

1 Genesis of the “Woman Question”

The Colonial State against Its Society and the Rise and Fall of the New Iraqi Republic (1917–1968)

Introduction

Going back to the period of the formation of the Iraqi state is central to understanding the present. The social, political, and economic dynamics characterizing colonial times shaped the genesis of what has been commonly called the “woman question”: the way in which women and gender issues were raised and debated by various social and political actors since the colonial period. In line with Edward Said’s work on Orientalism, Leila Ahmed’s seminal *Women and Gender in Islam* (1992) offers an in-depth look at the ways in which the “woman question” was shaped in the colonial period in Egypt. She shows how Islam was defined by the colonizers as representing the essential difference separating the “civilized” West from the “barbaric” Muslim East. Western colonizers’ depiction of Muslim women as oppressed by a “Muslim patriarchal culture,” particularly through veiling, had an impact on the way women and gender issues were posed by nationalists and Muslim reformists. Women symbolized the natural, biological bearer of the nation, which was always depicted through feminine symbolism – for example, as shown in research about Egypt (Booth 1998, 2001; Baron 2005).

Family, women, and their condition of life and status represented the bearer of cultural authenticity and were at the core of colonizer/colonized discourses. In the postcolonial period, at the time of independence, women and gender issues were central to the discourses and politics of modernity and nationalism. Yuval-Davis and Anthias (1989) show how much gender relations and women’s reproductive roles and identities are at the core of nationalist projects. Gender relations are central in the development of nationhood and ideas of citizenship.

Even in countries that were not colonized, such as Turkey, women’s rights, dress code, and identity were considered essential to the process of modernization and thus an “issue of civilization,” as described by Göle (1993). The establishment of modern nation-states in the European model was thus marked by tensions and contradictions: on the one

hand, the process involved the modernization of societies along Western lines (i.e., science, technology, social organization); on the other hand, the process involved the assertion of national identities based on past histories and in contrast to Western influences. In the context of the formation of new, independent Arab states, cultural nationalism and Islam appeared as practically interchangeable. The establishment of the personal status codes (or family laws) in the framework of *shari'a* was central to debates surrounding the definition and shape of the "new nation." Mounira Charrad (2001) proposes to approach state policies and gender in the Maghrib region in considering the central importance of tribal kin groupings. Through the ways in which the personal status codes or family laws were established, it is possible to read the nature of the relationship state-tribe alliances. She argues that the more state politics favor kin-based social groups, the more family laws are conservative, such as in postcolonial Morocco. Conversely, the more the state evolves in relative autonomy from tribal kin groupings, the more it promulgates a liberal family law, such as in Tunisia in 1956. Charrad's analysis of the very establishment of a legal frame shaping women's rights is very relevant to our study in this chapter on gender issues and feminism in colonial and postcolonial Iraq.

Several pioneering studies elaborated on and added further complexity to Ahmed's reflection on the colonial building of the "woman question." In her groundbreaking edited volume *Women, Islam and the State* (1991), Deniz Kandiyoti proposes to break with Orientalist and simplistic approaches to women and gender issues in the Middle East; such approaches consistently take the position of an undifferentiated Islam representing the essential and radical cultural difference between the West and the "Muslim world." Kandiyoti argues that an adequate analysis of the position of women in Muslim majority societies must be grounded in a detailed examination of the nation-states' political projects and historical transformations. Thus, looking at the establishment of nation-states in the colonial and postcolonial contexts, along with the different ways in which the notion of citizenship was elaborated and experienced, is necessary to understanding women and gender issues in the Middle East. The postindependence trajectories of modern states, the variation in the use of Islam in different nationalisms, state ideologies (nationalism, secularism, etc.) and oppositional social movements, and the varied processes of economic change are of central relevance to understanding the conditions of women.

Lila Abu-Lughod's edited volume, *Remaking Women: Feminism and Modernity in the Middle East* (1998), brings significant horizons regarding the ways in which women deemed "bearer of the nation" participated

in the debates around their social, economic, and political conditions. Abu-Lughod also explores the different and complex ways in which “the West and things associated with it, embraced, repudiated and translated, are implicated in contemporary gender politics” (1998: 3–31). Approaching the way in which colonial modernity affected discourses and politics on gender means for the author of *Remaking Women* looking at the ways the ideas and practices deemed “modern” brought by Europe’s colonies and taken up by the emerging local elites introduced both forms of emancipation and new forms of social control. It also means looking at the class dimensions of the “woman question” and at what kinds of identities – class, national, communal – are shaped through women and gender discourses and politics. Abu-Lughod deepens Deniz Kandiyoti’s analysis when she argues that colonial constructions of “Eastern women” that shaped anticolonial nationalisms and feminist projects in the Middle East cannot be read through the simplistic rejection/acceptance of Western-dominant ideas. For feminists in the region, there has been a selectiveness and reappropriation in the translation of Western ideas and models into local contexts (1998: 3–31). This precise issue can be explored for the British Mandate and Hashemite periods explored in this chapter with the support of the work of Orit Bashkin, Sara Pursley, and Noga Efrati.

Regarding women’s activism during the colonial period in the Middle East, in her article, “The Other ‘Awakening’: The Emergence of Women’s Movements in the Middle East, 1900–1940,” Ellen Fleischmann (1999) identifies three stages in the evolution of women’s movements that appeared simultaneously or in succession from the beginning of the twentieth century to 1940. The first stage was characterized by the importance given to the “woman question” in public debates and the emergence of women’s groups advocating for girls’ education, as well as women’s welfare and charity groups. The second stage related to the direct connection between nationalism and women’s emancipation: the formation of more politicized women’s groups that linked the idea of citizenship to that of gender equality. The third stage was characterized by the politics of “state feminism” undertaken by new, independent nationalist regimes. In fact, Kumari Jayawardena’s *Feminism and Nationalism in the Third World* (1986) shows how much feminist movements in the Third World emerged within nationalist struggles that drew on anticapitalism and anti-imperialism. She also argues that such an emergence corresponded with a move toward secularism, which was characterized by the dominance of leftist ideologies and carried by the emerging modern indigenous middle classes.

Much has been written about the emergence of the “woman question” and the development of women’s activism in Muslim majority countries during the first decades of independence. However, while much attention has been paid to places such as Egypt and Iran, very few studies were dedicated to Iraq. This chapter seeks to examine the relationships among gender, issues of nationhood, citizenship, and women’s activism in the context of colonial (British Mandate and Hashemite periods) and early postcolonial Iraq (1958–68) and explores the following questions: How was the “woman question” posed in colonial and early postcolonial Iraq? How and in which contexts did women’s activism develop during that period?

I start with a reflection on pioneer research in order to introduce my approach to Iraqi society. Then I explore the British Mandate (1917–32) and the Hashemite (1932–58) periods and analyze how the nature of the relationship between the colonial state and different groups such as the *‘ulemas*, tribal Shaikhs, and the political forces of the emerging urban middle class shaped gender politics and women’s political activism. I then analyze the importance of the Revolutionary period (1958–63) in the codification of women’s legal rights, and I explore the nature of the divergences between the two competing women’s movements, the communist and the nationalist. Finally, I show how the achievements in terms of equalitarian notions of citizenship resulting in the dominance of anti-imperialist political culture will be undermined by the first Ba’th coup (1963–68).

Reflecting on Pioneer Research

Ali al-Wardi (1913–95), the founder of sociology in Iraq, is one of the first to have done exhaustive analysis of Iraqi society, which appears in his two pioneer and thrilling works, *A Study into the Nature of Iraqi Society* (1965) and *Lamahat*¹ (*Insights*) (1978). Al-Wardi’s research attempts to define the principles structuring Iraqi society, providing a modern understanding of Ibn Khaldun’s concept of *‘asabiyya* (“social bond and solidarity”). Three principles structured al-Wardi’s depiction of what he called the “Iraqi personality”: first, the struggle between sedentary lifestyle and nomadism, Bedouin lifestyle and urbanism; second, the spirit of social discord lying behind the fragmentation and divisions of Iraqi society; and third, the sociocultural schizophrenia of the modern Arab individual, who is torn between attachment to tradition and religious and ideological

¹ *Lamahat Ijtima‘iyya min Tarikh al-‘Iraq al-Hadith*, translated into English under the title *Social Insights of Iraq Modern History*.

ideals, on the one hand, and the social and material realities that are circumstantial and contingent on modern existence, on the other. Even if al-Wardi's analysis can be defined as binary and more inclined to psychoanalysis than to strict sociology, he still provides an in-depth and very well documented study of Iraqis' social and political life from Ottoman times to the first decade of the new Iraqi state. Although the gender dimensions of the Bedouin/urban and modern/traditional are absent from his analysis, it still constitutes an interesting starting point for thinking about the structure of the social and cultural fabric of Iraqi society, as marked by oppositional and diverging forces. Al-Wardi's depiction of the urban/rural opposition has influenced most studies on modern Iraq, including Hanna Batatu's study of Iraqi society.

Batatu's pioneering work, *The Old Social Classes and the Revolutionary Movements of Iraq* (1978), is not the most instructive research as it pertains to women and gender issues. This study is the result of two decades of in-depth research on Iraq's old landed and commercial classes, communists, Ba'athists, and Free Officers; it is a men's social and political Marxist-oriented social history of Iraq. In addition, Pierre-Jean Luizard provides a critique of Batatu's work as a study focused on what the author considered to be the movements inclined toward "modernity" – i.e., the Communist Party, the Ba'athists, and the Free Officers – and thus entirely overlooks religious movements (Luizard 2002: 10). Luizard asserts that Batatu did not take the Constitutionalist movement launched by the Shi'a *'ulemas* opposed to British imperialism, or the "defeated" in Luizard's description, into serious consideration.² Batatu's work also completely neglected the emergence of the women's movement within nationalist and communist ranks in the 1920s; he invokes women's political and legal rights only through the writings and activism of male nationalists and communists.

