

Islam, Human Rights, and Gender: Traditions and Politics

Ann Elizabeth Mayer

As people who know my work can anticipate, I shall present a case for the overwhelming importance of politics in determining positions on women's human rights, even where such positions are presented as deriving from religious teachings. As I shall propose, too much weight is ascribed to Islam. In fact, using "Islam" to differentiate human rights issues pertaining to gender that arise in Muslim societies from analogous issues arising in parts of the West can be seriously misleading.

Whatever the similarities once were in the past regarding how people in the East and in the West conceived of religious traditions related to women's human rights - and there were always many similarities - the similarities today are growing. This is because of a phenomenon that has attracted too little attention - the alliance between Christian and Muslim conservatives and between the Bush administration and the governments of Muslim countries that are fighting against women's international human rights in the name of Islam. The Washington Post article that I asked to have distributed describes some recent developments that demonstrate that a U.S. Government now closely allied with Christian conservatives is essentially taking the same stance on gender issues as some Muslim countries that endorse conservative versions of Islam, proving that the supposed East-West divide on these issues is an illusion. Behind this alliance is a common determination to preserve the traditional family and the values associated with it. Both sides also want to protect traditional patriarchal institutions, sharing a profound antipathy to the concept of gender as this is used to critique the notion that women are designed by Nature to play roles different men, rejecting the notion that gender is a socially constructed identity. The Bush administration stance is hardly without precedent. Right before the 1995 Beijing Conference, the U.S. Senate revealed what side it stood on, endorsing the idea of complementarity and instructing the U.S. delegation going to Beijing that it was to promote the value of motherhood, to uphold the traditional family as the basic unit of society, and to define gender as the biological classification of the two sexes. If Islam were the determinative factor that Orientalists tell us that it is, we would not be seeing such striking similarities between developments in conservative Muslim countries and in the United States, where the ascendancy of Christian conservatives has meant a policy of placing religious tradition above women's human rights.

It is easy to get the impression that Islam plays a uniquely important role in Muslim countries. Governments that purport to apply Islamic law often act the way Iran's theocracy or the Saudi monarchy does, speaking as if there were a perfect correlation between governmental policies and Islamic doctrine. They treat the version of Islam that they impose as definitive and speak as if all people on the national territory shared a common cultural identity -- an ethos that can be subsumed under the norms of the official Islam. This Islamic ethos supposedly means that these societies operate according to fundamentally different principles than do those in the West.

Of course, in proposing this monolithic Islamic model, countries like Iran and Saudi Arabia replicate the fallacies of the Western Orientalist tendency that were so eloquently denounced by Edward Said. Orientalism imagines essential differences between the West and "the Orient" based on the supposed pervasive impact of Islam, imagined as the central determinant of all features of life in Muslim societies. Orientalist stereotypes also assume the existence of conflicts between a West imbued with human rights values and an "Orient" imbued with a uniform Islamic culture that is hostile to human rights. Like Western Orientalists, governments that make Islam into the centerpiece of national identity present Islam in a stereotypical fashion, ignoring the complexity and diversity of its strains and discounting how many other factors affect the lives and attitudes of Muslims. In oversimplifying Islam, exaggerating its influence, and pressing the idea of irreconcilable differences between the West and Muslim societies, they become perpetrators of what the eminent Syrian philosopher Sadiq Aal-'Azam calls "Orientalism in reverse." Sadiq Jalal al-'Azam, *Orientalism and Orientalism in Reverse*, in *Forbidden Agendas: Intolerance and Defiance in the Middle East*, compiled by John Rothschild (London : Al Saqi Books, 1984) 349, 367.

There are many in the West who miss the significance of Said's critique of Orientalism for examining human rights issues in Muslim countries. Said actually supports universality of human rights, believing human rights standards to be as applicable to Muslim societies as they are to Western ones. However, some misread him and, identifying international human rights law with Western norms, they may associate the use of international human rights law as the criterion for assessing developments in Muslim societies with the Orientalist project. They may imagine that the outcome of such assessments will necessarily be to confirm that Western civilization is superior and that Muslim societies will be proved to be deviant and primitive. People may be especially opposed to applying international human rights law to evaluate the situation of women in Muslim societies, being convinced that such standards are alien and distorting. It is essential to distinguish principled, consistent applications of women's international human rights standards from applications that are designed to further political goals that could be associated with Orientalism.

Contrary to what many think, the use of international human rights law to assess the state of women's human rights in Muslim societies do not involve Orientalism - unless such examinations are prompted by Orientalist motives, such as justifying Western imperialism or a determination to demonstrate the relative backwardness of Islamic civilization.

For example, when appealed to by Western governments like the current U.S. administration, human rights can be used cynically and opportunistically for objectives that have little to do with advancing human rights. Consider the shifting U.S. reactions to the treatment of women by various Afghan factions in the period since the Soviet invasion. The United States had no hesitation in supporting Afghan factions that oppressed women as long as these battled Soviet forces and served U.S. foreign policy goals. Even after the Soviet withdrawal, the United States was ready to collaborate with factions that adopted grotesquely reactionary policies on women in the name of following Islam. Even the horrendous oppression of women under the Taliban failed to stir the United States to meaningful action to punish the regime for its massive infringements of human rights. However, after the September 11 attacks when the United States blamed the Taliban leadership for tolerating Usama Bin Ladin's activities on Afghan soil, suddenly official U.S. statements were full of indignation about the Taliban's violations of Afghan women's human rights. When the United States was trying to mobilize support for its war on the Taliban, Laura Bush was brought out in November 2001 to denounce the Taliban's oppression of women and to make statements supportive of Afghan women's human rights. She announced: "All of us have an obligation to speak out" for "the rights and dignity" of Afghan women. When it became politically expedient to invoke Afghan women's rights, suddenly the U.S. government was eager to pose as being deeply concerned about the violation of these.

That such U.S. stances have little to do with any principled commitment to women's international human rights was subsequently manifested when the administration felt that the need to demonize the Taliban was past. Once Mollah Omar's medieval emirate was overthrown, the United States revealed its true colors as the determined foe of the Women's Convention, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Bush administration aligned itself with what had been the Taliban's position that CEDAW was unacceptable. (Afghanistan, like the United States, had been one of the few countries to refuse to ratify CEDAW.) After packing the U.S. delegation to the U.N. Commission on the Status of Women with opponents of women's rights in spring 2002, the United States went on the record as strongly opposing any calls for Afghanistan to ratify the Women's Convention, saying that U.S. policy was that the U.N. should not pressure sovereign nations to join international conventions. Of course, this stance expressed the attitude of the Bush administration, which revealed itself as being strongly opposed to ratifying CEDAW. Ironically, Sima Samar, who was for a time the minister of

women's affairs in post-Taliban Afghanistan, wrote to the U.S. Senate begging it to approve the ratification of CEDAW, asserting that the example of U.S. ratification would be helpful to her and to other Afghan women. That is, the Bush administration found itself opposing the leading woman official in the new Afghan government on the question of whether the main convention protecting women's international human rights should be ratified, the Afghan official being in favor of ratification and the Bush administration rejecting the convention. These twists and turns in official U.S. stances show that U.S. policy on Afghan women's human rights has been dictated by political expediency, not by any commitment to ensure respect for women's international human rights. Indeed, as observers have noted, since Bush took over the Presidency, in international forums the United States has repeatedly taken positions that have meant setbacks for women's rights and women's welfare.

Of course, no one should take seriously any claims by the Bush administration to be concerned with seeing women's human rights respected. But, what are the implications, if any, of such cynical appeals to women's human rights to score cheap political points for other critiques of violations of women's human rights in Muslim societies? Should we feel inhibited about critiquing such violations using the criteria of women's international human rights? The Bush example sets no real precedent here, since Bush is clearly alienated from the principles of international human rights law, refusing to demand adherence to these either domestically or abroad. We in the West should no more be disqualified from undertaking critical examinations of the situation of women in Muslim countries pursuant to international human rights law than should women in Third World societies should be disqualified from critical assessments of women's situation in the West using these criteria! We need, however, to be careful to avoid certain potential pitfalls in such cross-cultural assessments.

I agree with Brenda Cossman, who has offered a thoughtful appraisal of the problems of Western feminist scholarship when investigating women's situation in Third World societies. "Turning the Gaze Back on Itself: Comparative Law, Feminist Legal Studies, and the Postcolonial Project" *Utah Law Review* (1997), 525- 544. As she notes, in this era of postcolonial feminist scholarship, Western feminists do not want to be inhibited from looking outside their own cultures. Cossman proposes that there are two poles to be avoided -- an unself-critical ethnocentrism at one extreme and a hyper-self critical cultural relativism at the other. Cossman wants feminist inquiry to chart a path between these poles. One way to avoid ethnocentrism and excessive cultural relativism when examining Third World societies is to be at all times critical and self-critical in the light of one consistent standard. I would argue that the criteria of women's international human rights law, applied in a principled manner, can provide such a standard.

From my own experience I would urge that, when we in the West undertake assessments of women's situations in Muslim societies, as

part of being self-critical, we must remain alert to how we can be influenced by unstated norms against which we measure differences. We need to be ready to reexamine and adjust our initial preconceptions and to listen carefully to the perspectives of women in Muslim societies, which may be very different. Among other things, we need to ask: Am I open to listening to what Muslim women tell me? Am I prepared to revise the original framework for my assessment in consequence of what insiders tell me about their own perspectives and priorities?

Failing to do this can lead to misreadings of what goes on in Muslim societies. For example, I am disturbed and disappointed when I give talks about the broad problems of women's human rights in Muslim countries to U.S. audiences only to be bombarded with the same questions afterwards about honor crimes and FGM. These are problems, of course, but certainly not the most important or most pervasive problems facing Muslim women. Westerners who obsess about honor crimes and FGM as if these were the most typical problems in Muslim societies are disposed to imagine that Muslim women deal with a pathological culture with deformed values. This is hardly surprising, since the Western media pander to Western preconceptions about the misogynistic cultural practices prevailing in Muslim societies. This common Western mindset filters information about Muslim women, highlighting those aspects of the treatment of women that often make Muslim societies appear monstrous and uniquely violent. The Western mentality that focuses on instances of lurid exoticism at the expense of the larger picture impedes a clear grasp of women's situation in Muslim societies.

Women living inside Muslim societies may have priorities very different from those Westerners project. Their primary objectives may be to get the wherewithal to ensure that they have enhanced control over their lives and expanded opportunities. Depending on their circumstances, their main concerns may be about being denied affordable credit, being removed from schooling at an early age, lacking access to decent housing, having inadequate nutrition, or fighting discrimination that impedes their becoming productively employed. A central concern of many Muslim women has been the difficulty they face in obtaining divorces if their husbands object to ending their marriages and the lack of adequate financial provision to support women after divorce. Many of their concerns in social and economic domains may not be tied to distinctive cultural features - and, more importantly, not be tied in any way to Islam.

As Volpp says, the overemphasis on what is commonly conceptualized as cultural violence or subordination makes it difficult to see forces beyond culture, obscuring the fact that there are other important social, political, and economic issues affecting women's lives other than the cultural practices that garner so much attention and that serve to illustrate the alien and bizarre oppression of women of color. Leti Volpp, "Feminism versus Multiculturalism," *Columbia Law Review* 101 (2001), 1208. As she points out: "Other problems - which raise questions of the role of

dominant individuals, communities or states in shaping gendered subordination, such as ongoing relationships of economic inequity, development and community policies, exploitation by transnational corporations, or racism - are ignored." Ibid.

Preoccupied with the supposed monstrosity of the treatment of women in Muslim societies, all too frequently Westerners fail to take account of the ways that situations of women in their own societies correlate with the situations of women in Muslim countries. With regards to Western assessments of women's situation in Third World societies, Volpp wisely advises us that: "Attempts to make normative judgments and to change behavior must be premised on the understanding that cultures, including our own, are patriarchal - not more or less so, but differently patriarchal." Ibid., 1217. As she warns: "We will not reach new possibilities through a simplistic and binary freezing of difference and sameness . . . of 'us' vis-a-vis minority and Third World communities. We need to learn to see and challenge the multiple, overlapping, and discrete oppressions that occur both within and across white/Western and Third World/nonwhite communities." Ibid. For example, if women in the United States mobilize to protest honor crimes in Jordan, they act inconsistently if they fail to recognize the epidemic of domestic violence in the United States, which is tied to Western traditions that condition both women and men to consider it normal for men to resort to physical attacks and terror directed at wives and lovers.

