

# Women in the Arab World: A Case of Religion or Culture?

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<https://www.e-ir.info/2012/08/02/women-in-the-arab-world-a-case-of-religion-or-culture/>

DESIREE BRYAN, AUG 2 2012

According to mainstream, Western, secular discourse, Islam is inherently oppressive to women. This attitude is reflected in rhetoric of those like French President Nicolas Sarkozy, who says that veils oppress women,[1] and the former U.S. First Lady Laura Bush, who calls to free Muslim women from the confines of Islam.[2] Through their secularly oriented, Western-centric speech, President Sarkozy and Mrs. Bush identified the status of women “[...] as intimately linked to what is often portrayed as the violent nature of [the Islamic] religion and affirmed that the cause of liberating Muslim women from their bondage is part of the American mission to the Islamic world.” [3] This rhetoric makes a clear assumption that the status of women in Muslim societies is directly related to Islam as a religion. It represents a monolithic view of Islam, re-inscribes patriarchal hierarchies and colonial relationships with subaltern groups, and represents a false simplicity in our attempts to understand both the status of Muslim women and the dynamics of Muslim societies. However, despite the popular discourse in Western media, politics and even academics, the status of women in Muslim societies is far from being reducible to a simple religious issue. It is necessary to unpack both the religion and the surrounding cultures in order to fully understand the status of women in Muslim societies. Ultimately, their situation is best understood through the concept of hybridity.

In order to explore the influence of culture and religion on the status of women in the widely diverse Muslim world, it will be useful to look at two contrasting examples. This paper will start by looking at the case of Tunisia, a progressive Islamic state that presents an interesting case of a society based on both French civil code and Islamic law. Subsequently, that example will be contrasted with the case of Saudi Arabia, also an Islamic state, but one that significantly restricts freedoms for women. The paper will conclude with a brief note about the inherent problems with looking at Muslim women through the Western gaze.

However, first we will briefly address and define the concept of hybridity as it will be used in this essay. Hybridity is a term often used in post-colonial studies to refer to the interdependence of colonizer and colonized in the production of the identity of each.[4] Because of this interdependence, an *a priori* colonizer or colonial subject ceases to exist. What remains are new forms produced through the experience of being in relationship with another. This essay will endeavor to show that a similar process takes place with conceptualizing religion and culture. Both are produced through their relation with the other and, thus, cease to exist as independent concepts. The result is that it is impossible for women’s lives to be wholly determined by either culture or religion, as they will always exist in a third, hybrid space that combines the two.

### Women in Tunisia

Due to the state of flux in Tunisia since 2011, the focus will be on the status of women prior to 2011 and the onset of the Arab Spring. In order to unpack the respective influences of culture and religion on women in Tunisian society, we must first attempt to understand the position of women in that society.

According to Ben Salem, prior to independence in 1956, “[...] women were marginalized and secluded [...] and there was no female participation in public life.”[5] In colonial times, women were veiled, and their lives were largely confined to the private sphere. However, whether this was due to the religious influence of Islam or other factors is a

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question that must be examined. On the one hand, the colonial era in North Africa saw greater expansion of Islam than during any other period.[6] Yet, this expansion actually contributed to the French fear and oppression of Islam in the conquered territories. French officials “[...] denounced Islam as being a feudal and enslaving system.”[7] Furthermore, the French secular tradition “[...] invites the religious to be silent.”[8] This secular tradition additionally served to re-inscribe the patriarchal tradition of silencing women, which will be explored further below. Thus, it is equally possible that the oppression of women in colonial Tunisia could have been a result of religious influence, anti-Islamic colonial domination, or a number of other unnamed factors, such as long standing cultural traditions that favored patriarchy. The principal point is that it is impossible to infer causality, or even primary influence, based on the fact that women were veiled and confined to the private sphere during colonial times. The likely answer is that the status of women was a result of three factors: religion, culture and colonial politics. These ideas can be further examined by examining the post-colonial period in Tunisia.

