling. In addition to the mobilization of women's human rights defenders in various countries, campaigners in Pakistan acknowledge that several national media sources – including Dawn.com and the Pakistan Daily Times – "have greatly helped to publicize this petition for Mai"³¹

In Mukhtaran's case, part of the issue was linked to the unwillingness of the Pakistani state to protect female citizens. In the next (and last) section, we refer to strategies developed by advocates to ensure that legal provisions do not discriminate against women in the first place.

2.3. Advocating Legal and Policy Reform

For advocates seeking reform of 'honour' related legislation, an analysis of both domestic laws and of international commitments that have been ratified by their nations is crucial. In this section, we highlight some of the main legal challenges involved before providing a brief snapshot of the legal contexts in three specific countries: the United Kingdom, Jordan and Turkey. We then examine selected examples of advocacy at the regional and international levels.

The National Level: In many former colonies, including Muslim countries, existing norms derive from a combination of customary laws and practices (often implemented through tribal councils), formal codes and inherited colonial penal codes. As noted by Jane Connors (then at the Office of the High Commissioner for Human Rights), "Domestic legislation, court practice and informal legal structures vary in the level of protection and remedy they offer women, in particular where family

³⁰ Farida Shaheed, email report to the WLUML e-list, June 20, 2012. In file with author.

³¹ Shirkat Gah, email report to the WLUML e-list, Oct 11, 2011. In file with author.

or conjugal ‘honour’ is invoked” (Connors 2005). Strategies to counter ‘honour’ crimes will therefore necessarily vary, depending on whether, for example, customary laws may take precedence over formal judicial systems, or where judicial provisions may be lenient towards perpetrators.

It is a fact that numerous penal codes in various regions offer mitigating circumstances to perpetrators of ‘honour’ crimes. Partial or complete defences based on ‘honour’ has remained as part of the penal codes in a number of countries, including Peru, Bangladesh, Argentina, Ecuador, Egypt, Guatemala, Iran, Israel, Jordan, Syria, Lebanon, Turkey, the West Bank and Venezuela (Coomaraswamy 2002).³² Experts note that mitigation or exculpation for murderers involved in ‘honour’ killings that are found in legal provisions in Muslim contexts are comparable to the “crimes of passion” present in some Western and Latin American criminal codes.³³ This should not come as a surprise since the colonial origins of the ‘defence of family honour’ found in Iran, Saudi Arabia, Jordan, Syria, Lebanon and Morocco can be traced back to the French Napoleonic Penal Code of 1810 (Luopajarvi 2003: FN19); or to the Ottoman Penal Code of 1858 in the case of the Palestinian community in Israel. Further, Hussain reminds us that provisions regulating “crimes of passion” were only abolished in France as late as 1975, or as late as 1979 in Italy (Hussain 2006:231).

A couple of brief examples from Palestine and Pakistan show the extent of leniency perpetrators of ‘honour’ crimes can benefit from. In Gaza, a clause which derives “from a 1936 British Mandate law allows for leniency in the punishment of ‘honour’ killings.” In the West Bank, due to the fact that part of a 1960 Jordanian Penal Code still applies, the maximum sentence for perpetrators of ‘honour’ killings “is six months, according to police” (Sherwood 2011).

In early 2005, under pressure from local feminists and human rights advocates, Pakistan introduced a law prosecuting ‘honour’ killings, even introducing capital punishment in aggravated cases. Given that there was no prior legislation that officially addressed

³² In some countries recent amendments have been enacted to remove honour-based legal defence, although it will take a long time before such reforms are implemented on the ground.

³³ A useful comparative analysis (including requirement of *flagrante delicto*) is found in the excellent article by Hussain (2006); see especially pp.230-32.

'*karo-kari*' (a local term for 'honour' killings), this was hailed by the government as a groundbreaking development. Yet, the government defeated subsequent attempts to alter the existing Qisas and Diyat Ordinance whereby the accused can negotiate pardon with the victim's family. Introduced as part of the Islamisation program spearheaded by dictator General Zia-ul-Haq in the late 1970s and 1980s, the Qisas and Diyat Ordinance allows the perpetrator to offer monetary compensation to the family of the victim, who in turn would promise not to bring any charge against him. Apart from the legal confusion engendered by these conflicting provisions, it must be noted that most murderers in 'honour' related killings tend themselves to be related to the victim, effectively providing potential accomplices with the ability to forgive the perpetrator.³⁴ As a result, very few 'honour' killings are dealt with by the judicial system, and convictions are even more rare. Nafisa Shah, Chairperson of Pakistan's National Commission for Human Development, estimates that, prior to the 2005 law, only three percent of honour crimes cases actually resulted in convictions. Many advocates saw little reason to expect change any time soon.

Mobilization strategies and activists' demands differ according to existing contexts: we consider briefly three cases below, related to the UK, Jordan and Turkey, before considering examples of advocacy at the regional and international levels.

United Kingdom: The Combating "Honour" Based Violence Forum:

Even in countries such as the UK where 'honour' crimes are prosecuted (not as a specific crime, but according to relevant provisions, such as murder, kidnapping, etc.), states do not, however, systematically exercise due diligence. State institutions have shown their inability to effectively protect women from abuse, even when potential victims do seek protection.

This was the case when 20-year-old Banaz Mahmood Babakir Ahga, a Kurdish woman, was murdered in June 2007. The Combating "Honour"

³⁴ See Zia Lari, Maliha 2011, and especially the discussion on pp.25-37.

based Violence Forum, an advocacy coalition that formed after her death, has denounced shortcomings in police response³⁵, pointing at “police forces unresponsiveness to [Banaz’s] claims in the months prior to her murder, when she told the authorities that she had been repeatedly threatened by male family members and was in imminent danger.” The Forum now teams up with other women’s groups to lobby for state agents to undergo specialized trainings in order to prevent future ‘honour’ based violence.

Jordan: Combining Multiple Strategies: In Jordan, in 2005 “so-called ‘honour’ killings accounted for one-third of all violent deaths – a country which otherwise has low crime rates” (Khader 1999). Domestic laws ensure that verdicts for ‘honour’ killings are much reduced compared to murders of non-relatives. As a result, the average sentence for extra-judicial murders of a female relative is 7 ½ months imprisonment (Kinoti 2005).

Jordanian activists are pursuing multiple strategies, including working towards reforming the Penal Code. Specifically, they have lobbied to repeal article 98 (which allows perpetrators to benefit from a reduction of sentences) and article 340 (which exempts perpetrators from prosecution). Their achievements include collecting over 13,000 signatures in favour of legal reform, securing the support of prominent religious leaders and members of the royal family, and extensive media lobbying. Yet, conservatives in the Jordanian Parliament have so far been successful at defeating proposed amendments that sought to introduce harsher penalties for perpetrators. Ultra conservatives and religious extremists argue that such a step would ultimately “destroy social values, violate religious traditions and generally damage the fabric of Jordan’s society.” However, journalist Rana Husseini, a pioneer who can be credited for bringing visibility to the issue since the mid 1990s, remains cautiously optimistic: “I am encouraged by the social awareness that now exists in Jordan, compared to 10 years ago.”

³⁵ The Forum, comprised of women’s rights organizations from Asian, Middle Eastern and Kurdish descent.

Turkey: Pushing for Legal Reform: The situation in Turkey with regard to 'honour' crimes varies drastically according to the urban/rural divide and to regional discrepancies, with the North East having a notoriously high rate of 'honour' crimes. Nevertheless, a few years ago, Turkish activists secured substantial gains as Pinar Ilkkaracan, the director of Istanbul-based Women's for Women's Human Rights, explained in 2005: "More than 30 amendments to ensure gender equality and sexual and bodily rights are made in the new Turkish Penal Code. For example, the notion that women's bodies and sexuality are commodities of the society and men, and that sexual offences are to be regulated in reference to patriarchal social constructs such as "society's traditions of morality", 'chastity', 'honour' have been stamped out. This crucial amendment legally acknowledges women's ownership of their bodies and sexuality in accordance with global human rights norms." (AWID 2005)

More specifically, in September 2004, a new law introduced a life sentence for anyone convicted of murder with a "moral killing" motive as well as punishments for relatives who encourage other family members to carry out an 'honour' killing (Zia Lari 2011:26-7). As always, these provisions will need to be closely monitored by women's human rights defenders to ensure they are adequately implemented, especially given the political changes Turkey is undergoing.

The comment made by Inaam Asha, a Jordanian social worker and lawyer, echoes in the Turkish context – and beyond: "No matter how much we change the law, it is much easier than changing the reality. Changing the mentality requires persistence" (Soussi 2005). Lawyers will attest that 'changing the law' also requires persistence – but the point here is that, while laws do not resolve everything, developing egalitarian provisions can encourage citizens to stand up and redefine their own culture in more gender-equal ways. Further, there is no denying that changes in legal frameworks can and do lead to change in society. For example, "in Brazil the so-called 'legitimate defense of honour' was responsible for a substantial amount of acquittals of men who had killed their wives, until 1991 when the Supreme Court dismissed the principle" (Luopajarvi 2003:4).

Forging Alliances at the Regional and International Levels

At the Regional Level: Beyond initiatives developed within a given national context, ‘honour’ crimes have also been specifically addressed by broad coalitions of women’s rights defenders from different regions – a few of which are highlighted here. For example, successive regional Courts of Women have discussed strategies related to ‘honour’ crimes – defined as encompassing domestic violence as well as cultural violence.

Longer term initiatives include the Research Program Consortium on Women’s Empowerment in Muslim Contexts³⁶ (WEMC) which, from 2006-2010, functioned as a multi-country research, communication and capacity-building programme, carried out in China, Indonesia, Pakistan, Iran, as well as among two cross-border populations – Afghan refugees and returnees, and Indonesian migrant women workers. Focusing on the nexus between culture, religion and democratic rights, WEMC documented and analysed women’s successful strategies to negotiate and transform the challenges they face when confronted with disempowering socio-economic and legal structures. Following several other earlier initiatives, and seeking to encourage long-term changes leading to women’s empowerment, WEMC specifically addressed ‘honour’ crimes, as well as issues of stoning and forced marriages, both of which are linked to ‘honour’ related violence.³⁷

Collective advocacy and lobbying efforts have led to progress at the regional level. For example, the “Stockholm Platform for Action to combat honour related violence in Europe” is the result of sustained collaboration among NGOs located in eight different countries.³⁸ Adopted in October 2004, the Platform document calls on EU Member States to “ensure that women’s human rights should prevail in areas of conflict over cultural rights.” The European Parliamentary Assembly has also issued reports

³⁶ For more information, see the WEMC website: <http://www.wemc.com.hk/web/index.htm>

³⁷ Specifically, the first Asian Court of Women on violence (organized by the Simorgh collective in Lahore, Pakistan in 1992); and the first Arab Court of Women (organized by El Taller, in Beirut, Lebanon, in 1995).

³⁸ Specifically: Sweden, UK, Cyprus, Spain, Bulgaria, Greece, Germany and Finland.

highlighting and encouraging European efforts to address the incidence of these crimes.

Many activists from various regions recognize that, while their efforts still meet stern resistance, the visibility of 'honour' crimes has steadily increased over time. For example, Kurdish researcher and activist Nazand Begikhani explains: "With the activities and works of civil and women rights groups like KWAHK [the British-based *Kurdish Women Action Against Honour Killing*], cultural norms can change. Ten years ago, inside Kurdish communities, no one could publicly debate 'honour' crimes. Now in 2004, it has made an impact in public debate and the Kurdish authorities in Iraqi Kurdistan have undertaken legal reforms" (Begikhani 2004:39-40). However, with the worsening security situation due to the ongoing conflict in Iraq, including in the Kurdistan Region of Iraq, issues are not addressed with the urgency required, despite the fact that various experts on violence against women (from Sri Lanka to Bosnia) have established that war tends to lead to increased and more drastic incidences of femicide.

At a more global level, the International Campaign Against Honour Killings³⁹ (ICAHK) came together in 2003 out of a growing awareness, prompted by an 'honour' killing in the UK, that "'honour'-based violence, and oppression against women justified in the name of 'honour' are widespread, and not confined to any particular group." At its inception, ICAHK felt the need to "inform academic, journalists and the general public," but has since succeeded to create a platform where activists can "discuss methods, opinions and experiences, and share campaigns within a community" (International Campaign Against Honour Killings).

A growing number of advocates also realize that women at large and LGBTI people face systematic denial of their human rights. For example, Daragahi acknowledges that "the stigmatisation of homosexuals is always connected to 'honour' related violence and attitudes towards women and girls." She denounces the fact that "homosexuals and women who run away because no longer virgins" share the same human rights violations: they "are not given the right to security and life" (Daragahi 2004:61).

³⁹ For more information, see ICAHK's website, at <http://www.stophonourkillings.com/?q=node/4034>

The Human Rights Framework and the United Nations: Depending on political opportunities available in each context, some advocates are able to make use of relevant international human rights instruments.⁴⁰ In different regions, advocates are using relevant regional human rights instruments, including the Inter-American Convention or, on the African continent, the African Charter for Women's Rights or the African Charter on the Rights and Welfare of the Child.

Yet, others emphasize caution, highlighting the “need for (and the validity of) complementary approaches” (CIMEL/Interights). As noted earlier, highlighting the global dimension of ‘honour’ crimes was a key achievement of the CIMEL/Interights initiative in 1999, and other initiatives have since similarly asserted the need for pluri-disciplinary and pluri-cultural approaches. Participants at the CIMEL/Interights roundtable issued a strong warning: “Violations such as ‘honour crimes’ press us to reflect on the limitations of ‘standard’ (international human rights law-based) human rights activism as an approach to addressing them (...) A critical re-examination of existing approaches would mean, at the very least, recognizing that certain principles (such as the rights to sexual autonomy or the choice of a partner or lifestyle) may be new to many of the societies in which activists work. Denying such social realities could undermine the potential effectiveness of both human rights and women’s organizations” (CIMEL/Interights 2001: 22). The Coalition for Sexual and Bodily Rights in Muslim Societies takes a different approach and boldly advocates for “sexual, reproductive and bodily rights as human rights.”⁴¹ The Coalition reminds governments of their duty to eliminate all “harmful traditional or customary practices,” including ‘honour’ crimes. Its core values emphasize the “equal right of all individuals to enjoy a sexual life in accordance with their values”; the “right to sexually associate freely”; the “right to sexual pleasure and desire.” It insists that “women’s sexuality and bodies belong to themselves” and pro

⁴⁰ For a discussion on CEDAW and Jordanian’s ‘reservations’ to the Convention, see Arnold (2001).

⁴¹ For more information, see CSBR’s website, at <http://www.csbronline.org/>

motes the principle that abuses should be prohibited on the grounds of existing individual rights: “laws must first and foremost protect the individual’s rights and freedoms rather than the public order and general ethics.”

Engaging the United Nations: Over the last couple of decades, lobbying efforts have ensured gains with respect to addressing ‘honour’ related violence in the U.N. arena.⁴² For example, as early as 1999 and 2000, three U.N. Special Rapporteurs⁴³ jointly expressed concern about the impunity enjoyed by perpetrators and about the generalized lack of police protection. In 2000, the issue of ‘honour’ crimes was further recognized as a form of extrajudicial execution by both the Rapporteur on violence against women and the Rapporteur on extrajudicial, summary or arbitrary executions. Finally, between 2000 and 2004, the U.N. General Assembly passed no less than three Resolutions titled “Working towards the elimination of crimes against women and girls committed in the name of honour.”⁴⁴ Turkish advocate Leyla Pervizat testifies about the lengthy process that led to the adoption of these Resolutions: “If you have an issue that you would like to bring up, first find out the relevant documents and procedures around this issue. Then you must identify friendly and unfriendly states towards these issues, start lobbying all of them continuously until you achieve whatever you want to achieve. Establishing ongoing personal connections with diplomats are very important” (Vahdati 2007).

Then, Pervizat adds, “it is crucial to make these decisions come alive in our daily lives” – which in this case included the translation of the 2004 U.N. Resolution into 19 languages as of 2004. This example shows how strategies are interconnected – with local realities influencing advocacy at the international level, and vice-versa.

⁴² For a useful list of resources, see U.N. Women, (n.d.) ‘Sources of international law related to “honour” crimes and killings’.

⁴³ The three UN Special Rapporteurs were: 1) Sp. Rapp. on extrajudicial, summary or arbitrary executions; 2) Sp. Rapp. on violence against women and 3) Sp. Rapp. on the independence of judges and lawyers.

⁴⁴ U.N. General Assembly Third Committee, 59th session.

Conclusion

The nexus between culture, religion, and violence is at the core of the issue of ‘honour’ related crimes. This correlation has been repeatedly highlighted by activists and scholars alike: “While honour killings, or any other violence, must not be reduced to a question of culture, culture should be understood as constituting a part of the context in which violence occurs... thus, when the aim is to eradicate honour killings it is that cultural basis that must be challenged” (Mojab & Abdo 2004:111). Yet it has also been established that cultural values and customs do evolve over time.

Further, as noted in this paper, advocates of gender equality have long insisted on the fact that culture is never homogeneous, even within the same society, and that religious interpretations vary. Despite this recognition in (some) feminist and human rights circles, conservative Muslim states, religious fundamentalists, and cultural relativists continue to blur the debate by insisting on uni-dimensional conceptions of culture and tradition. Challenging the later, Eldén (1998) objects to the assumptions which lead Swedish court rulings to define “culture” as a homogeneous unchanging entity which demarcates majority communities from minority communities. In addition, the wilful denial of the extent of violence against women and femicide occurring across the world – including in Western contexts – is in part responsible for the lack of overall approaches to these issues, which to be eradicated necessarily require international strategies.

It is high time that lawmakers and political leaders – on both sides of the equation – listen to the voices of feminist theologians such as Indonesian scholar Musda Muliati, who keeps insisting on the universality of human rights principles.

It is high time that women who stand for their rights not be dismissed as unrepresentative of a mythical “Muslim culture”, and not be accused of imitating “the West”. The last word goes to Kainat, a Pakistani teenager from a very modest background. Gang-raped when she was only 13 years old, Kainat is now 17, and seeking justice through the courts. Despite expectations that she needed to be killed to redeem her family’s honour, this is not happening: “It is the tradition, but if the family doesn’t permit

it, then it won't happen. My father, my brother, my mom didn't allow it" (Nosheen 2011). Although the family continues to face strong pressures, Kainat has full backing of her relatives, and is determined: "I am not giving up, I will take this all the way to the Supreme Court of Pakistan."

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Everyday Violence, Quotidian Grief: Patriarchal Bargains in Georgia's Pankisi Gorge

Rebecca Gould¹

Abstract

Bridal kidnapping is practiced in various parts of the world, including the Caucasus, Kyrgyzstan, Kazakhstan, parts of Uzbekistan and Turkmenistan. The practice seems to be increasing since the fall of the Soviet Union – most likely due to economic hardship and the resurgence of conservative identity politics. Gould focuses on a region of Georgia inhabited by a Chechen-speaking Muslim community. While local activists dispute that bride kidnapping stems from Chechen tradition and denounce the impunity enjoyed by perpetrators, Gould concentrates on one female subject to explore issues of consent and agency in a context marked by rigid norms with respect to marriage and female sexual desire. Her interviewee, Kato, defines motherhood and childrearing as central to women's identity and as the only path to achieve 'happiness', perhaps reflecting her own lack of option. Gould's analysis emphasizes 'patriarchal bargains' which she argues make self-assertion possible under conditions that would otherwise foreclose women's agency. Yet this testimony also highlights women's role in upholding cultural values that perpetuate patriarchal notions – e.g. portraying 'knowing one's place' as the way to gain 'respect'. It also points at the paradox of women's consensual assent to everyday violence against women, particularly in contexts where culture is perceived as threatened.

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I had arrived in the Pankisi Gorge to study the ways and language of the Kists. Numbering seven thousand, the Kists are a small ethnic group who inhabit the area. They belong to the *Vainakh* (literally “our people”), a group that includes the Muslim Chechen and Ingush and the Christian Tsova-Tush (Batsbi).² My first stop on my journey to the gorge was the home of Kato Gumashvili’s husband Suleiman, Joqolo’s most famous resident, a prolific writer, translator, politician, and former wrestler.³ I had first been driven to Pankisi because of Suleiman’s fame. He was known to the Kists as a poet—the only Kist to publish in Georgian as well as Chechen—, as a teacher of Chechen at the university filial in nearby Signaghi, and a brilliant theoretician of languages. Suleiman was writing a book about how all languages of the world could be traced to his own native tongue: Vainakh, the language spoken by the Chechens, the Ingush, and by his own people, the Kists. Suleiman, the Georgians whispered amongst themselves, was a Vainakh nationalist. As such he posed a threat to the stability of the Georgian state, and that meant that the Georgians did everything they could to make sure that he had no influence on the business of ruling the country.

Suleiman is probably the only person in the world who is a member both of the Chechen and the Georgian Union of Writers. In this part of the world, such official designations carry with them promises of government subventions, prestige, and possibilities for publication. What made Suleiman different from his peers and what made him a problem for his wife was that in spite of his fame and the respect he commanded among his fellow Kists, he had also been blacklisted by the mainstream Georgian intellectual elite. As a Kist, an ethnic minority in Georgian society, as well as a minority within his own ethnic group the Vainakh, Suleiman was doubly marginalized. His marginalization seemed to motivate his theories concerning the innate superiority of Vainakh, and of the Kist subset within it, to all the languages and other ethnicities in the world.

I was fascinated by the boldness of Suleiman’s argumentative thinking as much as I was astonished by the flaws in his hypotheses, as apparent

² The most comprehensive ethnography of the Kists to date is Kurtsikidze and Chikovani 2007, which contains an extensive bibliography of Georgian and Russian sources.

³ For a fuller account of Suleiman, his writings, and his intellectual genealogy, see Gould 2007.

to himself as to anyone else. He enjoyed making absurd statements just to hear his own voice. But the more he spoke, the more convinced he became of his premises. More than once, Suleiman's penchant for provocative statements had gotten him into trouble. It had cut him off from his primary source of income, his job with the Georgian Ministry of Education, and now there were rumours that he might lose his teaching job as well (which would not have been a disaster, as his salary for teaching totalled twenty dollars a month, just enough to pay for his transportation to and from the university).

The Gumashvili family was on the brink of a financial crisis, but no one worried about this less than Suleiman. His wife Kato seemed to be the only one concerned. More than the implications of her husband's theories, she was concerned for her family's financial wellbeing. His ideas were also a subject of her criticisms during our hours alone, once her children and husband had gone to bed. Alone among all who comprised Suleiman's audience, Kato reacted against the nuanced racism and less-nuanced intolerance that laced her husband's ideas with barely-concealed scorn.

And yet, at the same time, Kato was deeply proud of her husband's achievements. She boasted to me on more than one occasion of how on his sixtieth birthday the entire elite of Georgia had filled their house for a party, presided over by the President of the Union of Georgian Writers. Those days had long passed by summer 2006, the season of my lengthiest visit. Suleiman had gone from being a local hero to an old man, whom people listened to only because they didn't want to show their disrespect publicly.

Kato and Suleiman rarely made eye contact. Suleiman frequently mocked his wife's appearance in my presence. Once, during a dinner for which I was the guest of honour, Suleiman interrupted his habitually hour-long lecture praising Kist matrimonial traditions and methods of childrearing to toast my bright future as a wife to an obedient Georgian man. "My wife" – he thundered, his huge belly tumbling over the table edge – "is the ugliest woman on earth. She knows her place, she knows what she has to do, how she has to serve me. She does this because I deserve service from her. It is my male privilege. If she were educated like me, then I would have

to serve her. We each know our place. That's how it should be. That's the way I like it. I am proud of our Kist traditions”.

Kato left the room whenever Suleiman delivered one of his degrading toasts praising his wife as a workhorse and invariably accompanied by the “boast” that she was the ugliest woman in the world.

I could not help but suspect that Kato felt nothing but contempt for her husband's grand ideas concerning the ancient origins of the Vainakh race. On many occasions Suleiman's lectures culminated in lengthy monologues concerning the language most worthy of the epithet “beautiful” (*silamazi*): Chechen, Kist, Ingush, Georgian, Russian, or English. Kato interrupted one such deliberation with a memorable statement: “No language is more beautiful than another. Any language made by humans is beautiful.” Her words put an effective stop to Suleiman's disquisition, and, though he did not say anything, it was clear that she had won that argument.

With the onset of the Chechen-Russian war, already a quarter-century old, Pankisi had witnessed a surge of new immigration of Chechens over the past two decades, peaking in 2000, the year of the most intense bombing campaign ever witnessed in that part of the world. Kato had hosted many of these Chechen refugees in her spacious home. She marshalled examples of her community's hospitality towards refugees in order to demonstrate the superiority of Muslim social values to Christian ones. Through this articulation of what she called *taqwa* (piety), Kato underscored differences she perceived between Islamic and Christian concepts of selfhood:

“We have one thing here you don't have in the West: self-respect.” She continued:

In America, all people think about is freedom. Here we have something better than freedom. Here we know the value of human life. We respect others because we respect ourselves. That's why I couldn't refuse to help the Chechens who needed homes and food. That's why you folks in the West are so miserable. You know what freedom is, but you don't know happiness.

I asked her what her idea of happiness was. “Children,” she said without missing a beat. “Only children can make a woman happy. For children,

a woman will endure anything.” “Even a violent husband?” I asked. “Absolutely. Children make any kind of suffering meaningful.”

Kato's intelligence was evident in her ability to challenge the expectations of interlocutors such as myself. More than two decades before we met, she had been kidnapped by her husband Suleiman. Yet of all the women in Georgia's Pankisi Gorge, Kato was among the most forceful defenders of the traditional values that sanctioned bride-kidnapping and that held female rape victims responsible for being raped.

“With us, if a woman is raped, it's her fault,” she once declared to me over breakfast and coffee. At first, I thought she was trying to provoke me, and I began to protest: “But what if the woman is attacked?” “That never happens among us,” she said flatly. “Our men know better than to violate our customs.” “What if she gets raped in the city, in Tbilisi, far from her fellow Kists? What if she is attacked by Georgians? Is it her fault then?” I asked again. She replied. “Of course! She shouldn't be out among Georgians in the first place. She should stay with her own people.”

As shocking as such views sounded to ears unaccustomed to hear them articulated, they should be contextualized in terms of the broad social mechanisms that Kists had developed to keep women from danger. Only a year prior to my visit to Pankisi, the wife of Avtandil Gumashvili—a distant relative of Suleiman Gumashvili—had been raped by the leading member of another family, named Margoshvili (Natsvlishvili 2009: 35-9). The Pankisi community was united in assuming that it was her husband's responsibility to avenge the rape of his wife by killing the perpetrator. Although the rape was never successfully avenged because the authorities killed Avtandil before he could take action, everyone assumed that it was the husband's responsibility to avenge his wife's sexual violation rather than to stand by passively or to blame her.

With her remarks about rape as being the women's responsibility, Kato wasn't trying to provoke me into an argument. It might even be debated that her efforts to shift agency away from the men and onto the women were part of an attempt to claim female sovereignty. Yet there was also a cultural dimension to her claims. As part of her project to demonstrate to me the superiority of traditional Muslim values to what she considered

newfangled, illegitimate, and alien Christian ones, she marshalled examples of the secure kinship networks that bound Muslims from Pankisi together, and which she deemed vastly superior to the disintegrated social networks of Christian Georgia and post-Christian America.

Kato's cultural investments led her to adapt women's interests to patriarchal norms, a process described in Kay Ann Johnson's ethnography of Confucian women invested in maintaining patriarchal values. "In the very process of using available mechanisms for greater influence and protection," writes Johnson, "women's strategies directly and indirectly reinforced the traditional Confucian family system" (Johnson 1985: 21). This insight leads Johnson to conclude that "through their actions to resist passivity and total male control, [women] became participants with vested interests in the system that oppressed them" (1985: 21). And yet it was not merely complicity with patriarchy that dictated Kato's defence of patriarchal norms. Kato's propensity to hold the rape victim in contempt was one consequence of an identity that was constituted through more than gender.