By utilizing a single standard like women's international human rights law we can appreciate the commonalities in the situations of women in the West and in Muslim societies. Indeed, by turning my gaze back on my own society and critically assessing the attitudes of the U.S. Government towards international law, I have been able to demonstrate many similarities in U.S. and Muslim countries' approaches. In reaction to the alliances that Muslims supportive of women's international human rights have made with supporters of women's human rights elsewhere at venues like the 1995 Beijing Conference, we see Muslim opponents of human rights - including the governments of Iran, Iraq, Libya, Saudi Arabia, and Sudan - forging alliances with the U.S. Government as well as private groups opposing women's international human rights in the United States, as well as the Vatican and Latin American states closely allied with Vatican policies. Bridging the gap that normally separates Catholics, Muslims, and Protestants, their shared hostility towards women's international human rights disposes them to overlook their differences on many points of politics and religious doctrine. In numerous international forums, the U.S. Government has sided with countries like Iran, Iraq, Libya, Saudi Arabia, and the Sudan in fighting against women's international human rights and in supporting religious and cultural rationales for non-compliance with human rights. This is a dramatic shift from the years when President Clinton was in office, when the executive branch was generally favorable to women's human rights.

Thus, although the initial battles over women's human rights are being fought out WITHIN Western and Muslim societies, in this era of globalization, both the supporters and opponents of human rights are engaged in a global struggle, reaching out across cultural barriers to forge alliances with like-minded forces on the opposite sides of these barriers. The supposed East-West divide over women's human rights is fictional; it is the global divide over women's entitlement to enjoy international human rights that is real.

What kind of message does it send when religious conservatives join together to fight against women's rights in the UN? Does it prove that the opposition to women's human rights is inherently religious? Or, does the mobilization of conservative forces in different religious traditions to combat women's rights demonstrate that in many societies political opposition to women's rights expresses itself in religious terms? Is the global struggle to defend patriarchy in various societies around the globe being dressed up - one might say veiled -- in religious garb to make it look more respectable? I ask these only as rhetorical questions; the answers seem obvious.

Those in the West who imagine that there is a natural Western affinity for human rights and a corresponding Muslim antipathy towards human rights standards may be influenced by Muslim countries who assert that Islam has its own unique approach to human rights. Ignoring the vigorous clamor coming from Muslim societies for expanding women's rights and freedoms, these Westerners may be persuaded by claims made by countries like Iran and Saudi Arabia on behalf of an Islamic particularism that sets Muslim women apart and means that women's international human rights do not apply to them.

When governments of Muslim countries defend their treatment of women on the grounds that they are bound to follow Islam, they speak as if their policies on women corresponded to the one true Islam - ignoring that there is no Islamic consensus on women's rights. They also imply that governments of modern nation-states enjoy the right to dictate to Muslims on their territory what Islamic doctrine requires. This in turn has the corollary that opposition to governmental policies that claim Islamic justifications amounts to rebellion against Islam. As an example, Muslim women who protest against discriminatory laws are routinely denounced as being anti-Islamic and tools of secular Western forces, agents of U.S. imperialism.

However, such governmental representations of Islam have no relationship to actual political realities. When one compares the laws affecting women currently in force in Muslim countries, one observes radically different national standards, all claiming Islamic authority. If one took the governmental claims at face value, one would have to conclude that "Islam" varies with contemporary geopolitical boundaries. The primacy of the nation-state (an institution borrowed from Western political systems), one winds up with dissimilar competing national "Islams" - contained in units like Pakistan, Saudi Arabia, or Tunisia - regarding the treatment of women. As Muslim women

note, the Islam that governs women in Pakistan - where a woman could become Prime Minister, is not the Islam of Saudi Arabia, where women lead cloistered, segregated lives and are excluded from the political establishment. The retrograde Islam of Saudi Arabia where "Islam" even bars women from driving cars is not the Islam of Tunisia, which endorses a progressive understanding of Islam that gives women parity with men except in the area of inheritance law. Obviously, local political variables determine the national approaches to interpreting Islamic requirements and to issues of women's human rights. This has been signaled by the Women Living Under Muslim Laws network, which studies issues of women's human rights in Muslim societies. This important NGO deliberately chose to put "Muslim laws" in its title as "an acknowledgement of the complexity and diversity of women's realities in Muslim countries and communities."

This complexity and diversity is also demonstrated by the variety of national reactions to the Women's Convention. Although some Muslim countries like Afghanistan, Iran, and Sudan have refused to ratify it, most Muslim countries have done so. Some ratify without reservations of any kind to the substantive provisions - such as Albania, Tajikistan, and Yemen. However, in ratifying, many have appended reservations indicating that they refuse to comply with certain CEDAW principles, carving out exceptions. These reservations vary enormously in terms of where individual states have identified problems in accepting CEDAW - and even in terms of whether or not Islam is treated as relevant for deciding which principles are problematic. Some ratify with general reservations implying that there are significant conflicts between Islamic law and CEDAW. In the process, they reject the authority of CEDAW provisions where these conflict with Islamic law.

Consider, for example, the vague and sweeping Saudi reservation, which provides: "In case of contradiction between any term of the Convention and the norms of Islamic law the Kingdom is not under obligation to observe the contradictory terms of the Convention." Obviously, given the pervasive disenfranchisement, discrimination, and segregation that afflict women pursuant to the official Saudi interpretation of Islam, this Islamic reservation will essentially nullify the convention. Other countries like Egypt and Morocco appeal to Islamic law in making specific reservations to certain CEDAW provisions, such as the ones calling for equal rights for women and men in marriage and divorce. In the course of these reservations, both countries endorse the complementarity thesis, according to which women and men are naturally assigned to different roles in the family. This complementarity thesis is, however, not peculiar to Islam; conservative Christians in the United States embrace it, as well. Some ratify with reservations that disguise the potential to appeal to Islamic law to nullify CEDAW provisions, like Pakistan, which indicated that its commitment was qualified by its obligation to uphold Pakistan's constitution. This is a neutral-sounding reservation, but the Pakistani constitution includes many Islamic provisions that could be used to uphold discriminatory laws affecting women, such as the Article 29 provision

that no law shall be repugnant to the teachings and requirements of Islam. Some Muslim countries ratify with reservations, but without making any express reference to Islamic law and without the bases for their reservations to CEDAW provisions necessarily being tied to Islamic law, as is the case with the reservations entered by Turkey and Algeria.

In the widely varying patterns of national reactions to CEDAW one sees evidence that state policies determine how Islamic requirements are portrayed and how and whether it affects countries' readiness to accept women's international human rights. Not only do the various national versions of Islam reflect local politics, but even within one country's legal system, so-called "Islamic law" affecting women may change in response to policy reorientations. Not surprisingly, Muslims who are dissatisfied with these laws regard the Islamic religion as being distinct and severable from what nation states tell their citizenry that Islam requires.

Critical appraisals of national laws affecting women's human rights should not be off limits, regardless of whether these laws do or do not claim a religious pedigree. However, in the eyes of some Westerners, critiquing discriminatory laws in Muslim countries is tantamount to assaults on Islam. This was shown in 2001 when members of an international listserve covering the Persian Gulf got into a protracted debate about Iran's treatment of women, with inputs from men and women from the Middle East, Europe, and North America. This debate ensued after I wrote objecting to an article by a well-known U.S. scholar of Iran who had portrayed the situation of women in the Islamic Republic a highly favorable light. A few excerpts from the much longer online discussion can be found in "Gulf/2000, Women in Iran: An Online Discussion," Middle East Policy 8 (December 2001), 128-143. Among the problems that I found with this article was the author's depoliticizing Iran's official Islamic dress rules. From his characterization, one would gather that virtually all Iranians shared the view that the official Islamic dress rules for women are part of "the basic requirements for modesty." He conceded that "many older Westernized women" objected to the dress rules, but it was obvious that he dismissed their reactions as irrelevant. From his perspective, only the views of authentic representatives of Iranian culture needed to be considered -- and only women who accepted the official dress rules counted among the authentic representatives whose opinions mattered. In the course of the debates it became clear that he was not alone and that many on the listserve refused to recognize that Iran's national rules of Islamic dress, which are strongly resisted by Iranian women and which are being enforced by aggressive policing, floggings, fines, and prison terms, are aspects of a state policy of subordinating women. Instead, they preferred to see Iran's Islamic dress rules as direct expressions of Islamic values and Iranian culture and chose to delegitimize any protests by Iranian women on the grounds that those protesting were necessarily Westernized and alienated from their own culture. Underlying this classification was, of course, the conviction that I discussed earlier - that human rights belong in the West and are alien to the "Orient," all true "Orientals" being deemed to share the same natural aversion to these.

My urgings that people ponder the significance of the arrest and imprisonment of Mehrangiz Kar, one of Iran's most prominent advocates of women's international human rights, made little impression on such listserve members.

Kar's plight as she was imprisoned at a time when she was battling an advanced cancer to punish her for expressing critical opinions about Iran's discriminatory laws evoked little sympathy. Among her offenses was publishing a comparison of Iran's discriminatory laws and relevant CEDAW provisions outlawing discrimination against women. (Although Kar is an outspoken secularist, she does not blame Islam per se for the discrimination suffered by Iranian women, but a mentality that attacks freedom and equality in the name of religiosity.) The regime's determination to bring an additional prosecution against Kar for bad hejab (improper veiling) likewise left many on the list serve indifferent, since, like Iran's hardline theocrats, they imagined that it was improper and unnatural for Iranian women to challenge the rules on Islamic dress. Apparently fearing that Iran would suffer bad publicity if Kar died of her cancer in prison, the regime eventually relented and permitted her to leave for medical treatment in the West. Living in exile in the United States, Kar will certainly risk encountering people who will lecture her that she has not been acting the way an Iranian woman should. Many in the West fail to recognize oppression in Muslim societies when it wears a religious/cultural mask, which leads them to condemn feminists from these societies.

It is time to abandon the simplistic view according to which a uniform Islamic cultural ethos pervades Muslim societies and automatically determines all facets of women's status. We need to look past slogans and stereotypes about Islam and to examine the politics of gender in Muslim societies. We also need to recognize how the international and cross-cultural coalition formed to advance women's rights is now being countered by an international and cross-cultural coalition of religious conservatives determined to fight women's human rights. It is also time to recognize that a U.S. administration with a demonstrated antipathy towards international law in general and to women's international human rights in particular is likely to pose a greater threat to advancing women's rights and freedoms around the globe than the complex and deeply contested Islamic tradition ever could.

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BBC Monitoring Middle East - Political

Supplied by BBC Worldwide Monitoring

July 25, 2002, Thursday

LENGTH: 586 words

HEADLINE: Iran: Dissident journalist regrets his past actions,
confesses to CIA links

SOURCE: Vision of the Islamic Republic of Iran Network 1, Tehran,
in Persian 0930 gmt 25 Jul 02

BODY:

Text of report by Iranian TV on 25 July

In an interview with IRNA, Central News Unit and ISNA reporters,
the writer and newspaper journalist,

Siamak Purzand, who has been sentenced to 11 years in jail after
being found guilty of activities against

the Islamic Republic system, said his and his associates'
activities were aimed at creating a cultural

metamorphosis in the country and spreading a moral promiscuity and
a sense of disillusionment among the
young people.

Alluding to his activities both before and after the Islamic
revolution, Purzand said: I started my cultural

activities against the Islamic system since the early days after
the Islamic revolution's victory, thanks to

the financial assistance of monarchists and Western intelligence
services. Some of our aims included

achieving control over chain newspapers reformist newspapers which
were allegedly acting in coordination

and harmony with one another and cultural centres. In this context,
we started our work with the Adineh

magazine and Jame'eh newspaper both banned now , and we achieved some success as well. Purzand

stressed: With the closure of the chain newspapers, we started another campaign which involved collecting funds abroad for unemployed journalists. Our aim was to infect the atmosphere and paint an undesirable image of the Islamic Republic of Iran for world public opinion.