In Batatu's study, women's life conditions are only referred to once in a pitiful description of the "women of the peasants" in the 1920s and 1930s. Here women are described as submissive to their authoritarian fathers and husbands, as well as bought and sold between tribesmen (Batatu 1978: 144). Apart from this passage, women and gender issues are addressed only when the author mentions the intellectual dynamic around the journal *al-Sahifa*, which was first published in 1924. Batatu mentions that in this journal Husain al-Rahal wrote about women's liberation and the need to reform archaic and oppressive religious and

² When Batatu speaks of the Shi'a resistance of Najaf and the south in the 1920s, he presents it as mainly a revolt of large landowners who wanted to preserve their privileges and refused the taxes imposed by the British rather than a proper nationalist uprising.

cultural practice regarding women and suggested that Marxism was introduced in Iraq under a feminist garment (Batatu 1978: 396).³

Despite its approach and omissions, Hanna Batatu's study is an essential reference for understanding the social, political, and economic structure of Iraqi state and society. Under the monarchy, Iraq was characterized by the diversity, or "incohesiveness" in Batatu's words, of its inhabitants (Batatu 1978: 34) and the formation of its state by the colonial British Empire "against its society" (Luizard 1991), which relied on the Ottoman Sunni Arab elite's marginalization of the Shi'as and rejection of Kurdish autonomy. According to Batatu, "religion" in Iraq was an "element of division" rather than cohesion. However, it is clear from his work that the overlapping relationships and divisions between ethnic (Arab, Kurd, Turkmen, Aramean, Armenian), sectarian (Muslim Sunni/ Muslim Shi'a), and religious (Muslim, Christian, Jew, etc.) belongings within Iraqi society took different meanings, forms, and articulations throughout time, space (rural, urban), and social and political contexts. By reading Batatu, one understands that being an educated, urban Sunni Arab under the monarchy implied belonging to the urban social and political elite; in the late 1960s, in contrast, this identity could mean belonging to the political elite only if affiliated with the regime by family, tribe, regional kinship, or allegiance to the Ba'th Party. Being an Iraqi Jew living in Baghdad until the first half of 1940s⁴ meant belonging to the wealthy commercial elite privileged by the British and entirely integrated into Iraqi society and "culture." After the establishment of Israel, being an Iraqi Jew meant belonging to a persecuted minority⁵ suspected of threatening Arab nationalism. Finally, a Shi'a Arab under the monarchy would not be part of the urban, educated political elite.⁶ A Shi'a

³ Batatu mentioned that Husain al-Rahal succeeded Jamil Sidqi al-Zahawi: the first to call openly for Iraqi women's liberation. Batatu also mentioned the leftist and secular journal *Jam'iyyat al-Ahrrar*, founded by Yusuf Salman, Da'ud Salman, and Ghali al-Zuwayyed, which dedicated their 1929 declaration of intent to "the liberation of the Arab woman." Women linked to the Communist Party are also mentioned in Batatu's work – such as Amina al-Rahal (sister of Husain al-Rahal), who was a member of the Communist Party's Central Committee from 1941 to 1943 and presented as one of the first women to take off the veil in Baghdad. The appointment of Naziha al-Dulaimi – a gynecologist and leader of the League of Defense of Women's Rights (رابطة الدفاع عن حقوق المرأة, *Rabitat al-Difa' 'an huquq al-mar'a*) – as Minister of Municipalities (first Arab woman to be appointed as minister) in 1959 is presented by the author as the result of 'Abd al-Karim Qasim's strategy to please the communists, who were the main political force at the time (Batatu 1978: 221).

⁴ Until 1947, Jews constituted 15 percent of Baghdad's population (Batatu 1978: 285)

⁵ From representing 2.6 percent (117,000) of the Iraqi population in 1947, Iraqi Jews represented only few thousand just several years later.

⁶ Mainly urban Sunni Arabs, Christians, and Jews accessed education under the monarchy, forming the political, administrative, and military elite.

Arab could be part of the small, rich, commercial urban class but would more likely belong to the poor, exploited rural peasants and tribesmen.

In other words, while reading Batatu, an essential theoretical point can be argued: ethnic, sectarian, and religious belongings have to be read in relation to social class, location (rural/urban), kinship relations (tribes and families), and political and symbolic powers (administrative, military, religious, tribal) while also keeping in mind these belongings' changing dynamics. In line with postcolonial feminist analysis, I argue that being a woman is also being positioned within these groups and that ethnicity, sect, religion, class, location, kinship relations, and political and symbolic powers are all gendered in multiple and complex ways.

Under British Rule (1917–1932) and the Monarchy (1932–1958): State-Society Relations, Women's Rights, and Activism under British Domination

The Colonial State and Multiple Senses of Belonging

The Iraqi population was heterogeneous in its ethnic (Arab, Kurd, Turkmen, Armenian, etc.), sectarian (Sunni, Shi'a), and religious (Muslim, Christian, Jews, etc.) composition. The Iraqi state established under the British Mandate (1920–32), which began as a military occupation in 1917, was a contested and weak state. It was born in the face of popular movements repressing the Constitutionalist movement launched by the Shi'a *'ulemas* in the first decade of the twentieth century, the movement against British occupation, and the Kurdish refusal to be incorporated into an Arab state. This Iraqi state relied on the ancient elite of the Ottoman Empire; Sunni Arabs exclusively comprised its leadership, administration, and army. In Baghdad, Sunni Arab religious, political, and economic figures – whether *'ulemas*, heads of *Tariqas* (such as 'Abd al-Rahman al-Gilani), Sayyid related to the tribal leadership (such as 'Abdul Muhsin al-Sa'dun), Ashraf, land owners, or wealthy merchants – generally collaborated with and got involved based on the wishes of the British occupying authorities. Although some Iraqi Shi'a families belonged to the wealthy commercial elite, the urban educated elite was dominated by Sunni Arabs because they benefited from secondary and higher education under both Ottoman and British rule, unlike the Shi'as. Christians and Jews were also part of the educated urban elite because they were favored by the British Empire. The power of the new state was effective only in urban areas; the countryside was managed by

tribesmen who, at the time, were more heavily armed than the state army.⁷

The Ottoman policy in the nineteenth century was to reduce the power of the tribes by settling the tribes in permanent villages and playing one tribe against the other. Many tribesmen resisted by refusing to register their land. While presumably intending to promote the formation of an integrated nation-state, the governments both under the Mandate and under the monarchy (1932–58) perpetuated tribal relations through tribal and land-tenure policies. These policies halted the decline and disintegration of tribal leaders' power, which had been occurring toward the end of the Ottoman period, by providing administrative and fiscal powers, as well as land grants, to selected Shaykhs. Such policies enabled the Shaykhs to tax and control those who subsequently became "their" tribesmen; thus British policy contributed to the transformation of a free cultivating peasantry into a population of serfs tied to the land of sharecroppers. (Davis 2005; Dodge 2003; Marr 2004; Farouk-Sluglett & Sluglett 1991, 1987; Jabar 2003). Under the monarchy, nation-building relied on traditional status groups – ethnic and religious – and overlooked the growth of the new, modern middle and working classes in the cities. The division in Iraqi society between the urban use of Civil Law and the rural, predominantly Shi'a⁸ use of Tribunal Criminal and Civil Disputes Regulation (TCCDR), more commonly called the "tribal law," is the most revealing aspect of this reliance.

For Zubaida (2002), the four main social groups at the head of the society – the *effendiyya* or "urban officials," the ex-Ottoman officers that came to Iraq with Faysal, the clerics (Shi'a and Sunni), and the tribal leadership of the mid-Euphrates as well as Tigris districts – all constituted the "fragments" that imagined differently the new nation-state. Thus, as shown by Fattah (2012: 95–103), Davis (2005), Tripp (2000), and Bashkin (2009), the social process of becoming Iraqi was very complex and fluid, a constant negotiation between unequal partners by virtue of the undemocratic and unsystematic nature of the new Iraqi state. Moreover, it can be argued that at any given moment in the history of the Iraqi nation, there has not been a single national narrative or a single memory of the nation but rather competing visions advanced by the state and opposition forces.

Since 1921, the constitution had been drafted and redrafted; it was finally adopted in March 1925. Iraq was to function as a Western-style constitutional monarchy, with a king, cabinet, two legislative chambers,

⁷ In 1933, tribes possessed more than 115,000 guns, whereas the army had only 15,000.