The division of labour and behavioural roles between men and women was, Kato perceived, a distinction that varied according to culture. She was determined to remain loyal to pre-colonial Kist gender norms against what were perceived as colonial impositions of alien norms. At the same time as a culturally-inflected identity looks beyond gender, however, it remains inseparable from this category in its manifold articulations. The tension between cultural and gendered identities and loyalties gives rise to what Deniz Kandiyoti has famously referred to as "bargaining with patriarchy" (Kandiyoti 1988). In this reflection on the everyday violence and quotidian grief that marks the domestic landscape of contemporary Pankisi, I aim to move us closer to grasping in all their many-layered nuances the fault lines through which patriarchal bargains are illustrated.

I was unable to grasp the full intricacies of Kato's views on gender until we became more intimately acquainted. After a month's hiatus, during which I had been consumed with work in Tbilisi, I returned to Pankisi. I arrived in late August, on a *marshrutka* (chartered bus), from Tbilisi. My hosts were exhausted from daily chores, Kato from cooking and Suleiman

from musing grandly. With little energy to talk, after greeting and kissing me, they asked permission to go to sleep. I was given a place to sleep in a bed next to Kato's. Suleiman told me that because I was an honoured guest, I could not be allowed to sleep in the spare bedroom. "My wife must watch over you," he said. "We need to guard you tonight." It was winter and therefore cold in the spare bedroom; perhaps this, along with Pankisi's customary hospitality morality, was another factor in the insistence that I not sleep alone.

That night, Kato told me the story of her life. She woke me up—it must have been three in the morning—to complain about a pain that, as she expressed it, was burning her back and travelling up and down her neck: "I can't afford the medicine I need to cure my pain. It hurts so much! Sometimes I wonder if I'll survive. It's amazing how much pain we all live through to stay human." I remained silent as the tar-coloured air seeped through the windows. It was deathly quiet outside. Kato turned over on her back and moaned. Then she said: "I can't stand the pain! If only Suleiman would find work again, then he could pay for my treatments. The doctors told me that there is medicine that can heal me, but it costs too much." Money puts a limit on everything, I philosophized, painfully aware that my words could not reduce her suffering.

To distract her, I tried to push the conversation in a different direction. I asked, "Was Suleiman your first husband?" "I was married before" she replied. Kato seemed to be relieved to talk about something other than her pain, and she launched into a narrative:

My first husband left me for another woman. Then Suleiman's first wife died. He needed someone to take care of his house. His two boys needed a mother. So he kidnapped me. I didn't know anything about him. The last thing I wanted was to be kidnapped. But no one was asking me.

This was all Kato had to say on the matter of her consent to her condition. Her recitation of the kidnapping incident hovered over the borderline Cynthia Werner has described, whereby it is impossible to fully distinguish consensual bride kidnapping from non-consensual violation. "Although most brides are kidnapped by men they know," writes Werner, "and many

are kidnapped with their full consent [...] there are other women who are kidnapped by strangers without their consent” (Werner 2004: 60). Ayres notes that bridal abduction can range in meaning from “genuine bride theft” to “mock bride theft” to “ceremonial capture” to consensual “elopement” and non-consensual- “raiding” (Ayres 1974). What of women like Kato who are kidnapped by men they don’t know against their will and who later seek to justify their husbands’ behaviour, and yet who at the same time are never fully reconciled to their condition?

Kato interrupted her narrative of being kidnapped to ask me when I was going to get married. “You must have children...” she persisted. “Only children will make a woman happy. It doesn’t matter who your husband is. With children, anything can be endured.”

“Did you love him?” I asked, trying to return the conversation to the subject of bride kidnapping. “Who?” Kato asked blankly. “Your husband. Suleiman.” I responded.

“Of course not!” Kato said. “How could I love a man I’ve never met?” Then, more concerned by my fate than by her own predicament, she stared at me through the darkness and, placing her hand on top of mine, she said: “You must marry. Don’t wait any longer. It doesn’t matter whether you love your husband. It’s time for you to have children. No more procrastinating. If you don’t do it now, soon it will be too late.”

In Kato’s view, my welfare was best served through a patriarchal bargain similar to the one she had consented to herself.

Just as Kato diligently pursued her task of arranging my life and securing my happiness, I was busy trying to figure out what it meant to be Kato: kidnapped, constantly at work raising children or taking care of the house, and also to understand why she kept insisting that her way of life was superior in every way to my own.

“If you don’t love Suleiman, why do you stay with him?” I asked, ignoring her concern for my marital future. Yet Kato was not about to allow the subject to change so fast. “Among us,” she said, “a woman doesn’t get respect until she is married. When she moves into her husband’s house, people look at her differently. She is not fully a woman until she is married and has children.”

"So that's why you didn't leave Suleiman when he kidnapped you?" I persisted. Kato nodded, stating:

His children treated me kindly, but nothing can replace a child's love for his real mother. It was difficult. I worked without rest. That's probably why I'm in so much pain now. But I couldn't leave. I am respected in the community because I was loyal. I am honoured for never leaving Suleiman and for raising his children during tough times. When I walk through this village, people look at me with respect. That's enough for me.

"But are you happy? Wouldn't it be better if you had a husband you loved?" She commented:

Loving your husband is not important. Children bring happiness. Children are all a woman needs in life. All you Americans ever think about is yourself. Does such selfishness make you happy? As far as I can see, you are all more miserable than us. At least we Pankisi women know our place. American women are still trying to figure out their place in their societies. I pity you and your fellow women. A woman who doesn't have kids will never know happiness.

Rays of sunlight began to stream gently through the dissipating darkness. Kato turned over onto her other side and moaned, then fell silent. The pain had become bearable, and, apparently, talking had helped. "You know what makes us different from you Americans?" she asked after a long pause, adding:

We are Muslim. We understand the value of being human. We respect each other as equals. If we were Christian, we would all be like you, thinking first of yourselves and searching only for your own happiness. But we know that life is about respect and honour [*namusi*], not about what we do in solitude. Islam teaches hospitality [*stumarmaspindzloba*], to respect the outsider and treat him honourably. We respect you, but we still know that our lives here are better than in your home country.

Kato's conception of the communal Islamic ethos enabled a form of ethical life that Christianity, as she understood it, could not account for. She did not invoke the classic terms she could have used to bolster her

argument for the uniqueness of the Islamic vision of a common humanity: *umma* (the community of believers). Instead she spoke of *namusi* (honour), a Georgian term that at once invokes conscience and consciousness and which is ultimately derived from the Greek *nomos* (custom, law). But the *umma* was implicit in her thinking, or, rather, her thinking was implicit in this concept.

Kato's ideas of honour and custom contrast with another commonplace linkage: of the Islamic ethos to a particular mode of waging war, called, in the context of the Chechen Wars that had recently transformed the Pankisi landscape, the black widow phenomenon: bereaved women avenging their husband's death through public explosions. Time and again during the course of my fieldwork among the women of Pankisi and Chechnya I observed how Islam was linked to the ethical capacity for appreciating difference and respecting the other, while wartime violence was connected to the military state and detached from religion.

During the conversation that ensued, it became clear that Kato's confidence in the superiority of the values by which she organized her life derived from the very elements I had perceived as limitations: the closed community in which she had been born, the restrictions on women's mobility, the irrevocability of her fate; all of these things were precisely what brought joy and confidence into Kato's life. Kato believed so deeply in the superiority of her values to those that governed American life that she sought to convert me to her way of seeing. Throughout our encounters, I was the observed and she was the observer. In keeping with Kandiyoti's stipulation, Kato selectively applied patriarchal norms to advance non-patriarchal agendas that were implicitly feminist inasmuch as they clarified her role in the world and attested to her agency.

To draw out further the implications of the patriarchal bargains that held intact the fabric of everyday life in the Pankisi Gorge, Kato's typology of cultures suggested a non-liberal vision of the self in many contemporary Muslim societies, which feminist scholars of modern Islam have only begun to address. Chandra Mohanty, Saba Mahmood, and Wendy Brown have in their respective works used this non-liberal self as envisioned in contemporary Muslim contexts to contest the fantasy of Western women

as “secular, liberated, and having control over their own lives” (Mohanty 1988”: 74). This stereotype, notes Brown, is “derived in part from the very figure of an oppressed Third World opposite” (2006: 189). Even more ambitiously, Mahmood examines the liberal model of human action that “pre-supposes [...] a natural disjuncture between a person’s ‘true’ desires and those that are socially prescribed” (2005: 149), looking to ways of thinking accountable for Kato’s critique of American civilization and defence of Muslim customs.

The post-liberal critiques of philosophies that construe political engagement solely through the paradigm of resistance to societal norms offered by Mahmood, Mohanty, and Brown help us move beyond the misleading assumption that freedom is attained only in opposition to power. Brown’s diagnosis of the limitations of western liberalism is clear: “by formulating freedom as choice and reducing the political to policy and law, liberalism sets loose, in a depoliticized underworld, a sea of social powers nearly as coercive as law, and certainly as effective in producing subjectivated subjects” (2006: 197). Helping us move beyond liberalism’s reductive horizons, Kandiyoti has given us the analytical paradigm of the patriarchal bargain.

For Christian Americans, in Kato’s view, the purpose of life devolves on the individual. Islam as she understood it grounded its ethics in the community (*umma*) rather than the isolated self, ultimately for the good of both individual and community. Compared with such benefits, the difficulties of kidnapping or otherwise undesired marriage seemed trivial rites of passage in the long span of a woman’s existence. Neither Kato nor I slept after our conversation. Instead, she lectured me on everything she felt I needed to know about what a woman needed to be happy. If I didn’t have kids, she warned, she would not let me past the gates of her home when I returned to visit her, even if I came all the way from America. I don’t necessarily read Kato’s admonitions literally. I returned on subsequent occasions to visit her without indicating any plans ever to get married, and her hospitality did not diminish. Nonetheless, her persistence revealed the importance of motherhood and marriage to her conception of a woman’s destiny.

“One path awaits you,” Kato warned, as the darkness gave way to light outside. “Suffering and misery, the lot of every woman. Women are born for suffering. There is no other way for them, no other kind of life. You should not pretend as though there is any way out for you either. If you think you can be happy while considering only your own freedom, you’re fooling yourself.”

Then she turned on her back again and gritted her teeth to keep from moaning. “Pain helps,” she said. “It reminds me that I am alive.” Our twilight conversation drew to a close. Kato turned over onto her side once again. I glanced outside. It was a beautiful dusk, shading into morning, with the arrival of a dim, as yet invisible, sun. A muezzin’s call to prayer resounded from a minaret at the edge of the village. Only the mosques in Duisi, the town next to Joqolo, and Omalo, a kilometre north, were equipped with minarets, funded in most cases by so-called Wahhabis.⁴ Perhaps the call to prayer was echoing from one of those minarets, I thought, or perhaps one of Joqolo’s mullahs had taken it upon himself to assemble the faithful in these mid-morning hours, on an as-yet-to-be-discovered pretext.

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⁴ The term Wahhabi in this context refers to a conservative reformist movement, founded in Saudi Arabia by Muhammad Ibn Abd-al-Wahhab (d. 1792), and influential in some contemporary Muslim societies, particularly with the young generation.

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Women's Bodies, Men's Decisions: Women's Control over Sexual and Reproductive Health in Pakistan

Fauzia Viqar and Fatima Saeed¹

Abstract

This report briefly examines legal and policy provisions with regard to women's status in Pakistan and explores the socio cultural factors which undermine women's efforts to assert their sexual and reproductive rights – including gendered power dynamics, early marriages and attitudes towards family planning. Using data from a survey carried out by Shirkat Gah in 2010-2011, Viqar and Saeed highlight four individual cases to show that, despite facing multi-faceted constraints, women have challenged patriarchal and cultural barriers. These examples, they argue, are testimonies to the resilience of Pakistani women, their ability to exercise their own agency to protect themselves and their families, and their efforts to resist subordination in the domain of reproductive rights.

Women in the Pakistani Context

Arifa had been married for 15 years and had five children. In the eighth month of her last pregnancy, after experiencing diarrhea and labour

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pains, she was taken to the nearest private clinic where the female doctor declared her condition to be serious. The doctor advised that Arifa undergo an ultrasound scan, but Arifa's husband refused, rebuffing the doctor and saying she was unnecessarily complicating the situation. Instead, he then took his wife to the *dai* (traditional birth attendant).

The *dai*, Fatima, examined Arifa internally, which caused bleeding. Then the *dai* gave her an injection and said that she would be delivering soon. But Arifa developed a side effect from the injection. According to her mother, "it went into her head and her condition worsened". The *dai* later administered three or four more injections. The patient's condition deteriorated further to the extent that she was smashing her head against the wall. Finally, the *dai* said that the case was beyond her control and recommended that Arifa be taken to a hospital. Her husband arranged for transport. However, Arifa died on the way to the hospital.

Arifa is just one among thousands of women who die every year in Pakistan due to gross negligence and who fall victim to barriers that limit or prevent women from accessing reproductive health services. As the sixth highest populated country in the world, with an estimated population of over 177.1 million in 2011, Pakistan has one of the fastest population growth rates in the world at 2.05% (Economic Survey of Pakistan 2011).

The total fertility rate, though showing a declining trend from 4.8 in 2000 to 4.1 in 2007, is still the highest amongst not only neighbouring countries but also other Muslim countries. Other family planning indicators, such as the contraceptive prevalence rate (30%), also place Pakistan far behind other regional and Muslim countries in Asia (where the contraceptive prevalence rate is on average 60%).

Unfortunately, Pakistan also has one of the highest maternal mortality ratios of 276 per 100,000 live births (National Institute of Population Studies 2008: xxiv). Legal provisions regarding abortion are harsh and the general public tends to consider abortion

questionable in both principle and practice. The Pakistan Penal Code section 338 states that “[w]hoever causes a woman with child whose organs have not been formed to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman or providing necessary treatment to her” is liable to punishment by imprisonment.²

It is also worth mentioning Pakistan's stand with regard to international human rights instruments. In 1948, Pakistan voted in favour of the ratification of the Universal Declaration of Human Rights by the United Nations (UN) General Assembly. In 1996, Pakistan ratified the Convention on the Elimination of All forms of Discrimination against Women (CEDAW³) – albeit with reservations. In its combined first, second and third periodic reports of States parties (2005), Pakistan stated that: “The accession by [the] Government of the Islamic Republic of Pakistan to the [CEDAW Convention] is subject to the provisions of the Constitution of the Islamic Republic of Pakistan”.⁴

On the domestic front, consistent progress has been made towards the protection of women's rights, particularly with the promulgation of the Acid Control and Acid Crime Prevention Act 2010 and the Prevention

² For a short overview of the law on abortion, see <http://www.abortionbirthcontrol.com/page4.htm> (accessed 31.06.2012).

³ The full text of CEDAW (adopted by the UN General Assembly in 1979) is available on the website of the office of the United Nations High Commissioner for Human Rights: <http://www2.ohchr.org/english/law/cedaw.htm> (accessed 31.06.2012). See also the editor's foreword in this volume.

⁴ See http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en [under 'Declarations and Reservations', Pakistan] (accessed 31.06.2012). See also the Editor's foreword in this issue. *Editor's note*: Reservations such as these have been consistently noted as worrisome by feminists and human rights advocates who deplore that they can be used to contradict the very spirit of CEDAW. See, for example, Mayer, Ann Elizabeth. 1996. 'Middle East: Cultural Particularism as a Bar to Women's Rights: Reflections on the Middle Eastern Experience' in *WLUML Dossier* 16. See <http://www.wluml.org/fr/node/375> (accessed 16.06.2012).

of Anti-Women Practices Bill 2008 (Criminal Law Amendment)⁵. The Anti-Women Practices Act was passed on 12 December 2011 after a delay of three years, due to the challenge it poses to customary practices – such as denying women their share in inheritance, forcing women into marriage for settling a dispute, bartering a woman and forcing women to marry the Quran⁶. As such, its enactment by the National Assembly in late 2011 was seen as a ray of light that could indicate further progress with regard to the elimination of discriminatory practices and the achievements of other rights, including reproductive health. However, progress remains slow in the area of sexual and reproductive health and rights (SRHR) despite being long recognised and advocated for at the policy level.

⁵ *Editor's note*: Further, the Protection against Harassment of Women at Workplace Act was enacted in 2010, followed by the Women in Distress and Detention Fund Act 2011 (which provides financial and legal assistance); in addition to these legislative measures, several centres for women victims of violence are being established in various districts. These examples constitute historic developments in the struggle against harmful cultural practices and mark a success for the Pakistani feminist movement. However, there are indications that should incite caution, not least the fact that women human rights defenders are subjected to increasing threats. Also, for example, the Anti-Women Practices Act “ does not propose a mechanism to ensure that such cases [of abuse] are reported and reach a court of law, which is a necessity as these crimes often go unchecked and unreported.” Khan, Zia. 2011. ‘National Assembly passes landmark women’s rights bill’, *The Express Tribune* (November 15), <http://tribune.com.pk/story/292165/prevention-of-anti-women-practices-bill-unanimously-approved-by-na/> (accessed 31.06.2012).

⁶ In areas of Pakistan, some women are “married to the Quran”, a practice which guarantees they remain celibate. This action is usually undertaken to protect family inheritance, when it is at risk of being shared with the husband of a daughter or a sister who has not found a suitor from within the family. The roots of this practice are found in the feudal culture where land is equated with family honour. *Editor's note*: I am grateful to Farida Shaheed for providing the following additional information: it is “one form of keeping property in the family, especially land”; cases where women are married to the Quran happen mostly in the “Sindh region, and mostly among wealthy Sindhi landlords”, but in some cases “women are also ‘married off’ off to a glass of water which is then emptied into the land (so no divorce is ever possible).” (Personal email communication with the editor, 4 August 2012.) See the extreme case of a woman, Allah Wasai from the Cholistan desert, whose brother married her off to a pigeon, in Chaudary, Zoya. 2010. ‘Women accessing rights: Constraints and benefits of non formal legal systems’, Working Paper. Shirkat Gah/ Research Program Consortium on Women’s Empowerment in Muslim Contexts, http://www.wemc.com.hk/web/rf/14_Zoya_legal%20emp.pdf, p.4.

Challenges to Reproductive Health in Pakistan

As a society deeply rooted in religious and cultural practices and values, marriage remains an almost universal institution in Pakistan. With marriage meant to signal the onset of a woman's reproductive life, child birth almost always occurs within marriage and begins often in the first year of marriage. Some studies indicate that conception is common among unmarried girls (Saeed et al. 2010), but it is almost impossible to back this up with concrete evidence.

The official minimum age of marriage for women is fixed at 16 and at 18 for men. Yet early marriages are a firmly established norm and are also directly correlated with fertility trends. Estimates suggest that 13% of girls in Pakistan are married by the time they are 15 and roughly half the female population of the country is married by the age of 19 (Mumtaz et al. 2010). The potential psychological damage to a teenage mother and the new born child is not taken into account when marriages are arranged (Mumtaz et al. 2010). Yet the psychological trauma of early marriages manifests itself with cases of women unable to deal with the pressures of home and motherhood and committing suicide. Stories of women beating their children and in turn getting beaten up by their husbands are common.

As a deeply traditional society, based largely on the joint family system, gender stereotypes are firmly embedded and periodically reinforced through cultural, religious and legal means. Further, the inferior economic and social status of women vis-à-vis men leads to their exclusion from decision making circles both within the private and the public sphere.

Despite this context, reproductive health needs are neglected in the recent National Health Policy (Ministry of Health 2009): the document does not mention sexual and reproductive health and rights, choosing instead to focus only on maternal and child health. After the devolution of health decision-making to the provinces in 2011 under the 18th Constitutional Amendment⁷, provincial health leaders promised to promote greater gender

⁷ *Editor's note:* With the 18th amendment to the Constitution, in 2010, the Pakistani government announced it would grant provinces more autonomy and decision-making power, including in the health sector. This decentralization worried a number of experts – see for example the Comment by Nishtar, Sania and Mehboob, Ahmed Bilal. 2011 (August). 'Pakistan prepares to abolish Ministry of Health', *Lancet*: 378 (9792), (pp. 648-9).

equity in the health sector. However, their policies show a similar prioritising of maternal and child health, while abortion or post abortion care/services and sexual and reproductive health (SRH) of women are not dealt with.

The reluctance to address women's sexual and reproductive health and rights at the macro level is also evident in micro level practices. For instance, the Ministry of Population Welfare requires spousal permission for female sterilization but doesn't require spousal consent for a vasectomy procedure. Such discriminatory practices are not only evidence of a reluctance to address sexual and reproductive health and rights but also signal deep-seated gender hierarchies in decision making within marriage.

The neglect of sexual and reproductive health has other societal causes, leading to denial of access to reproductive health services. As a result of entrenched patriarchy in society, women's status is deemed inferior and their needs are only given a low priority. This marginalization is even worse for rural women as the average woman in rural areas remains immersed in work and household chores during daytime and in the evening. They continue to follow this demanding routine even when they are pregnant. It is not surprising, therefore, that some women have reported miscarriages due to heavy work load associated with field labour. Instances of women returning to field work soon after giving birth and taking the newly born with them are also common.

In terms of family planning, attitudes also vary based on religious belief or economic and social status. The Pakistan Demographic and Health Survey (National Institute of Population Studies 2008) indicate that while almost all Pakistani women are aware of at least one contraceptive method, only half of the women currently married stated that they had ever used a family planning method. The reasons cited for refraining from using contraceptives are varied but stem from a fundamental misconception that contraception is a sin.

A majority of women mentioned existing sterility (infertility) or sub fertility related problems while 23% cited opposition (primarily religious) to contraceptive usage. Twelve percent (12%) of women shied away due to fear of side effects and related problems. In addition, decisions related to family planning are also based on skewed preferences regarding the child's

sex. Male children are preferred and couples often keep trying until they have a baby boy.

However, the common denominator here is that the male dominated nature of society permeates family planning practices; decisions with regards to the number and spacing of children and contraception are at the discretion of the male head of the family while women have very little say in the matter.

Women's personal initiatives to promote their health generally involve relying upon myths, misconceptions, traditions and herbal remedies. Most women do not have enough knowledge and understanding of their health to recognize symptoms of complications and consequently may not inform family members in time. It is also considered inappropriate to share information regarding their condition and bodies with their family members. This often results in delays and further complications (Kariapper 2007). One of the most common complications without proper treatment is obstetric fistulas – damage to the bladder or large intestine caused by obstructed labour, from which over 150,000 women in Pakistan suffer.

Only 34% of all births take place in a health facility in Pakistan and less than 39% of births take place with a skilled medical provider in attendance (National Institute of Population Studies 2008). More than half of deliveries take place in the presence of a traditional birth attendant (National Institute of Population Studies 2008). The *dai* are often the first to be consulted and malpractices on their behalf are not uncommon. Lady health workers, local *hakims* (traditional health providers), and dispensers are also consulted at times.

All in all, the SRHR picture in Pakistan appears bleak and causes most to despair. However, there are instances of women resisting patriarchal structures and challenging societal norms.

Reclaiming One's Health

As happens even under the most challenging circumstances, women do struggle to exercise their agency. A number of women either insist and

convince their spouses to use family planning, or they proceed to do so themselves without spousal consent. One of Shirkat Gah⁸'s projects, the Millennium Development Goal-5 (MDG⁹) Monitoring and Analysis (2010-11), was conducted in eight different sites (four rural and four urban) across the four provinces. The aim was to generate information regarding available services and good practices, the barriers in implementation and also the various social factors that obstruct/prevent the access of women and young women (both married and unmarried) to reproductive health services.

This research revealed that some women had undergone sterilization procedures and abortions without informing their husbands. One such case is that of Qaima, from Nawabshah in the Sindh province, who decided to abort her third pregnancy without her husband's knowledge and consent.

Qaima, Nawabshah: Qaima was Asghar's fourth wife. She had been married to him for five years and had borne him two daughters. She had run off and married him when her parents were forcing her to marry a ten year old boy who was her *chacha's* (uncle) son.

⁸ Shirkat Gah – Women's Resource Centre (with which the authors are affiliated) is a leading Pakistani women's rights organization set up in 1975. For more information on Shirkat Gah's campaigns, trainings and publications, see <http://www.shirkatgah.org/>

⁹ *Editor's note:* MDG5 specifically aims to improve maternal health through "reducing maternal mortality ratio by three quarters" and "achieving universal access to reproductive health". MDG5 is part of the eight Millennium Development Goals (MDGs), a set of concrete development benchmarks identified by the U.N. Development Program and aiming at eradicating global poverty. Governments agreed on the MDGs in 2000, with quantifiable outcomes to be achieved by 2015. There is, however, increasing concern that these goals may not be achieved by 2015. Further, feminist critique of the MDG and MDG5 in particular has pointed to its limitations, including the shift in focus, political intent and language from earlier international fora. For example, the emphasis in Cairo and Beijing on reproductive *rights* is replaced in MDG5 by milder and politically less controversial references to reproductive *health*. [Hélie, Anissa. 2012. "The Politics of Abortion Policy in the Heterogeneous 'Muslim World'", *Self-Determination and Women's Rights in Muslim Societies*, Raghavan and Levine (eds.), Boston: Brandeis University Press, (pp.3-36)]. For a short but comprehensive overview of the MDGs, see the United Nations Development Program (UNDP) website, <http://www.undp.org/mdg/basics.shtml>

When she became pregnant for the third time she decided to abort the pregnancy and flushed a stream of neem water (concentrate of boiled leaves from the neem tree) into her vagina for three consecutive days. On the fourth day she started bleeding. She then approached her local doctor (with her neighbour whom she trusted) and told the doctor that she had not had her monthly period, concealing the fact that she was pregnant. The doctor gave her medicine and within four days the foetus was expelled. It was a male foetus. Qaima feels that at the time her daughter was too young and she was over-burdened and is confident that God will give her a son next time.

This chain of events was kept entirely secret from her husband and family. She covered up her visits to the doctor by saying she had bleeding for which she was on medication. Ten days later the bleeding had still not let up. Qaima wants to start medication to put an end to the bleeding and also to get a D&C [dilation and curettage]. But her next visit to the doctor is fraught with tension. She is terrified of going. Her husband's other wives have a grudge against her and she is forced to deny their accusations and maintain that she has had a natural miscarriage (Shirkat Gah 2011).

Shirkat Gah's research on MDG-5 also brought out the connection between sexual and reproductive health awareness and education of women. This research clearly indicated that women who are educated are more aware of their reproductive health needs and knowledgeable about available services in their area. This awareness results in them resisting societal pressures and exercising more frequently their choices in terms of birth spacing, number of children, abortion etc. One such success story is that of Asia who has completed her secondary education and now works as a cook at the local hospital.

Asia: Asia has four daughters and there is a lot of pressure on her to try for a son, as it is perceived that he will become the earning hand of the household in the future. However, Asia says she will not have another child because their daughters will support Asia and her husband during their old age. She says she had only a year's interval between the first three daughters because she was at home and also because her mother-in-law said she

was fit enough to take care of the children. For the last child she had an interval of two years and that was also her own decision.

She uses contraceptives but conceived once by mistake. After consultation with her husband she decided to get an abortion. She didn't tell anyone else because if her mother-in-law had found out she would have insisted that Asia not get an abortion because the unborn child might turn out to be a son. Asia has not suffered from any side effects due to the abortion and she is perfectly healthy.