Siamak Purzand referred to his cooperation with the office of Reza Pahlavi the Shah's exiled son and other monarchist elements. He said that his activities were aimed at providing moral and financial support for dissidents. He added: By paying tribute to the artists who were active in the pre-revolution era, we were trying to break the taboos and prepare the necessary grounds for the emergence of a Western-orientated and secular society. Reza Pahlavi's office mainly met the expenses for foreign visits by Iranian artists and their participation in cultural seminars and arts festivals.

Moreover, Purzand alluded to his and his associates' cooperation with the CIA during the American attack on Tabas in 1981, to rescue US embassy hostages . He said he had had close cooperation with CIA elements during the Tabas incident, and the plan was for he and his associates to carry out a part of the plan which concerned the areas surrounding the American embassy. He added that in this connection, he had enjoyed cooperation with the 24-hour radio station of the monarchist elements.

Siamak Purzand regretted his past activities against the Islamic republic political system. Stressing that he was making these statements after his conviction, he said his decision to do so was for personal reasons and in a bid to compensate for his past errors.

Referring to the role of his second wife, Mehrangiz Kar, Purzand said that as he had a lot of contacts in different publications, his wife used to give him her articles - which were mainly about the Western attitude towards women, the need for the Iranian women to embrace the Western culture, and the concept of Western-style freedoms for women - and he would see to their publication.

Writer and journalist Siamak Purzand was arrested eight months ago and put on trial. The court sentenced him to 11 years in jail. Purzand was arrested for suspicion of activities against the Islamic Republic of Iran, attempts to bring moral corruption among the young people, and, finally, having illegal links with monarchist

elements and foreign intelligence services.

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Concerns - AEM reflexivity and interconnectedness are central

Frankfurt's concerns Connections between Religion, Politics, and State
Assume that gender politics are a central component of state activity
Gender construction is the core of cultural and national
identity Central to Islam - aEM some claim it is

Frankfurt - since Vienna conf discuss violence v. women embedded in
cultural practices

Is a western discourse and way of thinking about women in Islam that
judges women in Islam in a Eurocentric and orientalist way

Relation betw islam, gender order, human rights
Islam as a complete social system

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Consider, for example, the July 1996 comments of Matthew Levitt in the
Journal of International Affairs of Columbia University in New York, which is
hardly a journal associated with right wing religious sentiment. Levitt
attacked the feminist views expressed in the 1995 book Faith and Freedom:
Women's Human Rights in the Muslim World that was edited by the Iranian
feminist Mahnaz Afkhami (now living in exile) and included essays by Islamic
feminists such as the Moroccan Fatima Mernissi challenging religious
restrictions on women's rights. In his review, Levitt, who is not a Muslim
and who was not writing for a Muslim audience, expressed outrage that the
authors questioned Islamic doctrines relegating women to subordinate status.
Levitt acted horrified that many authors were writing AS IF it were self-
evident that international women's human rights should override religious
traditions relegating them to second class status. He indignantly asserted:
"There must be a willingness to accept and respect religion and find space
for women's human rights within religious parameters." Of course, he meant
the parameters set by religious doctrines as traditionally set forth by men,
not as rethought by Islamic feminists like Fatima Mernissi. Among US
conservatives, this would be a rather typical antipathy to the logic of
women's international human rights. Levitt has subsequently risen to

positions of prominence in Washington, DC, among other things becoming a senior fellow at the prominent Washington Institute for Near East Policy, where he will have many opportunities to wield his influence to convince the media and political institutions that women must defer to religious authority where their rights are concerned. Like some other US conservatives, he seems to view Muslim countries where women are kept in their place as bulwarks against a powerful international feminist onslaught.

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Today conservative US forces are eager to forge alliances with allies in the Muslim world to fight against women's international human rights. US conservatives and representatives of conservative Muslim institutions may appeal to traditional understandings of women's role as defined in religious doctrines to justify their positions, speaking as if religious precepts require upholding a model of the family and a social order where women are denied various rights and freedoms established in international law and as if international human rights law menaced religion.

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Moreover, national policies on women do not reflect a national consensus; within any given nation, how Islam pertains to issues of gender has always been hotly contested by conservatives or progressives - or sometimes by both. Thus, for example, the policies of the late Shah vis-à-vis women were strongly denounced by conservatives as unIslamic, and the dissimilar policies of the post-revolutionary theocracy are denounced by progressive as violative of Islamic precepts. Women in particular have been alienated from the official version of Islam, as was demonstrated when women voters overwhelmingly supported the liberal Khatami in two presidential elections, who asserted that freedoms and human rights were compatible with Islam. When the hardline theocrats, who have remained in the driver's seat despite Khatami's election, tell Iranians that women must accept discriminatory rules that supposedly emanates from Islam, the result is that many Iranian women become alienated -- the same way that Catholic women in countries like Italy and Spain became estranged from the Catholic Church after it used its powerful position to try to block advances in women's rights. One consequence has been that in this era in which they are free of Church-imposed constraints, to the surprise of some observers, far from following Church teachings about women and the family, most Italian and Spanish women are now doing the OPPOSITE of what the Catholic Church has traditionally taught -- not devoting themselves to motherhood and producing very few children. Iran's ruling theocrats may be setting the stage for a backlash against their policies by their insistence that Islam requires laws like the ones mandating harsh criminal penalties for women who do not comply with the regime's exigent Islamic dress requiremen

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Insight on the News

September 17, 2001, Monday

SECTION: FAIR COMMENT; Pg. 44

LENGTH: 894 words

HEADLINE: Muslim Allies at the U.N. Fight for the 'Right Stuff'

BYLINE: Douglas A. Sylva

BODY:

Many American conservatives believe that whatever happens at the United Nations can be ignored - at least until the black helicopters start flying. But there is a culture war raging at the United Nations, and the winners get to write the laws that will be enforced throughout the world by the new International Criminal Court (ICC). Who needs black helicopters for world domination when lawyers are handy?

Conservatives also may be surprised to learn that, at the United Nations at least, the most reliable soldiers in this culture war, the most steadfast supporters of traditional morality and family values, have names such as Abdullah and Mohammed and Sulaiman. Islamic countries that conservatives rightly criticize for their persecution of Christians - even some countries considered "rogue states" such as as Libya, Iran and Sudan, the kind of countries the U.S. bombs occasionally - are American conservatives' best hope of blocking an astoundingly ambitious cultural and legal revolution at the United Nations. A conservative's first lesson at the United Nations is a startling one: When it comes to family values and protecting life, Europe is a post-Christian continent advocating a post-Christian world. The European Union (EU) will not rest until the whole world mirrors the lifestyles and values found on the streets of Amsterdam. The EU, with the aid of Canada (and, during the Clinton years, the United States), has fought to establish abortion as an international human right, to abolish parents' rights to guide their children's upbringing, to create school-based clinics for contraceptives and abortions, to broaden the definition of family to include homosexual relationships and to recognize five human genders - male, female, homosexual, bisexual and transgendered.

But for every strategy the Europeans devise to impose these views on a largely reluctant developing world, the Muslims have a response to counter them. The EU tries to place vague phrases such as "reproductive services" and "family planning" into as many U.N. treaties and conventions as possible. This strategy is called the customary law creep: When the phrases have become so common that the international community considers them customary law, the EU will claim that they included things such as abortion and adolescent sexual rights all along. In this way, abortion could become an international human right without the word being mentioned, or without the morality of the practice being debated.

But the Muslims know the Europeans do this. So at the Habitat II housing conference held in Istanbul in 1996, the Islamic countries were prepared when the EU sought six separate references to "reproductive health" in the final U.N. declaration on housing. The Islamic countries pared this down to a single mention and made sure that this definition of reproductive health did not include abortion.

The Islamic countries also have learned to protect themselves from the strong-arm tactics the EU uses to pressure poor countries. In March, for instance, a Nicaraguan diplomat refused to change his government's definition of gender to reflect the EU belief that all distinctions based on sex are "social constructs" - roles invented by men to oppress women. In response, the EU and the U.N. Population Fund threatened to pull millions of dollars of aid from Nicaragua, and the diplomat was fired. To avoid this same sort of pressure, the 60 Islamic countries - oil-rich and poor alike - speak with one voice at all U.N. conferences.

Perhaps most importantly, the Islamic countries have grown strong in their resolve. They frequently ally themselves with the Vatican and are willing to absorb a great deal of ridicule for doing so. At a conference in 1999, the director of the U.N. Population Fund, the agency trying to spread the European population implosion worldwide, ordered Muslim diplomats to a late-night meeting to castigate them for working with Christians - the Crusaders who had once invaded their lands.

But an American conservative might still wonder why this Islamic heroism matters. After all, the United States receives no aid money from U.N. agencies, and the U.S representative rarely signs, let alone ratifies, U.N. treaties or conventions. All of this matters because of the ICC.

The ICC claims the power to prosecute anyone, including U.S. citizens. It claims jurisdiction over poorly defined violations such as "war crimes" and "crimes against humanity." If the EU wins the U.N. culture war,





countries like Sudan, abortion would have been recognized as a universal human right in a U.N. document."

The alliance of conservative Islamic states and Christian organizations has placed the Bush administration in the awkward position of siding with some of its most reviled adversaries -- including Iraq and Iran -- in a cultural skirmish against its closest European allies, which broadly support expanding sexual and political rights.

U.S. and Iranian officials even huddled during coffee breaks at the U.N. summit on children in New York last month, according to U.N. diplomats.

But the partnership also has provided the administration an opportunity to demonstrate that it shares many social values with Islam at a time when the United States is being criticized in the Muslim world for its continued support of Israel and the nine-month-old war on terrorism. "We have tried to point out there are some areas of agreement between [us] and a lot of Islamic countries on these social issues," a U.S. official said.

"The main issue that brings us all together is defending the family values, the natural family," added Mokhtar Lamani, a Moroccan diplomat who represents the 53-nation Organization of Islamic Conferences at the United Nations. "The Republican administration is so clear in defending the family values."

Lamani said he was first approached by U.S. Christian non-governmental organizations, or NGOs, at a special session of the U.N. General Assembly on AIDS in New York in June 2001.

Liberal Western activists and governments, he said, had offended the religious and cultural sensitivities of Islamic countries by proposing that a final conference declaration include explicit references to the need to protect prostitutes, intravenous drug users and "men who have sex with men" from contracting AIDS.

"It was totally unacceptable for us," Lamani said. "The Vatican and so many NGOs came up to us saying this is exactly the same position we are defending."

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The Bush administration led the coalition in blocking an effort by European and Latin American countries to include a reference in the final declaration to "reproductive health care services," a term the conservatives believed could be used to promote abortion.

The U.S. team included John Klink, a former adviser to the Vatican at previous U.N. conferences; Janice Crouse, a veteran antiabortion advocate at Concerned Women of America; and Paul J. Bonicelli of Patrick Henry College in Purcellville, Va., a Christian institution that requires its professors teach creationism.

The Christian groups and Islamic countries have been seeking to build on those gains at subsequent U.N. gatherings, pressing for greater restrictions on abortion at an annual meeting of the World Health Organization last month and later at a U.N. preparatory conference on sustainable development in Bali, Indonesia.

"The rest of the world saw a shift in the debate" at the children's summit, said Patrick Fagan of the Heritage Foundation, a Washington policy group. "It wasn't just pure defense. They are on the offensive here."





family. A wife is to submit graciously to the servant leadership of her husband" . . . she "has the God-given responsibility to respect her husband and to serve as his helper in managing their household and nurturing the next generation." Of course, this is very much like the prevailing idea in the Islamic tradition, that women are to obey their husbands.

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Muslim countries have entered reservations to CEDAW based on the theory that complementarity, not equality, should be the basis for the relations between women and men. That is, they indicate that they are standing by the notion that men and women have been assigned different roles by nature and claim that their laws reflect and respect such natural differences and are therefore equitable even if they deny women equality. Meanwhile, U.S. conservatives denounce CEDAW supporters as "gender feminists" - as they call feminists who are opposed the idea that biology is destiny and who believe in the utility of the concept of gender to challenge ideas that women are by their natures designed to play different roles.

Not only are US conservatives opposed to any instrument that could give US women equality, but they also oppose CEDAW because it deals with many issues that they classify as pertaining to culture and/or religion. Among other things CEDAW calls for parties to modify social and cultural patterns of conduct with a view to eliminating prejudices and customary and all other practices which are based on the idea of women's inferiority/male superiority or on stereotyped roles for men and women.