While Islam's reach was expanding (while remaining oppressed in daily life) during the colonial period, the status of religion in Tunisian society changed somewhat after independence. Tunisia's first president, Habib Bourguiba, declared Tunisia to be an Islamic state, subject to official Islamic law. Despite his commitment to creating an Islamic state, however, Bourguiba was also driven by economic motives and the need to swiftly develop the country to meet the standards set by neighboring Mediterranean countries. Furthermore, he adopted a liberal approach to interpreting Islamic law, which allowed him to integrate gender equality into the legal code.[9] The bottom line was that Tunisia needed women in the labor force. The Code of Personal Status (CPS) was enacted immediately after independence and it abolished polygyny; established equal grounds for divorce for both men and women; codified a minimum age for marriage and the requirement of consent of both spouses to marriage; established free education from ages 6 to 14 for all citizens; established women as citizens and gave them the right to vote and to run for public office and firmly implanted into the legal codex the principle of equality.[10] The result of this code is that, today, Tunisian women are more educated, to a higher level (59.5% of university students were female in 2007), and participate more in the labor force than women in the rest of the Middle East and North Africa. [11] Access to education and employment has increased the standard of living for women, in particular, and for Tunisian society generally. It has also given Tunisian women a gradually increasing voice in the political and civic sphere.[12]

In the span of just more than 50 years, women went from uneducated and confined to the private sphere to enjoying many of the same rights as women in Western societies. In fact, the women's movement in Tunisia closely mirrored the women's rights movement in the U.S. and Europe. The bridging of the equality gap was accomplished principally through the enactment of equality laws, which is a strong indicator that the primary influence on the status of women in Tunisia is not religious, as popular Western discourse would indicate, but political or cultural.

However, this relatively equal legal status does not always translate to the social sphere and is not always felt across all areas of the population. Women in rural areas often live in similar conditions as those of the colonial era. Furthermore, “[...] women's freedom and their rights as citizens remain[d] vulnerable, and must be continually reinforced.”[13] Tunisian women must often rely on the established legal system to enforce the rights they are guaranteed. And, although Tunisian legislation has been “[...] modeling a new society within the framework of modern Islam, gradually abandoning the static models of thought inherited from traditional society, and the Tunisian society of today [is] concerned with following the principles of religion without sacrificing progress”, there continues to be major concerns regarding the “[...] resurgence of backward models under the influence of current fundamentalism.”[14] According to Ben Salem, “[a]n oscillation persists between traditional values and a spirit of innovation as the tendency toward the principles of equality, nondiscrimination, and liberty continues to be in competition with the dominant conservative values.”[15] This indicates that the legal rights women enjoy are vulnerable to change in the political structure and are consistently undermined and challenged by cultural and religious traditions.

Thus, from this analysis of the status of women in Tunisia, we can observe two things: 1) The status of women in Tunisia, and the legal rights accorded to them, is fairly high by established Western, international standards. In her 2009 report for Freedom House, Ben Salem rated Tunisia an average of 3.32/5.0 in terms of the freedom women have to exercise their legal rights.[16] By comparison, neighboring Libya was rated an average of 2.42/5.0[17] and Saudi Arabia was rated the lowest out of all Middle Eastern and North African countries at 1.44/5.0.[18] 2) The status

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of women is also somewhat tenuous due to the fluctuation between traditional, cultural and religious values, which still have a stronghold in rural areas, and legal equality. Thus, we can see that while the political/economic situation has had the most significant effect on the status of women in contemporary society, it remains to be seen as to whether traditional values have the potential to challenge women's legal rights.

Traditional values are deeply embedded in Tunisian culture and exert tremendous influence on women in the social/familial sphere. According to Charrad,

[a] key feature of social organization in the MENA [Middle East and North Africa] has been the place of kin-based formations in the social structure and in politics. [...] kin-based formations extending from the patrilineage have played critical political roles in the economy, the polity and every aspect of society.[19]

This means that cultural and familial traditions have been integral to the shaping of the social and political order in North African societies. In addition, those cultural and familial traditions favor patriarchal formations. However, it is also true that "Islamic family law places women in a subordinate status by giving power over women to men as husbands and as male kin." [20] This juxtaposition means that it is impossible to clearly define the boundaries of what is constituted by religion and what is constituted by cultural tradition. The two are intertwined and have been implicit in the production of social norms for centuries. Each has influenced the other.