⁸ In 1900, according to Luizard (1991), 75 percent of tribes were Shi'a Arab and 25 percent Sunni Arab.

and democratic rights for the population. In practice, the constitutional system allowed Britain, the royal family, and former Ottoman officers (Sunnis) to effectively control formal politics for decades. The nascent state divided Iraqis into “original” and “nonoriginal.” Nationality Law No. 42 of 1924, which was enacted in the 1925 Constitution (*al-Qanun al-Asasi*), deemed “original” Iraqis to be those registered as Ottoman subjects, the Sunnis, and the Kurds. Shi‘as were registered as “Iranian dependency” (*taba‘iyya*) and hence second-class citizens because they were not Ottoman subjects prior to the establishment of the Iraqi nation-state due to geographic and political reasons.⁹ The Law for the Election of the Constituent Assembly went even further in defining Iraqis as “every Ottoman subject now residing in Iraq and not claiming foreign citizenship” (Luizard 1991, 2006; Nakash 1994; Shaaban 2010), imparting that any Sunni, even non-Iraqi, had more rights than Iraqi Shi‘as. Most Shi‘as had to apply for Iraqi citizenship, even when they belonged to well-known and established Arab families.¹⁰

The Constitution also provided a base for the election system in Iraq that alienated an important segment of the population; the Electoral Law of 1924 provided a two-tiered electoral system in which primary electors were to nominate secondary electors, who were, in turn, to vote for deputies. Only male taxpayers older than twenty could be primary or secondary electors, and only male taxpayers older than thirty could become deputies. Thus the Electoral Law excluded the lower class, men younger than thirty, and women from serving in Parliament, and the system was mandated in such a way that it was difficult for men of the opposition to be elected, whereas, in contrast, tribal leaders were well represented.

With the formation of the Iraqi state, the Shi‘a movement against the British became a subaltern memory, whereas elite social groups found their place in the emerging nation-state. At a time when pan-Arab nationalism was a growing ideology in the region and fitted very well many Sunni Arabs, Iraq’s ideologies regarding issues of nationalism and

⁹ Some Shi‘as lived in areas far from the central administration, and most wanted to avoid military conscription and excessive taxation. More generally, many Shi‘as did not feel related to a Sunni empire that marginalized them.

¹⁰ Muhammad al-Jawahiri, the greatest Arab Iraqi poet, had a very famous story about this matter. Because al-Jawahiri belonged to a very famous Arab family from Najaf, he had to gather an incredible amount of documentation to prove his “Iraqiness.” He was removed from his teaching position by Sati‘ al Husri, a theoretician of Arab nationalism and head of higher-education institutions in 1928, who was well known for speaking Arabic with a Turkish accent. He accused al-Jawahiri of having written a poem that glorified Iran, which was already considered an act of treason at the time. For more details, see Luizard (1991) and Zubaida (1989, 2002), as well as al-Musawi (2006) on the role played by al-Jawahiri in Iraqi political and intellectual culture.

belonging were diverse and competing during the Hashemite period. As Luizard (1991), Nakash (1994), and Jabar (2003) explore it in their research on the Shi'a movement and Haddad (2010) touches on in his study of sectarian relations in Arab Iraq, Sunnis and Shi'as did not share a unified national narrative, symbolism, or ideology. As pointed out by Zubaida (1991, 2002) and Davis (2005), neither Sunnis, Shi'as, nor Kurds represented homogeneous groups because class, kin-based positions, regional belongings, and political affiliations (nationalists, communists, etc.) were also important to their identities and consciousness.

It has often been argued that when nationalism began to spread as a new political ideology in Iraq, Sunnis, Shi'as, and Kurds supported competing versions of nationalism: Iraqi-oriented nationalism – “Iraqism” – was favored by the Shi'as and Kurds; pan-Arab nationalism, linked to the rest of the predominantly Sunni Arab region, was favored by the Sunnis. However, according to Farouk-Sluglett and Sluglett (1987, 1991), pan-Arab nationalism was never dominant neither among the intelligentsia, nor as the ideology promoted by the state, apart from a brief period when it dominated Iraqi politics in the later 1930s and early 1940s as also argued by Wien (2006, 2012). If most members of Arab nationalist parties were Sunnis, and the Iraqism-leaning Communist Party was predominantly composed of Shi'as, and the Kurds had their own national memory and symbolism related to the ideal Kurdish nation-state, Kurdistan, as Zubaida (2002) and Davis (2005) argue, the Iraqi population was fragmented into different “nation imaginaries” that were often competitive, conflicting, and grounded in sectarian, class, and geographic divisions.

Bashkin's (2009) research on intelligentsia under the monarchy shows convincingly that these competing imaginaries – pan-Arab nationalism and Iraqism – were more blurred than it is often thought. She argues that the question that occupied many intellectuals of this period was not whether there should be a nation-state but rather what nature this state should assume to accommodate a variety of hyphenated identities (Iraqi-Shi'i, Arab-Jew, Iraqi-Kurdish, etc.). More importantly regarding women and gender issues, the production of organic intellectuals, on the one hand, and the inability to control their radicalization, on the other, is one of the features of the Hashemite period (Bashkin 2009: 127–56).

Women and the Colonial State: Between the Shaikhs and the 'Ulemas

The Constitution adopted in 1925 divided Iraqi citizens in three different classes regarding the law and established three different courts: civil and religious courts in the urban areas and TCCDR for tribesmen in rural areas.

The Constitution divided the religious courts into *shari'a* courts for the Muslims and Spiritual Councils for other religious communities. It affirmed that *shari'a* courts only were to handle matters of personal status – issues of marriage, divorce, and inheritance (thus related to family and women's rights) – and in accordance to each sect. Thus, under the Mandate, women's legal rights were divided according to religion (Muslim, Christian, Jew, etc.), sect (Sunni, Shi'a), and location (rural, urban).

According to Efrati (2012) and J. Ismael and S. Ismael (2007), the legal system of colonial Iraq led to the "tribalization of women." Women were tribalized in the rural areas not only in their construction as tribal, subject to separate "tribal law," but also in the British involvement in determining tribal law. Even in urban areas, people could involve "tribal motives" when it came to crimes committed in the "name of honor." Two main social groups advocated against the very establishment of the TCCDR: urban intellectuals – Sunnis and Shi'as – depicted it as backward, unfair to women, and halting the modernization of the emerging nation, whereas tribal Shaikhs considered it as a direct threat to their power over tribesmen. Although J. Ismael and S. Ismael (2007) describe tribal law as "inherently misogynous" and its very existence as detrimental to women, Efrati (2012: 30–50) introduces a more nuanced analysis on the matter. The Tribal Code advocated by many Shaikhs during the Mandate and monarchy periods and aimed at reducing the power of the state over the tribes was characterized by a certain leniency and pluralism concerning women's issues. This leniency could be a reflection of the reality in the Iraqi countryside where customs regarding women were dynamic and diverse and not necessarily as harsh toward women as it was represented by the British and the urban elite. According to Efrati (2012: 35), extramarital relations did not automatically mandate a death sentence; in some places, murder for adultery was very exceptional, and there was a diversity of views regarding the way to settle blood disputes in which the handing over of women was not the rule. The British refused the Tribal Code proposed by the Shaikhs and wanted to set their own tribal law. Thus tribal law tribalized rural women not only in their construction as tribal, subject to separate "tribal law," but also by the British involvement in determining tribal law, affecting rural women as harsh and uncompromising.

In the urban areas, in addition to being exposed to the possibility of the advocacy of "tribal motives," women were ruled by *shari'a* courts, divided into Sunni and Shi'a courts. Efrati (2012: 80) explores the reasons why both the British Mandate and the Iraqi monarchy maintained *shari'a* courts in the cities, despite increasing criticism from urban intellectuals,

especially leftists, demanding a civil code similar to the secular Turkish judicial system. Examining the argument developed by Charrad based on North African countries, which found that the breadth of state-tribe relations correlated directly with the liberalness and egalitarianism of family law, Efrati highlighted that the state-mosque relationship was central under the monarchy. It is tempting to argue that because the Iraqi ruling elite emerged from the Mandate period in close alliance with tribal kin groupings, the state was about to adopt a conservative personal-status legislation that protected extended male-centered patrilineage. Nevertheless, because the personal-status legislation governed only the urban population (Anderson 1953), the rest of the population was ruled by the TCCDR; in reality, it was the state-*ulemas* relation that was central to debates around personal-status legislation. Preserving *shari'a* courts allowed the influential and respected *ulemas* class, from which the *qadis* were drawn, a share in the country's administration and thus ensured their loyalty and support to the ruling elite.

The dominant trend of British politics under the Mandate and in the following years of the monarchy, as I will show it in the next section, was to emphasize the “different needs” of Iraqi society and to establish a differentiated legal system in which citizens were granted different “rights” according to their religious and sectarian belonging as well as to their location and gender. Differences existed among women: Muslim and Christian women were not granted the same rights regarding personal matters, neither Sunni nor Shi'a, and the gap was even stronger between rural and urban women. This differentiated system was highly criticized among the intelligentsia, and the emergence of women's organizations challenged the fragmented and uneven colonial system.