Much has been made of the Islamic reservations that Muslim countries have entered when ratifying CEDAW. Relatively little attention has been paid to how U.S. opponents of CEDAW both at the governmental and private levels have supported the idea that religious and cultural rationales justify resisting CEDAW. In the United States and in Muslim countries, opponents of CEDAW attack it as destructive of culture and religion, their idea being: you can either have culture and religion OR you can have the women's international human rights provided in CEDAW. Some formulations are particularly extreme. Thus, David M. Smolin, a well-connected evangelical Christian opposed to women's international human rights, has characterized CEDAW as an instrument of cultural genocide. Think about it. The idea here is that, if one eliminated discrimination against women, would have no more culture -- only one universal standard of equality for women. The corollary is that a central pillar of culture IS discrimination against women.

We are reminded that CEDAW is at odds with gender constructs because nations reserving to this have often invoked complementarity ideas to justify dissent. It indicates that they are standing by the notion that men and women have been assigned different roles by nature and claiming that their laws reflect and respect such natural differences. Meaning they disagree with fundamental premises of the system -- that need to dismantle discrimination against women, a discrimination that in their view amounts to equitable treatment in the light of the natural sex differences where gender is not involved, e.g. in right to vote, right to serve in national bureaucracy, right to social security - might say CEDAW is OK.

#### REACTIONS TO CEDAW

One can see the impact of state policies on stances on women's rights in the differing approaches to CEDAW on part of Muslim countries.

Some ratify without reservation of any kind to the substantive provisions. Albania, Tajikistan, Yemen.

Some refuse to ratify at all. Afghanistan, Iran, Sudan.

Some ratify but with reservations that appeal to Islamic law, nullifying CEDAW provisions where these conflict with Islamic law. Saudi reservation:

1. In case of contradiction between any term of the Convention and the norms of Islamic law the Kingdom is not under obligation to observe the contradictory terms of the Convention.

Some ratify with reservations but without making any express reference to Islamic law and without the bases for their reservations to CEDAW provisions necessarily being tied to Islamic law:

Turkey, Algeria

Algeria's determination to stand by the discriminatory features of its Family Code was demonstrated when it entered numerous reservations to CEDAW upon ratification in 1996 that were designed to accommodate these features - as well as some discriminatory features of other laws.<sup>1</sup> However, as I have

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<sup>1</sup> See the discussion in Mayer, "Islamic Reservations," 33-34.



Interesting art in 1997 Utah L Rev

We do not want to be inhibited from looking outside our own culture  
Investigating what is going on in other cultures and outside the region in  
which we live

And we need to differentiate between GOVTAL representations of culture  
And authentic expressions of culture

We know that Feminism is contested

Has been denounced from outside as quintessentially Western  
And therefore devoid of cultural legit in non western  
Contexts  
Meanwhile it is also contested from w/in  
Ua on grds that it contains biased unstated norms and partiality

Crossman - poles are unselfcritical ethnocentrism  
Versus hyperselfcritical cult rel

Feminism needs to chart path between these poles  
AEM intl human rights, consistently applied, provide one path to do this

When doing comparisons, can be unstated norms v.wh difference is viewed and  
judged - we need to work to identify unstated norms that shape our outlook  
and influence our judgments and avoid unselfcritical ethnocentrism

AEM we always need to be critical of ourselves when undertaking comparisons,  
comparative assessments of other societies and cultures

Ua ask WHY am I asking the questions I am asking?  
How has my acculturation in my own society shaped my perspectives?  
Am I carefully listening to the voices of the people in the region that I am  
studying? Am I open to learning from them  
And revising the framework I am using?

ZB - I am disturbed when I talk about women's hum rts in Muslim countries and  
the ONLY question that Western women in the audience want to talk about is  
FGM

It IS a problem, but not the only problem and certainly not the most  
pervasive problem facing Muslim women  
And Western obsession with this seems to me to be prurient  
Based on a wish to focus on what makes Muslim society look bizarre and its  
practices deformed  
Makes them look primitive or savage

Suggests to me a Western preference to classify problems as exotic, to  
emphasize what seems to distinguish Muslim societies,  
Fits in with a view of Muslim women as helpless victims  
Veiling and honor crimes would be another example

We need to look at the issues from Muslim women's perspectives  
According to which solidarity with women who have different priorities than  
Western women may called for



Their main concerns may be different from what would primarily concern Western women

Could be about

Being denied affordable credit

Lacking easy access to potable water

Discrimination in the workplace

Access to decent housing

Such concerns may well rank as far more important than honor crimes

Women want rights that in context improve their quality of life and give them enhanced control and expanded opportunities

Many of their concerns in social econ domain may not be tied to culture

And not tied to the features of culture that seem particularly exotic and troublesome to People in the west

[ ] Add from Volpp about p 1217

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## **CEDAW**

We could describe this as a global system CONCERNED with gender, one that aims to puncture gender constructs, socially constructed ideas of the naturally distinctive roles assigned to women and men

a system reflecting gender constructs - a possible reading ?

if so, Maybe I am working on a global gender system

that is, I am concerns with the status quo, where women are assigned roles and duties according to gender constructs

-- but I would be assessing it in relation to its OPPOSITE -- a universal system from which gender constructs that stand in the way of women's rights have been subtracted

a proposed scheme to replace the gender-based system we currently see

a universal system that envisages eliminating gender as a basis for assigning rights and duties

NB the term gender is never mentioned in the Conv.

The failure to use this term is not surprising

CEDAW was made by committees in the 1970s, finalized in 1979

Before gender was in common usage

Not surprising that we have seen more reservations entered to this convention than to any other hum rts conv

Many specifically designed to preserve culture or religion

But, when we think about it, this "culture" could be reflect the political status quo



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GLENDON

Vatican realized that it would not look good to have an all male delegation  
Represent it at the Beijing conf.  
the Pope appointed Glendon the first woman ever to lead a  
delegation of the Holy See, given carriage of the Vatican's position at the  
United Nations Women's Conference in Beijing in 1995.  
Sydney Morning Herald June 1, 2002 Saturday

sense of great sadness that in 1947 and 1948 there were nine predominantly  
Islamic countries in the United Nations and all but one of them committed to  
support the Universal Declaration of Human Rights." Who didn't sign? "Ominously, Saudi  
Arabia. Ominously. "

"About four years ago I was on a panel on human rights at the mosque in Rome.  
After we spoke one of the mullahs got up and said, 'Of course we believe in  
human rights but in order to have full human rights you need to be fully human.  
And you are only fully human if you have accepted that there is no god but  
Allah.'

BLIND SPOT

"How do you have a dialogue with people who deny the principle of common  
humanity? It seems to me the sort of Muslims who were in the UN in the 1940s are  
now either dead or in exile."

ISLAMIC CHRISTIAN ALLIANCE V WOMEN'S RTS

The Washington Post

June 17, 2002, Monday, Final Edition

Pg. A01

HEADLINE: Islamic Bloc, Christian Right Team Up to Lobby U.N.

BYLINE: Colum Lynch

Conservative U.S. Christian organizations have joined forces with  
Islamic  
governments to halt the expansion of sexual and political protections and  
rights

for gays, women and children at United Nations conferences. The new alliance, which coalesced during the past year, has received a major boost from the Bush administration, which appointed antiabortion activists to key positions on U.S. delegations to U.N. conferences on global economic and social policy. But it has been largely galvanized by conservative Christians who have set aside their doctrinal differences, cemented ties with the Vatican and cultivated fresh links with a powerful bloc of more than 50 moderate and hard-line Islamic governments, including Sudan, Libya, Iraq and Iran.

"We look at them as allies, not necessarily as friends," said Austin Ruse, founder and president of the Catholic Family and Human Rights Institute, a New York-based organization that promotes conservative values at U.N. social conferences. "We have realized that without countries like Sudan, abortion would have been recognized as a universal human right in a U.N. document."

The alliance of conservative Islamic states and Christian organizations has placed the Bush administration in the awkward position of siding with some of its most reviled adversaries -- including Iraq and Iran -- in a cultural skirmish against its closest European allies, which broadly support expanding sexual and political rights.

U.S. and Iranian officials even huddled during coffee breaks at the U.N. summit on children in New York last month, according to U.N. diplomats. But the partnership also has provided the administration an opportunity to demonstrate that it shares many social values with Islam at a time when the United States is being criticized in the Muslim world for its continued support of Israel and the nine-month-old war on terrorism. "We have tried to point out there are some areas of agreement between [us] and a lot of Islamic countries on these social issues," a U.S. official said.

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The Islamic-Christian alliance claimed an important victory at the U.N. children's meeting last month.

The Bush administration led the coalition in blocking an effort by European and Latin American countries to include a reference in the final declaration to "reproductive health care services," a term the conservatives believed could be used to promote abortion. The U.S. team included John Klink, a former adviser to the Vatican at previous U.N. conferences; Janice Crouse, a veteran antiabortion advocate at Concerned Women of America; and Paul J. Bonicelli of Patrick Henry College in Purcellville, Va., a Christian institution that requires its professors teach creationism.

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Some Western countries and liberal activists say they are alarmed by the influence of the Christian right at the United Nations, where more liberal women's rights organizations have held sway for the past decade.

"They are trying to undo some of the landmark agreements that were reached in the 1990s, particularly on women's rights and family planning," a U.N.-based European diplomat said. "The U.S. decision to come into the game on their side has completely changed the dynamics."

"This alliance shows the depths of perversity of the [U.S.] position," said Adrienne Germaine, president of the International Women's Health Coalition. "On the one hand we're presumably blaming these countries for unspeakable acts of terrorism, and at the same time we are allying ourselves with them in the oppression of women."

The World Policy Center, a Mormon group established in 1997 to promote family values through an alliance that includes conservative Christians, the Catholic Church and Islamic governments, is holding a conference next month at Brigham Young University School of Law. It will bring antiabortion advocates and legal critics of the United Nations together with more than 60 U.N. diplomats, including delegates from conservative Catholic and Islamic countries.

Douglas A. Sylva, Muslim Allies at the U.N. Fight for the "Right Stuff" Insight on the News, Sept. 17, 2001. Speaking of the culture wars at the UN over women's rights, he said "Conservatives may be surprised that . . .the most reliable soldiers in this culture war, the most steadfast supporters of traditional morality and family values have name like Abdullah and Mohammed and Sulaiman." . . . "Islamic countries . . . such as Libya, Iran, and Sudan . . . are American conservatives' best hope of blocking an astoundingly ambitious cultural and legal revolution." . . . "the Islamic countries have grown strong in their resolve. They frequently ally themselves with the Vatican and are willing to absorb a great deal of ridicule for doing so."

U.S. conservatives found the ideals of universal women's human rights promoted at the Beijing Conference as obnoxious as CEDAW principles. The conservative Protestant group Focus on the Family vehemently denounced the 1995 Beijing Women's Conference as an affront to decency and Christian values, charging: "Most of what Christianity stands for will be challenged during this atheistic conference."<sup>3</sup> In an amendment that deserves more attention than it has received, just before the Beijing Conference, the U.S. Senate revealed what side it stood on, endorsing the idea of complementarity and instructing the U.S. delegation that it was to promote the value of motherhood, to uphold the traditional family as the basic unit of society, and to define gender as the biological classification of the two sexes.<sup>4</sup>

Thus, lamenting the absence of conservative Protestants at the Beijing Conference, the president of the Focus on the Family asked who was there "to defend the principles you and I hold dear? It was Islamic nations and the Vatican that marched out to meet the radical feminists." Dr. James Dobson charges Clinton Administration with betraying American families in Beijing, PR Newswire, Oct. 2, 1995, available in LEXIS, Nexis Library.

Howard LaFranchi, Women's treaty revives old debates, Christ science monitor, July 30, 2002.

Opponents - largely from the Christian Right, but also neo-conservatives who see the treaty as one more attempt to impose global norms on the US - attack the treaty as the work of international forces promoting abortion rights, sexual freedom, and promiscuity, while undermining motherhood.

The Bush administration originally supported CEDAW, as recently as February calling it "generally desirable." But the State Department now calls the treaty "vague" and "complex," and wants the Justice Department to review its potential impact on US law.

That switch raised a red flag to CEDAW's backers, who consider a review by Attorney General John Ashcroft, a strong Christian conservative, a call to arms. They suspect the administration has "got religion" under pressure from its conservative supporters.

Karen DeYoung, Senate Panel to Defy Bush, vote on women's treaty, Washington post, July 18, 2002.