While cases such as Asia's do exist, it is estimated that 24% of the births between 2005-2007 were not wanted at the time of conception, some 13% were wanted at a later date and 11% not wanted at all (National Institute of Population Studies 2008). Approximately 1 million abortions are performed annually in Pakistan, with an abortion rate of 29 abortions per 1000 women of reproductive age and with one pregnancy out of six ending in abortion (Kariapper 2008: 5). Because it is considered a clandestine activity (i.e. illegal unless to save the mother's life), abortions are conducted for the most part in inhumane conditions by inexperienced personnel.

Despite such deep rooted social taboo and stigma surrounding the issue, some women have shown remarkable agency and have persisted in establishing their will, like Feroza, whose story is narrated below.

Feroza: Feroza is a 38 year old mother of three, two boys and one girl. She was married at the age of 16 and is a former village councillor. There is no health facility in their village but a lady health worker visits the village and distributes contraceptives, tablets for strength and cold, and fever medicines for children.

Feroza said that men voice strong opinions regarding family planning. If a woman has an operation such as a tubal ligation, some people in the street might comment but now most women have started family planning.

Feroza has been practicing family planning but despite that she conceived. She talked to her husband about aborting the child because she felt unable to raise a small child. Her husband agreed and she went to a Lady Health Visitor and had a D&C procedure (manual evacuation of the foetus). It hurt a great deal but she had no choice. Feroza says that her family did

not adversely react to her getting an abortion as it was a mutual decision of the couple. The couple is now more careful to avoid going through similar painful episodes in the future.

Based on the challenges to women's sexual and reproductive health needs identified in this report, it becomes increasingly clear that in order to change the prevailing scenario, it is necessary to create an environment conducive to women having autonomy over their minds and bodies. This will require "multi-sectoral reforms in education (functional girls schools within physical access), labour laws (ensuring women get adequate wages for labour), water and sanitation (having potable water, proper toilets and a sewerage system), roads, public transport, environment (taking steps to stop de-forestation), agriculture (addressing issues of irrigation canals, pesticides), conflict resolution mechanisms where women have a say, health regulatory mechanisms, de-politicization of development initiatives, and radical reform within the health sector" (Shirkat Gah 2011).

The women of Pakistan have shown, and continue to demonstrate, their ability to stand up against oppression. In this respect, just a little extra support from civil society can turn around many lives.

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Women and HIV / AIDS in Senegal: Impact of Traditional Practices Related to Sexuality

Codou Bop¹

Abstract

Throughout the world, many factors can limit the ability of people living with HIV to receive treatment – not least the exorbitant price of Anti-retrovirals and the politics of patenting drugs (including the role of pharmaceutical companies, particularly those based in the US and European countries). However, women tend to face specific challenges, as Codou Bop demonstrates in her study² of the cultural and religious norms that regulate male and female sexuality in the Southern regions of Senegal. Bop shows how practices and values – ranging from female genital mutilation and early marriages to the wide societal acceptance of men’s multiple sexual relationships – combine to increase women’s vulnerability to HIV/AIDS. Noting the current trend towards the feminization of AIDS in Senegal, Bop argues that until prevention strategies tackle gender inequality and the cultural factors contributing to married women’s exposure to the virus, wives, and especially young spouses, will continue to be infected.

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² *Editor’s note:* Bop’s paper was originally submitted in French, and translated by Anissa Hélie.

Background

With 22.5 million of its population living with HIV, sub-Saharan Africa is the region hardest hit by the AIDS pandemic. In terms of the impact on women, it is also the region where the number of infected women and girls is highest in the world, with nearly 76% of people living with HIV being women (UNAIDS 2010).

Data from the Demographic and Health Survey of Senegal (EDS) indicates an HIV prevalence rate of 0.7% amongst adults aged 15 to 49 years (EDS 2005: 311). This relatively low rate can be explained by the strategy implemented through the Senegalese program against HIV/AIDS, which focuses on prevention through changed sexual behaviour (fewer sexual partners and promotion of condom use), the diagnosis and treatment of sexually transmitted infections, and the free provision of anti-retroviral drugs.

However, although infection is kept at a low level, the EDS indicates a worrying trend towards the feminization of AIDS. In 2000, the sex ratio was one infected woman to four men, while in 2005 there were more than two infected women to one man (0.9% compared to 0.4%). Moreover, women are infected earlier in life (in the age group of 15-19 years, 0.2% of women are HIV-positive against 0.1% of men) (EDS 2005: 312). Women are also infected later, as it is among women aged 40-44 years that the prevalence rate is highest (1.6%).

The feminization of HIV infection in all African countries has been noted since the 1990s (UNAIDS 1999, IDCR 1993, Desclaux et al. 2006), including specifically in Senegal (Ndoye 2004, FHI 2010). Given that sexual contact is the main form of HIV transmission in Africa, the studies cited above have highlighted the impact of gender inequalities and social constructions of male and female sexuality on the feminization of HIV/AIDS. However, most studies focus on the vulnerability of women, although these same social constructions also put men's health and lives at risk. Failure to target men makes women a lot more vulnerable.

In Senegal, gender is recognized as a social factor contributing to the feminization of AIDS. Yet, concrete actions that aim at changing power relations within the family and community are still not integrated into HIV/AIDS programs, despite the fact that many traditional practices that are

still firmly grounded in Senegalese society are likely to increase the vulnerability of both men and women to AIDS. Most of these customary practices, ranging from those endorsing violence against women to others that promote men's multi-partnerships, are often legitimized by religion. Such practices include polygamy, levirate or sororate marriages, sexual abstinence after childbirth and at the onset of menopause, female genital mutilation (FGM), early marriage and early pregnancy, and marital rape.

The impact of these practices on women's health has been analyzed (Sow and Bop 2001), but recognizing them as instances of violence and acknowledging their role in increasing women's – and men's – vulnerability to AIDS has been much less taken into account. The aim of this paper is to introduce and analyze the impact of these specific factors on women's vulnerability to AIDS through an examination of the construction of gender relations and of female and male sexuality in Senegal.

The data presented in this paper was collected in 2010 as part of a survey focusing on AIDS in the Kolda and Kédougou regions in the south of Senegal, on the border with Gambia, Guinea Bissau, the Republic of Guinea, and Mali.³ Even though people in these areas live in different countries, they share similar cultures and religion (Islam). The lives of women are marked by poverty, early marriage and early pregnancies, FGM, as well as high levels of maternal morbidity and mortality. Their social status is low, and their negotiating skills as well as ability to participate in decision-making are limited.

According to a governmental document entitled 'National Strategy for Equality and Gender Equity', "different cultures treat men and women differently [resulting in] unequal social standing (...) [t]raditionally, the man embodies authority within the household: he establishes the overall ambiance and sets the rules; he controls and manages the family property; he takes key decisions and provides livelihood to household

³ This research was carried out in the Kolda and Kédougou regions, an area that had long been neglected by the Senegalese government, until about a decade ago when gold was discovered in the region. Mining companies and numerous gold diggers flocked into the region, disrupting the local population's ways of living. As part of the survey, 103 people were interviewed, 76% men and 44% women. The comparatively smaller cohort of women is linked to husbands refusal to let their wives and daughters be interviewed.

members. The woman, as a mother and wife, is responsible for the functioning of domestic life; she undertakes housework, takes care of the children and supports the social reproduction of the labour force (working in her husband's field, self employed, etc.)... The differentiation between men's and women's social roles and the conception of social inequality between these groups structure their relationships at all levels and in all processes of communal and social life. (...) The woman must respect and obey her husband. Violence is therefore inscribed in their relationship and sanctions any disobedience. It is a commonly used by men to impose respect and obtain the submission of women" (SNEEG 2005: 18).

The Family Code (enacted in 1972) further reinforces the inequality between men and women by positing the husband as head of the family. Unequal relationships are also consolidated by women's limited access to economic resources in both the family and society at large, by their limited access to schooling and by socialization that encourages submission and fatalism. Furthermore, the interpretation of religious texts legitimizes the inferior status of women and the superiority of men. Religion, whether Muslim or Christian, is a central element in the construction of unequal gender relations in Senegalese society.

Social Construction of Sexuality

Comparing men's and women's sexual activity allows us to highlight significant differences at many levels, including in terms of when sexual activity begins, the conditions in which sexual acts take place, decision-making, the risks involved and the consequences for both sexes.

In the Senegalese framework of reference, the sexual trajectories of men and women are constructed differently. Men are expected to ensure the expansion of family lineage through procreation and through acquiring property for its maintenance. Men's sexual pleasure is seen as legitimate, which leads to a high tolerance for their involvement in multiple partnerships, either in the context of polygamous marriages or extramarital sex.

Women are certainly valued, but primarily for their reproductive functions – as they play a crucial role in achieving the aim of lineage expansion in numbers and wealth. Women's sexual loyalty is essential to ensure that the children they bear are those of their husband, hence of the lineage. There is therefore an obvious need for women's bodies and sexuality to be controlled by the husband, and also by the mother-in-law and other relatives. In such a context, women have a duty to satisfy their husbands' sexual needs.

To refuse the sexual demands of a spouse, or even of an (unmarried) partner, or the mere suggestion of condom use, can be considered a violation of social and religious rules and a challenge to men's 'rights' over his wife's body - or even a sign of infidelity. The husband or the partner interprets a woman's refusal to engage in sex as a frustration, or as a challenge and a denial of his authority. As a result, women have little control over their own sexual lives and also over that of their partners. Furthermore, because sexuality is still a taboo subject which is hardly ever addressed within Senegalese families, dialogue or sexual negotiation remains rare.

Men are also affected by cultural norms which define masculinity in the sexual realm in terms of power and domination. These constructions limit men's ability to take responsibility and to ensure that their wives and partners enjoy conditions allowing them to experience their sexuality safely and pleasurably. Such constructs also hinder men's efforts toward gathering information, seeking treatment and assisting in caring for sick family members.

These distinct conceptions of male and female sexuality increase women's vulnerability to HIV/AIDS and other sexually transmitted infections. On the other hand, given that youth is also affected by AIDS – with 0.5% of the population between the ages of 15 to 19, and 0.9% of the population between the ages of 20 to 24 infected with HIV – young people's sexuality must also be analyzed, taking into account the impact of social constructions.

Traditionally, sexual activity was geared toward reproduction and confined within the framework of marriage. The upheavals brought about by the modernization of society (particularly since the discovery of gold in

the region) has altered the cultural symbolism that gave these traditions their social legitimacy, leading to youth emancipating themselves from the norms and values previously anchored in traditional cultures. Young people have moved away from the earlier model and today mostly seek to satisfy their sexual drive.

Traditionally, the family played a crucial role in the regulation of sexuality, through the transmission of customary and religious norms (such as sexual segregation, FGM, or early marriages) and through the imposition of sanctions in cases of deviance. But families are no longer able to play this role: the individualization process and the general context of poverty no longer allow them to regulate young people's sex lives. As a result, youth are more or less left to themselves.

Yet the fact remains that the majority of Senegalese, including health workers, are hostile to young people engaging in sexual activity. According to them, a young bachelor is not supposed to be sexually active and girls, in particular, should remain virgins until marriage. Thus, young people's sexuality is often addressed in terms of warning and threats. This generational gap is also revealed in the type of prevention advice offered to young people, which is based on preserving virginity and abstinence.

Traditional Practices and Women's Vulnerability to HIV/AIDS

In this paper, 'vulnerability' is understood as a state of fragility experienced by individuals, groups or social classes who find themselves in a difficult situation because of their gender, class, or the harshness of their life conditions.

A significant number of Senegalese, especially those living in rural areas, continue to embrace traditional practices – such as FGM, levirate and sororate marriages, a high amount of bride price, girls' early sexual activity, women's sexual abstinence for relatively long periods following postpartum, and women's sexual inactivity as soon as they reach menopause. In their historical context, these practices, although they do violate women's sexual and reproductive rights, did not necessarily expose those

who engage in them to sexually transmitted diseases. However, in the current context of the HIV epidemic these practices can endanger those who practice them. In fact, women and girls face unique challenges that affect their ability to protect themselves against HIV/AIDS.

Early Sexual Activity and the Spread of HIV/AIDS among Young Women

In Senegal, marriage tends to take place at an early age. Forced marriage is common and may involve girls under the age of 13 years. Data from the Demographic and Health Survey indicate that 48% of women are married before the age of 18 and 84% before the age of 25. By contrast, more than half of men are still single when they reach 30 years-old (EDS, 2005: 103).

The Family Code sets the legal age of marriage at 16 for women and at 18 for men. The Family Code also punishes the consummation of a customary marriage involving a girl child younger than 13 years of age with two to five years imprisonment. In cases where the marriage results in serious injury to the child the penalty is increased from five to 10 years imprisonment. But the code is not enforced and it is in fact common for girls as young as 13 year to be given in marriage without their families being legally challenged or prosecuted.

Like many Senegalese, the vast majority of people interviewed for the survey are in favour of girls starting their sex life at an early age, as long as sex takes place within wedlock. 47% of respondents believe that a girl can start her sexual life at age 15 while only 12.7% of respondents feel similarly regarding boys the same age. For 42.5% of respondents the ideal age for men to engage in sexual activity is 20 years old. As one teacher puts it:

For boys, it is best to wait until the age of 21 because men and women are different and girls grow faster than boys. Normally a girl can begin [having sex] at 17 because pregnancies that occur between 14 and 16 years are characterized as early pregnancies. Therefore, if she starts having sex from age 17, she is no longer a minor and there's no early or unwanted pregnancy.

Regardless of the individual's gender, analysis of perceptions regarding the ideal age of marriage clearly shows that they are closely related to social expectations about the roles each group is expected to fulfil. The responses in favour of girls marrying from 17 onward focus on the female body's ability to bear a pregnancy and deliver at this age; those in favour of a later marriage for a young man focus on his ability to carry out family responsibilities.

In reality, men generally marry at a much later age than women and the age difference between married partners can be quite significant. In Senegal, where the median age at first marriage for men is 30 year-old (EDS 2005: 104), there is on average a 14 year age gap. At 30, most men already have prior sexual experience that may have included sexually transmitted infections or even a possible HIV infection. By contrast, most women marry very young, around 17 year-old, and most newly-wed girls have no or limited sexual experience.

Much research has established that, at the biological level, a woman carries a much greater risk to be infected with HIV/AIDS if she has sex with an HIV-positive man, as compared to a man who has sex with a woman living with HIV (UNAIDS, 1999). The biological and physiological causes are: a larger mucosal surface of women's sexual organs (vagina and cervix) and fragility at the opening of the cervix that facilitates the penetration of HIV (McNamara, 1992). This fragility is compounded by other factors, including the occurrence of sexually transmitted infections (which are often untreated because they remain undetected) in addition to the occurrence of unwanted, violent and traumatic sexual intercourse. Finally, the concentration of HIV is higher in semen than in vaginal secretions.

The risk of infection for a young girl is even higher than for a grown woman as a girl's genitals have not yet reached full maturity at the time of her first menstruation. Over time, the mucous membrane evolves from a single layer of cells to a thicker wall consisting of several layers. This development is often not completed until she reaches the age of 20, while a significant number of teenage girls are married before their 15th birthday.

Beyond the fact that their genitals are still immature, the danger to teenage girls is even greater given that they are at an age when they are unable to refuse sex because they have been socialized into submission.

Further, undergoing FGM, particularly infibulation⁴, can also increase the risk of contamination especially with the breaking of the hymen during first intercourse, which can be a gateway for the virus.

In addition to other health problems posed by early marriage - ranging from early pregnancy, difficulties with childbirth, vesico-vaginal fistula, to high maternal morbidity and mortality - the young bride may be contaminated if her husband carries a sexually transmitted infection or HIV/AIDS.

The Role of Culture and Religion in Restricting Women's Sexuality and in Legitimizing Men's Multi-Partnerships

Many African societies consider procreation to be the sole purpose of female sexuality. Menopause may signify the end of a women's sexual activity simply because it marks the end of her reproductive capacities. Additionally, many women may have 'lost' their husbands at this point in their lives. Since, unlike men, it is socially unacceptable for women to be involved with much younger partners, their sex lives are likely to stop. It should also be noted that in this post-menopausal period of their lives, many women's interest in sex diminishes. In some cases, biological reasons such as oestrogen deficiency can cause vaginal dryness which makes sex painful.

The belief that a woman must interrupt sexual activity at the onset of menopause is widespread in the regions considered in this study. Among interviewees, views about the ideal age for a person to stop his/her sex life depended on the person's gender. For women, many felt that the ideal age corresponds to that of menopause, which usually occurs from age 48 onward; while men could continue to be sexually active as long as

⁴ Female genital mutilation is classified into four major types. Infibulation consists in the narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the inner, or outer, labia, with or without removal of the clitoris. World Health Organization 2012, 'Female genital mutilation, Fact sheet N°241'. <http://www.who.int/mediacentre/factsheets/fs241/en/> [accessed 24 May 2012].

they had “the strength and the desire “ One respondent in a focus group⁵ believed that “normally, the woman stops with menopause, around from 45, but the man can go on up to 90 or 95. As you know, when a woman reaches menopause she can no longer bear a child”. A female teacher interviewed in Kédougou thinks that “often women themselves decide to stop having sex. Actually, the issue is that when they reach menopause at about 45-50 years, women are less interested in sex, and no longer desire to have sex with their husbands. A man can begin to have sex at age 20 and never stops as long as he has the physical ability, even when he is very old. “

Other social constructions of sexuality also contribute to the fact that women’s sexual activity tends to end early on. For example in many African societies two prohibitions are still quite enduring: the first is that children should be kept unaware of their parents’ sexuality; the second is that parents should not be procreating at the same time as their children.

Here again, the practice is gendered: these rules are respected or enforced among women but not among men. When they enter menopause, women may experience a sense of shame associated at continuing to be sexually active, especially if they have grand-children. This leads them to a forced asexuality.

Actually, the spatial organization of traditional houses in rural areas does not allow women to practice their sexuality discreetly or without the rest of the family being aware of it. A typical compound (as can be found in villages, but also in some low-income urban neighbourhoods) includes the father’s room, in which he is joined by his wife at night; or, if it is a polygamous household, he is joined by the wife whose “turn” it is on any given night. Each wife also has her own room which she shares with her unmarried daughters or nieces, and sometimes with her daughters-in-law when their husbands are absent. In order to get to her husband’s room, a wife needs to cross the courtyard, i.e. the collective space where other family members gather or where they may spend the night in the hot season. The

⁵ Data collection was done through semi-structured interviews, focus-groups and unstructured observations.

entire family is therefore aware that she went there to have sexual intercourse with her husband.

When their children, especially their daughters, enter adolescence, many women report that they are “ashamed” to join their husband in full sight of the whole family and they may decide to stop having sexual relationships. Moreover, for many women, being pregnant at the same time as one’s own daughter is considered shameful. Given the prevalence of early marriage in Senegal, a woman married at 17 who gives birth to a daughter at the age of 20 who, in turn, gives birth at 22, will likely be obliged to end her sexual life before reaching menopause.

Other circumstances, such as pregnancy and lactation, can also force women to suspend their sexual activities for periods of varying length. Postpartum abstinence is a customary practice that requires women to stop all intercourse during the period following childbirth. According to tradition, new mothers return to their parental family after the birth and are allowed to remain there until the child is weaned. This period can last at least one year or even longer for baby boys. The purpose of this practice is to allow her to recover from the fatigue of childbirth and also to avoid another pregnancy. The baby also benefits from his/her mother’s full attention.

But during these periods (pregnancy, lactation and menopause), the father is not required to abstain and still leads an active sex life, with his other wives if in a polygamous marriage, or with casual partners. Polygamy, which is an accepted form of multi-partnership for men, is justified by tradition and by religion.

Since society puts no restrictions on husbands, they may have other partners, including sex workers towards whom they usually feel no particular responsibility regarding health and well-being. Therefore, be it polygamy or casual sex, husbands are at risk of contamination and likely to infect potential partners, including their wives.

This danger was recognized in the survey and a majority of people (77% of female respondents and 64.5% of men) linked men’s multi-partnerships, and the fact it is systematically tolerated, to the spread of HIV/AIDS. A community worker in the field of reproductive health notes:

“Most men in our community are polygamous, yet that does not prevent them from seeking other women, especially in weekly markets.⁶ Men also tend to remarry widows without attempting to know the cause of death of their late husbands: no screening test is carried out beforehand. If the late husband died from AIDS, the new one is likely to be infected and to contaminate his other wives and partners who otherwise used to be healthy.”

Data from the Demographic and Health Survey indicates that the women most likely to be affected by this situation are those in their 30s. While HIV prevalence is 0.2% for young women aged 15-19, it increases rapidly in older age groups: from 1.5% in the 25-29 age group to 1.8% in women aged 45-49 (EDS, 2005: 312). The main conclusion that can be drawn is that the group of women most affected by HIV also coincides with the group in which the majority of women are married, most in polygamous households.

Yet the prevention policies implemented by the Ministry of Health or by NGOs dealing with health issues mainly target the general population and sex workers, who are considered a group at risk. The official definition of high-risk sexual activity is sex that takes place “with non-married and non-cohabiting partners” (EDS 2005: 285). As a result, married or cohabiting women are not considered at risk and are neglected in strategies for prevention and testing, and even in access to treatment.

While 96% of Senegalese are aware of the importance of condoms in AIDS prevention (EDS 2005), few admit to using them in sexual relations between spouses. Using condoms in a couple is still associated with infidelity and multiple partnerships. According the EDS data, “condom use with wives or cohabiting partners is very low: less than 5% overall.”

As for now, sources such as the EDS and health care providers or other informants encountered in this study all recognize that the majority of people targeted in their educational sessions, which all acknowledge the

⁶ In Senegalese rural areas, huge markets take place each week and last for a whole day, with all kind of goods being sold (cereals, produce, livestock, used clothes, farming tools, etc). Around these market places are huge bus stops, restaurants and bars. Thousands of people coming from neighboring villages, or even neighboring countries, visit the markets to buy, sell or just to browse.

role of condoms and the importance of abstinence, do not put this knowledge into practice. Condom use is still very limited, especially by partners in long-term relationships and particularly in the context of marriage. Abstinence does not seem to be favoured by the majority of the people encountered.

Yet several studies have highlighted the dangers faced by women whose husbands practice multi-partnership without using condoms. Sinding 2005, and UNAIDS 2009 and 2010 reports indicate that a significant number of cases of infection occur among married women who are faithful to their husbands. In Senegal, the 2005 HDS data also confirms the risk faced by women whose husbands practice multi-partnership: “married women find themselves vulnerable to HIV despite the protections that a marriage or a stable sexual relationship seemingly offers.”

The High Rate of Bride Price

In all Senegalese traditions, and according to the Muslim religion⁷, the bride price is a necessary condition to establish the validity of a marriage. It may be either symbolic or considerable but, in all ethnic groups, young virgins always receive a large bride price. The majority of Senegalese ethnic groups clearly assign a great value to virginity and women are expected to be virgins when they get married and to be henceforth faithful to their husband.

⁷ *Editor’s note:* The assertion made here that the bride price is a “necessary condition according to the Muslim religion” (emphasis mine) is not fully warranted: in fact, there is often a confusion between bride price and *mehr*. However, bride price and *mehr* are fundamentally different in that the bride price is given by the groom to the family of the bride (most often her father or her *wali*, i.e. male guardian); in contrast, the *mehr* is to be given directly to the future bride and will remain her personal property. Both bride price and *mehr* can take the form of goods, cattle, property and/or money, as agreed upon prior to the signing of the marriage contract (*nikah*), but the *mehr* is framed as a woman’s right to ensure some measure of economic security for herself. The *mehr* is mentioned in the sunna: it therefore has a basis in fiqh, or Muslim jurisprudence – while the bride price has no legal basis in Muslim laws and derives from pre-islamic customs.

According to an elderly man interviewed during the survey, “the bride price should be important otherwise the bride may not be valued by her in-laws in her future household. *Parents who do not demand a significant bride price might be perceived as trying to get rid of their daughter.*” A young woman who took part in a focus group added that “*The bride price is an important issue. I learned that if a woman is given no bride price at her marriage, she will not find grace from God when she dies. She might go to hell... So a woman who receives a large bride price will be proud and her mind is at peace.*”

Such perceptions are likely to contribute to the spread of HIV/AIDS among women. Indeed, unlike their elders, most young people today no longer wait until the groom is able to raise the money and the cattle required by the bride’s parents. They begin to have sex before marriage and pregnancies often occur and are repeated until parents are willing to lower their demands.

Yet, despite the bond created by having children together, the mutual faithfulness of the two lovers is not guaranteed. If they have other partners with whom they have unprotected sex, they can infect each other.

The problem of bride price is a serious challenge when it comes to immigrants⁸, especially when the girls involved are from poor families. Speaking about such a case, the President of the Association of People Living with HIV said:

“A man offered a large sum of money to the girl’s parents. Instead of finding out if this man was not sick, the family only considered the money. The man seemed physically healthy, but he had the disease, and transmitted it to the girl. I think it is good to get money but health is priceless. Even if a man proposes five million⁹, even if it is not part of our traditions, we must demand that he gets tested. The world has changed and we must change our behaviour, too.”

⁸ I refer here in particular to immigrants who usually work in Western countries; they have comparatively more money and are therefore willing to give large bride price, while local people are less able to afford as large an amount. As a result, parents often prefer to marry their daughters to immigrants rather than to local men, even if they have no information about the groom’s HIV status.

⁹ Approximately 9.500 to 10.000 US dollars (as per rate in May 2012).

Levirate and Sororate Marriages

Levirate (also known as wife inheritance) refers to the remarriage of a widow with her late husband's brother while sororate concerns the marriage of a girl (sister of a deceased wife) with the husband of her late sister. The second practice is no longer common but the former is still widely practiced in the areas considered in this study, where 51.9% of women and 52.6% of men have a favourable perception of this custom.

But levirate and sororate marriages are just other forms of multi-partnership in which women have everything to lose, and men and their families everything to gain. Indeed, upon the death of the husband (brother of the new husband) or wife (sister of the new wife), the approval of the concerned woman is not required. Additionally, if she refuses, she may have to leave the house and lose her children and means of subsistence. Both practices are ways of controlling the body and sexuality of women and both construct women as property of the husband's family.

The impact of this tradition on women's vulnerability to HIV/AIDS is highlighted by a traditional birth attendant who stated:

"We often said that levirate is both positive and negative. In any case, its negative aspect is attested today with the onset of the AIDS epidemic. In our region, levirate has become one of the main modes of HIV transmission because one remarries without testing the HIV status of the new partner. We had a very recent case in our village. One of our brothers died in Guinea Bissau and his two wives were taken over by his younger brother who, after a few months, began to lose weight and fell sick. Later the two wives died successively and then the new husband followed. The problem is that husbands never inform their wives about their HIV status. Most often, women learn about their HIV prevalence when they get pregnant and are tested in the framework of the Mother to Child HIV Transmission National Program, through which HIV testing is mandatory."

It is important to note that positive changes can occur especially if girls have gained more control over their bodies, and in particular girls who have been educated or those who have received extensive and reliable information on AIDS and on HIV modes of transmission and prevention.

A teacher from Kédougou notes that the sororate was widespread in our society but the girls have become more alert nowadays, and more educated than earlier. Their level of education means that they are no longer easy to give away in marriage, especially if it involves succeeding their sister. Also, the trauma associated with the death of the elder girl weighs on her little sister. They are becoming aware of the risks that can be involved in these types of marriage.

Gender Violence and Risk of Contracting HIV/AIDS

In Senegal, gender violence takes various forms, but those most often mentioned in the survey are related to sexual violence. The first to be addressed is female genital mutilation (FGM), whose main objective is to restrict women's sexuality. Historically, the function for mutilating a girl was to mark the end of childhood and to enable her to become a full-fledged member of society. The operation was followed by a period of reclusion in the sacred woods during which the girls were initiated into their future role as wife and mother, and to their duties vis-à-vis society. Today the role of FGM as initiation is disappearing and the operation is often carried out on babies or young girls aged under the age of five. But even if they are unable to grasp the teaching that used to be delivered during the initiation process, they still suffer this useless and unjustified violence.