The “Woman Question” under the Monarchy: Education and Political Activism

As shown by al-Shaikh Da'ud (1958), al-Derbendi (1968), and al-Zublef and Said's (1980) study dedicated to women's education and literacy from 1920 to 1979, as well as by Pursley (2012, 2013), the British did not push for progress in women's education. The first girls' school was opened in 1899 with the support of the famous poet Jamil Sidqi al-Zahawi (1863–1936).¹¹ The evolution of primary education at the

¹¹ Jamil Sidqi al-Zahawi's very famous article, “Women and Her Defense,” criticizes the wearing of the traditional black *abaya*, men's mistreatment of women, and men's privileges in marriage, divorce, and inheritance. This article provoked his dismissal from Baghdad Law School.

beginning of the twentieth century, girls’ secondary education¹² in the 1930s, and mixed education beginning in 1928 were limited to the urban elite composed mainly of Sunni Arabs; Christians and Jews funded their own schools. In 1932, Baghdad Medical School welcomed its first female student; the faculty of law also accepted Sabiha al-Shaikh Da‘ud in 1936. Omnia Shakry describes the debates around motherhood and women’s education in colonial Egypt among the intelligentsia as characterized by “cultural translation and hybridizations” instead of a bad copy of the European model (Shakry 1998: 126–70). The same can be said regarding the debates around girls’ education in Hashemite Iraq, although it was clearly marked by the will of Western-aligned Iraqi bureaucrats and Western, mainly American advisors to “produce gender differences,” according to Pursley (2012: 119–41). While in the 1920s the education system was dominated by Arab nationalists such as Sati‘ al-Husri, who view education as a way to produce future nationalists, men and women, since the 1930s the implementation of American policymakers’ recommendation by Iraqi officials introduced differences in boys’ and girls’ curricula, with courses related to domesticity for girls. This resulted in a situation where the more girls mixed with boys and women with men in the public sphere, the greater was the impetus to produce differences in their learned modes of being and thinking. According to Pursley (2012: 119–41), one aspect of the shift was a conceptual reorientation of women’s household labor from the sphere of production to that of consumption at a time when foreign goods were invading the growing consumer market. As shown by Shakry (1998: 126–70) in the case of colonial Egypt, “ideal mothers” should carry the model of the bourgeois domestic way of life, and in Iraq as well, ideas of creating new desires and promoting bourgeois domesticity were at the core of these reforms of the education system built on gender differences.

However, despite these measures of mandatory female education in domesticity, in the 1950s, the political radicalization of society, especially students, created a sense among Iraqi officials that the education system, instead of producing modern mothers raising strong and healthy citizens, was producing a generation of educated Iraqi women who were resistant to marriage, domesticity, and motherhood and who were more attracted to political activism than managing a household (Pursley 2012: 119–41). More generally, the political elite aligned with Western powers was extremely worried about the politicization of the youth attracted by the ideas of the radical anti-imperialist left (Pursley 2013).

¹² The first secondary school for girls was opened in 1931.

Bashkin (2008) shows how much writing about women in Hashemite Iraq became an important mode of political and social identification. It was used to denote whether one belonged to the left or the right, to the religious or the secular camp, and how one conceptualized Iraqi law, independence, and electoral structures. She argues that the changes in the representations of women mirrored the radicalization of the Iraqi intelligentsia. While during the 1920s and 1930s the conversation about gender roles was mostly conducted among men who debated education, seclusion, veiling, and domesticity, in contrast, in the 1940s and 1950s, social democrats, communists, and radical pan-Arabists used the mistreatment of women as a way to criticize the Hashemite state. These groups argued that the Hashemite state preserved the tribal and premodern, where women's conditions represented the markers of the state's indifference toward Iraqi society. As in colonial Egypt (Shakry 1998: 126–70), the discourse on “women's backwardness” in Iraq symbolized the “nation's backwardness”; the ways in which women were viewed in Iraq were related to other sets of representations, such as those of peasants and tribesmen, and, more broadly, to the ways in which the Iraqi intelligentsia imagined the nation. For Bashkin (2008), in the 1940s, this discourse was far more specifically Iraqi than in the past, although the transregional dimensions remained powerful as the intelligentsia spoke about the problems of *Arab* women and hybridized colonial perceptions of *Muslim* women.

According to Batatu (1978), Bashkin (2008), and Efrati (2012), leftists, Marxists, and communists advocated for women's rights as part and parcel of the struggle for social justice and equality – the most egalitarian conception of women's rights – whereas nationalist and liberal political groups considered women's social and political rights (education and the vote) as a means to “educate” and “raise nationalist consciousness” in families. For nationalists and liberals, women primarily represented “mothers” and “educators” of the young generation, and they could be granted political rights only through a “gradual modernization” because they were not deemed ready for full political rights. In Iraq and other Middle Eastern countries, *al-Nahda al-Niswiyya* (“the Women's Awakening”) advocated for women's emancipation within a modernist, reformist understanding of religion and marked a rupture with traditional kin-based powers, criticizing “archaic traditions” and “tribal mentality.” The British played a key role in the antisuffrage movement, especially through some of its leading representatives – such as Gertrude Bell and Edgar Bonham-Carter. Bell, for example, considered that raising children was women's essential task and described the school opened by the British authorities in Baghdad in January 1920 as a way to “create proper mothers” (Al-Derbendi 1968; Efrati 2012).

According to Efrati (2004, 2012), it appears that in Iraq – unlike other Arab countries – faith-based charitable societies did not precede secular, more overtly social and political organizations: the first women’s organization was secular, and a number of organizations developed later in parallel. In addition, the emergence of new women’s organizations on the “nationalist stage” had less to do with “periods when nationalist feelings were at their peak” and more to do with governmental control. The anti-British movement in Baghdad was composed of the few Sunni Arabs opposed to British rule (e.g., Shaikhs Ahmed Da’ud and Yusef al-Suwaydi), Shi’a clerics (e.g., Muhammed al-Sadr), and wealthy Shi’a merchants (e.g., Ja’far Abu al-Taman). Women’s participation in all movements against the British – the Shi’a-led 1920 Revolution and even more the 1948 al-Wathba and the 1952 *intifada* – revealed their politicization especially with the expansion of the education system. *Nadi al-Nahda al-Nisa’iyya* (“the Club of Women’s Awakening”) was the first women’s organization, which was founded in 1923 and composed of bourgeois women from the Baghdad urban elite.

The British, along with the Iraqi monarchy they brought to power, created a small class of powerful, semifeudal landlords, marginalized the tribal population, and discriminated against the Shi’a population, giving rise to growing communist and nationalist sentiments. These movements thus found a claim to unite their advocacy for social justice and liberation: the end of British domination. From the 1930s to the 1950s, the anti-British movement had a unifying effect and contributed to the weakening of sectarian and religious divisions (Bashkin 2008; Davis 2005). Following this evolution, women’s charities and political groups, both nationalist and communist, became involved in the burgeoning transnational Middle Eastern and Arab nationalist women’s networks; such networks advocated for women’s political and legal rights alongside the Palestinian and anti-imperialist causes. When the monarchy was overthrown in 1958, Iraqis were more than ready to demonstrate, especially through women and gender issues, that their new revolutionary regime was no less radical than that of their Arab and Muslim neighbors.

Nationalist Feminists and Communist Feminists: Competing and Overlapping Trends

The Iraqi Women’s Union (*al-Ittihad al-Nisa’i al-Iraqi*) was founded in 1945 after the Arab Women’s Congress in Cairo. This union was mainly composed of bourgeois women close to male nationalist elites and advocated for women’s rights in the Constitution, marriage, and work, as well

as the development of girls' and women's education. Simultaneously, women's groups linked to the Communist Party gathered in the League for the Defense of Women's Rights (*Rabitat al-difa' 'an Huquq al-Mar'a*) and advocated for social justice, anti-imperialism, and women's rights. All organizations that made up what was commonly called the "women's movement" organized literacy and charity programs, including in rural areas, as well as civil and political rights campaigns. In the beginning of the 1950s, campaigns were launched by the women's movement demanding that the Iraqi government implement women's social, economic, and political equality; reform legislation on private matters; abolish the TCCDR; and reform the Constitution. Moreover, the leftist secular atmosphere in Iraq – the Communist Party dominated the political scene from the 1940s to the 1970s – helped to somewhat bridge sectarian divisions and spread egalitarian conceptions of citizenship and women's rights.

In the mid-1940s, women's organizations had broadened, strengthened, and to an extent institutionalized. Two trends characterized the women's movement landscape – the nationalist feminist and the communist feminist. While their activists seemed to work together as part of the Women's Union, the government crackdown against left-wing organizations in 1947 shifted their activism (Efrati 2008: 65, 2012: 137–62). The Iraqi Women's Union yielded under this pressure and removed the representatives of the leftist Women's League Society from its directorate. While Iraqi Women's Union received support from the government and royal family and remained a relatively small, elitist organization loyal to the regime, the Women's League acted underground after failed attempts to obtain government permission under the name of the League for the Defense of Women's Rights in 1952. The League was composed of leaders from the lower middle class and very much influenced by the radical anti-imperialist Iraqi Communist Party. Two personalities of the time represent these two trends, sometimes aligned and often in competition, Naziha al-Dulaimi, who remained vocal regarding the repression of the government of leftist activists, and Sabiha al-Shaikh Da'ud, who in contrast stayed silent regarding the shift in women's activism due to governmental pressure.

Naziha al-Dulaimi, in her book, *al-Mar'a al-Iraqiyya (Iraqi Woman)* (1952), posed the first and dominant competing narrative on Iraqi women's activism. Here al-Dulaimi puts forward a short study of the conditions of women's lives in Iraq in the 1940s, which uses social class as an analytical framework. Al-Dulaimi was a gynecologist by trade, a prominent figure of the League for the Defense of Women's

Rights,¹³ the first Iraqi (and Arab) woman minister,¹⁴ and prominent communist activist; hence her reading and experiences with activism differed greatly from those of the nationalist elite. She considered women in the *al-fallahin* (“peasant”) class as the most deprived of rights. She depicted the “double servitude” of these peasant women: they were enslaved and exploited by male domination and tribal rules and by class oppression. When analyzing women of the land-owning, bourgeois and working classes, al-Dulaimi noted that although the conditions of economic oppression varied, women of all classes were oppressed by marriages in which they were considered possessions rather than individuals, as well as social injustice and imperialism. Using a Marxist and early feminist understanding of justice and equality, al-Dulaimi tackled issues of maternal and child protection, marriage, and, indeed, prostitution – a subject on which she did not employ a moralizing analysis of sexuality but rather pushed the boundaries far beyond even that which Iraqi women activists would be able to cross today.