At the same time, a review by the Justice Department is likely to highlight ongoing internal administration policy battles over international social issues. Attorney General John D. Ashcroft was one of the most vocal opponents of the convention during his time in the Senate. Powell, despite last week's letter, supports the treaty and advocated attaching whatever reservations were deemed necessary and blessing Senate action, according to a senior State Department official.

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<sup>3</sup> Quoted in Mahnaz Afkhami, "Resisting Fundamentalisms," Speaking About Rights [Canadian Human Rights Foundation Newsletter] 10 (Fall 1995): 2.

<sup>4</sup> The amendment was made to the Foreign Relations Revitalization Act of 1995. See 141 Cong. Rec. S10,973 (July 10, 1995) (amendment of Sen. Hutchison) and 141 Cong. Rec. S10,961 (July 10, 1995) (statement of Sen. Hutchison).

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Among the most emphatic proponents of the convention was Sima Samar, who was then the minister of women's affairs in Afghanistan. Samar's letter to the committee said, "I cannot overstate to you how important it will be for me and other Afghan women if you do take this step. We will then be able to tell our countrymen that the United States, where women already have full legal rights, has just seen the need to ratify this treaty."

In a February 2001 report titled "How U.N. Conventions on Women's and Children's Rights Undermine Family, Religion and Sovereignty," the Heritage Foundation said the United Nations used the convention to "push policy changes that would ultimately deconstruct the two-parent married family and countertraditional religious norms."

The Bulletin's Frontrunner

July 31, 2002 Wednesday

HEADLINE: Committee Sends UN Women's Rights Treaty To Full Senate.

The Washington Post (7/31, A20) reports, "Senate Democrats sent a UN treaty on women's rights drafted 23 years ago and already approved by 170 countries to the full Senate for ratification yesterday, rejecting appeals from the Bush administration that the treaty needed more review." The Senate Foreign Relations Committee "voted 12 to 7 to advance the treaty -- the Convention on the Elimination of All Forms of Discrimination Against Women -- for a full Senate vote.

The New York Times (7/31, Dao) reports, "The vote set up a politically divisive floor fight pitting women's rights groups against religious and social conservatives." White House spokesman Scott McClellan "said the administration 'strongly supports the goals' of the treaty, but has serious questions about whether it might infringe on the country's laws."

SIGNIFICANCE OF ISLAMIC-CHRISTIAN COALITION

⁵ The amendment was made to the Foreign Relations Revitalization Act of 1995. See 141 Cong. Rec. S10,973 (July 10, 1995) (amendment of Sen. Hutchison) and 141 Cong. Rec. S10,961 (July 10, 1995) (statement of Sen. Hutchison).

What kind of message does it send when religious conservatives - and one should recall Catholic, Muslim, and Protestant conservatives do not normally find each other congenial - join together to fight against women's rights in the UN?

Does it mean that the opposition to women's human rights is inherently religious? Or, does the mobilization of conservative forces in the three religious traditions to combat women's rights mean that their opposition is political in nature, merely being dressed up - one might say veiled -- in religious garb?

Feminists inside these traditions will have to examine these issues, and outside observers can provide their own analyses.

Among other things, the question needs to be asked whether largely or exclusively male hierarchies in these religions leads to their positions on women's rights being similar and that the positions themselves not necessarily tied to the inherent characteristics of the religions involved. The possibility certainly exists that patriarchal traditions shared in societies in East and West are being confused with religion per se. In fact, given the way men have dominated both Islam and Christian institutions and controlled the interpretations of the sources, resorting to religious ideas re women's role means allowing men to define women's rights.

The version of culture and religion espoused by US conservatives who Oppose women's equality is certainly not identical to that espoused by conservative Muslims, but the thrust is the same. Women are to accept a role centered on maternity, to forfeit control over their fertility, to be subjected to rigid controls over their sexuality, etc. Conservatives in both Christianity and Islam embrace the idea that natural differences separating men and women mean that they are to play different roles.

In June 1998 the Southern Baptist Convention took stance that the husband "has God-given responsibility to provide for, to protect and to lead his family. A wife is to submit graciously to the servant leadership of her husband" . . . she "has the God-given responsibility to respect her husband and to serve as his helper in managing their household and nurturing the next generation." Of course, this is very much like the prevailing idea in the Islamic tradition, that women are to obey their husbands.

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The struggle over women's intl human rights is globalized.

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FRANKFURT

Geschlechterpolitik . . . ein zentraler Bestandteil der Staatstaetigkeiten;
Geschlechterkonstruktion bildet den Kern
Kultureller u. nationaler Identitaeten
AEM this is only so when challenges to construction of gender become
powerfully subversive
Threaten entrenched interests

Is a consistent attempt to associate calls for enhanced women's
Rights w/ nefarious alien forces

In US was a desperate attempt via FBI's COINTELPRO program to discredit US
feminists as agents of Communism