Groups that practice FGM continue to believe that the key site of the female sexual urge is the clitoris. By removing it, they seek to curb women's sexual desire and the temptation to carry out love affairs before or during marriage. They think that since women are naturally unable to control themselves, it is therefore necessary to limit their sexual appetite by cutting it at its source. These beliefs are especially prevalent in societies where virginity is central to the marriage of a daughter, enabling parents to demand a large bride price. Similarly, in polygamous societies it is believed that FGM can prevent wives who do not have frequent sex from being too demanding or from seeking extra-marital partners.

In Senegal, FGM is justified by tradition and by Islam, even though there is no recommendation for it in the Quran or other Muslim sacred texts. The custom is practiced by Muslims, as well as by followers of traditional religions and also by some Christians.

The conditions of the operation are characterized by a lack of prior sterilization of the knife, by the use of the same blade for all girls undergoing excision and infibulation, by circumcisers' hands being soiled with blood or dirt. Any microbe or virus including HIV can enter the girl's body through the wound on the clitoris.

Another form of violence justified by tradition and religion which increases the risk of HIV infection is marital rape. In Senegal, marriage -whether it is customary, religious or civil - includes the obligation for spouses to have sexual intercourse. Because of power relations between spouses, wives are more specifically concerned with this obligation that makes it unacceptable for them to refuse their husband's sexual demands. These attitudes, based primarily on religion and the social acceptance of male domination, urge women to always be available for their husbands. Women themselves share the view that they cannot refuse sex. According to a young female respondent:

"It is forbidden for a wife to oppose the desire of her husband when he manifests it. There are even threats directed to a woman who knows that she is able to have sex with her husband (i.e. who is neither sick nor menstruating) and yet who refuses. The sanctions are not legal but she may incur the wrath of Allah."

The inconceivability for women to refuse sex within marriage is confirmed by the EDS data (EDS 2005) which indicates that "45% of women approve of a husband resorting to violence if his wife refuses sex."

As already noted, not only do men fail to use condoms with their regular partners and may resort to violence if they want sex, additionally they are less likely to go for testing, to accept their HIV status, to inform their partners about their health status or to have them tested and treated. Service providers who served as resource persons in this study highlighted men's lack of cooperation. According to the midwife who manages an important health care centre in Kolda:

“We often have cases of men with STIs who come to the health centre to seek treatment. Despite the doctor’s request that they should bring their wife/wives to treat them all, they never do so and in most cases, they come back again for the same health issue.”

The President of the Association of Community Reproductive Health Care Providers added that: “in our province, men get fewer HIV/AIDS Screenings than women. We organize regular sessions for anonymous testing, where I notice that 90% of people who come are women, most aged over 35 years.” The traditional birth attendant added that “many husbands who get tested do so when their wife’s HIV status is revealed in pre-natal consultations that are mandatory for all pregnant women.”

As women undergo frequent testing of their HIV status because this screening is integrated in the monitoring of pregnancy, it is quite easy to know a woman’s HIV status. This is not the case for men. The National Program on HIV/AIDS targets women through two programs. The first one is the Program on Safe Motherhood that focuses on women who are of reproductive age (15–49 years) and aims at reducing the risk of transmission of HIV/AIDS from mother to child from 40% to less than 5%. The second program specifically targets sex workers and men who have sex with men (MSM). Examination of both the content and the implementation of these two programs show that women are targeted primarily as mothers or as sex workers.

Women who do not attend health facilities because they have not yet reached or are beyond reproductive age are thus marginalized by these programs. This paper already discussed threats to postmenopausal women as well as to married women who are not pregnant and whose husbands have multiple partners.

Another male attitude revealed by health care providers is the denial of their HIV status and the tendency to blame it on *djinns* [evil spirits]. According to the President of Association of People Living with HIV/AIDS, many HIV-positive men refuse to acknowledge being infected by the virus. They do not seek treatment and do not protect themselves and their partners. Referring to her own case, the testimony she offers highlights the impact that the combination of denial, silence and gender power dynamics has on women:

“When I told my husband about the disease, he said it was just not true and that the disease did not exist at all. In our community, when you develop certain symptoms related to AIDS – such as shingles – people say that you are possessed by djinns [evils spirits]. My husband had shingles and three years later I myself was affected by this same disease. When I noticed the blisters on his body and asked him about it, he replied that he had been assured that he was possessed by the djinns. But, since I’m not one of his blood relatives, I said that I should not have shingles myself because it is often said that djinns only attack their own parents. I then took the decision to go see a doctor to whom I explained my situation. He asked me to go for testing. When I did the test, the doctor simply put the results in an envelope. Since he was a friend of my husband, he did not say anything to me but instead he called my husband to tell him the news. I kept insisting but he refused to tell me what I had. I got pregnant and delivered a sick child. It is only then that I got full information about my being infected, from the gynaecologist who delivered the baby. We started a counselling program that helped me deal with the disease. A few months later, my husband died, without ever recognizing that he had AIDS. He continued to treat himself with medicine¹⁰, thinking that he was under an evil spell or that it was due to a wind, things like that.”

Communication on HIV/AIDS Policies

Given the strategic importance of information in the fight against HIV/AIDS, all programs that are conducted by the State or by NGOs seek to increase awareness that condom use, abstinence or faithfulness to one’s HIV-negative partner are the only ways to prevent HIV/AIDS.

But these programs still remain quite general and fail to target men’s behaviour – as sexual partners of their spouses, casual partners and clients of sex workers. Men’s responsibility in the increased vulnerability of their wives and partners to HIV/AIDS is still not acknowledged, and therefore

¹⁰ What the interviewee meant here when referring to ‘medicine’ includes herbs, roots, pounded stones or liquids prepared by a traditional healer.

strategies that would specifically address men's accountability are yet to be implemented.

Similarly, AIDS-related information provided to women ignores the power relations between the genders. The two main methods of prevention that are strongly recommended are abstinence and condom use. Yet such a message ignores the fact that women seldom have the power to influence their partners' sexual behaviour regarding condom use or in terms of limiting their involvement with other sexual partners.

Second, female sexuality is constructed in such a way that women are educated to show no knowledge about sexual matters and are discouraged from having straight-forward discussions with their husbands. Women – and actually even men – who address sexuality issues in their relationship might be viewed with suspicion. If they suggest using condoms, they may be accused of promiscuity, infidelity, or even of carrying a sexually transmitted disease or HIV/AIDS. In addition, women risk being subjected to violence.

In this context, women likely find it difficult to challenge male authority by attempting to negotiate safer sex, especially since they often are unaware of their spouse's or sexual partner's HIV status. These situations further illustrate women's lack of control over their bodies and their sexuality.

Advocating Virginity and Abstinence for Youth

It is worth briefly evoking the mainstream construction of youth sexuality, and the types of HIV prevention programs proposed to young people, in order to evaluate their effectiveness, particularly in the light of young people's actual sexual behaviours and practices. Messages to youth are all about preserving virginity for girls and abstinence for boys.

A significant number of health care providers are still very reluctant to offer family planning services or information on sexuality to young people. Young people are therefore at increased risk because their sexuality continues to be regarded as an area where sexual rights – which should be granted to all Senegalese regardless of age and sex – do not apply.

Institutions called Adolescent's Reproductive Health Centres (or CCA, based on the French acronym for "Centres Conseil Ado") where young people can receive information about their sexual and reproductive health have been created by the authorities. The CCA approach is based on peer education, a process through which informed young people initiate discussions with others from the same age group to share knowledge about HIV/AIDS, STS and other reproductive health issues. Their mission remains centred on encouraging their peers either to abstain from having sex or to use condoms. Again, the aim is not to empower them to be aware of and to enjoy their sexual rights and promoting their control over their fertility and body. However, youth do not visit these centres for fear of being stigmatized as sexually active and being seen as not conforming to social expectations regarding their sexuality.

Conclusion

In Senegal as well as in other African countries, AIDS is among the leading causes of morbidity and mortality among women. Biological characteristics can increase women's vulnerability to HIV/AIDS – as is the case for all women around the world – but in Africa and more specifically in Senegal, unequal power relations between genders and social classes, as well as traditional practices preventing women from controlling their bodies and sexuality, also play a major role in the feminization of the disease. It is also important to highlight the use of religion to legitimize women's disempowerment.

Although policies and programs aimed at fighting AIDS do attempt to mention the role of gender inequalities, they continue to ignore the negative impact of traditions and religion on women's health and well-being, especially regarding HIV/AIDS and violence. The state, whose role it is to protect women's sexual and reproductive rights and women's right to bodily integrity, has not so far developed a strategy aimed at altering power relationships and at strengthening women's decision-making capacity.

Therefore, no program is accompanied by activities that enable women to protect themselves or resist their partners. The majority of women

affected by AIDS come from the poorest sections of the population. Due to their gender, class position and age, the issue of their empowerment is of utmost importance. Thus, the struggle against AIDS and its feminization should go along with the struggle against patriarchy.

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A Study of Married Muslim Women's Practices and Perceptions of Termination of (suspected) Pregnancy in Jakarta, Indonesia

Raihana Nadra Alkaff¹

Abstract

There is no unanimous view regarding the permissibility of voluntary termination of pregnancy across Muslim societies. Further, Muslim-majority states appear to (re)adjust their abortion policies and guidelines on the basis of socio-economic realities. For example, population growth led the Bangladeshi government to introduce, in 1974, a procedure ("menstrual regulation") which women could resort to up to 10 weeks of pregnancy. This short report focuses on a similar approach in the Indonesia context. Alkaff documents the fact that women used various methods to induce abortion (including drinking local concoctions, western medicines, or massage). From the women's point of view, these interventions are considered menstrual regulation, but they may be at odds with their community's perception of abortion. This article explores the tensions between women's agency, their (varying) knowledge of fertility and pregnancy, and the social interpretations of their practices.

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Background

Among the five million deliveries in Indonesia annually, an estimated 20,000 women die due to complications related to pregnancy and child birth. According to the Indonesian Ministry of Health, hemorrhage, eclampsia or convulsions resulting from hypertensive disorders of pregnancy and infections are the three main medical causes of maternal death (Ministry of Health 2001). Meanwhile, maternal mortality linked to complications from unsafe abortion² is seldom exposed in Indonesian governmental data. It is kept hidden and is simply reported as death 'due to hemorrhage' in national statistic reports.

Deaths from unsafe abortion represent 14-16% of all maternal deaths in Southeast Asia. But in Indonesia its specific incidence is not explicitly known, since maternal deaths resulting from an unsafe abortion are not officially reported as such (Sedgh et al. 2008). However, a study confirms the high impact of unsafe abortions on women's health: focusing on abortion incidence in ten big cities and six districts, this research estimates that two million abortions are performed each year in Indonesia - in other words: 43 abortions per 100 live births, or in 30 percent of pregnancies (Utomo et al. 2001: 45). Preventing unsafe abortion is essential if Indonesia is to achieve the fifth Millennium Development Goal of reducing the Maternal Mortality Rate (MMR) by three quarters by 2015 – i.e. from 307 per 100,000 live births (data for period 1998-2002) to 103 per 100,000 live births by 2015 (CBS & ORC Macro 2003; Sedgh et al., 2008).

Evidence of long-standing abortive remedies can be found when exploring traditional methods of controlling fertility in Indonesia³.

² An unsafe abortion is defined by the World Health Organization as "a procedure for terminating an unwanted pregnancy either by persons lacking the necessary skills or in an environment lacking the minimal medical standards, or both" (WHO 2003). It is worth noting that, as the WHO established over a decade ago, in developing countries the risk of death following complications due to unsafe abortion procedures is several hundred times higher than that of an abortion performed professionally under safe conditions (WHO 1988:175).

³ For more global examples see Hélie, A. 2012. 'The Politics of Abortion Policy in the Heterogeneous 'Muslim World'', in *Self-Determination and Women's Rights in Muslim Societies*, Raghavan, C. and Levine, J. (eds), Boston: Brandeis University Press, (pp. 3-36).

Boomgard's historical research on fertility in Indonesia for the period 1500-1900 provides evidence of induced abortion among women, particularly through the use of "jamu"⁴ (Boomgard 2003:206). He also found that abortion was present almost everywhere in the Indonesian archipelago, and had been practiced for centuries. For example, it was depicted in the carvings of the Borobudur and one of the Prambanan temples, both located in Central Java and dating from the ninth century A.D. Despite abortion being a common practice in the region, abortion was associated with infanticide by some, and therefore regarded as a sin – as mentioned in the *Kidung Sunda*, a Javanese text based on Indian material which dates back to the fifteenth century A.D (Boomgard 2003: 206). The spread of Islam in Indonesia in the 14th century did not drastically modify the majority of people's perceptions about abortion. From a contemporary point of view, a majority of Indonesian people believe that abortion is forbidden, although Islamic teachings do not explicitly forbid it. While the permissibility of abortion remains a matter of debate among different schools of thought, most Islamic scholars across the Muslim world allow abortion in certain circumstances. The Qur'an's Al-Hajj verse indicates that the embryo, then fetus, has to evolve through various phases before becoming a human being with a soul (The Holy Qur'an 2000: 271). Therefore, the stage of pregnancy until which abortion is still allowed is debatable. It is generally agreed that the minimum is 40 days and the maximum is 120 days of pregnancy. After 120 days, abortion is forbidden, except to save the mother's life.

Given the belief held by a majority of Indonesian Muslims that abortion is "detestable" and potentially *haram* (forbidden), the endorsement of religious authorities appears to significantly influence the debate. Therefore, a crucial step was reached in May 2005, when *Majelis Ulama Indonesia* (MUI, the Indonesian Muslim Assembly of Religious Leaders) declared that abortion is allowed before 40 days when certain requirements are met (MUI 2005: 4). After three years of ongoing debates and meetings involving

⁴ "Jamu telat bulan" or "jamu peluntur" refer to traditional Indonesian herbal beverages or herb-based concoctions.

government, activists and religious leaders, the old Indonesian Health Law No.23/1992 was amended⁵ in October 2009, endorsing MUI's declaration from 2005. Despite these significant developments, which will help reduce the maternal mortality rate, actual implementation of the new Health Law No.36/2009 remains difficult on the ground (for example, exemptions are not granted easily). Yet, there are still opportunities to give suitable recommendations to the government through government regulations⁶. One of the recommendations that should be considered is to explore how other Asian countries have tried to minimize maternal mortality related to unsafe abortion through regulating abortion. For example, in Malaysia, Thailand and Hong Kong (China), abortion is permitted to preserve a women's physical as well as mental health; moreover, India allows abortion on broad socioeconomic grounds and for all of the reasons previously noted (Sedgh et al. 2008). It would be valuable for Indonesia to learn from the implementation processes in these countries.

Meanwhile, in view of the fact that abortion is still legally restricted, abortion services are far from meeting the demand. Although there are various abortion services available which are considered safe because the procedures are performed by trained health providers, these places are hidden: such services are not publicized in reproductive clinics, family planning services or private gynecology services. On the other hand, many backstreet

⁵ The Health Law 23/1992 was amended with Health Law No. 36/2009 (articles 75-76). While abortion remains criminalized, exemptions make abortion permissible under specific circumstances. Exemptions include medical emergency and when the pregnancy is due to rape that may result in psychological trauma for the rape victim. Except in cases of medical emergencies, abortion can only be performed before the sixth week of pregnancy, counting from the first day of last menstruation, and it should only be carried out by skilled health workers. Further, health services providers should have obtained a certificate from the Ministry of Health, as well as secured the consent of the pregnant woman and the permission of her husband (except for rape victims). To satisfy all requirements stipulated by the Health Ministry, pre- and post-counseling should also be provided.

⁶ Government regulations (or "*Peraturan Pemerintah*") are instructions issued by the government as to how a law should be implemented. Although under Indonesian law such regulations should be issued within a year after a law is launched, this rarely happens within that time frame.

operations offer abortion services as well – ranging from modern techniques (performed by ‘untrained’ doctors) to traditional methods (massages) – but these are unsafe and have a drastically increased health risk. To date, women remain in danger due to the consequences of unsafe abortion practices, and also due to unresolved ambiguities in terms of the status of abortion itself (with women, health professionals, the community and the state having varied understandings). In order to significantly improve women’s reproductive health status and rights, it is essential to continually address the problem of unsafe abortion. Thus, it is necessary to undertake research that can promote a better understanding of women’s own experiences and perceptions of abortion. This study is not the first one that investigates this issue: previous studies have already produced very useful data and analyses (Widyantoro and Lestari 2004; Uddin et al 2004; Utomo et al 2001; and Hull et al. 1993). But this research looks specifically at the lives of individual women, and emphasizes the socio-cultural factors that influence an individual’s practices and perceptions.

Methodology

This research was designed as an exploratory-qualitative study to explore Muslim married women’s perceptions and practices of the termination of (suspected) pregnancy, or TSP. TSP means that women – because they do not want to know whether they are really pregnant or not – in fact use ‘unsafe abortion’ methods in order to terminate their pregnancy. The fieldwork was carried out during a six-week period, from May to June 2006, at a reproductive health clinic in the centre of Jakarta and the Kampong Meruya, west of Jakarta. A purposive sampling method has been used and nine in-depth interviews were conducted with a range of social actors, including married women from the reproductive clinic and from the community, a *jamu* seller, and ten community women in a focus group discussion. All informants were in the reproductive age group, between 15 to 49 year old.

Results and Discussion

Robert Snowden (1983) carried out research in ten countries on menstruation patterns and women's perceptions of menstruation. His research showed that women are generally concerned about the length of their menstrual bleeding and its regularity. Findings from my own fieldwork corroborate this data, as most women I interviewed were well aware of their menstruation patterns. They generally would not miscalculate or wrongly anticipate their menstruation schedule – and these observations were especially valid for those women who did not use any contraceptive method yet did not want children. The Center of Indonesian Statistics Bureau has categorized this particular group of women as an “unmet need”.

The “unmet need” group refers to married women who do not wish to have other children or who want to space their pregnancies but who at the same time do not use any contraceptive methods. The proportion of the “unmet need” group in Indonesia is nine percent of the married women population. National statistics from 2002-2003 also highlighted the fact that the rate of married women who do not use any contraceptive was high: 39.7 percent. Taking into consideration this latter figure, it could indicate that the “unmet need” group might be larger than nine percent (CBS & ORC Macro 2003). It is believed that the “unmet needs” group contributes to the high incidence of unwanted pregnancy, which in turn may lead to the practice of TSP, and may lead to unsafe abortion practices. Widyantoro and Lestari (2004) have found that 39% of the women who were seeking abortions in clinics were from this “unmet need” demographic, with most of them relying on non effective contraceptive methods or on natural contraception (such as withdrawal/*coitus interruptus*).

The phenomenon of the “unmet need” group was distinctly visible in my research findings. Many women said that they did not use any contraceptives because they did not feel comfortable with any method. The main complaint was that it made them feel sick: women said they felt dizzy, or experienced nausea or pain without any reason. They also complained about the changes to their body, for example they felt that using contraceptives made them fatter, weaker and that it upset the regularity of their menstruation. There is a reason why women felt that way: most

Indonesian women use hormonal contraceptives, such as the pill and injectables (72.6%) (CBS & ORC Macro 2003), which often provoke the physical changes they describe.

Women interviewed in the course of this research provided many additional reasons for not using contraceptives. For example, they raised the issue of contraceptive failure. Most women admitted that they had experienced contraceptive failure. When they explained that they had used contraceptives but found themselves pregnant nevertheless, it was very interesting to me to try to find out more. In more than two cases, my informants said that they were using contraceptive pills and were only late a day or two taking the pills, and yet, they complained, they became pregnant. One of my interviewees also told me that she had used an IUD⁷ but again was still pregnant. There were two factors which, I could conclude, may have caused such contraceptive failure; the first is a lack of information regarding the method they use: women (those using the pill or injections) are not well-informed about the possibility of becoming pregnant if they miss taking a pill or an injection on time. The possibility exists that the contraceptive method really failed, but when used properly, this rarely happens.

The reality of the problem is also linked to a lack of choice in terms of contraceptive methods. When the national family planning programs were launched, the fact is that many Indonesian women were forced by the government to "choose" one of the contraceptive methods on offer (in fact, the emphasis was then placed on the IUD, since at that time this method was free, with funding provided by an international foundation). Later on, women had to pay for any contraceptive method as there is no longer any free contraceptive available. In a context where the average income is less than two dollars per day, the only methods that remain somewhat accessible for women and poor families were either injectable hormones or the pill (which costs less than two dollars per month). Primarily, women resorted to these two methods, even though they did not meet their requirements as ideal contraceptives. From their point of view, the ideal contraceptive would not affect their weight or require

⁷ The IUD (intra-uterine device) is a non hormonal contraceptive method.

them to visit the clinic every single month to get injected or to take pills every day.

Traditional contraceptives – including drinking *jamu*, using herbs, practicing ‘*ajal*’ (*coitus interruptus*/ withdrawal) or the “calendar” method – are the alternative methods that are popularly used by women. Even though the effectiveness of these methods is questionable (this fact is acknowledged even among my respondents), women still felt they could offer very good alternatives. Apart from these methods meeting their requirements of “ideal contraceptives” (as described above) and being easily available, acceptance from the community was an issue which clearly mattered to them. As I was able to capture during the fieldwork, the fact that these methods seemed agreeable to the community made them attractive to the women themselves.

On many occasions, such as during monthly gatherings, questions arose about whether Muslim women were allowed to use contraceptives. I was involved in two such gatherings where we discussed reproductive health in the district of Kembangan. Women were confused since the religious leaders in their area had different views about the permissibility of contraception in Islam. Some women believed that all contraceptives are allowed without any exception or specific requirement; others believed that contraceptives are not allowed except for “*ajal*” (withdrawal). There was no information available about the law and, for many women, this lack of clear explanation made them feel more uncomfortable about using contraceptives. However, it must be noted that not all women reacted that way.

Traditional contraceptive methods were chosen by women because they were cheap and easy to access but also, as noted, because they seemed suitable in terms of the community’s moral norms. The community perceived women who used traditional contraceptives as being “very good” and as doing their duty as a mother. In short, the community believed that women should manage all matters pertaining to their reproductive health, by for example using traditional contraceptives, handling pregnancy, and child birth. Meanwhile, however, the new Indonesian societal norm puts pressure on women to have a limited number of children.

Women's responsibilities are no longer only about showing their ability to have children, but also about demonstrating their ability to manage the number of children that they have (Gammeltoft 1999; Liamputtong 2003; Utomo & Hatmajdi 2004). It has become women's responsibility to handle this additional demand, through use of modern contraceptive methods or traditional contraceptive methods.

It is clear that women in my research group fully understand that the financial cost of raising children may be substantial. But abortion is still widely regarded as being a totally negative experience and is viewed by the community as a moral issue (Hadley 1996; Liamputtong 2003). In the community, the meaning of the word 'abortion' itself is constructed to imply that, if deciding to terminate a pregnancy, a woman is giving up and failing to follow through – hence reinforcing the stereotype that women are irresponsible. Abortion is a moral burden for women in Indonesia, and it very often poses a dilemma they cannot easily escape: on the one hand, women face stigmatization from the community for having an abortion; or, on the other hand, they must face the reality of an unwanted pregnancy.

Faced with the tension between living in secrecy with the reality of an unwanted pregnancy, or being criticized by mainstream society if they do undergo abortion, women needed to develop agency so that they could have an ideal family (one with a limited number of children). In order to survive, women have embraced to some extent the ideology that glorifies motherhood. But at the same time women also manipulate the ambiguity that exists within the community around the notion of termination of (suspected) pregnancy (TSP): my research reveals that women are able to take advantage of the ambiguity that in some ways exonerate women who resort to TSP; they are able to navigate the unanswered question "what if women who conduct TSP actually have a good reason to do that?" This strategy fits the definition offered by Giddens (1984), who states that the concept of agency reaffirms that individuals are capable of creatively responding to and changing the circumstances in which they find themselves.

The community shows its ambiguity by stating that TSP could be accepted in cases where women face a real problem. Community members do understand what women are actually doing, but their open acceptance

would be pitted against the principles of morality that they have inherited. This is why the community remains silent about TSP-related practices, and avoids trying to discuss them as if they were a big issue. Community members realize, and tacitly accept, that every woman who resorted to TSP or underwent an abortion, had their own reasons for doing so, and they generally perceive this to be a normal behavior, especially given the recent economic crisis. Yet, if one asks community members about their perception of abortion, they will still say that it is sin and a bad thing to do, and they appear ready to stigmatize women who use abortive methods. It is precisely within this ambiguous space that women are able to locate themselves: on the one hand, they view this ambiguity as a chance to obey their community and to honour their own role within it; on the other hand, they also view this ambiguity as an opportunity to solve their own problems.

The success of women's agency in this matter is linked to their having communicated to the community the idea that TSP is a response to problems typically faced by women – such as failure of contraception, the negative effects of contraceptive methods, or having enough children. This understanding has changed, to some extent, the community's perception about abortion. In other words, women were using strategies to deal with the dominant ideology, and the success of their agency relies on how well they communicate this idea through their everyday life (Good 1977; Gammeltoft 1999; Koster 2003). Although not all community members would consider abortion or TSP in the same way, they do believe that women should handle their fertility. Further, if women face a specific problem – such as enough children or a badly behaved husband – community members would implicitly recommend TSP (which some also refer to as abortion). Under these circumstances, women's agency is regulated and limited by society. Yet, women's negotiations with the community in order to avoid stigmatization seem successful to an extent – and they may freely pursue their 'voluntary termination of pregnancy' practices since the authorities also do not pay much attention to the arena of TSP.

Conclusion

My research has shown that, as far as induced abortion is concerned, women's survival tactics include the deployment of agency to negotiate with their community. In this context, agency is justified by a woman's sense of responsibility toward her own fertility, her knowledge of pregnancy and her interpretations of certain practices. However, the success of this exercise of agency may at the very same time become a death trap for women – given that practices meant to “bring back” menstrual bleeding are considered unsafe as they rely on harmful techniques or medicines.

Equitable access to family planning information in the community at large, and among women of reproductive aged in particular, should be further emphasized in all health policies and programs. Given that many women still lose their lives every year in Indonesia due to unsafe abortion, abortion care should be a point of focus, including in the provision of effective pre and post family planning counseling.

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Gender, Sexuality and Religion in the Classroom: Reflections of an Educator

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Abstract

Focusing on her experience as a trainer in Human Rights Education (HRE) in Pakistan, Khoja Moolji points at the false dichotomy between two models of society that allegedly stand in opposition to one another : on the one hand, a « Western rights-based » approach and, on the other hand, a « Muslim duty-based discourse. » While it remains troubling that various Muslim nations who are signatories to international human rights agreements such as CEDAW have introduced 'reservations' that appear to undermine the very spirit of this Convention, Khoja Moolji is keen to explore what human rights educators in Muslim contexts can do on the ground. She believes that educators like herself can emphasize the commonalities between human rights principles and Quranic ideals and should highlight common ethical values that cut across cultural or religious differences. Khoja Moolji makes the case for developing HRE approaches that are grounded in local realities, arguing that such frameworks do provide a potent vehicle for addressing discrimination based on gender and sexuality in Muslim contexts.

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The Universality of Human Rights

Human rights laws and institutions have had a checkered history in Muslim societies. When adopted by the United Nations (UN) General Assembly in 1948, the Universal Declaration of Human Rights (UDHR)² was endorsed by a number of Muslim countries, with only Saudi Arabia voting against its ratification. Further, an overwhelming majority of Muslim nations have ratified international human rights instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, adopted in 1979)³ or the Convention on the Rights of the Child (CRC, adopted in 1989)⁴. However, a number of Muslim nations are criticized for not embracing the frameworks and/or abiding by the legal norms prescribed by such human rights instruments.

