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Islam and Women's Rights: The Debate Continues

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The suicide in March of 16-year-old Moroccan Amina Filali in the small town of Larache, near Tangiers, sparked a national – and international - outcry. Amina ingested rat poison after being forced, under article 475 of Morocco's penal code, to marry a man who had raped her. According to women's rights activists, article 475 is used to legitimize the traditional practice of allowing a rapist to marry his victim in order to preserve the honor of her family. The practice also enables the perpetrator to escape a jail sentence. In Morocco, rape is punishable by a prison sentence of five to ten years, and up to 20 years if the victim is a minor, as Amina was.¹

National protests in the aftermath of Amina's suicide have included anti-rape demonstrations, attended mainly by women, in the country's largest cities; a sit-in at Morocco's parliament building in Rabat on March 17; and an online petition calling for the repeal of article 475 that has gathered over 800,000 signatures since her death.² The hashtag #RIPamina became a global trending topic on Twitter in the few days following her suicide,³ and the Facebook page, "We are all Amina Filali" - set up to promote the online petition against article 475, and to raise awareness of the issues surrounding her death - is still active today.⁴ Protesters both online and in the streets have compared her to Muhammad Bouazizi, the Tunisian street vendor whose self-immolation on December 17, 2010 is considered to have sparked the Arab Spring uprisings. According to one anonymous Moroccan blogger, "Bouazizi might've

¹ Afua Hirsch, "Moroccan teenager's death puts focus on women's rights," The Guardian, April 3, 2012.

<http://www.guardian.co.uk/world/2012/apr/03/moroccan-teenager-death-women-rights>

² Edward Cody, "New Arab order: In Morocco, uproar over marriage law tests Islamist government" Washington Post, April 16, 2012. http://www.washingtonpost.com/world/middle_east/new-arab-order_in-morocco-uproar-over-marriage-law-tests-islamist-government/2012/04/15/gIQA2kxGKT_story.html;

Hisham Almiraat, "#RIPamina - Live Updates From the Sit-In," Almiraat.com, March 17, 2012. <http://www.almiraat.com/2012/03/ripamina-live-updates-from-sit-in.html>; see the petition on the www.avaaz.org.

http://www.avaaz.org/en/forced_to_marry_her_rapist/?cl=1667122569&v=13275

³ "#RIPamina," Aljazeera, March 14, 2012 <http://stream.aljazeera.com/story/ripamina-0022096>

⁴ See the "We are all Amina Filali" page on Facebook. <https://www.facebook.com/pages/We-Are-All-Amina-Filali/392757007401977>

started a political revolution; But Amina has triggered the awakening of the long sleeping humanitarian in me.”⁵

Amina’s case sparked this strong reaction even though, according to local experts such as Khadija Ryadi, the head of the Moroccan Human Rights Association, Amina’s case is not uncommon. According to the Guardian, official statistics put the number of underage marriages in Morocco at 41,000 in 2010 – a full 25 percent higher than it was in 2009⁶ -- and rape is common, according to Riyadi. In her view, Amina’s case became important not only because of the tragedy of her death, but also because, with Morocco’s first ever Islamist government in power since elections last November, “everyone is waiting to see what the reaction of an Islamic government would be” to such an issue.⁷

The Party of Justice and Development (PJD) has been at the head of the governing coalition since winning 27 percent of the vote in the November 25 elections last year. The elections were an outgrowth of King Muhammad VI’s broad constitutional reforms – undertaken in response to the February 20 Movement that spearheaded Morocco’s Arab Spring uprisings.⁸ The PJD-led governing coalition seems to have at least partly felt the pressure of the Amina protests. A week after her death on March 10, the Moroccan Communications Minister Mustapha el-Khalfi told Al-Jazeera, “We can’t ignore what happened; one of the things we are looking for is to toughen the sentence for rape.”⁹

Morocco is seen as one of the most progressive countries in the region in terms of women’s rights. Reforms initiated by the King in 2003 replaced Morocco’s personal status code – the *Mudawanna* – with a new, more equitable Family Law, and fixed a minimum level of parliamentary seats for women (10% of the total).¹⁰ With the Islamist current having grown in strength some Moroccans now fear that the gains achieved during the last decade will be undermined.¹¹

Amina may be more than a test case for a post-Arab Spring Islamist-dominated government, however. The symbol of Bouazizi is a potent one, and the suggestion that Amina take on his mantle indicates that a question-mark still hovers over the status of women in post-Arab Spring societies. It also highlights the debate raging in the region, and globally, about what Arab women really want, and how Arab states and their societies really treat them.