Similarly in Muslim countries, is a determined effort to associate women's
calls for enhanced rights w/ Western Imperialism
Classic example: in iran women who demand enhanced rights are treated as
agents of US imperialism
Such women castigated as foreign dolls
~~~~~

I disagree with the characterization made in the program  
Geschlechterverhaeltnisse in islamischen Laendern, die dort als Teil  
kultureller, Islamischer Identitaet verstanden, aus Westlicher Sicht jedoch  
als Verletzung von Menschenrechten kritisiert werden

See Richard A Shweder, Essay on What about "Female Genital Mutilation?" in  
Fall 2000 Daedalus  
Denouncing western criticisms v FGM as akin to the Christian missionary  
attacks on native cultures deemed primitive  
Was at a conference recently and was surprised to see the intense passion  
that he devoted to defending the practice of FGM  
And to delegitimizing criticisms  
Ua denying that practice had anything to do with women having subjugated  
status in societies where it is practiced

I wondered at the intensity of his emotional defenses of FGM  
Then in a revealing outburst he said that those who currently attack the  
practice of FGM in Africa as a violation of human rights  
Will be coming next to attack Jews  
For circumcising male infants

For Schweder, Africans performing FGM are in the front lines of a global struggle over human rights  
In which he sides with the religious and cultural justifications for cutting genitalia

Now we are getting somewhere  
Shweder should have been more up front at the outset in explaining the motives for his writing pro FGM  
Attacks on its critics

Issue is using an African surrogate to fight a related battle at home  
Interesting - he is right that there are often direct analogues  
Of practices in Muslim societies (FGM African as opposed to Islamic) that we see in the west

And there ARE growing attacks in West on practice of male circumcision  
Sami Aldeeb Abu Sahlieh insists that harms from male circumcision are worse than FGM

Good to note analogues  
And I would add that US practiced FGM surgeries in 19<sup>th</sup> c

But Shweder makes much of Fuambai Ahmadu, an African Scholar 22 years old going to africa for her ritual FGM  
AS IF this confirms that the practice is OK

Seems misses the COMMON point that we need to be concerned with operations on the genitalia of male and female children  
Who do NOT have a free choice  
Who are left permanently altered

Seems bizarre to object to Ahmadu choice in an era when we allow extensive plastic surgery, surgery to change genders, etc.

But the issue is different when a permanent alteration of the body is imposed by adults on infants or children  
Or adolescents who in context have no choice

Ua we have intl hum rights of the child issues re all these operations

And it is exactly this factor, I think, that makes Shweder so determined to delegitimize critiques of FGM based on intl hum rts  
He is a westerner who is virulently opposed to the universal application of hum rts standards because they clash with traditions based on culture/religion  
Ostensibly concerned with an african practice  
But more deeply concerned with a traditional Jewish practice in West

MERNISSI

In noteworthy contrast to the ideas put forward by Muslim MEN to the effect that religion and culture should determine Muslim women's rts  
Many Muslim women are showing that they aspire to enjoy women's intl human rights

that they do not accept that their religion precludes them from claiming the rights guaranteed to them under intl law

as Mernissi says in Islam and Democracy p. 163, Islamic religious authorities have been startled awake by Muslim women agitating in the street in the name of ideas in the UN Charter  
these women are like scary monsters to conservatives. She says

The "monstrousness" of of the modern woman, as compared to the traditional model, lies not so much in her access to knowledge as in her claim to be a citizen, challenging the govt by referring to the UN Charter and the UDHR.

Fact that Muslim women are demanding equality as set in intl standards does NOT necessarily mean that women are abandoning Islam

rules calling for discriminatory treatment of women are not viewed any more as the original and immutable teachings of Islam  
but as contingent human understandings of the sources strongly influenced by male biases and patriarchal traditions that can be corrected by allowing women to have input

as Fatima Mernissi says in Islam and Democracy 160-61

Our liberation will come through a rereading of our past and a reappropriation of all that has structured our civilization. The mosque and the Koran belong to women as much as do the heavenly bodies. We have a rights to all of that, to all its riches for constructing our modern identity

important to note that increasingly Muslim women are articulating the position that  
there is no necessary conflict between women's intl human rights and the Islamic religion  
that interpretations of Islam that lead Muslims to conclude that the two must conflict are misguided

with women's input, discourse on religion and culture can potentially be reformulated to accommodate women's rights  
but, this involves divesting men of their monopoly over formulating religious tenets

Today combinations of contemporary feminist Islamic jurisprudence and intl human rights standards  
may be treated as normative

and used to discredit stances like Saudi Arabia's  
where Islam is offered as the pretext for denying women's rights

see the efforts of Mahnaz Afkhami, a women's rights activist of Iranian background, to stimulate discussion

Working with a team of Muslim feminists, she has disseminated in Muslim countries a manual in which international human rights principles are juxtaposed with Quranic verses and some accounts of the prophet, with both to be used as references for seminar discussions of hypothetical problems involving women's rights -

see 1998 vol Claiming Our Rights: A Manual for Women's Human Rights Education in Muslim Societies  
avail in English, Arabic, Azeri, Bangali, Hindi, Malay, Persian, Russia, Urdu, Uzbek

makes an assumption that the Qur'an and international law are BOTH relevant for discussions of women's human rights  
and that it is for Muslim women make their own determinations as to how the Quran and women's intl human rights should be factored into evaluations of women's situation in contemporary Muslim societies.

Zb have a scenario where Leila. an educated woman in her late teens  
Learns that she is to be married off in an arranged marriage to an older man  
She is not absolutely opposed to the match, since she has heard good things about the man in question, but first she wants  
A chance to socialize with the man - with other people around, not alone -- so that they can become  
Acquainted and decide for themselves if they are compatible  
Her father is against this, thinking such a demand could be harmful to the family's reputation

Participants are asked to ponder questions like  
Is Leila's father denying her RIGHTS - if so,  
Which ones?  
Does Leila have a RIGHT to reject the man her father has selected?

What are Leila's responsibilities to her family?

And the participants are asked to relate this scenario to their own experiences

//////////  
When had they last asked a male relative for something? What was his response?  
And, when was the last time a male relative asked them for something, and what were their responses?  
And what had been their reactions to both of these exchanges?  
^^^^^^^^^^

Are also given exercises, asked to think about probing questions such as  
Where do your rights come from? From Your family, your community, your government and its constitution, God?

Some combination of these? None of these?

How do Islam and other aspects of your culture SUPPORT your human rights?

What rights should an ideal government respect or protect?

Ie see language of rights being interwoven with givens of family structure, community, local culture  
National legal systems

These to be considered in relation to intl human rights law and Islam

And tied together with women's own experiences and aspirations





2. Iran knows that the ideal of equality has great appeal to Iranians and that specific comparisons showing how Iranian national laws fall short by intl standards delegitimize Iran's official version of Islamic law - Iran knows that intl human rights law is increasingly THE standard by which Iranian laws are judged and that its laws do not meet intl standards

in 2000 She was arrested, jailed as she was fighting breast cancer

After her first criminal conviction, she was retried on various charges such as not wearing proper veiling

Denying the Islamic necessity of veiling

And propaganda against the Iranian gov't

and was then tried and convicted while she was recovering from a breast cancer operation. After prosecution and imprisonment, she was able to get to the West for cancer treatment. However, her husband has been convicted after a political trial using a coerced confession.

Charges are unintentionally revealing

A woman who does not obey the regime's edicts about what women should wear

And who questions the Islamic rationale for its edicts on women

Is engaged in anti regime propaganda

Kar managed to get out a description of her situation in prison after her initial arrest, when she was locked in a sickeningly filthy, tiny jail cell with a window with smudged panes that prevented her from seeing out

Women had only a tiny enclosed garden to walk in for their brief daily exercise period

(she notes that a large, beautiful garden was set aside for the male prisoners- even inside the prison gates, women suffered discrimination)

We see that Iran gives women hum rts but limits them by Islamic standards

And then denies that Islamic standards mean depriving women

Of hum rts

See western empathy for this in Gulf 2000 exchanges

Where many in US thought it wrong to apply human rights standards

To judging Iran's policy of forcing Islamic dress on all

Women

Simply erased the human rights dimensions of the problems

Culture and religion were the only factors that counted

And these were understood in ways that delegitimized women's

Protests and resistance

Ignored forcible STATE imposition of hijab

Iranian women were rebelling against their culture

See Anouar Majid article in Signs - Iranian women protesting hijab

Are fashion obsessed

TERROR AND ISLAM

We need to build bridges

Frankfurt Also concerned with terror and islam debate

Bizarre letter from 50 US intellectuals to Muslim world  
What We're Fighting For to justify US response to 9/11 attacks  
Explaining why they approve the US WOT and Attacks on Afghanistan  
And treating the attack on the WTC as an attack on US values  
"Clearly, then, our attackers despise not just our government, but our  
overall society, our entire way of living."  
Throughout extoll the virtues of the US system

Ua they glorify the West's identification w/ human rights  
Expressly invoking the UDHR  
Also proposed that "what we too casually call 'american values' do not belong  
only to America, but are in fact the shared inheritance of humankind."  
IMPLICITLY suggesting that Islamic culture is deficient in this connection

Very peculiar, because Sam Huntington is one of the signatories,  
And he actually believes that human rts are distinctively Western  
And are antithetical to the values of the Muslim world, incompatible with  
Islam - so that pressing human rights on Muslims inflames antagonism  
But maybe he is imagining that to end terror directed at US,  
Muslims do have to be converted to US values?

Complain of radical Islamicist movement that uses murder to advance its  
objectives

Is "the violent, extremist, and radically intolerant religious-political  
movement that now threatens the world"

Aim of this movement is to oppose U.S. and Western policies but  
Also to oppose religious tolerance, as well as the human rights in the UDHR  
such as freedom of conscience and religion  
AEM bizarre characterization

Then claim that fundamental Islamic principles support the ideas in this  
petition, that al Qaeda members are profaners

We support our government's, and our society's, decision to use force of arms  
against them  
Are fighting to defend human rights and human dignity



David S. Landes and Richard A. Landes, Do fundamentalists fear our women? The New Republic, 10.8.01, wysiwyg://4http://www.tnr.com/100801/landes100801.html

9/11 due to Muslims' hostility to Western dominance and reactionary features of Islamic society hardening via the exclusion of women from public life. Why did Muslim societies fall behind? Via the evolution of Islamic societies' treatment of women . . . lives of women in most of the Muslim world are remarkably circumscribed.

Islamic theology [has been much slower than Christian theology to reform its backward views of women]

Muslim women are excluded from much of public space. . .

"And the oppression of women may not only help explain why Islamic societies have fallen behind the West. It may also help explain why Islamic societies have fallen behind the West. It may also help explain why they find the West so culturally threatening. Israel – where women don bikinis on the beach, attend university in large numbers, and are required to serve in the military – represents a deeply subversive example for many of its Middle Eastern neighbors. Osama bin Laden, in particular, has voiced outrage at the presence of American women on Saudi soil. Might he be worried that the women of the Gulf are watching them and taking note?" AEM – and might he imagine that bombing the WTC will deter women of ME from taking note?

"For bin Laden and his followers, these are not mere cultural differences. They are evidence of Islam's purity and the West's corruption, and part of an apocalyptic struggle for universal salvation through Muslim dominion."

[solution: Islam needs to undertake self criticism rather than dogmatic aggression, especially to their own women"]

Abrahamian in MERIP 223 sum 02 points out that the US media by and large adopted the Huntingtonian point of view – product of cultural hatreds, clash of civilizations

In Hunt's art. He had portrayed Islam's resistance to human rights and west's pressing human rights as the source of civilizational clashes

Media has tended to portray 9/11 as coming from a totalitarian religion

Speaking to Congress GWB blamed attacks on US on enemies of freedom

Threatening US civ "because we believe in progress, pluralism and tolerance."

Speaking to UN he speaks as if he is defending civ

"we face enemies that hate not our policies, but our existence, our tolerance of openness and our creative culture."

Richard Falk, The New Bush Doctrine, The Nation, July 15, 2002 – in speech at West point claimed that the 20<sup>th</sup> century ended with a single surviving model of human progress based on nonnegotiable demands of human dignity, the rule of law, limits on the power of the state, respect for women and private property, and free speech and equal justice and religious tolerance" – implying that the US is a model of all of these.

Anti fundamentalist resolution

[http://www.europarl.eu.int/plenary/default\\_en.htm#adop](http://www.europarl.eu.int/plenary/default_en.htm#adop)

report - not resolution

<http://www.europarl.eu.int/meetdocs/committees/femm/20011015/440742en.pdf>

#### SAUDI ARABIA CEDAW

Saudi Arabia ratified CEDAW on September 7, 2000, even though its official version of Islamic law calls for severe and pervasive discrimination against women,

As would have been expected, when ratifying CEDAW, Saudi Arabia entered reservations to leave room for its continued non-compliance.

1. In case of contradiction between any term of the Convention and the norms of Islamic law the Kingdom is not under obligation to observe the contradictory terms of the Convention ..

When one reviews the experience of some other Arab countries before the CEDAW Committee, one can predict that Saudi Arabia will be exposing itself to withering attacks from CEDAW experts, attacks that will at the very least force Saudi Arabia to reformulate its positions.

Another preview of what lies in store for Saudi Arabia can be found in the rough treatment that it received in January 2001 from the Committee on the Rights of the Child.

The committee dismissed the Saudi report, saying it was "essentially legalistic in nature and does not provide a self-critical evaluation of the prevailing situation of the exercise of children's rights in the country." The committee rebuked Saudi Arabia for discriminating against women, harassing and assaulting youths who violated dress codes, and imposing inhuman punishments. The committee also pointed its finger at "narrow interpretations of Islamic texts" by Saudi authorities, blaming these for Saudi violations of the Convention. In the course of the colloquy, the Saudi delegation boldly asserted that "women enjoy the same rights as men in Saudi Arabia," but the committee members noted that Saudi women were not allowed to drive a car, travel abroad, or visit a hospital without permission from a husband or other male relative. These criticisms presaged trouble for Saudi Arabia in the CEDAW Committee.

Islamic res

both "Islamic" and "constitutional" grounds for reservations to CEDAW deserve more skeptical appraisals than they have heretofore received.

there is no question of Islamic law operating independently of the policies and political systems of different regimes governing today's Muslim countries. In fact, official positions on what Islamic law requires in the matter of women's status reflect political choices. Within the legal system of any given Muslim country, Islamic law is ultimately like other positive law, in that it comes into force only by virtue of legislation and can be changed at the whim of human legislators.

Princeton talk ca 45 minutes

Transcending the Local: A Global Framework for Assessing Muslim Women's Rights

Issue: relation between religion and politics throughout the world

What is most interesting about Islam, women, and human rights today

**How does Islam affect women's rights in different areas of the world**

Its varied impact and its relation to culture and society

Anything on US foreign policy

Want to sketch here some of the critical perspectives that Muslim women are bringing to bear on their predicament

This discussion will emphasize Muslim women's ideas, but I should stress at the outset that Muslim women **AND** men are engaged on **both** sides of the controversies that I am discussing  
Don't wish to minimize the importance of the views of Muslim women who resist change and support for the status quo, but intend to emphasize challenges to old verities, am taking views of those dedicated to preserving status quo as a given  
And shall emphasize Islamic law in the Middle East, my area of specialization  
I recognize that there are OTHER legal dimensions that would merit discussion if there was more time

How are Muslim women transcending the local?  
ua Muslim women, with expanded educational opportunities and increased access to the media and to email and websites are able to keep abreast of international developments and stay in touch with each other, exchange ideas across national frontiers, share and compare experiences, learning about laws in other Muslim countries and about how their sisters have critiqued the way they are being treated

speaking of women in the Arab world, Fadia Faqir, a Jordanian professor now at Durham University notes how expanded communications links have opened up women's world, how access to television and the Internet are changing women's aspirations  
her observation>  
If you can look in your neighbor's garden and you see an alternative, you start thinking of alternatives for yourself

Very apt metaphor - because in Muslim countries interior gardens have often been surrounded by HIGH walls  
Blocking views of outsiders wanting to peek in  
AND preventing those inside from observing what is going on outside their compounds

Many Muslim women in the past lived encapsulated behind high walls-walls that were both physical and intellectual

In contrast, Muslim women ARE checking out what is going on in their neighbors' gardens  
and, as they do so, what is going on inside their own gardens loses its authority as an unquestioned model

Part of the process of relativization that follows globalization is that  
The rationales for Local practices, local laws, previously taken for granted,  
Are no longer immune from challenge , their authority being compromised as comparisons are made with other models

ua Muslim women notice that what their govts say that Islam requires regarding women often contradicts What governments of other countries tell their citizens that Islamic law requires

Muslim women are struck when they see a country like Tunisia where Islam still is the state religion and where women enjoy approximate equality with men

And contrast Tunisian women's situation with that of Afghan women  
In Afghanistan women are treated like chattel, reduced to slave-like status under what the Taliban say is Islamic law - and are multifarious gradations in between

How can Islamic law vary radically as one travels from Morocco to Afghanistan? How can Islam change every time a person crosses a national frontier?

Islam aims to be a universal faith and knows no such national frontiers

Muslim Women are used to being lectured that ISLAM requires the kinds of discrimination that they endure

But, they surmise, if the rules vary considerably from country to country, it cannot be ISLAM that lies behind all the restrictions on women's rights

Reflecting insight that these Islamic laws affecting women are all local, tied to local politics

Exposure to such variations helps women to differentiate bet Islam and the social position assigned to women in various countries

After such critical comparisons, women may stay devout Muslims but at the same time reject scornfully the Islamic rationales for discriminatory laws that national governments impose on women

They are encouraged to do this by having the chance to share their grievances and discuss their insights when they are brought together in international conferences like the 1995 Beijing Women's Conference and also in working for regional and international women's NGOs like AWSA, Maghreb Egalite, WLUML, SIGI etc.

in these activities Muslim women have discovered that they share similar perceptions about what is wrong with how they are being treated - and shared diagnoses that this treatment derived from harmful gender stereotypes, outworn traditions, problems of patriarchal societies

that is, at the same time that they are becoming cognizant of the great DIFFERENCES in national versions of Islam and interpretations of Islamic requirements on women they are also becoming aware of SIMILARITIES as they uncover broad patterns of women's subjugation and exploitation,

this draws them to the philosophy of intl human rights law -- that human beings around the globe confront similar rights deprivations and that INTERNATIONAL instruments setting international standards are needed to address these

as they perceive the cross border dimensions of issues, Muslim women perceive the relevance of intl solutions

--- including women's intl human rights law,

Simplifying a bit, one could say that in this era, Muslims are confronting at least three schemes of reference where women's rights are concerned

**1 Islam as set forth in the Islamic sources**

2 The positive laws in force in various Muslim countries

**3 women's int'l human rights law**

HOW THESE THREE RELATE PROVOKES ENDLESS CONTESTATION

**1 Islam as set forth in the Islamic sources**

Most Muslims seem to concur that the Islamic sources remain relevant to women's status

although there ARE Muslims who think that women's status involves secular issues - espec in an era when legal systems are largely secularized, Westernized, as ME legal systems are

SAIDZADEH

But, the problem is: What ARE the authentic Islamic teachings regarding women and women's rights?

Today's Islamic thinkers espouse radically different views on this subject

Afford no consensus on what Islam calls for in the way of women's rights

Muslims with feminist philosophies stress the elements in the Islamic heritage that support women's aspirations for equality and dismiss conflicting aspects of the Islamic tradition as amounting to culture-bound understandings of gender roles

Eg See Innovative contemporary iranian Cleric Mohsen Saidzadeh quoted by M-H, taking a strong Islamic feminist line

Saidzadeh says Islam, correctly understood, grants women the **same** rights as men in **all** matters

Saidzadeh approves of feminism

defines feminism as a social movement that aims at establishing women's human rights and freeing women from subordination imposed on them by patriarchal societies

[not by Islam]

says: We believe that the problem is not with Islam but with Islamic thinkers' understanding of Islam, which is tinted with political and patriarchal notions.

MANY Muslim women have come to this conclusion

very subversive - implies Iranian regime and other countries are MISTAKEN when they claim that Islam requires the restrictions they impose on women's rights and freedoms

NB these are the words of a traditionally educated iranian cleric -  
arrested and subsequently stripped of his clerical credentials because  
of his challenge to discriminatory treatment of women

////////////////////////////////////  
They endorse the feminist position that traditional sex roles are  
culturally constructed  
Agree that ideas of gender, understandings reflect culture and  
ideology, are contingent and mutable  
Insist that the Islamic sources have been misinterpreted by men who  
were wedded to patriarchal concepts  
~~~~~