These criticisms, however, are countered with arguments that interrogate the 'universality' of the human rights framework and point to their specific grounding in Western histories and discourses. A dichotomy is thus constructed between the Western rights-based discourse and the Muslim duty-based discourse. This dichotomy is employed to delegitimize local as well as international efforts aiming at protection of the dignity of marginalized members of society. Such a construction becomes a particularly potent means to keep conversations about gender and sexual justice on the periphery.

A closer examination of these criticisms, however, reveals that they are primarily directed at the institutional manifestations of the human rights framework and not at the essential values that it articulates. Therefore, a nuanced understanding of the intersections between the ideals embodied in human rights conventions and Quranic teachings can offer a productive

² The complete text of UDHR is available at: <http://www.un.org/en/documents/udhr/> (accessed: 31.08.2011).

³ CEDAW has been ratified by countries with large Muslim populations such as Indonesia (1984), Pakistan (1996), Afghanistan (2003), India (1993), and Saudi Arabia (2000), among others. http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en (accessed 15.01. 2012).

⁴ The complete texts of both CEDAW and CRC are available on the website of the office of the United Nations High Commissioner for Human Rights: <http://www2.ohchr.org/english/law> (accessed: 31.08.2011).

way to begin conversations about how these frameworks can promote gender and sexual justice.

With these objectives in mind, this article attempts to present some of the ways in which educators in Muslim contexts can discuss the intersections of gender, religion and sexuality in their classrooms. It is inspired by my experiences of designing a curriculum and conducting a summer camp on gender and sexual justice for over a hundred adolescent girls in Pakistan in the summer 2011. I begin by drawing some connections between the ethical underpinnings of human rights conventions and the teachings in the *Quran*. By underscoring the ideals proposed by human rights conventions – such as respect for human dignity or advocating for the rights of marginalized members of society – and by demonstrating their consistency with the ethics of Islam, students can observe the multiple approaches that societies have taken towards articulating common values. After laying this foundation, I share some pedagogical approaches, techniques and curricula that may be useful in facilitating students’ exploration of differences of gender and sexuality.

Laying the Foundations

Human rights laws project a particular view of the individual and her rights in relation to the state. Scholars have argued that the language of rights may not be useful in contexts where “assumptions about personhood and subjection to the state” (Abu-Lughod 1998: 8) are not available to women. This is particularly true in contexts marked by political instability and fragility such as in the Middle East, North Africa and South Asia. Therefore, instead of highlighting the legal dimensions of international human rights laws, we decided in the summer camp to focus on the underlying values that these laws embodied.

An examination of the key ethical principles within the foundational texts of Islam shows an emphasis on the common humanity of all peoples. For instance, the *Quran* establishes the equal inherent worth of men and women based on their common origins: “O mankind! Be careful of your duty to your Lord Who created you from one single soul and from it

created its mate and from them twain hath spread abroad a multitude of men and women” (Quran 4:1). The notion of equality is again stressed in reference to religious responsibilities⁵ (Wadud 1999:34-36). This message finds deep resonance with the first article of the Universal Declaration of Human Rights, which also stresses the dignity of individuals: “All human beings are born free and equal in dignity and rights.” By engaging students in thinking about the notions of a unifying *nafs* (soul) and equality of human beings, educators can enable them to observe that differences based on gender, sexuality, class and ethnicity are socially constructed and therefore, can be challenged and altered.

In addition to recognizing the notion of a common humanity, Muslims are also directed to care for the socially marginalized segments of society. The *Quran* outlines the responsibilities of believers towards those who are less fortunate—such as the poor, needy, orphans or travellers, among others—and delineates, on many instances, proper conduct towards them.⁶ From this perspective, the *Quran* constructs a remarkably egalitarian society. In fact, Muslim notions of piety and religiosity not only include worship of the Almighty (*ibadat*) but also duties toward fellow human beings (*mu’amalat*), especially those who are disadvantaged. It is precisely this sense of responsibility towards fellow humans that is invoked by international human rights laws, albeit through the language of rights. Human rights laws assign responsibility to both citizens and states, to protect the welfare of women, children and refugees, as well as ethnic, linguistic and sexual minorities. Consider the fifth article of CEDAW, which instructs states to modify social and cultural patterns that propagate stereotypical gender roles,

⁵ “For Muslim men and women, for believing men and women, for devout men and women, for truthful men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity. For men and women who fast. For men and women who guard their chastity, and for men and women who engage much in God’s praise, for them has God prepared forgiveness and great rewards.” (Quran, 33:35).

⁶ “It is not righteousness that ye turn your faces to the East and the West; but righteous is he who believeth in Allah and the Last Day and the angels and the Scripture and the Prophets; and giveth his wealth, for love of Him, to kinsfolk and to orphans and the needy and the wayfarer and to those who ask, and to set slaves free...” (Quran, 2:177).

leading to the marginalization of those who do not conform to these constructs⁷. Addressing such forms of marginalization is a critical message of CEDAW and finds resonance with the Quranic message of social justice.

While international instruments such as the UDHR, CEDAW or CRC employ the language of rights, it is clear that the ethical messages that they articulate align with Muslim values. However, non-contextual, literal and patriarchal readings of both religious teachings and human rights laws sometimes overshadow these commonalities. Specifically in relation to gender and sexuality, several scholars (Ahmed 1992; Ali 2006; Wadud 2006) have highlighted the influence of patriarchal cultures on interpretations of the *Quran* and *Hadith*.⁸ Such interpretations make invisible the egalitarian impulses of the Quranic message. Similarly, international human rights conventions and institutions that do not take into account the social and cultural realities of host communities, and adopt mechanisms for enforcement that are irrelevant in local contexts can at times do more harm than good. Hence, the interpretive lenses of individuals, societies and institutions can sometimes limit the potential for the application of human rights laws, as well as hinder the embodiment of religious values. Educators thus should not only attempt to draw attention to the underlying values of these frameworks, but also engage students in exploring the complexities of interpretation and implementation.

⁷ *Editor's note*: Article 5 of CEDAW reads as follows: "States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases." <http://www2.ohchr.org/english/law/cedaw.htm> (accessed 15.05.2012).

⁸ *Hadiths* are reports of the sayings, deeds, and tacit approvals of the Prophet Muhammad.

Pedagogical Approaches and Techniques

In addition to laying ethical foundations, educators may consider adopting particular pedagogical approaches and techniques that facilitate students' exploration of the social differences of gender and sexuality. Following are some approaches that we adopted in the context of Pakistan, which may also be useful for educators in other Muslim contexts.

Exploring Human Rights Education: Human Rights Education (HRE) is defined as “education, training and information aimed at building a universal culture of human rights” (United Nations, 2006) and has emerged as a potent instrument for addressing discrimination based on gender and sexuality in several developing countries.⁹ The HRE movement seeks to advance global citizenship (Bajaj 2010: 2), whereby an individual is not only aware of political, economic, cultural and environmental issues, but is also concerned with social injustices and is willing to take actions to address them (Davies 2008).

There are several models of and approaches towards HRE, ranging from after-school programs, summer advocacy camps, diplomas and graduate degrees in conflict resolution to textbook reforms.¹⁰ These models can be modified to cater towards the specific needs of the target youth populations.

The purpose is not to indigenize the human rights discourse; instead, it is to allow students to appreciate their own values of human dignity and find a common language with which to articulate and advance these values. HRE programs grounded in Muslim ethical values, and local histories and contexts can, therefore, provide a forum for engaging in critical conversations about social differences of race, gender, sexuality and ethnicity. They can encourage an intellectual engagement with both Muslim traditions and human rights laws, so that students can appreciate the multiple ways in which societies and communities interpret these ideals and put them into practice.

⁹ See the work of the *Institute of Human Rights Education* in India on gender discrimination as an example of such efforts in Bajaj, 2010.

¹⁰ For a detailed discussion of the various approaches towards Human Rights Education, see Tibbitts, 2008.

Employing Local Examples: In order to enable students to connect abstract ethical notions of social justice with their everyday experiences, educators should consider drawing examples from local histories, cultures and events. For instance, case studies drawn from local newspaper articles that report violations of human rights or feature opinions about such violations can be a powerful learning tool. Cultural folklores or historical narratives that highlight the common humanity of peoples, combined with discussion questions provided by educators, can also be useful in directing students' inquiry.

In addition, educators can use posters and pamphlets published by local human rights organizations as learning materials. The *Aurat Foundation*, a women's empowerment organization in Pakistan, for example, makes available posters that highlight the consequences of misogynistic inheritance laws, child labor, and early marriages.¹¹ Such materials, available locally or online, can be cost-effective teaching aids especially in resource-constrained environments. Finally, students' own written and artistic expressions can also spur productive discussions.

Interrogating Dominant Constructions of Gender and Sexuality: Adopting the lens of gender and sexuality across all areas of knowledge and activities is critical in facilitating students' understanding of the ways in which these concepts are constructed within particular historical, social and cultural contexts. Such an approach moves students away from essentialized understandings of these constructs, and toward positions that allow for more complexity. It also enables an exploration of the intersection of cultures, traditions, communal histories and current locations in the making of gender and sexual identities.

One of the ways in which educators can initiate this process is by pointing to and interrogating dominant constructions of gender – such as heterosexual families, violent men and passive women – that appear in textbooks, and problematizing them. As the gendered nature of textbooks becomes apparent, educators can consider the inclusion of alternate

¹¹ PDF versions of the posters are available at <http://www.af.org.pk/posters.htm> (accessed 31.08.2011).

reading materials to provide different perspectives on the topics under study. Lessons in history, for example, can incorporate written or artistic expressions by women and sexual minorities. That being said, an uncritical inclusion of marginal voices and characters can also serve to reinforce dominant power relations (Sensoy & Marshall 2010: 295). Therefore, educators should also pay attention to the politics of representation.

Including Performance-Based Tasks: Educators should consider supplementing theoretical conversations about rights and responsibilities with performance-based tasks so that students can consolidate their newly-acquired knowledge. Service learning projects can be quite effective in this regard. During our summer camp in Pakistan, students selected a social issue that interested them, worked closely with one or two members of the neighborhood or community to learn more about it and then mobilized resources at the grassroots level to address the challenges.

Educators can explore additional ideas for projects in the anti-bias curriculum developed by Louise Derman-Spark and Julie Olsen Edwards.¹² The curriculum, which is focused on the early years of a child's development, seeks to promote the formation of a positive social identity in children and increase their comfort with human diversity (Derman-Spark and Olsen Edwards 2010: 1-9).

Engaging in Self-Reflective Teaching Practices: The structures, policies and ideas condoned by educators are instructive for students. They provide a framework through which students experience their everyday reality and formulate their understanding of justice (Khoja-Moolji 2012). Therefore, self-reflective teaching practices around the topics of gender and sexuality entail an assessment of personal biases, as well as an "active, persistent and careful consideration of any belief or supposed form of knowledge" (Dewey 1933: 9). By reflecting on the types of knowledge they produce and transmit through their own actions, words and preferences, educators must be careful not to reproduce gender and

¹² Derman-Sparks & Olsen Edwards. 2010. Table of contents available at: www.naeyc.org/store/files/TOC/254.pdf (accessed: 15.01.2012).

sexual binaries, and allow for the enactment of multiple identities in their classroom.

Conclusion

This article shares some of the ways in which educators can draw connections between the underlying ethics of Islam and international human rights law in order to encourage critical conversations about gender and sexualities in Muslim contexts. In searching for a common ethics, the differentiated histories of these frameworks are not forgotten. Instead, they are employed to enhance students' understanding of how structures, institutions and bodies are made. Difference is viewed as a means to promote understanding and not as a source of conflict. Such an engagement with difference allows for the enactment of varied and fluid identities, and pushes back against monolithic social constructions of gender and sexuality that may be detrimental for the well-being of those who do not fit them.

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A Peer-based Reproductive and Sexual Health Initiative for Muslim-identified Youth in Queens, New York City

Urooj Arshad¹

Abstract

In April 2012, the UN Commission on Population and Development (CPD) adopted a landmark Resolution on the sexual and reproductive health and rights of adolescents and youth², which stresses their right to decide on “all matters related to their sexuality”, to enjoy “comprehensive sexuality education” and access “sexual and reproductive health services” with their privacy and confidentiality respected. Adopting a more grounded advocacy perspective, Urooj Arshad describes a pilot project designed for teenagers in New York City. Through the Muslim Youth Project, whose primary objective was to raise awareness about pregnancy, STI and HIV prevention, larger social issues have been tackled. Arshad argues that outreach to reproductive and sexual health providers and the Muslim community through peer education, health fairs and media advocacy have open a safer space for the discussion of “taboo” subjects such as sex, sexuality, and sexual health. Further, the project has helped to address issues such as racism against Muslims, generational gap, discrimination against gender non-normativity and the sexual rights of youth.

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² *Editor's note:* See the full text of the Resolution at: <http://www.un.org/esa/population/cpd/cpd2012/cpd45.htm> (accessed 15.07.2012).

Introduction

Often raised in an environment of silence and ignorance regarding sex and sexuality, Muslim immigrant youth in the United States are in need of culturally and linguistically appropriate interventions to improve their access and understanding of sexual and reproductive health. Socio-economic barriers, limited English proficiency among first generation immigrants, and a lack of culturally relevant reproductive health services contribute to the prevalence of sexually transmitted infections and unintended pregnancies, and lead to a limited understanding of contraceptive choices within these communities.

According to surveys conducted in the United States³, anywhere from 26% to 33% of Muslims in the United States hail from South Asia.⁴ Between 1990 and 2000, the largest growth among subgroups in New York City was seen among South Asian communities, with increases of 81% and 79% among Indians & Pakistanis respectively, and almost 500% among Bangladeshis.⁵ Among these groups, Muslim youth ages 13 to 24 years living in Queens, New York, currently face significant unmet reproductive and sexual health needs. Despite the fact that there is no specific data on sexual health addressing this particular Muslim population, health professionals conclude that low-income, recent immigrant populations in Queens are less likely to receive reproductive and sexual healthcare, and consequently are at higher risk for HIV, sexually-transmitted infections (STIs) and unintended pregnancies.

The Muslim Youth Project: Institutional Partners

Advocates for Youth, a DC-based, national nonprofit organization that champions efforts to help young people make informed and responsible

³ Ihsan Bagby et. al (2001), *The American Mosque: A National Portrait*. CAIR (Council on American-Islamic Relations).

⁴ Allied Media Corp., "Muslims American Demographic Facts" (2000), <http://www.allied-media.com/AM/index.html> (accessed 10.8.2012).

⁵ NYC 2000, Results from the 2000 Census. Demographic/Household Characteristics & Asian and Hispanic Subgroups. NYC Dept of City Planning.

decisions about their reproductive and sexual health, felt it could address some of these unmet needs. Advocates for Youth also intended to promote more understanding of the complex situation that young - and often immigrant - Muslim teenagers find themselves in, particularly with regard to accessing – or not being able to access – reproductive and sexual health services. Designing a pilot project for Muslim youth in Queens (the Muslim Youth Project, which ran from May 2008 through December 2011), Advocates for Youth provided a seed grant, as well as capacity building services to a clinic located in Queens.

The selected clinic has been providing comprehensive reproductive health care to some of New York City's most underserved and disadvantaged communities for over 40 years. Its family planning program is successful at serving high-risk groups, who are often not connected to health care, because of the clinic's commitment to identifying and removing cultural, linguistic, economic and social barriers to access. The primary objective of the pilot project, launched in December 2008, was to raise awareness about pregnancy, sexually transmitted infections (STIs), Immunodeficiency Virus (HIV) prevention, and gender-based oppression, as well as increase sensitivity to lesbian, gay, bisexual, transgender and questioning (LGBTQ) issues.

Developing the Project's Framework and Involving Peers Educators

Twenty young Muslim women aged 13-24 were recruited from Queens-based youth organizations such as South Asian Youth Action (SAYA!), and from schools and mosques, to participate in peer-led training and educational programs. These teenagers and young women, who were supervised and encouraged by program staff, were trained as peer educators to use culturally competent approaches around reproductive and sexual health. As we understand it, culturally competent approaches include involving the community in program development, while working to address key challenges experienced by marginalized communities regarding reproductive health care. By, for example, incorporating linguistically relevant publications, we aimed at reducing stigma and at increasing access to

services. Issues were addressed in ways that took into account the specific societal regulations and values with which these teenagers or young women and their families were familiar. Culturally competent approaches also included addressing reproductive and sexual health within the context of the participants' religion, but religion itself was not necessarily discussed as a point of contention; instead, discussions emerged about how being Muslim (or being part of a Muslim-minority group) can affect the context for negotiating issues around reproductive and sexual health vis-à-vis families and communities.

Speaking about religion and culture and how these relate to reproductive and sexual health was a critical part of the project. Equally important was the necessity to make room for the realization that many young immigrant Muslim women experience a sense of "double" identity that can cause them to feel isolated and can create difficulty in their finding autonomy or achieving self determination. For example, all the peer educators involved in the program were sexually active; however none of them were able to talk to their parents about issues of safer sex, dating or relationships, etc. On the other hand, they also had difficulties explaining to their peers at school why their families had such strict codes around sexuality, in part because they wanted to avoid feeding racist stereotypes that define Muslims as "backward" or overly strict. The peer educators were given an opportunity to address some of these internal conflicts by finding support from each other and by engaging in leadership development and gender based empowerment. They were also given the opportunity to co-facilitate workshops, group discussions and conduct outreach to South Asians and Muslim youth in the community.

A peer education curriculum was created for the Muslim Youth Project and developed on the basis of the clinic's current education manual, as well as Advocates for Youth's Life Planning Workbook. This curriculum, which was generated over the span of about one month, included such topics as sexual consent/coercion; incest/molestation; healthy relationships; traditional gender roles; condom negotiation; pressure to enter into early and arranged marriages; STI/HIV and pregnancy prevention; and LGBTQ issues. The organization's Director of Social Services

presented a more detailed description of the definition of sexual consent and outlined the legal steps that could be followed in the event of rape/sexual assault. These conversations overlapped when peer educators were discussing issues such as healthy vs. unhealthy relationships, or self esteem and body image.

Also, understanding and interrogating traditional gender and sexuality norms (often constructed around a strict binary model) provided an opportunity for the peer educators to feel more empowered around their own sexuality and gender identity. They became increasingly able to explore these concepts in a way that questioned these societal binaries and to discuss problems associated with the reification of sex in connection with gender identity, gender expression and gender roles.

Peer educators were asked to meet twice a month, but due to familial control over the young people's mobility, not all of them were able to meet consistently during the sessions and, often, the project's lead staff had to meet with peer educators separately. Youth Project peer educators met in safe spaces where everyone, regardless of their particular sexual orientation and gender identity, had the opportunity to speak their mind or even discuss an intimate relationship without fear of censure. Safe spaces were created by providing physical locations for meetings that allowed for anonymity and confidentiality, as well as group agreements that provided for similar guidelines. For example, there was an understanding within the group that any personal information discussed should stay within the group and was not to be made public. Due to the careful creation of such a safe space throughout the duration of the project, there were two peer educators who 'came out' during this period (they were provided additional support including through ongoing dialogues as well as through reaching out to organizations that could provide more resources). Overall, peer educators reported positive feelings about this collective space, noting that it was both empowering and informative. Additionally, peer educators stated that the ability to establish a trusting relationship with the project's lead staff strengthened their connection and commitment to the Muslim Youth Project.

Involving the Broader Community

In terms of the reaction of the community at large, it was hard to convince young people's family members that the stigma and silence shrouding issues of reproductive and sexual health needed to be lifted and that those questions should be discussed. However, the lead staff on the project did have existing relationships within the community, which helped mitigate potential backlash towards the Muslim Youth Project and those involved in it. As part of its commitment to the project, the clinic facilitated strategic linkages with several organizations in the community in order to enhance outreach efforts and to create opportunities for long term impact. For example, the clinic collaborated with SAYA! (South Asian Youth Action) to co-organise the 1st Annual South Asian Youth Health Fair in Elmhurst, Queens. This was a successful one day event, which involved ten South Asian community-based organizations, and addressed diverse topics, such as HIV/AIDS, lesbian, gay, bisexual, transgender and questioning issues, intimate partner violence, youth services and sexual/reproductive health. Each organization conducted a brief presentation focusing on the youth-specific services their organization offered – and over 100 Muslim/South Asian young people participated. The fair, which was primarily conducted in English, included spokespersons from the various organizations represented, who remained available to answer any question or to supply further information and resources, such as pamphlets on LGBT issues and intimate partner violence.

The Muslim Youth Project also engaged Muslim community leaders, including progressive religious leaders, by providing outreach at cultural events, conducting workshops at religious institutions, and by partnering with religious organizations. Religious organizations were approached on the basis of existing relationships and their particular cultural point of view was respected so as to be able to meet the needs of their congregation.

Project Outcomes

The Muslim Youth Project was instrumental in institutionalizing and prioritizing the work with Muslim youth in Queens. Prior to this, the lead staff member on this project was devoting her own time to working with Muslim youth but, through this grant backed up by a renowned national organization, her work became better recognized within the clinic, and outreach was further enhanced. To date, the clinic has collaborated with 49 Queens community-based organizations, 23 high schools, three colleges and 26 mosques throughout New York City to provide education on reproductive health topics to over 1200 young people by end 2011. Advocates for Youth has also developed trainings for staff and community members to enhance programs that address the needs of Muslim youth.

In terms of youth participation, the Muslim teenagers and young women who were recruited benefited from their involvement in the project at a personal level. Since the peer educators met within a clinical setting, they had access to individual counseling on reproductive and sexual health services. Through training, they developed their leadership skills as well and became self-sufficient enough to conduct peer education activities, and to challenge stigma and taboo in the community. In the second year of the project, the clinic also created a youth advisory board to inform and expand upon the work of the Muslim Youth Project.

At the broader community level, the clinic was able – through the additional outreach efforts via the Muslim Youth Project – to meet with additional youths and women in the community who would not have typically visited the clinic. Once they could access confidential services that were free or available at a very low cost, there was a new sense of empowerment within these groups that did not exist before. For example, young people started using hormonal contraceptives and therefore no longer needed to rely on a male partner for condoms; or, women wanting to avoid another pregnancy started using other, more discrete, contraceptive methods such as the intrauterine device. Education was also provided to address the efficiency of condom use for both HIV/STI and pregnancy prevention. The rates of unintended pregnancy declined and the clinic saw fewer instances

of sexually transmitted infections during the duration of the project, from December 2008 through May 2011.

The clinic also organized the first Annual South Asian Youth Health Fair in Queens which was attended by ten community-based organizations and over 100 young people. Further, culturally and linguistically appropriate educational materials were developed in Urdu, Hindi and Bangla. As noted above, another tangible result is the fact that the clinic has developed links with several dozens of Queens community-based organizations and educational and religious institutions throughout New York City, providing education related to reproductive health (including decision making skills and topics such as family involvement) and reaching over 1200 young people as of 2011.

At the national level, Advocates for Youth for Youth has developed a network of 100 young people and providers working around the reproductive and sexual health of Muslim youth. A listserv has been set up to communicate around these issues, and technical assistance is provided by Advocates for Youth staff around topics such as curriculum development, peer education, youth development etc. Overall, the Muslim Youth Project has been instrumental in increasing the awareness of issues affecting Muslim youth at the local, national and international levels. The staff at Advocates for Youth has presented about the project at different venues and conferences, including the U.S. Social Forum in Detroit (2010), the International AIDS Conference in Vienna, Austria (2010), and at the European Science Foundation's conference on Religion, Gender and Human Rights in Linköping, Sweden (2011). In the current context of racism against those identified as Muslims in the West, many times fueled by inaccurate assumptions about the rights of young women around reproductive and sexual health within Muslim communities, this project has provided a different framework that facilitates a cross-cultural dialogue addressing these issues.

Challenges & Lessons Learned

Through the implementation of the Muslim Youth Project, we have learned that, within the context of shrinking funding for public health, national

funding [in the USA] can provide significant leverage to address the needs of marginalized communities at the local level. We also learned that strong local partners are key in addressing traditionally controversial topics, and that investing time and efforts in alliance-building with community members and religious leaders is strategic in terms of the program's development and ultimate success. At the programmatic level, it is clear that peer education approaches can be beneficial at several levels: peer education can significantly increase leadership in marginalized communities; it can instill important life skills; and it can assist in addressing stigma and challenging taboos. In terms of the implementation of the project, challenges have included difficulty in engaging young men and parents. Further creative ideas are needed to engage both these groups more fully.

While peer-based education has been proven to be a successful method for addressing difficult and sensitive topics among marginalized communities, this approach must be combined with cultural familiarity and other sensitivity training for providers and the community. Through the Muslim Youth Project, outreach to reproductive and sexual health providers and outreach to the Muslim community (through peer education, health fairs and media advocacy) have led to building a safer space to discuss previously "taboo" subjects such as sex, sexuality, and sexual health. Further, there is an increased recognition that the sexual and reproductive health of Muslim youth is linked to and encompasses larger social issues. This has meant that the project had to find ways to deal with issues such as the generational gap, or to resist the negative effects of racism against those identified as Muslims, as well as to simultaneously confront gendered norms or discrimination against the sexual rights of young people.

Through the Muslim Youth Project's work in youth communities, we have seen the emergence of a "double" identity, especially among those from immigrant families. One of these identities reflects familial social mores and tends to silence gender and sexual autonomy and rights; and the other identity is derived from being raised within the western context, which assumes an increased autonomy. These identities are often in conflict with each other, at times creating a sense of deep isolation and leading to subsequent risk-taking for young people caught between the two. Adding to

this internalized tension is the rise of anti-immigrant (and specifically anti-Muslim) sentiments, which these young people experience directly. This leads to a situation where their lives become sites of constant interpersonal and institutional violence – a violence that leaves little respite since it affects young people in their homes as well as through institutions such as schools, mosques, agencies providing social services and governmental agencies.

The opportunities offered through the Muslim Youth Project lie within creating broader linkages with scholars, activists and NGOs already involved in addressing some of these issues. By bringing this nexus of identities to the forefront, we aim at creating a movement that can help reduce, if not end, the feeling of isolation that many still face. It is a matter of not only shifting the cultural/social paradigms locally but also engaging young people in challenging state sponsored policies in the different contexts that are relevant to them (for example, awareness raising regarding blasphemy laws in Pakistan as well as anti-immigrant policies in the USA.) Future steps include the further development of a culturally relevant curriculum, and expanding the Muslim Youth Project to other parts of the United States as well as to Europe and some Muslim-majority countries.

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Cyber-activism and Sexuality: An Analysis of Middle Eastern Gay/lesbian Websites as Social Movements

Ana Ghoreishian¹

Abstract

The article notes that “despite its homo-normative past, the dominant culture and society in today’s Middle East denies and criminalizes the sexual identity of their gay/lesbian citizens”. While this is often pointed out, a single emphasis on victimhood would be misplaced given that lesbian, gay, bisexual, transgender and queer (LGBTQ) people are actively engaged in (re)shaping their communities in a broad range of Muslim societies. Focusing specifically on gay/lesbian websites, and on Iran in particular, Ghoreishian looks at online activities and activism as evidence of a “broad and thriving community of resistance” that challenges hetero-normative norms. Ghoreishian reviews selected Middle-Eastern, activist-oriented, gay/lesbian websites in order to explore whether they provide a platform for contemporary social movements based on gender-identity. She asserts that such online forums can play a critical role in the future of such social movements.