⁵ MBI Morocco, “Amina is My Bouazizi,” [mbicorner.blogspot.co.uk](http://mbicorner.blogspot.co.uk/2012/03/amina-is-my-bouazizi.html) <http://mbicorner.blogspot.co.uk/2012/03/amina-is-my-bouazizi.html>

⁶ Afua Hirsch, “Moroccan teenager’s death puts focus on women’s rights,” April 3, 2012.

⁷ Edward Cody, “New Arab order: In Morocco, uproar over marriage law tests Islamist government” Washington Post, April 16, 2012. http://www.washingtonpost.com/world/middle-east/new-arab-order-in-morocco-uproar-over-marriage-law-tests-islamist-government/2012/04/15/gIQA2kxGKT_story.html

⁸ Marina Ottaway, “The New Moroccan Constitution: Real Change or More of the Same?,” carnegieendowment.org, June 11, 2011. <http://carnegieendowment.org/2011/06/20/new-moroccan-constitution-real-change-or-more-of-same/5j>; Dalit Atrakchi, “Women and Politics in Morocco,” diwaniyya.blogspot.com, April 3, 2012.

<http://diwaniyya.blogspot.com/2012/04/podcast-women-and-political-life-in.html>

⁹ “Morocco mulls tougher line on rape-marriages,” AlJazeera.com, March 17, 2012.

<http://www.aljazeera.com/news/africa/2012/03/20123171132404140.html>

¹⁰ Laura A. Weingartner, “Family Law & (and) Reform in Morocco - The Mudawana: Modernist Islam and Women’s Rights in the Code of Personal Status,” *University of Detroit Mercy Law Review*, vol. 82 no. 701, 2004 – 2005, 687 – 713; “Moudawana: Progress for Moroccan Women?,” femlegaltheory.blogspot.com, October 17, 2011.

<http://femlegaltheory.blogspot.com/2011/10/moudawana-progress-for-moroccan-women.html>

¹¹ Atrakchi, “Women and Politics in Morocco,” diwaniyya.blogspot.com

This debate was epitomized last month by the publication of - and reaction to - the cover story of *Foreign Policy Magazine's* special edition, "The Sex Issue."¹² The article by Egyptian writer and feminist Mona Eltahawy, "Why Do They Hate Us?," stated in no uncertain terms that the Arab Spring has left women behind. Eltahawy's refutation of cultural relativism and political correctness regarding the status of women in Arab Muslim societies caused a storm, as did her assertions that there is a "pulsating heart of misogyny in the Middle East."¹³

Eltahawy, currently based in New York, has been active in the Tahrir Square protests. She has written about her arrest and sexual assault in Cairo last year at the hands of Egypt's security services, and has argued that Egypt's revolution was not just about the overthrow of Mubarak, but also about deeper social change, particularly the role of women in society.¹⁴ "The Arab uprisings may have been sparked by an Arab man... but they will be finished by Arab women," she wrote in *Foreign Policy*, adding Amina Filali "is our Bouazizi."