Against them are arrayed conservatives, who insist that there exists a
definitive Islamic model that requires women to accept strictures
subjugating them and segregating them
Such conservatives may hew to the readings of the sources made by
jurists many centuries ago

2 The positive laws in force in Muslim countries that affect
women

Criticisms of national laws affecting women are based on many factors,
often by assessments that national laws affecting women are ill- suited
for present day realities

For example, increasingly, women find that their national laws on
personal status are based on gender models that do not fit evolving
socio econ conditions
Instead, reflect the traditional idea that men are and should be the
providers and women are suited for housework and childcare
So women will be housebound dependents
And, as such, they obedience to their masters/husbands

these laws' lack of fit with contemporary marriages prompts
reevaluation

////////////////////////////////////
SKIP THE FOLLOWING

////////////////////////////////////
the husband has an obligation to maintain his wife and family
in return for which she owes him obedience
ua he can demand that she remain in the home, bar her from going out
from home, stop her from any employment outside of the home

if wife fails in her duty to show him obedience, husband is relieved of
his obligation to maintain her
if he fails to maintain her, she is relieved of her obligation to obey
him

ie have different duties for spouses

<<<<<<<<<<<

trad rules assigned men and women complementary roles

zB in the LEGAL framework worked out by islam's jurists, the essence of marriage is that

the husband pays and the wife obeys

the husband is the provider, for his wife and for his family
the woman is financially dependant
she has no obligation under Islamic law to contribute to the family budget, household maintenance

seems that in traditional patriarchal societies, Muslims found little reason to question the trad roles assigned to men and women

but today old patriarchal models and time honored rules of Islamic law are being destabilized

Muslims are coping with the unsettling impact of rapid economic and social changes
these mean that expectations and attitudes are adjusting

life has become very expensive in urban areas like Tehran and Casablanca
^^^^^^^^^^^^^^^

Men and women find their respective roles in the family altering as changes mean that men cease to be the sole providers in the household
Mounting costs of living necessitate contributions on the part of both spouses to the upkeep of the family.

Often women may become the sole wage earners
or may earn more than husbands
that is, males in the family may become the dependents

naturally, when women are working and are contributing to the family's upkeep,
they are less inclined to defer to their husbands
and are in a stronger position to resist demands for obedience
women are showing restiveness

Ziba Mir Hosseini in her study of marriage in contemporary Iran and Morocco -- Marriage on Trial

shows that similar socio-econ shifts in both countries are placing strains on the former husband wife relation in marriage.

men seeking divorce report in large numbers that the reason they want to terminate their marriages is that their wives are disobedient
refuse to defer to their husband's authority
meanwhile, women seeking divorce often complain that their husbands are not maintaining them or not maintaining them properly
>>>husbands are not paying and wives are no longer obeying

////////////////////////////////////

trad H-W roles envisaged in complementarity thesis are collapsing
leaving many couples to want to end their marriages
but with Husband having a much easier time getting divorced

divorce

Among the discriminatory features of islamic law as applied in many
countries are rules
giving men an unfettered right to discard their wives at will, often
with no judicial control
While requiring women to go to court to establish grounds to terminate
their marriages
Such as abandonment or severe physical mistreatment
Difficulties of establishing grounds often leaves women stranded in
unhappy marriages

ua see the brilliant documentary film Divorce Iranian Style
about desperately unhappy Iranian women trying without success to get
divorces from Tehran courts

3 women's int'l human rights law

Contemporary evolution in thinking about Muslim women's rights is
proceeding in relation to intl hum rts law

Increasingly Muslim women aspiring to equality are drawn to the model
in 3 - women's intl human rights law
Of course, intl hum rts law is secular
And some Muslim women are speaking out to demand human rights in purely
secular terms
However, what seems to be a larger percentage is saying that 1 - the
Islamic sources
and 3 - intl human rights law
mandate essentially the SAME treatment for women
one encounters arguments that one can adhere to the most exigent
international standards, and at the same time also respect Islamic
values

that a **correct** interpretation of the Islamic sources reveals that they
anticipated the positions of intl human rights law - aimed to afford
women equality in rights
Women's right to equality is affirmed in many UN human rights Documents
from the UDHR on

Most important statement is CEDAW, women's convention
It aims at eliminating ALL forms of discrimination against women
the international standards granting women full equality in rights are
far better known in Muslim countries than they are in the US
A typical educated Muslim women is more familiar with the tenets of
international human rights law than is her US counterpart -
Something to think about

Average person might expect the US to be a leader in this
Domain

In fact, it is estranged from this whole system
Along with Monaco and San Marino, it is the only Western country to
have failed to ratify CEDAW

Meanwhile, Muslim countries are drawn into the CEDAW system
Muslim countries recognize the authority of intl hum rts law
-- want to be part of system even if are unprepared to adhere to hum
rts standards in practice
Wind up with incongruous situations like the one created by Saudi
Arabia by CEDAW ratification
Although imposing to a version of Islam that is absolutely incompatible
with the principles of the Women's Convention, Saudi Arabia ratified
this convention on Sept.7, 2000
Saudi arabia intends to keep its discriminatory regime

So, WHY did it ratify?
ratifying the Women's Convention is simply part of a Saudi campaign to
counter growing attacks on its appalling human rights record and to
pave the way for its integration in the international system, including
the WTO
in 2000 Saudi Arabia lobbied successfully for election to the UN Human
Rights Commission in Geneva,

Saudi Arabia indicates its ratification is conditional only, reserving

1. In case of contradiction between any term of the Convention and
the norms of Islamic law, the Kingdom is not under obligation to
observe the contradictory terms of the Convention.

NB this indicates that Saudi govt's official position is that Islamic
law CONTRADICTS women's human rights
If one adheres to women's human rights, one will be in conflict with
Islamic law
the gov't is inviting controversy and courting challenges by taking
this stance

perhaps without realizing that it is doing this,
Saudi Arabia is putting itself on the spot
Muslim women rights activists have denounced such Islamic reservations
to CEDAW - Saudi Arabia not being the only country to enter such

Saudi Gov't will now be pilloried for having joined CEDAW while at the
same time refusing to abide by CEDAW philosophy of equality for women
and men
Even more, it will be attacked for pretending that Islam is what
prevents such compliance
Ua Saudi Ar. Still insists that ISLAM says women are not allowed to
drive cars, etc.
Such claims provoke scorn

A preview of what lies in store can be found in the rough treatment
that Saudi Arabia received in January 2001 from the Committee on the
Rights of the Child. The kingdom ratified the Convention on the Rights
of the Child - with an Islamic reservation, asserting that it was
entering "reservations with respect to all such articles as are in
conflict with the provisions of Islamic law."

Saudi Arabia had opened itself to its first confrontation with a U.N. human rights body to whose judgment it had submitted. The flagrant rights abuses that are de rigeur on the Saudi domestic scene exposed the Saudi monarchy to unaccustomed challenges and condemnation by the Committee on the Rights of the Child.

The committee offered a harsh public indictment of Saudi policies as violative of human rights, an indictment that encompassed references to the kingdom's discriminatory treatment of girls and women. This came despite Saudi Arabia's submission of detailed eighty-seven page report that extolled the virtues of the Saudi system, vaunted its supposedly excellent human rights record and its extensive programs for children, and repeatedly referred to the Qur'an, while skirting discussion of all problematic aspects of the Saudi treatment of children or the kindom's stance on the Convention.

The committee dismissed the Saudi report, saying it was "essentially legalistic in nature and does not provide a self-critical evaluation of the prevailing situation of the exercise of children's rights in the country."

The committee rebuked Saudi Arabia for discriminating against women, harassing and assaulting youths who violated dress codes, and imposing inhuman punishments. The committee also pointed its finger at "narrow interpretations of Islamic texts" by Saudi authorities, blaming these for Saudi violations of the Convention.

far from being deterred from criticizing rights violations that were attributed by Saudi officialdom to the need to comply with Islamic law, the committee was ready to attack interpretations of the Islamic sources that correlated with such violations. In the course of the colloquy, the Saudi delegation made the claim that "women enjoy the same rights as men in Saudi Arabia" in the face of observations by the committee members that Saudi women were not allowed to drive a car, travel abroad, or visit a hospital without permission from a husband or other male relative.

;;;;;;;;;;;;;

at the same time, women's appeals to intl hum rts law provoke a backlash AGAINST the egalitarian model that intl hum rts law embodies Muslim women who call for equality are being denounced as servants of Western imperialism or proponents of atheist ideologies, as agents of an immorality that will destroy the family, etc.

see the recently imprisoned Mehrangiz Kar

an eminent Iranian lawyer, she has been one of the most vigorous and courageous defenders of women's rights in Iran

she has ostensibly been prosecuted and convicted for attending a conference in Germany where there was criticism of the Iranian govt and some disorderly behavior by opponents of the regime

in all likelihood her real offense was standing up for women's human rights and outspokenly criticizing Iran's official version of Islamic laws as discriminatory

ua she published a work in Iran setting forth relevant provisions of women's intl human rights law
AND corresponding provisions of Iranian laws that obviously did NOT measure up to intl standards
she calls intl hum rights "among the most valuable achievements of the 20th c"

Kar is an outspoken secularist, but she does not blame Islam per se for women's plight, but "a mentality" that attacks freedom and equality "in the name of religiosity"

according to her, the problem is one of Iran's religious heritage degenerating into a closed and introverted entity
reminds me of the walled garden

she points out that Iranian women are extracting egalitarian and humanitarian concepts from the Islamic sources
she welcomes this development - sees secular feminists and religious feminists as allies
points to the need to cleanse Iran's POLITICAL atmosphere of oppression and advance the critique of traditionalism so that rights of Muslim women can be appraised in conformity with the conditions of the world in this new century

////////////////////////////////////
Kar complains that Iran's legal system is rooted in traditions
And social models going back to Arabia 1400 years ago
whereas the economic, social, and cultural environment is changing
but due to pressures from what she calls "fanatical extremism," the legal system is incapable of responding to the new reality
according to her, laws and their application after the Islamic revl
have treated women as second class citizens, so that in the eyes of the world, Iran is a country standing firm in its opposition to the equality of the sexes

^^

Iranian women have long since transcended the local perspectives upon which the viability of the regime's closed and introverted ideological world depends

////////////////////////////////////

END PRINCETON

AEM

More recently, delegates supporting women's human rights at the September 1995 Beijing Women's Conference perceived how deviations from universality based on deference to local tradition menaced the integrity of human rights. These delegates clashed with representatives of Muslim and Catholic countries who insisted that women's rights had to be subordinated to national and religious customs.⁶ Women's rights advocates and NGOs from around the globe, in which Muslims participated, determinedly fought against this position, appreciating that granting priority to cultural particularisms was incompatible with ensuring human rights for women. There was no Huntingtonian East-West "power struggle" at the Beijing Conference over the universality of women's human rights; there was, instead, a struggle between the proponents of universal human rights and their enemies in the traditionalist camp, both forging alliances across regions, across religions, and across cultures.

Although some associate the idea of complementarity with a peculiarly Islamic approach to women's status, complementarity is enthusiastically embraced by conservative Christians, including the Catholic Church, which readily forged an alliance with countries like Iran to combat the position put forward by feminists from both Western and non-Western countries to the effect that gender roles are mutable, being socially constructed rather than biologically determined.⁷ Thus, in Beijing "sex" and "gender" became code words for the two sides, with opponents of change using sex stereotyping based on supposedly fixed biological differences to buttress calls for upholding the traditional family, and feminists arguing that gender roles can and should be reappraised with a view to critiquing traditions and advancing women's rights.