Introduction

Despite its homo-normative past, the dominant culture and society in today’s Middle East rejects and criminalizes the sexual identity

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of their gay/lesbian citizens. This dynamic was recently reflected in Iranian president Mahmoud Ahmadinejad's 2007 speech at Columbia University, New York, in which he proclaimed, "In Iran, we don't have homosexuals; in Iran we don't have this phenomenon; I don't know who has told you we have it."² The president's claim is hard to sustain given the centuries old homoerotic traditions reflected in Persian and Arabic Literature.³ Ahmadinejad later retracted his statement, claiming that he only meant that homosexuality, in its Western form, does not exist in Iran.⁴ Regardless, it is no secret that openly homosexual behaviour – or, in fact, any open expressions of sexuality – in Iran in particular, but throughout the region to some extent, is at best rejected by society, and is, at worst, punishable by death.

Given the brutally restrictive hetero-normativity of the region few can imagine a broad, thriving community of resistance, be it on the ground, online, or both. This paper seeks to analyze the significance of some of the Middle-Eastern, activist-oriented, gay/lesbian websites to ascertain whether they serve as something of a fountainhead or platform for current social movements based on gender-identity – and if so, or not, what value such forums have for the future of such social movements.

The assessment of these websites is of interest to the activist scholars who want to move toward a regional civil rights movement in the Middle East. As such, the nature of this paper is exploratory. Some immediate key questions are:

- Whether these Middle Eastern gay/lesbian cyberspaces are having an impact within larger human or civil rights regional social movements;

² Borger, J. and MacAskill, E. 2007. 'As protesters jeer, Ahmadinejad denies Iran wants nuclear weapons', *The Guardian*, <http://www.guardian.co.uk/iran/story/0,,2176530,00.html> (accessed 12.16.11).

³ See Najmabadi, Afsaneh. 2005. *Women with Mustaches and Men without Beards: Gender and Sexual Anxieties of Iranian Modernity*. Berkeley : University of California Press; See also Wright, J.W. and Rowson, Everet K.. 1997. *Homoeroticism in Classical Arabic Literature*. New York: Columbia University Press.

⁴ Larry King's Interview with Ahmadinejad. <http://www.queerty.com/ahmadinejad-dismisses-kings-gay-questions-20080924/> (accessed 12.15.2011).

- Are these gay/lesbian cyberspaces positively contributing to the plurality of movements – by, for example, raising consciousness and facilitating the distribution of information; or are they leading to action being taken on the ground;
- While, for some people, these websites are a lifeline, to what degree might they still create a rather *isolated* cyber space activity; and to what extent do such isolated cyberspaces perpetuate a sense of complacency for its users, through the false feeling of achievement and involvement; and finally,
- If these gay/lesbian cyberspaces are not part of full blown civil/human rights or gay/lesbian social movements then what is their significance in relation to the gay/lesbian spaces as well as the mainstream Middle Eastern spaces within the region as well as the diaspora? Do they involve cyberactivism and hactivism?⁵

This paper will show that though these websites do not necessarily constitute a social movement in and by themselves, they do have significant social value for potential organizing and future social movements.

Framework for analysis

To begin this analysis, it is important first to propose a definition for social movements. Among social movement theorists, it has been argued that all social movements must: A) articulate a social conflict; B) seek at transforming social order; and, C) build a collective sense of identity and community involving shared values. Furthermore, it is claimed that social movements must, D) be a sustained and self

⁵ For the purpose of this paper, cyberactivism refers to activism which employs internet technologies. Hactivism is a combination of the words hacking and activism. In this usage hactivism refers to unauthorized (which I do not specifically address in this paper) creation and/or modification of computer codes as a form of political action.

conscious challenge to authorities or cultural codes; and, E) be advanced by organizations or networks, of which some have an “extra-institutional means.”⁶

Although a comprehensive definition of social movements is beyond the scope of this paper, it is fair to say that the Middle Eastern gay/lesbian websites selected here might loosely meet these criteria. In order to begin to assess whether a Middle Eastern gay/lesbian social movement is indeed germinating, I examine some of the existing Persian and English gay/lesbian websites with a strong focus on Iran. Furthermore, most of the selected websites are moderated in the diaspora.

In the past decade or so, the internet has allowed for new spaces of gay/lesbian activism to flourish in repressive Middle Eastern states as well as the Middle Eastern diaspora. Some of the gay/lesbian pages available in cyberspace include WebPages, Facebook pages, e-Magazines, web publications, and chatrooms. Consistent with the social movement factors briefly described above, the Middle Eastern websites analyzed in this paper reflect a “social conflict” between, on the one hand, Middle Eastern governments and/or dominant culture and, on the other hand, the sexual identity claimed by the gay/lesbian population. Through their calls for action, ground mobilizations, and educational efforts, Middle Eastern gay/lesbian web spaces take great steps toward “transforming” social order. Though not equally so, all of the cyberspaces envisaged in this paper strengthen Middle Eastern gay/lesbian collective identity. Finally, although these cyberspaces are not necessarily engaged in organizing and mobilizing fully developed challenges to the government, their existence does threaten a common hegemonic obsession with presenting the Middle East as a strictly heteronormative space which is supposedly free of homonormativity/sexuality. Furthermore, because these sites are “free and flowing”, they hold much potential for information distribution and mobilization.

⁶ See Thörn, Håkan. 2007. ‘From Anti-Apartheid to Global Justice Social Movements, the Media and the Emergence of a Global Public Sphere.’ *Current Sociology*: 55(6), 896-918; Cohen, Robin and Rai, Shirin. 2000. *Global Social Movements*. Somerset: Athlone Press; Melucci, Alberto. 1996. *Challenging Codes: Collective Action in the Information Age*. New York: Cambridge University Press.

For the remainder of this paper, selected gay/lesbian websites will be analyzed in order to gain a better understanding of the role they play in relation to a potential sexuality-related social movement in the Middle East. I will discuss the following websites: the Iranian Railroad for Queer Refugees (IRQR) and its founder, Arsham Parsi, a gay Iranian activist,⁷ Gaymiddleeast.com,⁸ and the US-based assal-the Arab, Iranian Lesbian group;⁹ I also examine the following Facebook pages: BibiSF- Middle Eastern and North African queers in the West Coast (USA), and that of lesbian activist Saghi Ghahreman,¹⁰ a key figure in the non-profit Iranian Queer Organization (IRQO)¹¹ I will also examine the Iranian LGBTQ News Services,¹² and Sahn ma-Iranian LGBTQ.¹³

Technology: A Look Backward

In the Middle East, as in other parts of the world, activists – of various persuasions – have relied on media technology to further their cause. The Iranian Islamist movement during the 1960's and '70's provides one prominent example of such use. Throughout Khomeini's exile in Iraq and France, his supporters in Iran distributed his teachings, speeches, and messages by recording them on cassette tapes and disseminating them throughout Iran. Likewise, in the Iranian popular movement that led to the outing of the Shah and the 1979 revolution, another form of small media that came into prominent use was the photocopied statement.¹⁴

⁷ Iranian Railroad for Queer Refugees, <http://www.irqr.net> (accessed 11.09.10).

⁸ GAYMIDDLEEAST.COM, <http://www.gaymiddleeast.com/> (accessed 06.06.10).

⁹ ASSAL: Arab and Iranian Lesbian, Bisexual and Transgender Women's Group, <http://www.assaleastcoast.com/index.htm> | (accessed 11.09.10).

¹⁰ Bibi SF, <http://www.facebook.com/bibisf> (accessed 07.06.10) and Saghi Ghahreman Facebook page, <http://www.facebook.com/profile.php?id=605164487> (accessed 07.06.11).

¹¹ Iranian Queer Organization, <http://irqo.org/> (accessed 12.06.11).

¹² LGBTQ News Services, <http://www.facebook.com/pesarha> (accessed 07.06.11).

¹³ Sahn-e ma Iranian LGBT, <http://www.facebook.com/AmirKiani78> (accessed 07.06.11).

¹⁴ Sreberny-Mohammadi, Annabelle & Ali Mohammadi. 1994. *Small Media, Big Revolution*. Minneapolis: University of Minnesota Press.

Today, cassettes and photocopies have been replaced by the cutting edge technology of the internet. According to many academics, including Iranian feminist researcher Valentine M. Moghadam, Islamist activists throughout the world effectively use the internet to exchange information, disseminate their message, and project related images and symbols.¹⁵

On the opposite end of the political spectrum, broad social movements for Middle Eastern women's rights are another example of the successful use of internet technology in activism. The international solidarity network Women Living under Muslim Laws (WLUML), dating from 1984, has maintained their activities through internet usage as well as more direct interaction and on-the-ground work. WLUML has been long engaged in virtual activism, e-campaigns, and appeals as well as mobilizing for ground actions. Some recent examples include WLUML's use of the internet to mobilize against a regulation controlling women's clothing enacted in 2010 in West Aceh, Indonesia¹⁶ and a call for action regarding a case brought against Sudanese journalist Lubna Ahmad Hussein for "inappropriate dress and conduct" in 2009.¹⁷

Although the internet was initially developed by the US Department of Defense, it was nonetheless adopted early on by a global counterculture that saw it as a powerful opportunity to connect people of similar political beliefs who were separated by time and space.¹⁸ Among politically-minded or activist-oriented Middle Eastern communities, one also finds a significant internet-related gay and lesbian presence over the past decade.

¹⁵ Moghadam, Valentine M. 2009. *Globalization & Social Movements: Islamism, Feminism, and the Global Justice*. Maryland: Rowman and Littlefield Publishers, (pp. 57).

¹⁶ 'West Aceh, Indonesia: New regulation forbidding the wearing of 'tight clothing' by women may be open to abuse', <http://www.wluml.org/node/6380> (accessed 12.14.11).

¹⁷ 'Sudan: Call to halt case brought against journalist Lubna Ahmad Hussein', <http://www.wluml.org/node/5420> (accessed 12.14.11).

¹⁸ McCaughey, Martha & Michael D. Ayers (ed.). 2003. *Cyberactivism: Online Activism in Theory and Practice*. New York: Routledge.

A Closer Look at Middle-Eastern Gay/Lesbian Websites

Assuming that these web spaces can be part of a potential move toward a civil rights social movement in the Middle East, one must examine the benefits and drawbacks of such spaces. As it happens, the presence of left-wing political groups and action has scholars debating whether the internet can be equated with “the end of the nation-state” as they see the internet as primarily empowering individuality¹⁹— or if it is instead the advent of even more extensive state surveillance, because of the control that it gives governments.²⁰

Some scholars view the internet as an unreliable source of political information and argue that by using the web, individuals are deprived of an effective public voice. Others consider that such distinctions cannot easily be made because there is a complex relationship between the internet, government, business, internet governance bodies and political and social movements, all of which operate under specific political circumstances. For example, the internet can provide a space for dissent at times of governmental crackdown on public demonstrations; but the internet can also be used as a surveillance tool by repressive governments. In other words, what can be done through the internet is not pre-defined but is dependent on internet users and on their respective ability to either control dissent, or publicly resist this control.²¹

Generally, all scholars point out that effective cyber protest must have a concrete effect on the ground; otherwise, it will exist in isolation from

¹⁹ Yet I am aware that internet also has the potential to act as a catalyst and have a positive impact on *collective* organizing, whether through a direct call for action or mobilization toward an action. (See Postmes, Tom and Brunsting, Suzanne. 2002. ‘Collective Action in the Age of the Internet: Mass Communication and Online Mobilization.’ *Social Science Computer Review* 20:3, 290-301 and Zheng, Yongnian & Wu, Guoguang. 2005. “Information Technology, Public Space and Collective Action in China”, *Comparative Political Studies* 38:5, 507-536.

²⁰ Larry Ellin, “The Radicalization of Zeke Spier: How the Internet Contributes to Civic Engagement and New Forms of Social Capital,” in *Cyberactivism: Online Activism in Theory and Practice*, ed. Martha McCaughey and Michael D. Ayers (New York: Routledge, 2003), 105.

²¹ Lee Salter, ‘Democracy, New Social Movement and the Internet: A Habermasian Analysis’ in *Cyberactivism: Online Activism in Theory and Practice*, ed. McCaughey, Martha & Michael D. Ayers (New York: Routledge, 2003), 138.

concrete reality and serve merely as a symbolic gesture with no tangible results.²² Consistent with the latter point, Middle Eastern gay/lesbian websites cannot be easily deemed as having an either negative or positive impact. Their functionality and potential impact depend on the relationship they hold with their users and their ability to mobilize them – all of which is not achievable overnight. Accordingly, as a first step, one must assess the position and accessibility of each specific website in the Middle East and diaspora.

Accessibility and Language Barriers

Today the internet responds more immediately than daily newspapers, television or radio and therefore it is potentially a very efficient source of the exchange and distribution of timely information. However, in order for the information contained on Middle Eastern gay/lesbian websites to spread, people would need to have regular internet access and also be able to regularly visit such gay/lesbian websites.²³ These pre-requisites suppose/imply an availability that is often the privilege of urban and likely middle-class constituencies – especially as literacy continues to pose gendered and class-based obstacles to many. Furthermore, to be effective, gay/lesbian websites need to accommodate people's language barriers.

Recent statistics relevant to the selected websites show that there remains a digital divide in the Middle East. As of 2010, only a quarter of the Middle East population uses the internet. Of course, some places in the Middle East experience far less of a digital gap: for example, in Iran, nearly half of the population uses the internet.²⁴ Furthermore, based on the assessed websites, there are not a high percentage of visitors to activist-oriented Middle Eastern gay/lesbian websites. According to the

²² For more information on the role of cyberactivism on the ground, see Martha McCaughey and Michael D. Ayers, eds., *Cyberactivism: Online Activism in Theory and Practice* (New York: Routledge, 2003).

²³ Assuming the person is not on various e-lists that regularly send information directly to subscribers.

²⁴ Internet World Stats: Usage and Population, <http://www.internetworldstats.com/> (accessed 12.12.10).

three-month global traffic rankings, Iranian Railroad for Queer Refugees (irqr.net) only ranked #2,667, 260th, Iranian Queer Organization (irqr.org) ranked #2,613,226th²⁵ and the GAYMIDDLEEAST.COM ranked #1,459,767th. It must be noted that these statistics are only partially reliable since they do not take into account the e-list users who are provided with information by various advocacy groups that reach them directly via email. Furthermore, since these statistics include all websites including weather information, shopping and more, it is probable that the activist population will usually be in the minority.

The examination of a handful of the Middle Eastern gay/lesbian websites also makes it clear that another obstacle toward regional accessibility is a persisting language barrier. Most of the examined Middle Eastern gay/lesbian websites are either in Persian or Arabic, making them nearly inaccessible to those who do not know either language. Some of these websites include English as an alternative, but this still does not address the needs of those who do not know English. These language barriers are often related to available funding (or lack thereof), yet this potential inaccessibility does limit the websites' audience.

Based on this information, one can assume that the Middle Eastern gay/lesbian websites are not easily accessible to all of the regional gay/lesbian communities unless users are part of the 28 percent in the region who have internet access and know one or more of the languages commonly used on these websites. In summary, it appears that Middle Eastern gay/lesbian websites are more accessible to the diaspora communities that tend to have better access to the internet and are often bi- or tri-lingual. However, to the extent that these websites are to some degree accessible, they can still have a significant impact on their collective communities as well as on heteronormative Middle Eastern cultures.

The Impact of Gay/Lesbian Websites

Identity Building: Given that since the late 1990s or early 2000s, the internet has allowed for new spaces of gay/lesbian activism to flourish

²⁵ Alexa: The Web Information Company, <http://www.alexa.com/> (accessed 12.12.10).

in Middle Eastern states, it can be argued that these sites are a positive contribution toward future civil rights social movements in the Middle East. Although the assessed cyberspaces do not reflect a fully developed gay/lesbian social movement in the Middle East, they still contribute to future civil/human rights movements. Despite their apparent lack of popularity, the Middle Eastern gay/lesbian websites nevertheless play a significant role: through their visibility in cyberspace, they strengthen the individual and collective identity of gay/lesbian identified Middle Easterners while bringing more visibility to non-heterosexual sexual identities. Perhaps most importantly, they hold great potential for mobilizing and organizing.

On these web pages, identity-building takes place through a multiplicity of means, ranging from images and calls for political or social action, to individuals simply having a space where to express themselves. The cyberspace potentially allows for a space of self-expression and connections in contexts where being openly gay/lesbian in civil society may have dangerous consequences. One such example can be found on the website Ahwaa.org. In a context where there may not be an established culture of openly discussing lesbian, gay, bisexual and transgender (LGBT) issues, this Bahrain based, user-generated online community, is a space for at least some members of the LGBT communities in the Arabian Peninsula to debate just about any issue on their mind.²⁶

However, it must also be noted that cyberspace is not necessarily safe as activists in various contexts (Egypt prior to Mubarak outing, for example) have been faced with state monitoring as well as police entrapment tactics, whereby police officers pose as gay men in order to arrest and prosecute. Nevertheless, through its Facebook page, BiBi, the Middle Eastern and the North African LGBTQ community in the U.S. West Coast can keep in touch and stay up to date regarding charitable and social events as well as mobilizing campaigns.²⁷ The internet facilitates their actions and events within the mainstream Middle Eastern and North African community in

²⁶ <http://ar.ahwaa.org/>

²⁷ Bibi SF, <http://www.facebook.com/bibisf> (accessed 06.06.11).

Northern California. They also use the internet to post pictures of their events and promote their group.

Similarly, the images posted on various webpages are closely related to gay/lesbian and Middle Eastern identity. For example, Bibi's logo is the word 'BiBi' (a traditional title used to address women in Persian).²⁸ The logo for ASSAL, an Arab, Iranian lesbian page, is the word 'Assal' (honey) – and it is written in Arabic/Persian in the shape of a triangle.²⁹ Also, as noted, among the selected Middle Eastern websites, all of the information is in Persian or Arabic with the option to view the information in English.

Another strength demonstrated through the websites is their potential for the formation of large and flexible coalitions.³⁰ Such potential for networking is crucial to the gay/lesbian movement in a region where the gay/lesbian population may face harsh state actions, including death. Even if most of the websites consulted for this paper are based in the United States or Europe (in other words, in contexts where there is generally no legal action taken by the state against same-sex conduct), these cyberspaces can nevertheless indirectly contribute to the strengthening of collective identity and possibly also to calls for action. The flowing nature of the internet allows Middle Eastern gay/lesbian networks to have the potential to be adaptive (especially when compared to more traditional leader-based partnerships among bureaucratic organizations).³¹

Further, Middle Eastern gay/lesbian cyberspaces can exist independent of the Middle Eastern mass media, which is completely dismissive of them. At the same time, this networked mode of communication can potentially attract coverage of the activist message, including in the mass media³² even though mainstream coverage may take a dismissive or highly negative form. Finally, while gay/lesbian Middle-Eastern cyberspaces are not

²⁸ Bibi SF, <http://www.facebook.com/bibisf> (accessed 06.06.11).

²⁹ ASSAL, <http://www.assaleastcoast.com/index.html> (accessed 06.06.11).

³⁰ Bennett, W. 2003. 'Communicating Global Activism.' *Information, Communication & Society*: 6(2), 143-168, 152.

³¹ Bennett, W. 2003. 'Communicating Global Activism.' *Information, Communication & Society*: 6 (2), 146.

³² Bennett, W. 2003. 'Communicating Global Activism.' *Information, Communication & Society*: 6 (2), 152-153.

disruption free (since there are possible cyberwars, political disagreements or attempts at character assassination), they still allow a degree of co-existence as activists tend to respond to each other in cyberspace.³³

Perhaps most importantly, the internet is very efficient at spreading a large amount of information within a very quick time frame. This holds true both for the websites which have both accidental and intentional visitors as well as for Facebook personal and group pages where one can literally have thousands of activist friends. As often in this age of internet, the nature and accuracy of the information being disseminated must, however, be carefully assessed.

Toward a Collective Identity

Among identity-based movements, the strengthening of collective identity is a significant impetus for the progress of a given movement. Collective identity has also been identified by social movement theorists as a factor that can explain how social movements maintain and build strength over time.³⁴ When there is a strong collective identity in a social movement, there is the potential for wide support for this movement because people feel like they are fighting for a common goal.³⁵ To the extent that the websites examined here are being accessed by users (or as their information is further disseminated), such cyberspaces do contribute to strengthening the individual and collective identity of the Middle Eastern gay/lesbian population, both in the region and in the diaspora.

This strengthening of collective identity can take place even though no social movement, and no identity-based group, is devoid of power struggles. Commenting on divisions within seemingly like-minded communities, the scholar and human rights advocate Dr. Anissa Hélie states that “Indeed, identity-based groups, as with other forms of organizing,

³³ Bennett, W. 2003. ‘Communicating Global Activism.’ *Information, Communication & Society*: 6 (2), 153.

³⁴ Micheal Ayers, ‘Comparing Collective Identity in Online and Offline Feminist Activists,’ in McCaughey & Ayers, 145-164.

³⁵ Introduction, in McCaughey & Ayers, 8.

do display strong internal hierarchies. For example, in LGBT groups, (white) gay men generally take the lead, bisexual people are largely invisible, and trans people are often silenced... If we ignore such divisions by painting an idealized picture of “the collective” space and voice, then we unwillingly perpetuate gendered, ethnic, class-based and other types of inequalities.”³⁶ Nonetheless, such power dynamics are still a step toward building a stronger collective identity. In other words, the problematization of such power struggles is a necessary part of a process which cannot be circumvented. It can be argued that only through dealing with these internal hierarchies can communities potentially reach a more mature space which lends itself to a more representative collective identity.

To varying degrees, the Middle Eastern gay/lesbian websites examined in this paper demonstrate the characteristics of collective identity – i.e. boundaries, consciousness and negotiation; all three dimensions are briefly examined below.³⁷ Since all of these websites are formed around sexual identity, they operate within boundaries that are in a sense set by the dominant heterosexual group in their respective society. Their boundaries, then, stress a shared gay/lesbian identity which is distinct from mainstream homo-normative society. In fact, whether websites or individuals engage in solitary actions or contextualize themselves in relation to broader social movements (such as the Iranian LGBTQ News Services contextualizing itself in terms of the Iranian post-2009-election Green Movement), these activists nonetheless maintain and hold on to their gay/lesbian identity. Such an insistence educates an inestimable number and range of web visitors about the gay/lesbian community, and broadens the potential for raising consciousness around gay/lesbian issues.

This consciousness is further promoted when the group becomes self-aware “through a series of self-re-evaluations of shared experiences and opportunities”.³⁸ Almost all of these websites allow some degree of shared

³⁶ Personal communication with the author, 22 December 22 2011.

³⁷ Taylor, Verta and Whittier, Nancy. 1992. ‘Collective Identity in Social Movement Communities: Lesbian, Feminist Mobilization.’ Aldon D. Morris & Carol McClurg Mueller (ed.), *Frontiers in Social Movement Theory*, New Haven: Yale University Press.

³⁸ Ayers, ‘Comparing Collective Identity,’ in McCaughey and Ayers, 152.

self re-evaluation. For example, websites that are primarily news-oriented, such as the Iranian gay/lesbian News Services, disseminate information from LGBT populations across the Middle East.³⁹ This enables web visitors to position themselves within the region and then to further reflect on their position in relation to the information provided on the website. Groups that are more action-oriented, such as the Iranian Railroad for Queer Refugees, also organize several ongoing actions for those involved in their group, providing - for example - refugees in Turkey and Canada real opportunities to share experiences and opportunities.

Finally, it can be argued that despite the reality of internal power dynamics and the silencing that may occur among and within LGBTQ groups, gay/lesbian cyber-groups do contribute to the potential emergence of collective identities, if for no other reason than because these sites present an alternative to heteronormative sexual identity.⁴⁰ Further, many of these groups use negotiation processes to build their own collective identity. Part of these negotiations relate to the ways in which groups attempt to free themselves from heteronormative space. Again, these processes take place due to the very nature of these websites and/or Facebook groups, which are creatively designed around their non-hetero sexuality.

Some websites, such as the one maintained by Iranian lesbian activist Saghi Ghahreman, are engaging with gender stereotypes – and more specifically, pushing the boundaries of what it means to write as a woman. Part of her website includes her poetry, which is considered by many to be very graphic in its description of the physical acts of lesbian lovemaking and sexual experience. Her photographs also defy what is considered to be “proper” in the Iranian gendered world. For example, in one of her profile pictures, visitors will find the image of a naked female torso with two wrinkled and scarred breasts.

To the extent that Middle Eastern gay/lesbian cyberspaces are accessible, they also shape and strengthen Middle Eastern gay/lesbian collective identity by positioning themselves as regional rather than simply national entities. The websites reflect a sense of

³⁹ GAYMIDDLEEAST.COM, <http://www.gaymiddleeast.com/> (accessed 06.06.11).

⁴⁰ Ayers, ‘Comparing Collective Identity’, in McCaughey & Ayers, 151.

“we” since the gay/lesbian communities across the Middle East feel solidarity with each other based in part on the common societal and state antipathy toward them. Through these websites, the Middle Eastern gay/lesbian communities are able to connect regionally and even globally while continuing to assert their own uniqueness. For example, as noted earlier, ASSAL is an Iranian, Arab, lesbian, bisexual, and transgender women’s group. This organization, founded in 1997, is based in both New York City and San Francisco (USA). However, due to ASSAL’S cyber presence and visibility, web visitors can access its site from Iran or any other nation. In other websites such as *eyebite.com*,⁴¹ collective identity is strengthened by making available documentaries and productions about the diversity and prevalence of Middle Eastern homosexual communities. One of its award-winning productions, the 2003 documentary “Í Exist – Voices from the Lesbian and Gay Middle Eastern Community in the US”, emphasizes the commonalities between individual experiences of gays and lesbians from diverse countries and cultural or religious backgrounds.

Collective identity building on the internet also takes place through the strong presence of well-known activists including Saghi Ghahreman, Arsham Parsi, and Niaz Salimi. Saghi Ghahreman is an Iranian lesbian poet who maintains a Facebook page, a weblog and a website page. Arsham Parsi is another gay activist who is easily accessible through his Facebook page and through the organization Iran Railroad for Queer Refugees (IRQR). By sharing their narratives, they strengthen the identity of LGBTQ young people who often find themselves completely isolated, frightened, pathologized and criminalized – and in turn, these narratives strengthen collective LGBTQ identity across the Middle East.

Communication, Networking and Action

Regarding news distribution and mobilization, the internet holds great potential for LGBTQ communities who tend to have minimal access to

⁴¹ Eye Bite: Social Justice through Imagery, <http://www.eyebite.com/> (accessed 11.09.10).

mainstream media in the Middle East. It must be noted that the material made available on websites is presented from the perspective of the group's organizers and leaders, and is informed by their subjectivity and agenda.

Gay/lesbian Middle Eastern websites communicate with activists and their web visitors through multiple methods. Some of these websites are news webpages such as the Iranian LGBTQ News Services on Facebook. This Persian LGBTQ news website includes information about mostly gay/lesbian issues throughout the world. In addition, the news webpage also includes political news from inside Iran. One effective mode for communication and promotion is the group's positioning within larger, cyber social movements. One of the first visible lines on the Iranian LGBTQ News Services is their assertion that they are part of the Green Movement. The description written in Persian reads: "We are Green too..."⁴²

Gaymiddleeast.com is another significant news website. It includes gay/lesbian news from across the Middle East including: Egypt, Iraq, Israel, Iran, Syria, Palestine, UAE, Saudi Arabia, Jordan, Kuwait and Lebanon.⁴³ Recently there has been some controversy around the website Gaymiddleeast.com regarding its pinkwashing⁴⁴ efforts. According to Scott Long, as well as local LGBT human rights defenders, the website regularly presents Arab nations as a nightmare for the gay population, while presenting Israel in an overwhelmingly positive light as a peaceful safe haven for alternative sexualities. Long asserts that the website fails to present either the queer movements of resistance throughout the region, including those in the Palestinian territories, or the hardship

⁴² LGBTQ News Services Facebook information page, <http://www.facebook.com/pesarha?sk=info> (accessed 06.06.11).