Ultimately, relatively generous legal rights primarily influence the position of women in contemporary Tunisia. They enjoy a good deal of equality that has been granted to them by the legal code, and this is no insignificant matter. However, the pull of Islamic law, patriarchal kin-ship and familial tradition are still strong and shape the society and the lives of women, particularly in rural areas. Therefore, it is impossible to separate out the influences of culture, family, law and religion. Boundaries were difficult to define even before the colonial period, but, even today, the legal rights women enjoy are based on both French civil code and Islamic law, further entrenching the hybridity of religion and culture. Hence, we can see not only the impossibility of separating the contributions of religion and culture, but also the futility of it as well. Looking at each element individually gives us only a partial picture; it essentializes the experiences of women. It fails to render visible the complexities of modern, hybrid spaces.

### Women in Saudi Arabia

Saudi Arabia provides contrasting example. There is a lacuna in the English language literature about women in Saudi Arabia. However, it is clear that the status of women in Saudi Arabia is markedly different from that of women in Tunisia. Unlike Tunisia, the legal code of Saudi Arabia does not guarantee equal rights for women. According to Doumato, "[...] gender inequality is built into Saudi Arabia's governmental and social structures, and is integral to the country's state-supported interpretation of Islam, which is derived from a literal reading of the Koran and Sunna." [21] According to the World Economic Forum's Gender Gap Index, Saudi Arabia rates 130/134 countries in terms of gender inequality. [22] Only Benin, Pakistan, Chad and Yemen were rated worse. [23] The conditions for Women in Saudi Arabia, regardless of age, are as such: they are required to have a male guardian to leave the house; they are not permitted to drive; they cannot vote or be admitted to high political office; if a woman reports a rape, she is also punished. According to Saudi law, the woman "[...] is viewed as being at fault for illegal mixing of genders and is punished along with her attacker." [24] Furthermore, most rape goes unreported because "[...] victim[s] faced societal reprisal, diminished marriage opportunities, and possible imprisonment or accusations of adultery." [25] Additionally, there are no laws prohibiting domestic violence. A 2008 UN Special Rapporteur on violence against women found that women lacked autonomy, freedom of movement and economic independence. It also indicated that there were discriminatory practices around divorce and child custody, there was an absence of law criminalizing violence against women, and women had difficulties escaping from abusive environments. [26]

All of this information indicates that the situation for women in Saudi Arabia is fairly bleak. Furthermore, based on the fact that gender inequality is written into the law and the law is entirely based the interpretation of Islamic law, it may seem evident that the status of women can be directly tied to religion. This is the surface level interpretation made by the majority of human rights and international organizations. However, the reality may be more complex.

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In Saudi Arabia, the dominant form of Islam is a fundamentalist form known as Wahhabism. As some scholars argue, even the use of Wahhabism is inaccurate and it should more accurately and precisely be titled 'Saudi Wahhabism.'<sup>[27]</sup> The particular form of Wahhabism that exists in Saudi Arabia is derived from Islamic doctrine, but it is also based on the historical alliance between the political and financial power of the first king of Saudi Arabia, Ibn Saud.<sup>[28]</sup> According to Gilles Kepel,

[i]n the opening decade of the nineteenth century, the Wahhabis and the House of Saud formed an alliance, commencing a state-building project that was completed a century later. Wahhab agreed to glorify the Saudi tribal raids on neighboring oases by treating them as jihads, in return for King Muhammad bin Saud's promise to elevate Wahhabism to a state ideology.<sup>[29]</sup>

Thus, we can see that even in a fundamentalist Islamic state, with a law based entirely on Islamic law, the line between the political/cultural and the religious is blurred. It is impossible to separate the influence of religion and culture in the form of Islam that dominates Saudi life.