The notion that Islamic culture is problematic for rights but that secular, universal rights principles are readily digestible in Western milieus is hardly borne out by experience. For example, U.S. foes of the Women's Convention (CEDAW) have relied on U.S. domestic values in decrying the universal principles of CEDAW as inimical to U.S. religion

⁶ See "Forum on Women Agrees on Goals," The New York Times, September 15, 1995, A1.

⁷ See the items in AMEWS Newsletter [newsletter of the Association for Middle East Women's Studies] 10 (November, 1995): 2-3, 8-9, 11-12.

and culture. In 1994 the president of the National Institute of Womanhood testified before the Senate Foreign Relations Committee, denouncing CEDAW and claiming that it would "establish an international policy instrument that can be used as a weapon against the family, the institution of marriage, cultural and religious values."⁸ U.S. Senators' concurrence with such "cultural" objections to CEDAW has been a factor in the U.S. refusal to ratify this important treaty.⁹

¹ BBC SWB ME/2250/MED March 13, 1995, available and LEXIS, NEXIS Library.

Georges Bertrand de Beauvoir associated his brilliant daughter's studies with:

the dangerous sect . . . the intellectuals . . . blinded by their book-learning, taking a stubborn pride in abstract knowledge and in their futile aspirations to universalism . . . sacrificing the concrete realities of race, country, class, family and nationality to those crackpot notions that would be the death of France and of civilization: the Rights of Man, pacifism, internationalism, and socialism.¹⁰

Georges Bertrand de Beauvoir spoke as if he were entitled to act as the arbiter of what constituted treason against French culture. Here his pedigree might seem to be in his favor, since he was as French as French could be.¹¹ However, he seems to have overlooked that his daughter Simone was equally rooted in French culture, which did not deter her from

⁸ See After 14 years, U.S. moves to OK women's rights pact, Chicago Tribune, Sept. 29, 1994, available in LEXIS, Nexis Library.

⁹ For an examination of the convoluted "cultural" arguments against the Women's Convention in the Senate, see Ann Elizabeth Mayer, "Reflections on the Proposed U.S. Reservations to CEDAW: Should the Constitution Be an Obstacle to Human Rights?" Hastings Constitutional Law Quarterly 23 (1996): 813-19.

¹⁰ Deirdre Bair, Simone de Beauvoir (New York: Simon & Shuster, 1990): 97.

¹¹ He was of a distinguished family deeply rooted in the southwest of the country that could trace its ancestors as far back as Guillaume de Champeaux, mentioned in the year 1100 as a luminary of the Church and one of the founders of the University of Paris. Ibid., 22.

challenging the validity of received opinions in France about women's "natural" role, all the while remaining quintessentially French.

Fortunately for the women of the world, Simone de Beauvoir ignored her father's tirade and went on to write daring works like the seminal feminist study The Second Sex, published in 1949, becoming a renowned champion of the cause of women's equality in the process. Via her meticulous dissection of the particulars of women's inequality in the West, she stumbled upon universally valid observations, offering a critique of Western tradition that resonated across cultures, including the cultures of the Third World. The vehement condemnations of her life and her books by many of her compatriots bore witness to how deeply her ideas offended French mores, leading, among other things, to her work being placed on the Index by the Catholic Church.¹² Simone de Beauvoir's predicament should remind one that the universals of human rights are at odds with all cultural particularisms and that human rights, although first articulated in the West, emerged against the grain of Western culture. As in so many other instances, one sees that the great struggles over human rights issues are waged within cultures, between advocates and opponents of international human rights.

Human rights advocates in the Muslim world find themselves in a predicament like Simone de Beauvoir's. If they invoke the universal values of human rights, they risk being labelled traitors to their culture by those who claim to be defending "authentic" Islamic values. In this connection one should consider the implications of the demands for choosing representatives of Muslim nations who will authentically represent their traditions when determining stances on human rights -- without noting that "tradition" is inherently conservative and will naturally be wielded as a weapon against human rights by opponents of change, and especially against the human rights of women.

¹² Ibid., 456.

Leti Volpp, *Feminism versus Multiculturalism*, 101 *Columbia Law Review* 1181 (2001).

The representations in this newspaper's account demonstrate what literary theorist Rey Chow has called the "King Kong syndrome," in which the Third World, as "the site of the raw material that is 'monstrosity,' is [*1189] produced for the surplus value of spectacle, entertainment, and spiritual enrichment for the 'First World.'" n33 The article focuses on what is considered the "lurid exoticism" of women being burnt. n34 In fact, the use of fire as the preferred instrument of dowry murder is connected to the Indian context - but not because of exotic culture. n35 Fire has forensic advantages because it is a simple method of murder, it destroys evidence of murder, and it can look like an accident. As Narayan writes, burning a woman to death in India is no more exotic than shooting a woman to death in the United States; at the same time, shooting a woman to death would be considered exotic in India, where firearms are not freely available and the prevalence of guns is viewed as an American phenomenon. n36

We identify sexual violence in immigrant of color and Third World communities as cultural, while failing to recognize the cultural aspects of sexual violence affecting mainstream white women. This is related to the general failure to look at the behavior of white persons as cultural, n37 while always ascribing the label of culture to the behavior of minority groups. n38 Thus, to bolster her claim that we cannot embrace both feminism

The manner in which culture is hybrid and contested is often not recognized. n51 This happens, in part, because people within a community will explain their actions through their cultural identity. n52 Alternatively, people outside a particular community may mistakenly identify certain practices within that community as the result of culture.

n53 Often these two occur in tandem, so that, for example, a criminal defendant will invoke "culture" as the explanation for his sex-subordinating behavior. n54 The perspective of women within that community who would reject such a claim is generally ignored. The media happily picks up the defendant's claim (or proffers its own claim) that this problematic behavior is a product of a certain community's culture,

since the idea that nonwhite others [*1194] engage in primitive and misogynistic cultural practices fits already existing conceptions. n55

Such an examination would lead to a more nuanced analysis [*1208] of differential birth rates in the global North and South than afforded by the often cited explanation that birth rates are the product of differing cultural valuations about the worth of male children. n121

The second point is that the extreme focus on what is commonly conceptualized as cultural violence or subordination makes it difficult to see forces beyond culture. There are other important social, political, and economic issues affecting women's lives other than the cultural practices that garner so much attention. Only certain problems receive coverage or generate concern, namely those used to illustrate the alien and bizarre oppression of women of color; for example, sati, dowry death, veiling, female genital surgeries, female infanticide, marriage by capture, purdah, polygamy, footbinding, and arranged marriages. n122 Other problems - which raise questions of the role of dominant individuals, communities or states in shaping gendered subordination, such as ongoing relationships of economic inequity, development and community policies, exploitation by transnational corporations, or racism - are ignored.

We cannot simply accept the terms on which many have structured this debate. The assertion that women of color are to be saved from deviant cultures that pose a threat to "our" ideas, and the frequent response that this statement is Eurocentric or imperialist, are both equally impoverished. We need to progress from accusation and rejoinder and move beyond the dialectic that emerges from this binary. n150

[*1217] To be clear, the question of representation by feminists is far from the only problem plaguing women in immigrant or Third World communities. n151 I am not asking that we have no critical engagement with issues affecting communities in the Third World and communities of color. What I call for is not a refusal to criticize, but a more careful examination of the particularity of women's relationships to specific patriarchies, as well as to geopolitical and economic relationships. Attempts to make normative judgments and to change behavior must be premised on the understanding that cultures, including our own, are patriarchal - not more or less so, but differently patriarchal. We also need to understand cultures as characterized by resistance to patriarchy. When we consider the role of culture, we must not prioritize culture merely because we respect group rights, but should look to particular contexts in

order to determine whether justifications of practices based on culture should be supported or not, depending on what subordination is forwarded or combated through such support. Such an analysis would simultaneously recognize the disenfranchisement due to racism and the legacies of colonialism, and recognize that this disenfranchisement has constructed the experiences of minority and Third World women in a way that is bound up with their experience of gender. We need to acknowledge both that culture shapes gender domination in any community, and that specific histories and present-day practices necessarily will mediate the understandings of what constitutes culture and how it shapes, hurts, or benefits our lives.

We must think creatively and in new ways. n152 If, for example, we find that the transnational "women's rights as human rights" alliance constructed [*1218] to combat male violence against women cannot translate into global organizing against structural economic inequalities, what then? This would suggest that we think hard about new alliances or constructs that do not necessarily rely on the notion of the universal female subject. n153

We will not reach new possibilities through a simplistic and binary freezing of difference and sameness, of women vis-a-vis men, and of "us" vis-a-vis minority and Third World communities. We need to learn to see and challenge the multiple, overlapping, and discrete oppressions that occur both within and across white/Western and Third World/nonwhite communities. Otherwise, we remain mired in the battle of feminism versus multiculturalism.

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The Washington Post reported on June 17, 2002, that:

U.S. Christian organizations have joined forces with Islamic governments to halt the expansion of sexual and political protections and rights for gays, women and children at United Nations conferences. The new alliance, which coalesced during the past year, has received a major boost from the Bush administration, which appointed antiabortion activists to key positions on U.S. delegations to U.N. conferences on global economic and social policy. But it has been largely galvanized by conservative Christians who have set aside their doctrinal differences, cemented ties with the Vatican and cultivated fresh links with a powerful bloc of more than 50 moderate and hard-line Islamic governments, including Sudan, Libya, Iraq and Iran.

The alliance of conservative Islamic states and Christian organizations has placed the Bush administration in the awkward position of siding with some of its most reviled adversaries -- including Iraq and Iran -- in a cultural skirmish against its closest European allies, which broadly support expanding sexual and political rights.

U.S. and Iranian officials even huddled during coffee breaks at the U.N. summit on children in New York last month, according to U.N. diplomats. But the partnership also has provided the administration an opportunity to demonstrate that it shares many social values with Islam at a time when the United States is being criticized in the Muslim world for its continued support of Israel and the nine-month-old war on terrorism. "We have tried to point out there are some areas of agreement between [us] and a lot of Islamic countries on these social issues," a U.S. official said.

"The main issue that brings us all together is defending the family values, the natural family," added Mokhtar Lamani, a Moroccan diplomat who represents the 53-nation Organization of Islamic Conferences at the United Nations. "The Republican administration is so clear in defending the family values."

The Islamic-Christian alliance claimed an important victory at the U.N. children's meeting last month.

The Bush administration led the coalition in blocking an effort by European and Latin American countries to include a reference in the final declaration to "reproductive health care services," a term the conservatives believed could be used to promote abortion. . .

Some Western countries and liberal activists say they are alarmed by the influence of the Christian right at the United Nations, where more liberal women's rights organizations have held sway for the past decade.

"They are trying to undo some of the landmark agreements that were reached in the 1990s, particularly on women's rights and family planning," a U.N.-based European diplomat said. "The U.S. decision to come into the game on their side has completely changed the dynamics."

"This alliance shows the depths of perversity of the [U.S.] position," said Adrienne Germaine, president of the International Women's Health Coalition. "On the one hand we're presumably blaming these countries for unspeakable acts of terrorism, and at the same time we are allying ourselves with them in the oppression of women."

The World Policy Center, a Mormon group established in 1997 to promote family values through an alliance that includes conservative Christians, the Catholic Church and Islamic governments, is holding a conference next month at Brigham Young University School of Law. It will bring

antiabortion advocates and legal critics of the United Nations together with more than 60 U.N. diplomats, including delegates from conservative Catholic and Islamic countries.

Douglas A. Sylva, another supporter of the conservative cause [look him up on Google], Sept. 17, 2001, speaking of the culture wars at the UN over women's rights, said: Conservatives may be surprised that . . . the most reliable soldiers in this culture war, the most steadfast supporters of traditional morality and family values have names like Abdullah and Mohammed and Sulaiman. . . Islamic countries . . . such as Libya, Iran, and Sudan . . . are American conservatives' best hope of blocking an astoundingly ambitious cultural and legal revolution. . . the Islamic countries have grown strong in their resolve. They frequently ally themselves with the Vatican and are willing to absorb a great deal of ridicule for doing so.