⁴³ GAYMIDDLEEAST.COM, <http://www.gaymiddleeast.com/> (accessed 06.06.11).

⁴⁴ *Editor's note:* 'Pinkwashing' refers to a policy pursued by the Israeli government emphasizing the rights of gays and lesbians in Israel in order to distract from the regime's systematic discrimination against Palestinian Israelis and from the ongoing violence of occupation. (See denunciations by Palestinian sexual rights activists, such as Al-Qaws, Aswat, Pinkwatching Israel, PQBDS (Palestinian Queers for Boycott, Divestment and Sanctions), or Helem in Lebanon).

that LGBTQ Palestinians suffer at the hands of Israeli soldiers.⁴⁵ The fact that the website was founded in 2002 by an Israeli, Assaf Shabi Gatenio,⁴⁶ and that the London-based editor, Dan Littauer, reportedly hides that he still carries an Israeli passport, is certainly not a crime in itself. However the above factors point to the website possibly having a pro-Israeli slant. In response to these assertions of pinkwashing, Gaymiddleeast.com has countered every point raised – but it may appear as if the website reacted rather defensively, without providing readers with more transparency.⁴⁷

It is essential to be aware of the agendas of these websites. Taking into consideration the controversy surrounding the GAYMIDDLEEAST.COM website, it can be argued that websites can have both a positive or negative impact on the LGBTQ community depending on political stand and the websites' transparency. Regardless of the spin, there is nonetheless a degree of consciousness raising and activism provided by these news sites as well as by the LGBTQ refugee websites.

Gay/Lesbian Allies and Overall Visibility

One way that the websites promote visibility is by reflecting the activists' engagement with mainstream culture. For example, most recently Arsham Parsi had an interview with Parazit, a very popular Iranian news program that confronts societal taboos by use of social satire.⁴⁸ The program, featured on several websites and viewed regularly by a variety of Iranians, engaged in several interview questions on being gay and homophobia in Iranian communities.

⁴⁵ Long, Scott. 'After Amina: Thoughts From Cairo.' *Mondoweiss* (June 16, 2011), <http://mondoweiss.net/2011/06/after-amina-thoughts-from-cairo-2.html> (accessed 12.21.11).

⁴⁶ Kaw. "Whose Gay Middle East(.com)?" *Mideast Youth Thinking Ahead*", <http://www.mideastyouth.com/2011/06/17/whose-gay-middle-east-com/> (accessed December 28, 2012).

⁴⁷ 'Gay Middle East Responds to Smear Campaign', <http://www.gaymiddleeast.com/news/news%20320.htm> (accessed 12.20.11).

⁴⁸ Arsham Parsi's interview with Parazit, <http://www.iranian.com/main/2010/jul/parazit-arsham-parsi> (accessed 06.06.11).

Another example is the recent interview of Saghi Ghahreman to the popular reformist, Tehran-based Newspaper, *Sharq*.⁴⁹ In that interview, about her poetry, she indirectly spoke about herself as a lesbian Iranian. The newspaper was suspended shortly after that interview was published.⁵⁰ Soon after, other newspapers and blogs responded, calling Saghi Ghahreman sick, perverted and deviant.⁵¹ The irony here is that even the negative response generated visibility – especially since all these incidences were posted and continue to be available online, which increases both the visibility of Saghi Ghahreman herself and a broader gay/lesbian collective identity. Similarly, when the executive editor of GAYMIDDLEEAST appeared on CNN, a larger and more sustainable media presence was created due to the fact that it can be housed in cyberspace.⁵² The internet in this way has created an open forum for an exchange of ideas and discussions, with considerably less censorship than in the mainstream media.

That Facebook offers several Middle Eastern gay/lesbian pages is another source of high visibility for both gay/lesbian movements and individual cases. Facebook is the second most popular webpage in the world. Granted, being the second most popular webpage does not guarantee that a large group of people is visiting Middle Eastern gay/lesbian websites. However, Facebook, due to its ability to connect friends of friends, and due to the repeat posting of information, has a higher likelihood of promoting visibility than some alternative, less well known sites.

This is significant because, in addition to gay/lesbian individuals, mainstream individuals who are arguably not gay/lesbian allies can still be

⁴⁹ Saghi Ghahreman's interview with *Sharq* newspaper, <http://nostalgic.blogfa.com/post-57.aspx> (accessed 06.06.11).

⁵⁰ Saghi Ghahreman's interview with *Sharq* newspaper, <http://nostalgic.blogfa.com/post-57.aspx> (accessed 06.06.11).

⁵¹ Fars News, <http://www.ixi.ir/directory/linkpreview.aspx?linkid=1267> (accessed 06.06.11).

⁵² Executive editor of GME CNN interview about Qatar 2022, <http://vimeo.com/20950193> (accessed 06.06.11).

exposed to gay/lesbian websites. I will demonstrate this by discussing my own friends list on Facebook. At present, on Facebook I am friends with 300 people, including the following Middle Eastern gay/lesbian individuals or organizations:

- Saghi Ghahreman from Canada, 1337 friends
- Arsham Parsi from Canada, 3792 friends
- Iranian LGBTQ Organization from Canada, 296 friends
- Gay Middle East from Germany, 414 friends
- *Sahm ma*- Our Share - Iranian LGBT, 4497 friends
- RostambibiSF from California , number of friends not available
- Niaz Salimi from Canada, 858 friends
- *hamjensgra*-homosexual from Tehran, 337 friends
- Iranian LGBTQ News Services, 1542 likes ⁵³
- *Cheraq*-lamp, the LGBTQ publication, 587 likes
- *Bekhsoos*-online Arab LGBTQ magazine, 1773 likes

As noted, these people have their own Facebook friends. I receive news and information from the gay/lesbian Facebook pages. In turn, I re-post the information. This means that all of my friends are more likely to be exposed to news from the Middle Eastern gay/lesbian world. Furthermore, any of my friends will notice that several of my Facebook links include Middle Eastern gay/lesbian pages. Occasionally, I learn about friends re-posting gay/lesbian news from my page – or others'. In short, through Facebook, people who otherwise would not be exposed to, and occasionally even involved in promoting, gay/lesbian visibility and news.

In order to maintain certain Facebook friendships, people also may be expected to continuously re-evaluate their own positions and assumptions. They must ask themselves if, in their region of the Middle East, there is not a diverse gay/lesbian community that is very much threaded

⁵³ Clicking "Like" on a Facebook page means that you have connected to that page. Thereafter, an update about your "Like" appears on your wall. Furthermore, you will receive updates from that page on your newsfeed. <<http://www.facebook.com/help/like>>

through the fabric of everyday life. In Facebook, many of these evaluations/self-reflections are also mirrored in the comments section the news.

Conclusion: Prisoner of Hope⁵⁴

I find the presence of these Middle Eastern gay/lesbian cyberspaces especially positive in the context of Iran. As reflected in the latest post-election uprising (since 2009), the popular movement is no longer ideologically centred but is instead based on people's demands for their human rights and civil liberties.⁵⁵ As of now, one cannot find an abundance of evidence which points to a gay/lesbian constituency in the Iranian Green Movement. However, the presence of multiple activist-minded gay/lesbian Middle Eastern websites marks a step forward toward a more inclusive civil rights movement.

To the extent that these websites are accessible, they strengthen the Middle Eastern/Iranian gay/lesbian identity by holding a reflective mirror. Furthermore, by positioning themselves as Middle Eastern/Iranian gay/lesbian and as part of a larger civil rights movement, the activities reflected on the sites contextualize the gay/lesbian identity in a dominant cultural paradigm that otherwise attempts to erase sexual diversity. In other words, the presence of such gay/lesbian Middle Eastern/Iranian activist websites has an impact on bringing homo-normativity into the mainstream. The fact that some mainstream Facebook Iranian news groups such as "Freedom Messenger"⁵⁶ now report on gay rights and gay persecution in Iran is not disconnected from the fact that Iranian gay/les-

⁵⁴ I first heard this phrase from Dr. Cornell West in response to my question regarding the outlook of race relations in America. He said: 'It ain't looking good, but I'll go down being a prisoner of hope.'

⁵⁵ Milani Abbas, "Iran Primer: The Green Movement." The United States Institute of Peace, <http://iranprimer.usip.org/resource/green-movement> (accessed 12.12.10).

⁵⁶ Whitaker, Brian. 2011. 'From discrimination to death: being gay in Iran', Freedom Messenger Website, <http://www.freedomessenger.com/archives/19782> (accessed 06.06.11).

bian activists have been pushing for more visibility – especially through the internet. The gay/lesbian Middle Eastern cyberspace offers a fertile ground waiting for seeds to germinate a conscious, inclusive, human and civil rights movement.

It is worth noting that when Iran’s post-election uprising occurred, no one had planned to use Facebook, cell phones and Twitter (another social networking site) as tools of mobilization and revolution.⁵⁷ Yet that is exactly what took place. Perhaps it is hard to imagine how a handful of LGBTQ Iranian cyberspaces are going to lend themselves to mobilization, organization and further activism toward an inclusive human rights movement in Iran. But perhaps it’s also important to draw a parallel here with the use of technology for popular mobilization in the Egyptian revolution and the Arab Spring.⁵⁸

On January 18th, 2011, the 26 year old Egyptian activist, Asmaa Mahfuz, deeply moved by the self-immolation of Mohammad Bouazizi in Sidi Bouzid which sparked the uprising in Tunisia, posted a video online, urging people to protest the “corrupt government” of Hosni Mubarak by protesting in Tahrir Square on January 25, 2011. Soon after, her video went viral on internet and arguably contributed to the Egyptian uprising. In turn, this was in part the inspiration behind waves of revolutionary movement across the Arab nations.⁵⁹ Before the dawning of the Arab Spring, Arab dictatorships were expected to crush any spark of civil unrest, leaving no room for a technology-based mobilization. However, resistance happens. Unlikely transformations emerge – especially in this era of new technologies. Despite the violent suppression of gay/lesbian identities in the

⁵⁷ Holwerda, Thom. ‘Twitter, Facebook play key role for Iranian Protestors’, OSNews Website, <http://www.osnews.com/story/21673> (accessed 06.06.11).

⁵⁸ *Editor’s note*: Although widely used in the media, references to the “Arab Spring” are misleading as the expression tends to invisibilise other cultural and ethnic groups, such as the Nubians or the Berbers. Referring to “uprisings in the Middle East and North Africa” seems more to the point, as it acknowledges that not all North Africans or Middle Easterners are ethnically „Arabs“.

⁵⁹ ‘Asmaa Mahfooz and the YouTube Video that Helped Spark the Egyptian Revolution’. DemocracyNow.org, http://www.democracynow.org/2011/2/8/asmaa_mahfouz_the_youtube_video_that (accessed 12.18.11).

Middle East, I refuse to accept that the same kinds of transformations, and direct actions, are not viable for these communities as well. It may be hard for scholars to predict – but we at least might play a role in enabling more effective resistance.

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“Sauti za Uhuru”?¹ Women Singers and Self-definition on the Coasts of East Africa

Aaron Louis Rosenberg²

Abstract

Popular culture has long been used creatively by artists and individuals alike to spread awareness or challenge social taboos and cultural norms. Aaron Louis Rosenberg focuses on Somalia, Kenya and Tanzania, all areas which have a high concentration of Muslim communities. These groups share with other religions and populations (more especially in Tanzania and Kenya) a preoccupation with sexuality and in particular that of female members of these communities. Rosenberg tackles a specific aspect of cultural production, namely the role of women singers in defining the language and themes associated with the *taraab* musical genre. Rosenberg posits these female performers as active contributors to the cultural expression within their own societies and examines how they act as forces of potential change.

The coastal regions of East Africa have for centuries been the site of intense interactivity and transformative processes. These types of socio-cultural interaction have been carried out between communities which are defined

¹ “The voices of freedom”.

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and which indeed define themselves through complex and overlapping systems of association. One of the most important issues discussed, debated and defined is sexuality and its deployment and restriction within such communities (Caplan 1997).

In all cases it can be argued that music has played a central role in the constitution of these versions of individual and collective self (See Finnegan 2007 Arnold 2002; Askew 1999, 2002, 2003; Ntarangwi 2003, 2009; Rosenberg 2011a & b, forthcoming). Elsewhere I have argued that songs are an important way in which forms of identity are being negotiated in Kenya and Tanzania and elsewhere in the eastern region of the continent. I propose that in these societies “popular songs ... serve, among other functions, to create forms of identity for individuals confronting what Veit Erlmann has called the ‘dialectic of social practice, identity, and power relations in a modernizing society’” (Rosenberg, *Eastern African Popular Songs 2011a* : 2).

This paper takes as its focus the forms of social and sexual self-definition which are carried out by female singers in East Africa through their appropriation of texts and tropes found in *taarab* music – one of the most popular musical styles to have emerged from the region, both in terms of its local audience as well as in the academic and listening communities which it has established in regions as far afield as Yemen, Oman and Iraq, as well as Europe and the United States (see Askew 2002, Ntarangwi 2003 for two excellent explorations of Tanzanian and Kenyan *taarab* music, respectively). What can be gained from an analysis of the forms of hyper and intertextual borrowing in the work of female performing artists in East Africa? How important is their choice to draw upon the *taarab* tradition and repertoire in order to define themselves as socially and sexually active? More specifically, in what ways do their choices regarding the use of previous works and song elements indicate an attempt to strengthen their own positions as performers? Furthermore, how do they assert themselves as powerful female figures, defining a place for women performers as actors rather than objects within a predominantly male-centered community of discourse? Finally, to what extent are these women’s voices concerned with pushing back against restrictive norms of female social conduct? More specifically, how is sexuality deployed

by these singers, in order to secure positions for themselves as potential forces of social change?

To answer these questions this paper will take into consideration a number of related songs from both Kenya and Tanzania. One in particular is the focus of our analysis here: “*Muhogo wa Jang’ombe*” (2003) as performed by Lady Jay Dee, while “*Nimezama*” by Ray-C and the song “*Nataka Toa*” by the Kenyan group ‘Necessary Noize’, with the collaboration of the female singer Nyota Ndogo, will be examined in order to provide comparative weight. Among the many works that could have been selected, these three songs demonstrate the manner in which the processes of intertextuality and hypertextuality³ can be drawn upon by female musical performers in order to establish positions of power from which female status and sexuality can be discussed.

To date I have only discovered a single detailed study of the presence of intertextuality as praxis in East African contexts by Kelly Askew (2003). The article deals with the related techniques and characteristics of the *taarab* and *ngoma (za asili)*⁴ traditions. In terms of theoretical analyses and conceptualizations of the manner in which borrowings and intertextuality function as artistic and intellectual processes, I rely upon the ideas expressed by literary thinkers such as Mikhael Bakhtin. In his famous essay ‘The Problem of Speech Genres’ Bakhtin writes of a “chain of speech communication” (1986: 91) which links together all communicative acts, and in particular those speech acts of an artistic and expressive nature. As Bakhtin explains, this means that each use of the expressive potential through a communicative act implies the reactivation of all of the previous uses of these expressions. Bakhtin’s vision of the continuing dialogue between expressive works and the ability of their interlocutors to draw and build upon these expressive tensions thus provides us with a means to illuminate the strategies that contemporary female singers in Tanzanian and

³ Following Gérard Genette’s work in *Palimpsests: Literature in the second degree* (1982) hypertextuality should be understood as the system of references and borrowings within texts. Julia Kristeva in *Desire in Language* (1977) has focused upon ‘intertextuality’ as the process whereby texts are transformed through their appropriation in other works, including in other genres.

⁴ Traditional dances and music (Swahili).

Kenya have adopted in order to capitalize upon the respect and authority that have accrued to the *taarab* genre in general and to certain female singers in particular. In the case of popular songs sung by women this is of particular relevance. When such songs deal with the reality and potential power of female sexuality it becomes especially important to call upon the previous iterations of such ideas as antecedents in order to deflect and diminish the criticism of these forms of engendered sexual power as something inherently radical baseless, and illegitimate.

These positions of female prominence in the *taarab* genre have allowed for such performing artists and their audience members to push back against social restrictions in terms of their autonomy and their sexuality in particular. As Siri Lange argues, issues of gender are of paramount importance in *taarab* performances where “women use abusive language with explicit sexual metaphors to criticize rivals. The songs offer a possibility for women to express in public feelings that they often have no other acceptable way to voice” (2007: 109). She also explains that, despite the fact that “[t]he press has reacted strongly against the songs and the ‘indecent’ behaviour of the female members of the audience,” (2007: 109) the genre and its biggest stars have gone on to achieve notoriety and even political influence. A case in point is that of the famous and controversial Khadija Kopa, who was asked to join the National Executive Committee of the ruling Chama cha Mapinduzi⁵. Kopa has made both male and female sexuality a part of her performance repertoire, generally celebrating her own sexuality while vilifying the sexuality of competitive females and even mocking the ineffective sexual advances of men. She has also had her songs used in conflicts between women over sexual prowess in order to ‘*kupashana*’ (insult one another in public performances). Such a struggle is outlined by Askew, (2002: 141) in reference to a struggle between two women for a certain man named Salim where both women attempt to use their sexuality and their capacity to satisfy a man as the determining factor in their amorous relation. The fact that such pronouncements are made ‘public’ through Kopa’s performance is a clear indication of the power

⁵ The Revolutionary Party, formerly TANU (Tanganyika African National Union) which has held the presidency in Tanzania since independence in 1961.

which Kopa wields as a purveyor of narrative performances of female sexuality. It may also be seen as an indication of the forms of influence which women in general are able to wield and to access in performances of *taarab*, influences linked directly to individual and collective expressions of female sexuality.

Such techniques, their sexual brazenness notwithstanding, can be used in order to give new meaning and importance to artistic forms and works of performative art at the same time as they push back against the previously imposed limitations of these forms of expression. Their remarkable sexual demonstrativeness can also be understood as a strong indication of the extent to which women have consolidated their status as performers and sexual beings since the days of such female *taarab* pioneers as Siti Binti Saad. As explained below, Saad had to combat accusations that she was perverting her listeners simply through her presence on stage with male musicians. It is worth noting that these criticisms arose in spite of the lack of sexually explicit lyrics in her repertoire.

This expansion of available forms of expression allows for activation and public dissemination of the nascent potential of these expressive genres. By drawing upon *taarab* as an authoritative space in which women can speak and be heard, female artists in this genre of expression strengthen the musician's social position. At the same time, such discourses are integrated into systems of intellectual exchange validated through reciprocal modes of interaction. An exploration of these practices of borrowing will take into account not only the lyrics of the songs but also the types of power implied and enacted through the sung performance as a public manifestation of the voice and demonstrative physical presence of the female *taarab* singer. This focus on performance as critical to an understanding of the musical genre's power is eloquently expressed by ethnomusicologist Kelly Askew:

Researchers who would privilege text over performance would miss much of the information exchanged during *taarab* performances. This ethnographic example provides a forceful argument against text-centric models that place exclusive analytic emphasis on the message communicated - the perceived product - while turning a deaf ear and blind eye to the process of communication. While it is true that certain *taarab* songs may contain specific messages that can be apprehended exclusively through

the song's poetry (as when the composers engage in song-dueling), the vast majority of messages sent and information exchanged during *taarab* events are only related to the text *by means of* performance, and often performance by audience members (Askew 2003: 156).

At the outset of the 21st century, the coastal regions of countries such as Somalia, Kenya and Tanzania are characterized by a high concentration of Muslim communities and socio-cultural systems of identity formation. One of the defining characteristics of these Muslim communities, and a characteristic which they in many cases share with other religiously-defined groups in the region (particularly in Kenya and Tanzania where there are substantial Christian communities), is a strong preoccupation with sexuality and the sexual behavior of those who are assumed to adhere to the same system of faith (and are therefore defined as members of the same community or communities). The manner in which this has come to be expressed through the loss of sexual and social autonomy of females has often been assumed to be the result of Muslim influences, regardless of historical factors, although Askew has convincingly argued that male dominance over females in Swahili societies is a fairly recent phenomenon. For example, she maintains that “[...] gender segregation is a quite recent phenomenon dating back only to the last century” (1999: 67). Although the study from which this quote is taken is focused specifically upon the *ngoma* genre of performance (mentioned and explained above), Askew also acknowledges the general importance of music in both “decoding” social relations and changing them through their interrogation. As Askew states:

The position of women relative to men along the Swahili Coast underwent a striking transformation, resulting in a loss of female autonomy. Musical practice offers evidence of this process, but equally importantly, it constitutes a means through which Swahili women have reclaimed and are in the process of reclaiming some of their lost autonomy (1999: 93).

It is important to emphasize that Muslims are not the only East African people who have expressed a concern with controlling female sexuality. However, Muslim communities in East Africa are exceptionally important in an analysis and understanding of popular discourses surrounding sexuality

since these populations have given rise to the *taarab* style of music. *Taarab* music has, since its inception at the turn of the 20th century, grown to extend beyond coastal Muslim communities in Tanzania and Kenya where it had its origins on the islands of Zanzibar and Lamu, two of the crucial centers of Swahili culture running up and down the coast.

Even in terms of musical creativity these regions and their predominantly Muslim communities are not the only social groups to have given rise to songs which deal explicitly and implicitly with female sexuality; I can speak to the cases of Tanzania and Kenya, although I don't have any information to confirm or debunk such a notion for Somalia. There is, in fact, a long history of sexual innuendo in music from both male and female Kenyan and Tanzanian musicians. In Kenya we can point to the work of long-standing performing artists such as Joseph Kamaru, who in fact released some of his cassettes with the title *Adults Only!* because of their sexually explicit content. On Tanzanian soil male artists such as the late Remmy Ongala repeatedly encountered problems in the dissemination of songs which deal explicitly with sexuality, a clear demonstration that overt musical discussions of sexuality, even when produced by men who are less likely to be attacked for such references, remain controversial. In Ongala's case this was most clearly expressed in the controversy surrounding the release of his song '*Mambo kwa Soksi*' or 'use a condom' (Ongala) which, despite its apparently pro-social and conscientious message, suffered from a lack of distribution and airplay due to the open treatment of sexuality in the song.

More recently, hip hop music in Kenya in the form of *genge* music, and *Bongo flava* in Tanzania, has been making (sound) waves in urban areas and far afield with both male and female artists in both cases speaking (or rather singing) their minds regarding a whole host of topics relevant to young (and older) people in East Africa (see Perullo 2011, Rosenberg 2011a, Ntarangwi 2009). One of these has certainly been sexuality and its changing treatment in a variety of contexts in East Africa. In Kenya singers ranging from the female Nazizi to the male Nonini have been creating songs tackling sexual issues. In Tanzania the same can be said for artists such as Sista P and Mheshimiwa Temba (see Rosenberg, forthcoming).

In all of these types of music mentioned above, however, women have historically had to struggle to claim a place and voice in a traditionally male-dominated industry where men dictate and control the forms of discourse. Although there may not be a clear and clean divergence from these systems of male dominance in *taarab* music, there are certainly important differences in the way in which schemes of gendered power are played out.

To begin with, the genre has traditionally been dominated by female singers and up until today most of the well-known singers in the genre are women. Names such as Siti Binti Saad in Tanzania (on the island of Zanzibar), Zuhura Swaleh in Kenya (on the island of Mombasa) and even the famed Malika (Asha Abdou Suleiman), who was born in Somalia but made her fame as a *taarab* singer further south in Kenya, are certainly the most recognized in *taarab* - although male singers such as Zein L'Abdin or Abbasi Mzee also occupy positions of prominence within the genre's historical flow.

These numerous and renowned female artists have been, in the majority of cases, responsible for the expansion and popularity of *taarab* as a musico-cultural practice outside of the coastal and predominantly Muslim communities in which it had its origins. The famed Siti binti Saad (1880-1950), mentioned above, is credited by many with the creation of modern *taarab* music. This recognizes the fact that she was one of -if not the first - *taarab* singers in East Africa to begin singing in Swahili, the lingua franca for most of the inhabitants of Kenya and Tanzania. The significance of this decision cannot be overestimated, for her choice of language, coupled with the staggering quantity of recordings that she made in Mumbai (Bombay), ensured that this radical new strategy for composing and singing songs in a language accessible to the vast majority of her fellow East Africans was well received, together with the music itself. At the same time, these female singers have made use of and expanded the musical and lyrical repertoires of the genre in its various permutations in order to grant it an "elevated" status. This has, in spite of the frequently suggestive themes of its lyrics, permitted the music to be

treated as a profound, stimulating and relevant medium of communication and artistic expression.⁶

In contemporary contexts the same songs and musical characteristics of the genre have been reinterpreted by a large variety of performing artists working in diverse musical genres. Some of the most significant examples of this phenomenon in the Tanzanian music industry are to be found in the person of the young singers Lady Jay Dee and Ray-C who normally work in a style of music radically different from that of the *taarab* of Zuhura Swaleh and Siti Binti Saad. These women have adopted and adapted some of the most famous songs in the *taarab* repertoire while other artists, such as the female singer Nyota Ndogo and the *genge*⁷ group Necessary Noize, have taken advantage of the general characteristics of *taarab* music in order to achieve their various objectives. In this sense the present project demonstrates links to issues similar to those which I dealt with in my book *Eastern African Popular Songs* (2011) in which I analyze the multiple points of contact between popular songs and works of literary creativity. My intention here is to establish and explore the systems of borrowing, or intertextuality, operating in these songs. I also examine the importance of these same appropriations in the constitution and maintenance of systems of authority and power, linked ultimately to the imbrications of the *taarab* genre with the idea of female entitlement and thus expressive license.

Although it is undeniable that songs and the performative domain in terms of *taarab* music have become a decidedly female arena, this is not to propose that the presence of women singing whether in *taarab* concerts or in other situations has always been an uncontested socio-cultural reality. The analysis which Susan Geiger provides in her study of the early years of Julius Nyerere's Tanganyika African National Union, *TANU*

⁶ The reader may consult songs such as Malika's 'Vidonge' (pills) dealing as it does with sexuality in polygynous marriages. As both Ntarangwi (2003) and Rosenberg (2011a) have pointed out the song has been adapted and reinterpreted by a variety of artists both male and female. Other themes have included extramarital pregnancy as in "Mdudu" (the bug) by Zuhura Swaleh or women's ability to reject men's amorous advances as in "Mtie Kamba Mumeo" (Keep Your Husband on a Leash) by Khadija Kopa or even the sheer pleasure of sex in songs such as "Mkuna na Mkunwaji" (The scratcher and the one who gets scratched) by Golden Star *Taarab*.

⁷ Kenyan hip hop.

Women: Gender and Culture in the Making of Tanganyikan Nationalism, 1955-1965 provides a useful counterpoint to our study here, in the manner in which she delineates the changing statuses which women developed for themselves in urban and semi-urban areas, most often through small-scale income generating practices such as “beer-brewing and selling fish” (Geiger 1997: 34). The process through which such small-scale operations were eventually channeled and converted into political mobilization is reflected in Geiger’s summary of the TANU activists which she interviewed. She states that “all were Muslim and identified with the broader social and cultural milieu of the Swahili community...by their membership in a pan-ethnic community, they had already rejected tribal exclusivity and had fostered in its place an ever-expanding sense of broad ‘sisterhood’ through their dance associations” (Geiger 1997: 68). What I would like to point out here is the accumulation of female power and potential around the performative musical and lyrical event, even if in this case “most commonly in an *ngoma* group” (Geiger, 1997 :68). Thus these de-ethnicized spaces of musical performance and dance create additional female spaces in which culture is shared among women and is re-appropriated by women in specifically female spaces. *Taarab* music constitutes another such space in which women can shape, control and debate various aspects of their lives, sexuality being of particular importance among these.