In this book, al-Dulaimi situated *qadiyyat al-mar’a* (the “woman question”) as a fundamental part of the struggle for class and national liberation; thus her argumentation was far more radical and challenging of the status quo than that of al-Shaikh Da‘ud. Al-Dulaimi and women’s activist of the left believed in the line of the leader of the Iraqi Communist Party, Yusuf Salman Yusuf, that Iraq has lost its sovereignty to imperialist forces, who had fortified their position by allying with local reactionaries. Getting rid of the whole system thus was the only way to attain liberation for both men and women. Therefore, feminist activists of the radical left rejected the idea of “gradual modernization” promoted by the pro-British nationalist elite in power and considered that only a radical political change could put Iraq on the road to becoming modern, which meant achieving economic prosperity, technological progress, social justice, rights for women, and political freedom. For al-Dulaimi, women of the bourgeoisie could not escape the lot of their less-privileged sisters because their marriages too had the characteristics of a financial transaction between their fathers and their future husbands which did not allow them any real say about their marriages. The discourse and activism of the women of the League on less-privileged women were characterized by a willingness to address women’s everyday and concrete problems.

¹³ The League for the Defense of Women’s Rights became the Iraqi Women’s League in 1958.

¹⁴ She was appointed in 1959 at the Ministry of the Municipalities.

Sabiha al-Shaikh Da'ud's landmark book, *Awwal al-Tariq* (1958),¹⁵ represents the second competing trend of feminism in Iraq, the nationalist feminist. Her book was published three months before the Revolution that ended the monarchy and is considered one of the first feminist books in Iraq. It provides interesting insights into the social, economic, and political realities of women under the British Mandate (1920–32) and the monarchy (1932–58). Al-Shaikh Da'ud, the first female lawyer in Iraq, belonged to a prominent Sunni family¹⁶ and provided an Arab nationalist version of Iraqi social and political history¹⁷; her work overlooks underground, especially communist, women's groups. Nevertheless, her study is the first account detailing the gender dimensions of Iraq's modernization in the decades after the establishment of the Iraqi state, as well as of such modernization's social, economic, and political realities at the turn of the first Republic (July 14, 1958). Al-Shaikh Da'ud's work brings to light the emergence, among urban educated Iraqi women, of a growing nationalist awareness that placed women and gender issues at the core of aspirations for modernization and national liberation. It gives fascinating details about how women's rights issues – such as access to education and the work sphere, veiling, and legal and political rights – structured the emerging nationalist consciousness and the idea of the “new nation” among the elite. The politics and representations of gender issues, along with the evolution of women's realities, illustrate the vision of “the nation” for certain social and political elites. Thus al-Shaikh Da'ud's study poses fundamental considerations about how to approach women and gender in Iraq: to equally consider women and gender's material, ideological, and political dimensions in the colonial and postcolonial context of nation-state building.

Al-Shaikh Da'ud and the Iraqi Women's Union activists were more accommodating to the government's “gradual modernization” discourse that considered that women needed to progress before they could be granted full citizenship rights. As shown by Efrati (2012: 137–62) and expressed clearly in *Awwal al-Tariq*, women of the Union used the

¹⁵ *Awwal al-Tariq ila al-Nahda al-Niswiyya fi al-'Iraq* (First Steps of Women's Awakening in Iraq), al-Rabita, March 1958.

¹⁶ Her father was al-Shaikh Ahmed Da'ud, a Sunni religious figure and nationalist leader, and her mother was Naima Sultan Hamoodeh, one of the founders of *Nadi al-Nahda al-Nisa'iyya* (the “Women's Renaissance Club”), in 1923, the first Iraqi women's group.

¹⁷ The author draws a very elitist, urban, upper-class reading of women's social, economic, and political history; she overlooks rural and underprivileged women's realities, although she does draw a dramatic picture of women of the countryside in her chapter, “*Al-Iraqiyya fi al-Rif*” (“The Iraqi Woman in the Countryside”). Throughout al-Shaikh Da'ud's study, she gives an apologetic view of the monarchal family and the Sunni Arab nationalist elite.

rhetoric of the “new woman” active and assertive and the “modern woman” – educated, professional, patriotic, and capable citizen willing to build the modern state – to promote the expansion of women’s legal and political rights. As pointed out by Efrati, these activists from the elite families conducted their struggle in an “orderly manner” through legal and constitutional channels: asking the government to expand education and health services. In order not to be perceived as “too radical,” they insisted on the fact that they did not want to “compete with men” in power leadership but “participate in the country’s problems,” such as poverty and illiteracy, and act as “mothers” demanding their rights to participate in the drafting of laws for their sons and daughters, as a natural extension of their maternal duties that would not threaten the family structure, let alone the political and social order.

Awwal al-Tariq sections dedicated to the contribution of Sunni and Shi’a religious thinkers to the defense of women’s rights contrast with Al-Dulaimi’s silence about religion. This use of a Muslim feminist rhetoric is very typical of transnational nationalist narratives of the time that relied on the work of Muslim reformers to advocate for an indigenous Muslim modernity. However, Al-Shaikh Da’ud seemed to have been influenced by Al-Dulaimi on the condition of the peasant women as she also evoked in her book the “double servitude” that characterizes her life. This precise issue can be analyzed through the argument of hybridization of the different nationalist narratives – pan-Arab and Iraqi – analyzed by Bashkin (2009: 194–228). The division between the civilized nation – the urban – and the uncivilized – the rural – structured the nationalist narrative as the difference between the capital and the *rif* structures’ nationalist visions of the nation. This shows that despite their very different ideologies, agendas, and proposed solutions to change the political order of the time, nationalist and communist narratives also shared common visions regarding the relationship between modernity and nationhood.

In 1954, the government intensified its repression of the opposition, dismantling hundreds of societies and clubs and banning the existence of unions. The Iraqi Women’s Union had to be reestablished as a single society rather than as a federation; it would be called the Women’s Union Society (*Jam’iyat al-Ittihad al-Nisa’i*). Members of the Union and the League now, after this repression campaign, explicitly criticized the government gender discourse that constructed women as noncitizens: the TCCDR that symbolized the absence of state intervention in matters of personal status and women’s disenfranchisement. This evolution echoes the radicalization of the intelligentsia now dominated by the radical anti-imperialist left; it also prepared the ground for the institution of a legal

frame regarding personal matters uniting all Iraqis – rural and urban, Sunnis and Shi‘as – the Personal Status Code (PSC).

The New Iraqi Republic (1958–1963): The Foundational Years for Women’s Activism, Legal and Political Rights

The Postcolonial State: Toward an Indigenous Modern Nation-State

The military coup (July 14, 1958) that toppled the monarchy and led to the radical regime of ‘Abd al-Karim Qasim (1958–63) furthered this evolution, contributing to the consolidation of the middle class and the weakening significance of ethnic and religious belonging. Qasim put oil revenues toward efforts to reduce poverty, build social housing, and institute a welfare-state system. Moreover, the power of tribesmen and the significance of ethnic (Arab/Kurd) and sectarian (Sunni/Shi‘a) belongings weakened for several reasons: first, increasing rural to urban migration¹⁸ and Qasim’s various land reform policies, which affected the power of tribesmen, the clerical class, and the aristocratic class, and second, the growing sectarian heterogeneity of the middle class due to the gradual incorporation of rural Iraq into the state and the national market. Although oil revenues were weaker in the 1940s and 1950s than in the 1970s, they were still sufficient to develop the state, modernize education, and update essential infrastructures, but the monarchy (1932–58) operated through a clientelist system open only to selected businessmen. The dismantling of the institutions for nation-building, such as Parliament and the Upper House, pushed the new revolutionary regime to rely mainly on the military and popular support for its power. Although Qasim’s regime lasted fewer than five years and made no attempt to establish institutions for democratic participation, it did enact openly nationalist and socialist policies that benefited the poorest and contributed to unifying Iraqi society across communal belongings. According to Bashkin (2011), this period was also marked by a certain hybridization of pan-Arab nationalism and Iraqi nationalism, although the latter was predominant at a moment when international anticolonial leftist activism was also present in the vision.

Moreover, the revolutionary regime initiated radical reforms that strengthened the urban, modern middle class, questioning traditional powers, both tribal and religious. Socioeconomic reforms favored the poorest and aimed to narrow the gap between the upper classes and the

¹⁸ In 1947, 35 percent of the population was urban; in 1977, that number jumped to 65 percent.

impoverished population. Medinat al-Thawra (actually Medinat al-Sadr) is one of the most commonly referred to of such measures; its aim was to welcome the impoverished population – known as *al-sharagawa*, who hailed originally from the southern tribal regions and were either already living in the slums of Baghdad or were newcomers – into modern urban housing. Three of Qasim’s measures symbolized the rupture with traditional aristocratic, tribal, and religious powers. First, the abolition of the TCCDR ended tribesmen’s power in rural areas and enhanced the state’s power. Second, land reforms consisted of the appropriation and redistribution of land from the clerical and aristocratic classes to the impoverished population, provoking a huge backlash from the classes that had lost some of their privileges. Third, the enactment of the new family law provoked much criticism among the *‘ulemas*, both Sunni and Shi’a, who feared the radical questioning of their authority. According to J. Ismael and S. Ismael (2007), through all these reforms, the framework of feudalism and tribalism in Iraq was effectively undermined.