Joseph Kechichian reinforces this saying, "[r]eligious power and authority continue to be exercised by the ulama in tandem with political figures who together derive a dose of legitimacy as a result of this cooperation."<sup>[30]</sup> It is this form of Islam, historically linked to and constituted through its relationship with the power politics of the monarchy, through which the rights of women are interpreted. Thus, the relatively oppressive condition in which women live in Saudi Arabia is a product of this concomitant relationship between religion and politics/culture. However different the status of women in Saudi Arabia and Tunisia may be, the similarity is that, in both societies, women exist in a space constructed by the intersection of religion, politics, history and tradition.

This intertwining, again, reinforces the notion of a hybrid space for women. As in Tunisia, the status of women is most significantly influenced by the political. However, in the case of Saudi Arabia, the political is intimately linked to a very particular form of the religious. Despite the strong influence of Wahhabism on every aspect of Saudi life, it is not possible to say that religion alone, or even primarily, has been the determining factor of the position of women. This is because of the historical relationship between the religious and the political. Again, we see that it is impossible to separate the role of Wahhabism from the role of monarch or from Saudi tradition. Each of these elements has been transformed through its relationship with the other. Thus, while women are undoubtedly oppressed in Saudi society, it is impossible to determine whether religion or culture plays a greater role in their limitations. They, too, exist in a hybrid space.

### The Western Gaze

While it is beyond the scope of this paper to fully address the relationship between the status of women in Muslim societies and the point of view from which that status is perceived, it briefly draws attention to the risk of Euro-centrism in the concept of universal human rights. In any undertaking of a study of the subaltern, a category for which the majority of women in Muslim societies qualify by Western standards, we consciously or subconsciously don the lens of our own experience. In this case, by the very nature of the inquiry at hand, we are making an assumption about the 'Other.' Specifically, that assumption is that women, by the very fact of their Muslim identity or location in a Muslim-majority society, have a 'status' and that status is probably oppressed. Furthermore, their status requires action in order to bring them into alignment with the Western standard called 'universal human rights.' Rarely do we discuss the 'status' of women in Western societies or the 'status' of Christian women. Women who are domestically abused, who are living in poverty or who are unable to access education in Western societies are not assumed to be lacking in universal human rights. We identify these problems as belonging to other categories.

Thus, in undertaking a study of this nature, it is important to recognize the lens through which the scholar interprets their information, as well as to consider the limits of our inquiry. In the case of the women in Tunisia and Saudi Arabia, it is important to note that their status, respectively, as relatively good or relatively bleak, has been judged against the Western standard of universal human rights. It has further been impacted by the Western standard of the secular. Muslim women, on an individual, cultural or religious basis, may or may not wish to be subject to these standards. For example, from the Western perspective, all instances of *purdah* are oppressive. However, the women

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living in these conditions may or may not feel oppressed by it. The relativity of these issues is also a factor that should be considered.

## Conclusion

However different the status of women in Saudi Arabia and Tunisia may be, the similarity is that, in both societies, women exist in a space constructed by the intersection of religion, culture and, not insignificantly, politics. Because of the historic relationship and intertwining of the political and the religious in many societies, and most specifically in the two cases examined above, entirely new social factors have been produced that look nothing like the factors represented by the dominant discourse. These factors combine to create the hybrid third space that women occupy today. When Western media talks about the influence of Islam or Muslim culture on the status of women, they have in mind a rather essentialized, historically outdated (if it ever existed), Western and secular concept of religion and culture.

In order to come closer to understanding the situation of women in Muslim societies, we must engage with the notion of hybridity and recognize the fact that religion, culture and politics are inseparable. They are historically interdependent influences and have been constantly reimagined and reconstituted throughout history to produce the hybrids that we have today. These hybrid elements shape the space that women occupy. In order to understand that space, we must understand the historical relationships between those factors in Muslim societies, as well as the encounter between those factors and the Western gaze through which they are interpreted. Only through awareness of that process can we come closer to understanding what the good and the bad is for women in Muslim societies, through their eyes.

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