As mentioned above, the arena of musical productivity has been and in many ways continues to be a male and hyper-masculinized field. At the same time, and perhaps in order to maintain this gender-divided profile, the musical profession and the performative environment in general have always had a negative image in larger societies where music may be appreciated in certain limited contexts but is rarely treated as “productive behavior” in the same way that agriculture or carpentry might.

In certain cases, the relative lack of female voices within the artistic arena has even led male singers to carry out what I have called “male appropriation of female voice” (Rosenberg 2011b: 45) in which a male singer will assume a female narrative voice in order to speak in the first person and as a result “draws in the audience and personalizes the immediacy, intensity and urgency of the issue under scrutiny ...” (Rosenberg 2011b: 45). Obviously such strategies would be rendered irrelevant and

nonviable should there be sufficient female singers presenting women's views in the form of popular songs. This tendency of male singers to adopt the female perspective in their songs created outside of the *taarab* genre is a clear indication of their continued exclusion, relative to men's demonstrative presence, within genres of music such as *muziki wa dansi*⁸ (Ewens and Graebner 1999), *bongo flava*⁹, *genge*¹⁰, *benga*¹¹, or even *ngoma za asili*¹², or traditional dance, the exceptionally rare cases of female singers in all of these genres notwithstanding. As mentioned above, however, *taarab* is a distinct case; a genre of musical and lyrical expression in which women predominate, if not outright dominate, the scenario. In other contexts in coastal societies women's performative activities are closely and even explicitly linked to sexuality and to the power inherent in the female exercise (or performance) of that sexuality. As will be explained below, important *taarab* figures such as Siti Binti Saad and Bi Kidude gained their authority by taking part in ostensibly "traditional" ceremonies such as the unyago or female initiation rituals. In these rituals music, dance, singing and sexuality were intertwined and mutually reinforced as expressions of female power and its integration with public and private social practices.

These forms of performative power may have something to do with the celebrated position of women singers more generally in Muslim communities. One need only think of the clout which women singers such as the Egyptian star Oum Kulthum (1898-1975) have wielded in their societies and their almost legendary ability to bring all activity to a halt with their song. It also may be, as the Kenyan literary scholar Wangari Mwai has suggested, that song is the only, or at least one of the very few mediums available to women in some Muslim communities through which they can publicly and spontaneously present themselves and their views.

⁸ "Dance music" generally with large electrical orchestration with guitars, drumkit, percussion, horns, keyboards and dancers.

⁹ Tanzanian hip hop music.

¹⁰ Kenyan hip hop music.

¹¹ A type of guitar driven popular music which had its origins in Luo communities in KISumu. For an analysis of the phenomenon of *benga* see, see Gregory Barz, 2001.

¹² Traditional dance.

In her analysis of Muslim communities in the vicinity of the city of Kisumu (Western Kenya) she found that:

The songs created by the women in my research sites speak for themselves. Through them, the woman in this society has at least managed to break her 'silence' [.] As she goes through her numerous matrimonial chores, she sings with a strident voice. A voice that seems to analyze and contest the circumstances created for her by society through the manipulation of traditions and customs, thereby questioning the situation they often find themselves in (1998: 28).

Certainly in this respect, song is a valuable tool for groups of people and individuals marginalized from the centers of power, whether that power is anchored within the structure of the family unit or in more expansive cultural arenas. In contexts related more specifically to multi-party politics than to issues of gender and engendered power, Nathalie Arnold has emphasized the many and various roles which poetry and its multivalent expressive forms can play, especially through its employment in popular songs. The truly radical potential of Siti Binti Saad as one of the first female singers in the *taarab* genre and her capacity to effect lasting change upon the societies in which she sang is explained through the analysis which Arnold gives of poetry's ability to "spill over" into the day to day existence of both poets and their audience members. As she states,

[i]n the history of Swahili poetry, poetry and discord are sometimes so closely linked that it is difficult to separate the[m into] distinct objects of analysis. The structural/ linguistic frame around poetic words does not always, nor is it primarily intended to, prevent those words from spilling out effectively, as violence, into the ordinary world. Further, in at least some cases, poetry does not create a safe discursive space in which temporary or ideal selves are made. Presenting an insult in the form of a poem does not always protect composers and their constituents from physical, unpoetic retribution (2002:143).

Arnold also points to the work of Steven Charles Caton who emphasizes the potential of Yemeni Bedouin poetic works to bring about the constitution of social selves through the act of poetic recitation. Arnold points to

the crucial distinction between Biersteker's conception of poetic discourse as a "temporary" actualization of self (2002:142) and Caton's conception of poetry as one of the crucial vehicles through which the Yemeni self is constituted (in distinction to the Western conception of poetry and literature in general as something which is to be kept apart from and ultimately denigrated by those who wield the "real" power in the United States or Europe (Caton 1990: 4)).

It must be pointed out, however, that music and musical performance have always had a relationship with Islamic orthodoxy ranging from ambiguous to outright hostile. As M.L. Roy Choudhury has explained, "[m]usic in Islam is an extremely controversial subject...[T]here has been ample scope for imagination and comment on the subject of music in the absence of any direct mention of the word music itself in the Qur'an" (1957: 46). In any case it has often been true that musicians and singers have had to struggle to maintain positions of respect in Muslim communities. This is due in large part to the ambiguous position of music in the accounts contained within the relevant texts upon which private and public behaviors are based. That is to say, the Qur'an does not make any specific reference to the permissibility or prohibited nature of musical performance other than in reference to the recitation of the Qur'an. The Sunn'a or life stories of the prophet also contain narratives which appear contradictory in that music and musicians are at times permitted and even enjoyed while elsewhere they given less amiable treatment.

At the same time, however, the uncertain position of music and thus its apparent undesirability as a professional and social practice in East African Muslim contexts has made it fertile ground upon which female singers have been able to establish themselves as artists. In certain cases the importance of these women has even extended beyond the contexts of musical performance in order to be felt in domains such as literature, another of the core areas in which the Swahili have come to define themselves culturally as a people. In this respect it is significant that one of the most prolific authors in the history of Swahili literature, Shaaban bin Robert, wrote a biography of Siti Binti Saad.

Robert's elevation of Siti Binti Saad to the status of a literary figure, especially considering that the majority of his novels and books of poetry were made at one time or another into textbooks in the Tanzanian public schools, is a clear demonstration of her pivotal role in the constitution of the cultural consciousness of the young Tanzanian nation: the biography *Wasifu wa Siti binti Saad* [The Life Story of Siti Binti Saad] was, after all, published in 1967, only a few years after independence in 1961 and the unification with the island archipelago of Zanzibar in 1964. In his biography of the famed singer Robert does certainly attempt to contradict the perceived notion that Binti Saad was a licentious woman out to pervert the morally pristine coastal populations that fell under her sway. However, throughout the text it is his main intention to express the creative genius and determination of the woman as an artist and radical force in the constitution of Swahili identity.

Robert, as an artist himself, was sensitive to the problem of defining a productive role as a poet and author. He managed to resolve that conundrum by associating himself with the Tanganyika African National Union (TANU) and their aspirations for political power independent of the British crown. Siti Binti Saad, given the fact that she was singing several decades earlier, could not avail herself of such a professional trajectory. She did indeed do much to revolutionize *taarab* music and disseminate the Swahili language through her adoption of the Zanzibari dialect in her singing. Nonetheless as a female public performer in Muslim East Africa, she had to combat prejudice on at least two fronts: that of a musical performer in contexts where music's status remained ambiguous at best, and her position as a female singer in otherwise all-male groups of musicians where such interaction was deemed suspect.

Lest we consider that the chronology of this text, published as it was nearly fifty years ago, an indication of its irrelevance in contemporary contexts, we should be mindful that a second bibliography of Siti Binti Saad was published only recently by the historian Nasra Mohamed Hilal. The fact that the figure of Siti Binti Saad continues to occupy such an important space in the social imaginary of Swahili speakers clearly demonstrates the continuing relevance of her art and the ideas which gave it its power and developed around this creativity.

This same importance can be ascertained through reference to the systems of intertextuality which are activated through repeated use of songs which Siti Binti Saad made famous, and the multiple ways in which such works are incorporated into the everyday intellectual life of Zanzibaris and mainland citizens of the Tanzanian republic. Having delineated some of the relevant historical and theoretical ideas which have gone into my analysis here I will now turn to a close reading of three relevant (song) texts in order to provide concrete, even if ephemeral, cases in point. These demonstrate the importance of inter and hypertextual borrowings within these contemporary artists' works.

In the case of the song '*Muhogo wa Jang'ombe*,' or 'The Cassava of Jang'ombe' recorded by the artist Lady Jay Dee in 2003 we can clearly perceive the value which the song has as a bearer of authority. Jay Dee is one of the proponents of a relatively new style of music which has come to be popularly known as *buluuz* or 'blues' music, although it has little in common with American blues music as such. Jay Dee's position as an artist within the continuum of Tanzanian music continues to be extremely weak as her creative productivity is seen to be something strange and ultimately alien to Tanzanian cultural roots, following the opinions of many aficionados of *muziki wa dansi* or 'dance music.' I even heard that the combination which she has orchestrated between pre-synthesized mechanical music and lyrics in Swahili constitutes a violation of the language's natural rhythm as well as the culture which this language would normally carry with it. Taking this into consideration we can easily understand the importance of the appropriation which Jay Dee has carried out; not only of the song '*Muhogo wa Jang'ombe*' as a work of art, but also as a performance of presence and power in social arenas.

At present this song is most often associated in the mind of its audience members with the person of Bi Kidude, possibly the oldest singer, female or otherwise, in the Tanzanian *taarab* tradition. Kidude garnered her initial fame singing *taarab* and *unyago*, or female initiation music, in ceremonies on the island of Zanzibar with Siti Binti Saad and the song actually had its origins as a professionally performed and recorded work in this group nearly a century ago. In any case the song has what would be considered in *taarab* circles illustrious origins, which lend a

certain social capital to whichever singer may be performing it. In fact, as we will see below when we analyze the song's lyrical content, the *unyago* repertoire and the lessons that it imparts to young women in an environment divorced from male authority form an important part of the postures and performances of power which the contemporary artists mentioned here continue to draw upon. This is to say, in the same way as Swahili women, excluding men, demonstrate their power at all night revelries as part of the wedding ceremonies which bring them fully into social maturity.¹³ The *unyago* ceremonies constitute another rite of passage which is performed to the accompaniment of song. In both of these cases and in *taarab* performances as well, figurative representations of female sexuality, together with female reproductive and even seductive powers are often celebrated, sometimes discreetly, and at other times brazenly.

This fertility and desirability are communicated in various ways through the song's lyrics and its performative context. Possibly the most important of these, and the aspect of the song which links it most explicitly to the *unyago* rituals mentioned above is the line "*Usikutane wsakunga, na uzazi ungaliko*" or "you should not insult the midwives when you are still waiting to give birth." Here maternity is invoked as a simultaneously dangerous and potent female domain, whereas elsewhere in other verses the singer sings of her clear superiority compared to those who would seek to malign her in the following terms: "*Ni mwerevu, ni mwerevu/Wala sihadaiki*" which can be translated as "I am clever and I am quick and I'm as calm as can be."

At the same time as the singer demonstrates her presence as a powerful woman, capable of engaging with and creating within her society in artistic and reproductive terms, she also goes to great pains to show her abilities to control the expressive medium at her disposal as aesthetic art. This is expressed through the use of Swahili in a high poetic register and a system of metaphors which is woven into the lyrical content of the song. The final verse of the song, for example, reports the following:

¹³ I was fortunate to perform at some of these *msanja* wedding ceremonies/dances when on Zanzibar in 1994.

<p><i>Watu wake wakishiba, huzidi umaluuni Nauliza masuala, hamnambii jamani</i></p>	<p>When people eat their fill, they turn to back-biting When the drum is not even played; how does anyone get possessed?</p>
--	--

*Pahala pasipo ngoma, hupandwaje
na shetani?*

In this excerpt we can readily see that the practice of ‘*mafumbo*’, or metaphorical concealment, is at work. A simple look at the length of the English translation in relation to the Swahili original should give us some indication of the poetic weight and precision of the lyrics, as they portray a whole host of complex ideas in the fewest number of words and syllables possible. One of the core concepts expressed here is that of the predominance of the singer as a consummately capable artist and possibly a source of sexual attraction judging from the implications in the final line that people are becoming possessed or overwhelmed by their emotions even when removed from the contexts in which such possessions should be taking place. Traditionally within the *taarab* repertoire, the use of *mafumbo*, or “‘innuendo’ in order to obliquely speak about sexual issues has been the norm although in recent years much more direct forms of address have begun to be used.

Although it is frequently the case that a female singer’s capacity to liberate herself from sexual prohibitions and restrictions is represented from a critical perspective in order to defame such women, here (and in numerous other cases in *taarab* music) it is clear that the singer, taking advantage of her temporary position of authority, demonstrates herself to be firmly ensconced in her status as a public and sensual - if not sexual - being with power equal or superior to that of men in her own community of listeners.

That same defiance is communicated by Nyota Ndogo in her *taarab* interlude which provides the lead in to the song ‘*Nataka Toa*,’ or ‘I Want to Spit It Out’ which she sings with Kevin Wyre and Nazizi Hijra of the Kenyan *genge* group Necessary Noize. Without going into a lengthy description of the song, which I have already endeavored to do elsewhere

(see Rosenberg 2011a, 150-155), I would instead like to point out here the salient reverberations between this song and ‘*Muhogo wa Jang’ombe*.’ The song ‘*Nataka Toa*’ is one of the tracks off of Necessary Noize’s first album, released in 2001 as the political stranglehold of the Moi regime was beginning to loosen its grip on Kenyan politics, culture and society in general. At that time the type of music that is featured on the album was just beginning to take hold in the country and much as in the case of Jay Dee mentioned above, it was a natural reaction on the part of young artists to seek out established genres and techniques in order to plant themselves firmly in a context where their own music will be recognized and respected.

Thus the attempt by Nyota Ndogo, a Mombasa native, to draw upon her heritage in *taarab* (as mentioned above Mombasa is another hotbed of *taarab* activity and fame) is a logical and successful attempt to bolster her own somewhat vulnerable position as a female performing within the *genge* hip hop genre and as an artist within Kenyan society in general. This is done through the vocal stylings which she employs, which, combined with the overdubbed long playing record hiss and crackle, call up memories of a bygone era of *taarab* classics. The lyrical content also, and perhaps more explicitly, represents a defiant stance against all those who would malign her personally and as an artist.

<i>Nami nataka toa</i>	I want to spit it out
<i>Yamejaa moyoni</i>	My heart is bursting with it
<i>Nami nataka toa</i>	I want to spit it out
<i>Yamejaa moyoni</i>	My heart is exploding with it
<i>Wengi walisema</i>	Many have spoken
<i>Wasitoe zao</i>	Let them hold their peace
<i>Wengi walisema</i>	Many had their chance
<i>Wasitoe zao</i>	Now let them be silent
[...]	

The remainder of the song, sung by Wyre and Nazizi in a mixture of ragamuffin and hip hop styles, reinforces the message which has been established by Nyota Ndogo through her authoritative use of *taarab* at the song's outset with a similar lyrical content. She expresses defiance and exasperation at the pettiness and incapacity of others to appreciate the positive creativity being expressed through the group's work.

Ray-C's rendition of the *taarab* standard '*Nimezama*,' or, 'I have sunk right down into it' combines the unbridled sensuality and sexuality of Jay Dee's appropriation of the *unyago* and *ngoma* contexts, in which abandon in both sexual and spiritual terms was condoned if not expected, with the defiance of Necessary Noize in their *genge* youth sub culture. Here the references to the sexual act itself complete with the "puddle" of love and the sinking down into it and rising up back out of it are much more direct than those we have seen before. While there is a very thin lyrical veil cast over the copulation being described in the song, it would be difficult not to understand the allusions. Perhaps because of the overtly sexual nature of the lyrics and their celebration of sexuality as both pleasure and abandonment the song has long been a favorite of Tanzanian *taarab* groups and specifically female *taarab* vocalists and has been recorded by artists as diverse as Golden Star *Taarab* and other male *bongo flava* artists such as TID, or Top in Dar [es Salaam] and Nikki Mbishi.

Ray-C is another young Tanzanian artist living and working in and around Dar es Salaam and has encountered many of the same problems which Jay Dee and Necessary Noize have met in their attempts to create new and engaging music which breaks with many of the traditions which held sway before their arrival on the scene. The song is more or less an extended metaphor describing the descent of the singer (in most cases female) into a '*dimbwi*' or 'puddle' of love. The fact that the singer repeatedly employs the words "*zama*," (to sink into something), and "*zuka*," (to rise up out of something) provides the less than refined sexual innuendo of the third strand of the metaphorical knot.

While on an obvious level a metaphorical relationship is being established between the tormented mental state of the singer and a puddle into which a person might very well fall, the third, sexually-charged narrative implication or '*mafumbo*' (see above) adds immeasurably to the assertiveness which the song carries with it. We can see, therefore, that Ray-C has also successfully drawn upon the *taarab* repertoire in order to confirm her status as a young female artist as well as to defend her right to sing about and publicly demonstrate female power whether sensual/sexual or otherwise, even in coastal and oftentimes Muslim contexts.

A consideration of these three songs and their respective performers, therefore, must take into account the accumulation of significance which has built up the enduring, timeless quality of these works. Such a status and the continued deployment of these songs and the genre in general gives new life to the contentious discussion of issues that is still relevant today, regarding the capacity of women to participate as actor rather than object in numerous social arenas in coastal societies. This is a reality which is affected in a quite literal way by the song and public performance of *taarab* music.

Although it is certain that in many ways the situations and positions occupied by women in coastal East Africa have changed dramatically since the days of Siti Binti Saad and Jay Dee, Nyota Ndogo, or Ray-C, at the same time we can see that the themes raised in a song such as '*Muhogo wa Jang'ombe*' nearly a century ago remain significant enough to be drawn upon as a means through which young singers demonstrate their capacity to dominate one of the arts most respected in Swahili communities - that is to say, poetry. The reincorporation of these *taarab* songs into contemporary musical praxis in Kenya and Tanzania tells us a great deal about the integral elements of gender discourses, including sexuality, which can be communicated and discussed through forms of popular expression such as songs. This strategy of intertextuality indicates to us as well the explicit and semi-concealed techniques of establishing modes of power and influence from the position, twice removed from conventional centers of authority, of a woman and a popular singer in Swahili communities.

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Letter to Mama

Salma¹

Abstract

Salma, a Palestinian writer, offers a piece of creative writing related to her early marriage and to the pressures she faced following her divorce at age 25. This highly personal 'Letter to Mama' highlights how family pressures escalated into violence, leading Salma into exile. The letter is, as noted by the author, 'purposely written in spoken language rather than in formal or academic form, as it was written in a conversation I imagined between myself and my mama'.

Hi Mama, *kifek?*²

I'm doing OK *ilhamdilla*,³ even better than just OK. Yet, for me to feel the best, I need to write these words to you, I need you to read them, and most of all, I need you to make an effort to understand them.

¹ **Salma** was born in Yaffa (Israel/Palestine). After obtaining her BA in Sociology from Tel-Aviv University in 2005, she joined the Arab-Jewish Community Center in Yaffa, where she developed and coordinated projects that focused on strengthening Arab women, promoting their independence and countering ethnic and gender discrimination; and promoting solidarity and dialogue between Arab and Jewish women. She is currently enrolled in a Masters programme for Gender Studies at Humboldt University, Berlin.

² *Kifek*: how are you

³ *Ilhamdilla*: "Thank god", cultural expression not just religious

So much has happened since we last saw each other. It was Ramadan. You were in the kitchen, cooking just a few minutes before *Azan*.⁴ Then we had a fight and I left your home.

I want to tell you about all that I have been through from that moment until this one, as I am sitting at my home, writing these words.

First, I will take you a little back into the past, about 15 years ago, when I just got engaged. Do you remember? I was not even 14 years old at the time when you came to tell me that Khader asked for my hand in marriage. Or should I go even more back into the past, to show you what you refused to see: I'm different, I'm different than *Ihssan*, I'm different from the "normal" girl, you always wanted me to be.

Maybe I did not make life easy for you and did not always do things the way they "should" have been done.

I was stubborn, I still am. I am impulsive and impatient. You told me the story of my birth: from the moment you went into labour, until the moment you were holding me in your arms, which was less than two hours.

I wanted to resemble Abdallah, or just be allowed to do what he was allowed to do, without being called *Hassan-soby*,⁵ and without you making fun of me for being such a *Hassan-soby* because you couldn't find "nice" clothes for me, and that skirts and dresses look awful on me.

I was different. I am different. Nonetheless, different is nor bad nor good, Mama, just different. Ah... I want you to be so proud of me, I want you to look at me and think: "That's my beautiful daughter".

Tayeb,⁶ back to my engagement. Not at that moment, but a bit later, I resented the fact that you did not do what you were supposed to do as a mother: you did not decide for me, instead you let a 14 -year-old girl decide about her future herself. Can you imagine Souraya getting engaged in one year from now?

Your argument was that Khader was too good an opportunity to lose. I always felt that you thought that if I had waited until I had graduated from

⁴ *Azan*: When the Imam announce the break of fasting

⁵ *Hassan-soby*: Tom-boy

⁶ *Tayeb*: ok

school, then I would not have the chance of getting such a “catch”. Was I not smart enough, not good enough, not beautiful enough to wait?

And then a year later, I wanted to break up with him. You didn’t come to me and tell me ‘No!’; you didn’t even try to talk to me or see me. Instead, you sent my sister lhssan, my friend Nadia, *Khalto*,⁷ Itimad and others to try to convince me to change my mind. And you succeeded, I stayed engaged!

This trick didn’t work eight years later when I decided to get a divorce. Again, you did not come to me to share your opinion. You sent others.

I can understand this in our society, Arabs in Yaffa, my reason for divorce was not enough, and it is not enough. Yet, I always thought that parents want to see their children happy. Now I understand that it is true, however, society and norms come first.

Do you understand now why I divorced Khader? I will tell you: I did not divorce Khader, I divorced marriage! It could have been any other man, I would have still divorced him. You were complaining (together with the rest of the family): ‘He’s so good, he lets her do everything she wants, he gives her so much freedom’. And it’s true, I had my freedom, I had it because he as my husband gave it to me. I wanted to be free, but I wanted it because I as a human being deserve it, not because my husband is such a good man to give it to me.

My marriage was OK, there was nothing “wrong” with it, but I wanted more from life than just doing OK. I wanted excitements, adventures, failures, disappointments, I wanted passion. I wanted all that a woman, an Arab woman, an Arab woman in Yaffa, is allowed to feel, but not to claim for herself.

I have those things now. Since my divorce I felt so many different feelings: I have been in love, I have felt passion, I have gotten angry, sad, disappointed; I have met people, I have seen places, I have had experiences, I have cried, I have been happy, I have been confused, I have been focused, I have built a career, I have made friends, I have lived!

Then, after my divorce, already an adult woman, you did not talk to me or ask me, as few times men came to ask for my hand in marriage. You answered ‘NO!’. I would have given the same answer, but it was me who

⁷ *Khalto*: my maternal aunt

had to know about it and decide. What you did not do when I was 14, you did when I was 25.

From this point on, our relationship just got worse. For you it was obvious that after my divorce I would come back home, because for us in the Arab society, a woman belongs either in her parents' house or her husband's. I found it absurd!

After eight years of living outside your home, after eight years of being responsible for my own home, I was expected to just come back. At the age of 17 I was grown up enough, responsible enough, to be in a marriage; yet at 25 I was not allowed to live on my own. Here we had our major crossroad.

Why this control over women? Over daughters? Over ex-wives? What is it that people in our society are so afraid of when a woman lives neither in her parent's house, nor her husband's? Are we that stupid or blind to see that a woman can do whatever she wants, no matter where she sleeps at night?

I had an apartment in Tel-Aviv, and I had to lie to you by telling you that I was living in a student's dormitory, because I knew you wouldn't accept it. But my life was in Yaffa: my work, my friends, my family. So after leaving the apartment in Tel-Aviv and moving to my brother Ihssan's place for a while, I got an offer from Inna, my friend, to live with her and her partner. I decided to take it and this time without lying. As I knew, you could not live with the fact that I refuse to come back to your home, although I was living just a few moments away from you, with two other women. You could have easily supervised my steps and actions. Even *Baba*⁸ eventually agreed. He visited me at my place and had coffee with Inna and me. Abdallah knew about it and did not think of confronting me. This drove you crazy: the men in my life, who were supposed to "control" me, did not actually mind me living on my own. And what did you do? You called *amo Zakkar*.⁹

⁸ *Baba*: father, dad

⁹ *Amo Zakkar*: my paternal uncle

Free Without Lying

Amo Zakkar called me on my mobile a few times. At first he asked me to come back home, then he demanded that I come back home, then he started threatening me, and in his last call he left a message on my mobile telling me he would distort my face in such a way that I would not dare to be seen outside. And I still did not take it seriously, did not imagine that he or anyone else would hurt me—me, Salma, the one who has been working in empowering women for years. During my studies I read and heard about violence against women, but they were always other women: rural women, Bedouin women, poor women, uneducated, weak women, other women.

For a while I kept my mobile off. A week or so passed without hearing from anyone of the family.

It was Thursday evening, I was in a preparation meeting for municipal elections in Yeffet street (main street of Yaffa), when *amo Zakkar* came to me. How? How did he know I was there? Who told him? Who gave me away to him?

He said he wanted to talk to me. Was I stupid or naive to still go to him? But I did. He put his arm around me and started talking. I do not remember his words. I just remember feeling his arm strong and heavy on my shoulder. I tried to release myself from his “hug”. The more I tried, the heavier his arm became. When I understood he was not going to let go, I tried strongly to release myself from this hug. He realized it, he started attacking me. He punched me in my face, he beat me, it felt like he was wearing a metal ring on one of his fingers. I wish he was dead!

I started screaming. People came out, people stared. I will never forget what I heard while being attacked:

Person a: “What’s going on here?”.

Person b: “It’s OK, it’s a family matter”.

A woman was being physically attacked in the main street of Yaffa, a woman they knew. Some call her a friend, some call her a colleague, for others a family member, but for them it’s a family matter.

Who were those people? I wish I could put faces to the voices.

After a few minutes, Inna came out and started screaming and yelling at him. According to her, when he heard someone yelling in Hebrew, apparently it scared him for a second. Exactly in this second I managed to release myself from his hands. I ran with Inna, took my motorcycle and drove home. And still I did not leave Yaffa. My lips were swollen and bleeding, my eye was blue, but no serious injury, no need for a hospital. She took pictures of me “just in case”.

That night I fell asleep crying, I slept hurt, I slept betrayed.

The next day, round 11 a.m., lhssan sent me a text message telling me that *Khalo* and my cousins were looking for me. Now we panicked, now we took it seriously. We started looking for flight tickets. In the evening I was in Paris.

Mama, from the day I arrived to Paris till today, many things have happened. It was not easy, I struggled, I survived!

Why am I writing now? I guess I am ready now. I am in a good place, in a safe place. And lately you and I started some kind of a relationship. We talk. It is really important for me to have contact with you, but more important for me is to have a healthy relationship, in which we talk about things, we talk about what happened and we talk about what is going on today, without ignoring facts, without pretending everything is “normal”.

I want to share with you my future but not for any price. There are norms and rules in our society that apparently I did not agree to at that time, I still do not. If I lied in the past to be free, I want to be free from those lies. I deserve to be free, I will fight to be free (even if it is me who eventually pays the price).

Please, Mama read this letter.

نحوائين زير اش مسلم قوانين
Women Living Under Muslim Laws
النساء في ظل قوانين المسلمين
Femmes sous lois musulmanes

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