Women Mobilizing in Revolutionary Times

The family law, in the form of the Personal Status Code (PSC),¹⁹ represented a *field of struggle* between different political elites, the women’s movement, and the state (Charrad 2011) in the postcolonial Middle East. In Iraq, as Efrati (2005, 2012) points out, the adoption of a PSC in Law No. 188 (promulgated in December of 1959) was not only the product of the revolutionary elite surrounding ‘Abd Al- Karim Qasim, which had ended both the monarchy and British colonial domination over the country, but the adoption of an openly egalitarian and unified PSC also marked the questioning of *‘ulemas* and tribal leaders’ control over private matters; both the *shari’a* courts and the TCCDR were abolished. Very importantly, the PSC also marked the beginning of women activists’ inclusion in the process of negotiating for their rights. Many articles of the PSC openly opposed religious – Muslim, Christian, Jewish – jurisprudence (Khayun & Badurzeki 2006). By adopting measures such as putting the intestate inheritance rights for male and female heirs under the Civil Code and thus granting through an indirect mechanism gender equality in that matter in certain cases, severe limitations on polygamy, making eighteen the legal age for marriage, and protecting women from arbitrary divorce (Anderson 1960: 546), the state was sending a clear message of its authority over this new Republic to the *‘ulemas* and Shaikhs. Women were also given political

¹⁹ More precisely, the PSC addresses issues of marriage, divorce, childbirth, paternity, custody, maintenance, bequests, and succession.

rights, though limited, for the first time: the right to vote and run for office. As mentioned previously, Qasim appointed Naziha al-Dulaimi Minister of Municipalities in 1959, the first woman Iraqi and Arab minister.

Law No. 188 was a text clearly stating its routings within *shari'a* and uniting Sunni and Shi'a jurisprudences, granting the authority to a judge appointed by the state to rule on personal matters without the intercession of *'ulemas*. Moreover, according to Efrati (2012), women activists, such as the Iraqi Women's League (al-Rabita) activist Naziha al-Dulaimi, participated to the drafting of the PSC alongside legal specialists and Sunni and Shi'a *'ulemas* who elaborated it straight after the July 14, 1958 Revolution. Thus the PSC was the result of women activists' demands of and participation in the legislative process. Under Qasim, the political field was open, but sporadic repressions did occur. For example, communist organizations, which dominated the political scene at the time, were authorized and then forbidden a few years later; some communist leaders were also brought to power, and then dismissed shortly after due to Qasim's fear of competition. Nevertheless, women activists were very vocal during this period and advocated to extend women legal rights: forbidding extralegal marriage contracts, outlawing judges from marrying girls under the legal age, reforming articles related divorce and polygamy that privilege men's rights, and extending women's rights to child custody.

Maqbula B., seventy-four, is one of al-Rabita's oldest and most active women activists. Maqbula belongs to an urban Sunni Arab family from 'Ana that emigrated to al-Kerrada, central Baghdad, at the beginning of the 1950s. Born in 1938, she was twenty years old when the Revolution began; at that time, Maqbula was already an active member of the Communist Party, and her mother was a founding member of al-Rabita. Prior to the Revolution, Maqbula was drawn to communist activism by the Palestinian cause. After the Revolution, she dedicated her activism to women's rights and the establishment of the PSC:

After the establishment of the Personal Status Code, I dedicated my struggle to the defense of women's rights. Me and the other activists, we started with the struggle against illiteracy, and with working in the countryside, especially against polygamy. We went to the women of the countryside and informed them of their rights. While peasant women worked as much as men, they ignored most of their rights, like for example her husband was obliged to ask for her permission in order to marry a second wife. We were rejected by some husbands there, because they thought we were bringing disorder to their families. We were telling women that men were not their superiors, and that they were not obliged to obey them, neither to obey their sons. We were telling them that they were equal to men. It was a difficult struggle, and many women did not accept our ideas.

We relied heavily on the fact that the Personal Status Code was elaborated by all the religious schools and the *ulemas* from all of them. The Personal Status Code was legitimate and popular because of the support of the religious leaders, and because it was not against *shari‘a*. The committee that drafted it was composed of jurists and *fuqaha*. We obtained, in 1959, equal shares in inheritance. This changed in 1963 with the Ba‘th and then with Saddam.

Maqbula participated in the formation of the well-known *lejna hal al-mashakel* (the “problems resolution committee”), which were dedicated to mediating in private matters and supporting women within the family sphere. Being from an urban, educated Sunni Arab family, Maqbula had good connections with women of the nationalist elite and mentioned that some al-Rabita’s actions were supported by or even conducted in partnership with other women’s groups. The effervescence of women’s political activism in Iraq following the establishment of the Iraqi Republic was also described by Al-Ali, in her chapter “Living with the Revolution” (2007: 56–108). The women of the same generation interviewed by Al-Ali also spoke to the politically and socially revolutionary atmosphere, as al-Rabita emerged as a prominent women political organization.

Indigenous Secularism: Gender and Nation

This period also signified a time of secularization: traditional religious practices were on the wane, and the adoption of nonreligious ideologies, such as communism, Marxism, and secular ideologies, dominated the political culture. For example, the year after the Revolution, Shi‘a participation in communist-led political life was at an unprecedented high, absorbing the energies and attention of vast masses, especially among the middle, lower, and manual, urban, and rural classes (Jabar 2003: 75; Nakash 1994). Thus, in 1959, pilgrimages to Karbala and Najaf – the cornerstones of Shi‘a religious rituals – were at their lowest-ever number, clearly indicating that traditional religious practices and rituals were not strong at the time.

Nevertheless, I argue that the symbolic power of religion, especially as it pertains to women and gender issues, did not completely lose its status but instead was reformulated into the nationalist, socialist, and anti-imperialist framework. For example, the way Qasim himself advocated for the PSC, especially the more radical articles, such as the one on inheritance, is very revealing. In March 1960, Qasim gave an interview on the issue in *Al-Thawra*, he insisted on showing his “Muslimness” by indicating that he had “fasted Ramadan since the age of ten” and “knows the Qur’an by heart.” In response to “the men of religion’s” protest on the issue of inheritance, Qasim developed an

argument that would be deemed by many today as Muslim feminist. He directly quoted the verse of the Qur'an related to inheritance, interpreting it as an exhortation (*wisaya*) and not a command. He compared this verse with other verses from the Qur'an – those related to the punishment of thieves and fornication – and pointed out that the verb used in the latter verses clearly indicates a divine “command.” He then said:

I repeat: some of my brothers the men of religion have visited me and objected to sections of this code. And I recited to them these noble verses and we argued about them. I said: In so far as the salaries of civil servants are concerned, and our own salaries and even yours, you men of religion, both before and after the Revolution, these are derived from the proceeds of taxation, including the duty on wines. But has one of you refused to receive his salary? So long as our aim in enacting this code is the service of the nation as a whole, there is no doubt that the Creator will always help us and support us. (Anderson 1960: 562–63)

In addition to revealing the symbolic power of religion in the postcolonial period and its use in nationalist terms, the Muslim feminist rhetoric used by Qasim showed how much gender issues were at the core of the “new nation.” Questioning the power of the *ulemas*, as well as affirming the identity of the new nation, was symbolized through reforming gender-related laws and granting women more rights. Here, in the framework of the formulation of the postcolonial state with conflicts between Westernization and cultural authenticity, the link between gender and nation appears very clearly. As shown by Jayawardena (1986) and others, women were represented as “bearers of the nation,” their issues and rights symbolizing the progress of the new nation obtained in the framework of anti-imperialist struggles.

Consensual Memory on Revolutionary Times: Women's Liberation and the Unity of the Nation

The oldest women activists I interviewed, who were born either at the end of the 1930s or early 1940s, recalled this period with nostalgia and admiration. It is described as an era characterized by both political openness and women's emancipation and national unity, especially regarding religious and sectarian divisions. My interviewees described this period as foundational to and influential in their political awareness and activism, especially regarding women and gender issues. Rabab H., a leading figure of al-Rabita and active in the postinvasion women's movement, was twelve years old when the Revolution started. She was living with her apolitical Arab Christian family in Basra at the time.

I can say that the 14th July 1958 was a turning point in my life. I considered it as a turning point because the July Revolution introduced us to a new era characterized by an opening for the people, for their participation in social life in general. It was an opening for women’s participation, her liberation from the veil and the *‘abaya*, and the opening of education to her. It was also the emergence of new social and working movements, such as the Students’ Union, the Women’s Union, and movements that pushed citizens’ participation in social life. I started my involvement very young, in secondary school and then in high school, with the Students’ Union.

Haifa F. – a sociologist and professor at Baghdad University and member of al-Rabita – was sixteen years old when the Revolution began. She belongs to a nationalist Baghdadi family with close ties to leftist and communist political groups at the time. She recalled participating in demonstrations for “social justice” in secondary school. Haifa described this period as very culturally and intellectually rich and dominated by leftist ideas: “everyone was reading a lot” and “open minded.” She described the Communist Party as having “a civilizing role” for the population, and of the gender norms during this period, she said: “[a]t the time, the veil was internal. People were well mannered. Boys were not harassing girls even when they were not veiled, and no matter what they were wearing.”