The piece was met by a flood of criticism that the issue is not as clear-cut or as simplistic as Eltahawy makes out. Some even argued that her article was "offensive."¹⁵ Writing in the Huffington Post, Monica L. Marks responded that Eltahawy is part of a problematic trend "of 'native informants' whose personal testimonies of oppression under Islam have generated significant support for military aggression against Muslim-majority countries in recent years."¹⁶

In light of the widespread criticism, *Foreign Policy* invited a number of experts to respond to the issues raised by Eltahawy and her critics. Their responses ranged from agreeing in principle, but calling for a more thorough examination of the issues, to defences of Islamic feminism, and Islam's ability to safeguard women's rights.¹⁷ Among the experts were Islamist voices such as Sondos Asem, a member of the foreign relations committee of Egypt's ruling Freedom and Justice Party (FJP), and Imam Feisal Abdul Rauf, chairman of the Cordoba Initiative.

The Egyptian-American scholar Leila Ahmed was another expert invited to respond. Ahmed, who has written extensively on the question of Islam, gender, and feminism, acknowledged Eltahawy's right to her views, and even lauded her intentions to improve the lot of Arab women. She criticised her essay, however, for making "sweeping generalizations" that "erased subtle nuances and garbled and swept aside important differences" in the debate on women and Islam.¹⁸

¹² See the issue on the Foreign Policy Magazine website. http://www.foreignpolicy.com/The_Sex_Issue

¹³ Mona Eltahawy, "Why Do They Hate Us?," *Foreign Policy*, April 23, 2012.

http://www.foreignpolicy.com/articles/2012/04/23/why_do_they_hate_us?page=0.0

¹⁴ See Eltahawy's blog for past writing on these issues: <http://www.monaeltahawy.com/blog/>

¹⁵ Sherene Seikaly and Maya Mikdashi, "Let's Talk About Sex," *jadaliyya.com*, April 25, 2012.

<http://www.jadaliyya.com/pages/index/5233/lets-talk-about-sex>; Charli Carpenter, "Seriously Guys!: How (Not) to Write About Gender and Foreign Affairs," *The Duck of Minerva*, April 26, 2012

<http://duckofminerva.blogspot.co.uk/2012/04/seriously-guys-how-not-to-write-about.html?spref=tw>; Maha Atal,

"Note to 'Foreign Policy': Sex isn't Only a Women's Issue," *Forbes.com*, April 27, 2012.

<http://www.forbes.com/sites/mahaatal/2012/04/27/note-to-foreign-policy-magazine-sex-women/>

¹⁶ Monica L. Marks, "Do Arabs Really Hate Women?," *Huffingtonpost.com*, April 25, 2012.

http://www.huffingtonpost.com/monica-l-marks/do-arabs-really-hate-wome_b_1453147.html

¹⁷ "Debating the War on Women," *foreignpolicy.com*, April 24, 2012.

http://www.foreignpolicy.com/articles/2012/04/24/debating_the_war_on_women

¹⁸ *Ibid.*

Ahmed's main assertion was that, while Eltahawy had shown that she is "fiercely committed to the belief that it is religion above all -- and actually specifically and apparently exclusively Islam," that is the root cause of misogyny in the Middle East, not all feminists agree with her. The Arab Spring uprisings, Ahmed argued, brought us many examples of Muslim women who are also feminists. A high proportion of the women we saw in the protests were wearing the hijab, she wrote, and, "Presumably, these women would not share Eltahawy's fiercely contemptuous understanding of Islam as the source of all their troubles and problems." Egyptian activist Asma Mahfouz, whose video on Facebook called on people to join her in protest in Tahrir Square, and the Yemeni Nobel Prize winner Tawakkol Karman, are two such examples that she cited.

A positive outcome of the *Foreign Policy* piece is the lively discussion it has generated. Whether or not the article leads to the kinds of changes in the region that Eltahawy advocates, what it certainly makes clear is that the debate on Islam, women's rights and the Arab Spring is alive and well, and as divisive as ever. How can the debate move forward in the face of such polarisation, however? In her response to the article, Ahmed, who does not presume to speak for women such as Mahfouz and Karman in her refutation of Eltahawy, makes one seemingly sensible suggestion. She calls on *Foreign Policy* to invite women like Karman and Mahfouz to share their views on "what is happening in their countries and what they think and hope for in relation to women's rights." Perhaps with such women also engaged in the debate, we will get closer to answering the question: What do Arab women really want?

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