Nashwa A. – a member of a women’s rights organization in Baghdad – was fifteen years old when the Revolution began. She belonged to a prominent Shi’a religious family from Karbala. Her father was one of the leading Shi’a nationalist figures who opposed the British under the monarchy and participated in the 1920 Revolution. Nashwa’s family moved to the Medinat al-Huriyya neighborhood in Baghdad after the Revolution. One of her brothers, a communist activist, was jailed under Nuri al-Sa‘id. Nashwa recalls that the time of Qasim was a period of great happiness and expressed admiration for the leader: “We were so happy for the revolution; my brother was jailed under Nuri al-Sa‘id. I loved ‘Abd al-Karim Qasim’s personality, and appreciated him very much. After the 14th of July, the houses were open; there was no stealing at all. ‘Abd al-Karim was clean.”

Whether expressing admiration for the Revolution’s leader or its reforms, most of the activists I interviewed – from various political, regional, ethnic, and religious backgrounds – remembered this as a time of national unity. Maha S. – born in 1946 and a prominent women activist in Baghdad – was a teenager during the Qasim period. At the time, she lived in Nasiriyah with her mother, father, and four brothers and sisters. Her family emigrated from a Christian village north of Mosul and settled there until the mid-1970s. Maha’s father worked as a merchant,

opened a shop, and was a communist activist. She speaks of the Nasiriyah period in her life with great nostalgia and a strong feeling of belonging:

We never experienced any discrimination there, neither religious nor communal, despite the fact that my father was selling alcohol. Nobody ever criticized that, and we were highly respected and loved in Nasiriyah . . . The atmosphere was very political, and culturally very rich. We were organizing a competition for who could learn popular poetry and *al-mu'alaqat* the best. In high school, we all knew *al-mu'alaqat* by heart. The atmosphere was towards political readings and debates between boys and girls. I remember that there were no distinctions between us, neither between religions or between boys and girls. This way of thinking, this shared culture was dominant; there was no distinction between Christians and Muslims. Initially, I did not even know that there were *mazahib* ["religious schools"] for either Christians or Muslims.

Maha S. gives a very emotional and tender recollection of her youth Nasiriyah at the end of the 1950s and beginning of the 1960s. She speaks of the fact that despite here being a Christian, the atmosphere of sharing and unity was so strong in the Arab Shi'a-dominated south that she was even invited to participate in Shi'a rituals:

I remember laughing today that I performed 'Arus al-Qasim in the *qraiyyat* [Shi'a religious ceremonies]. I was seen as pretty, and they imagined that 'Arus al-Qasim was very pretty, so they would cover me and make me participate in the *qraiyya* . . . This city, Nasiriyah, I consider it mine. I never had the idea that I would not belong there.

Although biased due to their grounding in women's subjectivities, these personal and emotional accounts are nevertheless revealing of what the Qasim period meant for many Iraqis, especially women political activists. Al-Ali (2007: 56–108) interviewed diasporic Iraqi women who had experienced that period; they also expressed similar feelings and the sense of a unified nationhood. Their words show how much the idea of national unity overlapped with women's emancipation in the context of communist and nationalist activism. Qasim himself – the son of an Arab Sunni father and a Faili (Shi'a) Kurdish mother – personified national unity. His noncommunal, pro-women, and pro-poor politics marked Iraqi women activists' vision and created a consensual memory. This consensual memory, where both the advancement of women's rights and shared nationhood are perceived as interrelated, forms the basis of what women activists designate as "Iraqi culture." In their attempt to define a unified national memory, women activists did not mention the military nature of the revolutionary regime in their narratives – e.g., the bloody ethnoreligious conflicts of Mosul and Kirkuk – choosing instead to focus on the

general atmosphere of political openness and the feeling of unified nationhood. The intense violence that characterized the Ba’th overthrow of Qasim’s regime can explain the terms in which this period is narrated.

The Ba’th Coup of 1963 and the ‘Arif Brothers Regime (1963–1968): Breaking with the Revolutionary Atmosphere

The first Ba’th coup of February 1963, backed by the CIA, ended the revolutionary regime. The Ba’th campaign of repression, from February to November of 1963, has been described as the most terrible and bloody moment in the post–World War II Middle East (Farouk-Sluglett & Sluglett 1987). The Ba’th blamed the communists for the Mosul and Kirkuk events²⁰ and claimed that their mission was revenge. The sectarian, anti-Shi’a dimension of the repression of communists was also clear in the Ba’th militias’ slogan: *La Shi’i, la Shuyu’i, la Shargawi* (“No Shi’a, No Communist, No Sharagawa”).²¹ Such militia’s purged Baghdad’s communist (and predominantly Shi’a) neighborhoods – such as Medinat al-Thawra (actually Medinat al-Sadr) and al-Kazimiyya. At the time, opponents responded, *La za’ym illa Karim* (“No Leader but Karim”), which referred to ‘Abd al-Karim Qasim. Stadiums were transformed into huge prisons for political prisoners, communist activists were shot in the streets, and thousands of people were tortured and imprisoned. Summary executions, the torturing of political activists, and the threatening, interrogating, and searching of their families occurred on a massive scale. Political activists were traumatized.

Maqbula B. narrated this very dark and traumatizing period of her life. She was arrested, imprisoned, and tortured along with her husband, a communist activist to whom she had been married for only one year:

Democratic work unveiled the faces of the activists. We became visible after the revolution, which made it possible to repress us in 1963. The Ba’thists began to talk against the communists, against Iraq itself. They started to ally with the US;

²⁰ In Mosul, in March 1959, conflicts between communists and nationalists who were mostly conservative Sunni Arabs provoked the death of more than 200 people. According to Batatu (1978), the clashes were more sectarian and tribal than political. A few months later, in July, conflicts between Turkmens and Kurds, who were mostly of communist obedience, provoked the death of between thirty-one and seventy-nine people, Turkmens in the majority. The communists were accused of being responsible for these events and of representing a threat to the central state authority.

²¹ The *shargawi*, all Shi’as, are a population that emigrated from the southern region such as al-‘Amara, and who occupied the slums in Baghdad in the 1950s. After the building of social houses by Qasim, they lived in the popular areas of Baghdad.

they said it themselves. Many acknowledged it: “We came in American trains.” It was the radio channel *Sawt America* that guided them to the opposition activists on the ground. 1963 was a terror and surprise for the nationalist forces . . . They promulgated Declaration 13, which stipulated that anyone suspected of being a communist could be killed without judgment. It was savagery; even tribal laws do not do that. Blood was flowing in the streets. Entire families were killed . . . They came to take me from my place of work [she was an employee in the faculty of engineering at the campus of Bab al-Mu'azem]. They gathered us in buses. There were doctors, lawyers, educated women, even pregnant women who then gave birth in prison. When we arrived in the prison, we found it full. There was a part for men and a part for women.

Maqbula narrated crying about the month she spent in prison: the general atmosphere, torture, and the solidarity between the prisoners.

I stayed a month in prison. There were 800 women in my prison, despite the fact that there was only enough space for no more than 50. The cells were named after the detained groups. There was the Ba'quba cell and the Baghdad cell. There was no cell for Najaf, because it was considered a holy place; the women from Najaf were interrogated in Bayt al-Mokhtar. In Najaf they did not jail; the main detention centers were in Baghdad because it was not simple to detain women in the countryside; people would have made an uprising for that. So they took the women, and brought them to Baghdad with their kids, because women could not leave their kids when their husbands were detained as well. Our cells were full of children; babies were even born inside the cells. Al-Rabita was in prison. This is why prison was not so hard in the beginning, because we were all together, supporting one another. I was jailed with Rosa Khaduri, Salima Fakhri, and the actress Nahida al-Ramah. Then they sent us to detention centers; I was in the Kerrada center. There, we heard the men being tortured in the basement. After 24 February, from one o'clock in the morning, they would start hitting iron against the wall; it was deafening. Torture would begin after that. We were left in our underwear, and they plunged us into iced water and threw heaps of garbage on us. In that place, it was like an iced bathroom where we were plunged; we were four women; one had just got married and another one was pregnant. We took turns sitting in the only little corner where one could sit, just to warm up our feet, one after the other. The one who was pregnant gave birth. We stayed a month like that. They interrogated us, tried to force us to speak. I heard about some who spoke.

During the campaign of repression, Maqbula's father was jailed and interrogated, her aunt's husband and one of her close friends were killed, her sister ran away, and her two brothers left the country. Maqbula's father told her about his experience of detention: how he was interrogated and the harsh torture experienced by male political activists, even when very old. He described that he saw “men as old as Shaikh Bahr al-'Ulum²² hanging from their hands” and tortured to death. Her mother was the

²² Shaikh Bahr al-'Ulum is a prominent Shi'a figure and nationalist activist.

only one left at home and was frequently harassed, interrogated, and searched by security forces who wanted information on her family. Maqbula, after her husband’s prison, asked everyone she knew for information on her husband’s whereabouts and managed to visit him in Qasr al-Nihaya prison:

He was another man, emaciated; his face was not the same anymore. They had ripped the nails from his feet and hands, and extinguished cigarettes on his skin, even on his intimate parts. He was so weakened, and terribly sick. He caught Tetanus and was cured for it. I did not know that human beings could endure so much. I visited him a second time and brought him what he had asked for: a transistor radio, some linens, simple things and some food.

Later, when Maqbula asked to visit her husband again, she was told that he had been moved to another detention center. She thinks that this is when her husband was likely killed because she never saw him again and still does not know what happened. She got mobilized and organized with the help of activists who fled the country and settled abroad, starting an international campaign to release Iraqi political prisoners. These activists also opened the organization to women from the bourgeois nationalist elite who had supported them during the period of political repression. Although most of their activities were underground, the activists managed to restructure al-Rabita:

After that, our activism became more structured and organized, always underground. But we built connections with abroad and we were working very well. We structured al-Rabita, and the house of Rosa Khaduri was our headquarters after we came out from prison. The bourgeois nationalists supported us a lot during that period. This solidarity movement helped us to psychologically overcome this ordeal. We were witnessing the cases of women that were dealing with situations far worse than ours. We carried on until 1968, we set up our High Committee and Naziha al-Dulaimi also came back.

Then, after the second Ba’th coup, Maqbula would again have to endure Ba’th repression because the Ba’th arrested and tortured her elderly mother in 1979. Maqbula fled the country, returning only after the Ba’th regime fell in 2003. Nevertheless, she remained active abroad, representing al-Rabita and dedicating her activism to organizing awareness campaigns against the Ba’th regime and solidarity campaigns with Iraqi political prisoners.

PSC reform – specifically the articles related to inheritance and polygamy – was one of the measures undertaken by the Ba’th regime after the first coup (Anderson 1963).²³ The inheritance article, which had

²³ These articles of the PSC were reformed as soon as March 18, 1963, right after the fall of the Qasim regime in February of 1963.

relied on the Civil Code, was replaced with an article that relied on *shari'a* and privileged Ja'fari jurisprudence. The revised article on polygamy, while preserving its limitations, added a clause that allowed for polygamous marriages contracted outside the courts. Thus the new article legitimized the illegal practice of polygamy. Reforming the PSC's most controversial and symbolic articles was clearly aimed at marking the end of the revolutionary atmosphere. Women activists, especially in the communist ranks, were violently repressed: some were jailed and tortured, and many others had no choice but to flee the country.

In November 1963, the 'Arif brothers overthrew the first Ba'th regime via a military coup; their regime ruled the country for the next five years (1963–68),²⁴ combining military discipline with clan and kinship allegiances, the *jumailat* (Sakai 2003). The 'Arif brothers' reliance on a small Sunni Arab clan exacerbated feelings of sectarian oppression among Shi'a. Despite their opposition to communists, the 'Arif brothers instituted several nationalist measures, such as nationalization of the banks and assurances sectors, foreign trade, and several industries. As long as oil revenues were limited and the political elite divided, income from the oil industry was not completely centralized, and thus the state's despotic potential was restrained. The arrangements for state-elite cohesion proved weak, at times disastrous: four successful, and a dozen more attempted, coup d'états shook the nation during this period, proving the vulnerability of this disciplinary regime.

During this period, leftist and communist organizations resumed their activism semiofficially and mainly underground. Rabab H. – an undergraduate law student at Baghdad University at the time – recalls this period, when she was very active in the General Students' Union affiliated with the Communist Party:

I belonged to the General Students' Union of the Iraqi Republic; I was one of the leading members. We were not officially members of the Communist Party, as most of our activities had been underground since 1963. I remember that during the student elections organized by the Iraqi Government in 1967, we won more than 75% of the seats as the list of the General Students' Union. After obtaining my law degree in 1967, I got involved in the women's movement. It was a semi-official action, because at the time most of our activities were underground. We were insisting on the link between women's liberation and democratic freedom in the country, in the broader meaning of the term.

²⁴ 'Abd al-Salam 'Arif led the country from 1963 to 1966, and his brother, 'Abd al-Rahman, ran the country from 1966 to 1968. They were both Free Officers.

Perhaps the predominance of the Communist Party and organizations’ political culture, as revealed by Rabab’s experience, pushed the ‘Arif brothers to adopt an openly “Islamic” discourse, Sunni tinted, and present itself as a Muslim power. The “Islamic discourse” combined with kin-based, patriarchal, and patrimonial politics produced conservative political measures, which my interviewees remembered as the “moral police.” The regime’s security officers went to university campuses to paint women’s uncovered legs and prevent “immodest” clothing, such as miniskirts. Haifa F. was, at the time, a young lecturer in sociology at Baghdad University. She recalls a day she wore a knee-length skirt to work:

I was told by one of my colleagues, when I was about to leave the faculty building after class, that I should stay for a while. I asked why and was told that there was a soldier outside holding a bucket of dark paint and a big brush, and that he would paint my legs if I came across him. I decided to go out and talk to him. I told him that I am not a student, that I am a professor here, and that my skirt goes below my knees. After discussing with him for a while, he authorized me to leave the faculty without having my legs painted.

In fact, according to many (Al-Khafaji 1986; Batatu 1978, 1991; Farouk-Sluglett 1991; Farouk-Sluglett & Sluglett 1991, 1987), Iraq’s modernization and entrance to the world market were not as developed as those of other Arab countries, such as Egypt. The introduction of modern consumerism and sophisticated communications systems represented a facade of modernity more than the real transformation of a traditional, precapitalist functioning society. Until the 1960s and 1970s, “beneath this facade, patriarchal values, and ties of family, clan, locality, tribe, and sect continue[d] to be reproduced” (Farouk-Sluglett & Sluglett 1991: 1412), and the dictatorial regimes worked against the disintegration of such values and ties. Thus, as described by Jabar (2003), cultural tribalism became an urban phenomenon: migrants from rural areas retained their tribal names, value systems, lifestyles, and solidarity commitments.²⁵ Social alienation from urban life – with its fragmenting division of labor, commercialized economy, alien lifestyle, and hostile environment – strengthened cultural tribalism. Moreover, this process was reinforced by the authoritarian nature of the post-1963 regimes; as Zubaida (1991: 209) notes: “[t]he ‘orientalist’ picture of ‘Islamic’ societies as communalistic, religious and impervious to modern

²⁵ The most common example is Medinat al-Sadr, built as Medinat at-Thawra by Qasim to contain the slums filled with peasant migrants in Baghdad who fled from the feudal Shaikhs of al-‘Amara and Kut in the 1950s. Initially, each avenue or street was numbered in order; in one year, these numbers were displaced by tribal names, usually of the *hamula*.

ideologies has actually been realized as a modern phenomenon under totalitarian regimes in Iraq and elsewhere.” According to J. Ismael and S. Ismael (2000), who apply Sharabi’s concept of neopatriarchy to the Iraqi context, the first decades after the end of the British Mandate – i.e., the formation of the Iraqi state – represented a “modernization of patriarchy” – the *distortion*, not the replacement, of traditional patriarchy and the *malformation* of the state by integrating a kin-based tribal social dynamic into the public sector.

Conclusion

In colonial Iraq, the formulation and context of the “woman question” were marked by both marginalization from power and the tribalization of the majority of Iraqi society, which was ruled by tribal law in rural areas and by a Sunni elite in the cities. Colonial Iraq was led by a politics of uneven differentiation in terms of legal rights that created a fragmented citizenship and nationhood. From its beginnings, the “new nation” was contested by the majority of the population. This contestation, grounded in class, ethnic, sectarian, and regional (urban/rural) divisions, gave the “woman question” a peculiar shape. The most radical advocacy for women’s rights came from secular and leftist political forces as religious authorities were reluctant to relinquish their powers. Thus, unlike other Muslim majority and Arab countries, in Iraq, Fleischmann’s (1999) stages – described in the introduction to this chapter – did not emerge until later; in the context of a secularized society with a political culture dominated by the Iraqi Communist Party, these stages also came in the form of nationalist, leftist, political forces.

The new Iraqi Republic contested tribal and religious powers, instead pushing the emerging, modern middle class. The defense of women’s rights was central to the new regime’s modernist nationalist politics, which were shaped by a sense of shared nationhood and weakening religious, ethnic, and sectarian divisions. Nevertheless, “Islam” remained a key symbol of cultural authenticity, especially among nationalist feminists. Although it included radical measures, the adoption of a PSC within the framework of *shari‘a* indicated the postcolonial formulation of the “woman question.” The link between a unified nation and women’s emancipation was revealed through the adoption of a PSC that both guaranteed progress in women’s rights and worked to overcome sectarian divisions between Sunni and Shi‘a jurisprudence. This linkage was also expressed by many of the women activists I interviewed. Nevertheless, the exacerbation of ethnic, religious, and sectarian divisions; the new nation-state’s lack of legitimacy as a result of colonization; and the military nature

of the revolutionary regime resulted in a weak and contested political elite. Then the Ba‘th coup that ended the first Iraqi Republic chose bloody and patrimonial authoritarianism to preserve its rule over state and society.

As a result of these political, economic, and social developments, women’s issues and gender norms evolved into what Hisham Sharabi terms “neopatriarchy”: the old social structures of society were preserved and *distorted* along the lines of the *malformation* of the new state by British colonizers. Although revolutionary times contributed to the progress of women’s rights and activism, and also revealed radical political forces within society, the nature of the state and the preservation of old social structures limited changes to gender norms and relations. The bloody authoritarianism that followed these revolutionary times – its repression of radical forces, normalization of political violence, and patrimonial nature – reversed any process of social change and national unity, processes on which women’s rights activists had relied for their advocacy.

As for political activism, the last period (1963–68) had the following effects: it changed the political system and the social/ethnic and religious structure of the ruling elites, disturbed national integrative processes, altered the role of the state, and gradually led to the destruction of radical movements on the left and the right, thereby creating an ideological/political vacuum. These mutations broke with democratic and popular social and political movements, opening the door to political movements that favored identity-based modes of activism, as I show in Chapter 2.