POLITICS & POLICY

An Oasis

By **PETER BERKOWITZ** | March 3, 2004 2:36 PM

Kuwaiti women make progress.

KUWAIT CITY, KUWAIT–On January 15, Kuwait's new ambassador to the United Nations presented the country's obligatory report to the Committee on the Elimination of Discrimination against Women. The moment captured a paradox in modern Kuwaiti life. On the one hand, the report portrayed a country with plenty of room for improvement: Most notably, Kuwaiti women still lack the right to vote or to run for office. On the other hand, the person the government of Kuwait appointed to issue the report was Naeela Al-Mulla, the first Arab-Muslim woman representing any country as an ambassador to the U.N.

#ad#In fact, the legal liabilities and social discrimination to which women in Kuwait

are subject reach beyond political rights. According to *Freedom in the World 2003*, Freedom House's annual worldwide survey of political rights and civil liberties, Kuwaiti women "are legally disadvantaged in matters of marriage, divorce, and inheritance, must have the permission of a male relative to obtain a passport; and cannot confer citizenship on their children." In addition, and though the proportion is growing, women remain under-represented in the labor force.

Yet, on a recent trip, I discovered that the picture is not nearly so bleak as a cold recitation of Kuwait's failings might suggest. Indeed, Kuwaiti liberals told me that they are optimistic that time and momentum is on the side of women's suffrage. Although, as American newspapers gloomily reported, the liberals lost seats to the Islamists in last July's parliamentary elections, forces sympathetic to the government retained a majority (which the newspapers failed to mention) in Kuwait's 50-seat parliament. Though lethargic in recent years, the government's backing of women's rights is an important reason that liberals in Kuwait remain hopeful that the national assembly

will pass legislation granting women political rights sooner rather than later, perhaps even before the next election scheduled for 2007.

But there are other reasons, rooted in Kuwaiti culture and history, to believe that suffrage is within view for Kuwaiti women and that the freedom they now enjoy will lead to further gains in the acquisition of civil rights. For starters, although excluded from political life, Kuwaiti women enjoy a relatively high degree of participation in professional life. They hold prominent positions in journalism, at the universities, in private business, in medicine, and in government ministries. They serve on the board of the Kuwait Petroleum Company. They constitute a little more than a third of the Kuwaiti labor force, and their numbers are likely to grow.

This is because women are flourishing in academic life in Kuwait. They constitute over 70 percent of the students at Kuwait University, and about half of those studying engineering and medicine. This is a result of two factors. The first, stressed by Kuwait social scientist Haya al-Mughni in *Women in Kuwait*, the leading book on the subject,

is that in the late 1960s the government adopted the policy that women should be integrated into the work force. To this end, women were provided with educational opportunities. In particular, the government made education compulsory for all Kuwaiti children up to the age of 14, and women were admitted to the University of Kuwait.

The second factor has to do with the debilitating effects of unearned privilege. Guaranteed an income thanks to Kuwait's oil riches, and taught by tradition and religion that it is their prerogative to rule, many Kuwaiti young men coast in their studies. In contrast, many Kuwaiti young women, knowing that their opportunities are restricted, study assiduously to make the most of their education. It seems likely that many of these women will choose to pursue professional careers, and that the influx of large numbers of educated women into the labor force will inevitably alter baseline perceptions of both men and women about equality of opportunity.

In addition, as al-Mughni chronicles, Kuwaiti women have formed a wide array of professional, educational and welfare associations through which they have had a

direct impact on the shape of Kuwaiti society, and which develop (in accordance with Tocqueville's analysis of the beneficial effects on citizens of participation in voluntary associations) habits of freedom.

These associations have been the chief vehicle through which Kuwaiti women activists, almost from the moment the country's constitution was ratified in 1962, have sought their political rights. Prominent among these associations has been the Women's Cultural and Social Society, founded in 1963. The WCSS believes that the struggle for women's suffrage in Kuwait stands on firm constitutional ground: The Kuwaiti constitution's preamble proclaims devotion to "democratic rule," and article seven declares that "Justice, Liberty and Equality are the pillars of Society." Through conferences, consciousness-raising, and lobbying members of the national assembly and the government, the Society has sought to overturn the election law passed in 1963, which provides the legal basis for excluding women from politics by providing rules and regulations covering only Kuwaiti men. Last year, a lawsuit, which the WCSS supported, challenging the constitutionality of the

election law, was dismissed on procedural grounds.

How does freedom in Kuwait compare to freedom in other Arab Gulf countries? While women have the vote in Bahrain, Qatar, and Oman, Freedom House's quantitative rankings indicate that Kuwait tops the list among Gulf countries in providing political rights (receiving a four on a one to seven scale with one representing the most free), and is tied in the region with Bahrain, Oman, and the United Arab Emirates in protecting civil rights (both receive a five).

And how did Kuwaitis, in a region so far generally inhospitable to individual rights and democracy, come by their local preeminence in them?

According to Rasha Al-Sabah, a member of the ruling family, under minister of higher education, and the highest-ranking woman in the Kuwait government, Kuwait's distinctive culture and history accounts for its openness to freedom. Located at the crossroads between the Arabian desert and the Arabian Gulf, and blessed with a capacious natural port at the Gulf's northern reaches, Kuwait originated as a trading

center and served as a home to a seafaring and shipbuilding population.

Kuwaitis trace the founding of their nation back to an agreement between local merchants and the Al-Sabah family reached in the middle of the eighteenth century. This was long before the transformation of the country in the 1950s by the discovery of oil, well before the British became heavily involved in Kuwaiti affairs at the end of the nineteenth century, and indeed preceding the arrival of the British East India Company late in the eighteenth century. The Al-Sabah family has been ruling Kuwait continuously since 1756.

The relation between the royal family and the people of Kuwait is formalized in the 1962 constitution, which vests legislative power in an elected national assembly, and provides for an executive branch headed by the emir, who is a hereditary monarch. The emir must sanction laws passed by parliament and parliament must approve government ministers appointed by the emir. While elections are relatively free and fair, not only are women excluded from voting but so too are the approximately 1.3 million guest workers, who substantially

outnumber the country's 900,000 citizens. Nevertheless, with regards to a crucial measure of self-government, Kuwait is once again, when placed in the larger cultural context–not just that of Gulf nation but of Arab world–at the head of the pack. According to Freedom House, "Kuwait has become the only Arab country in which the elected legislature serves as a powerful check on executive power."

Despite the lack of formal or liberal consent underlying their political system, even some of Kuwait's leading liberals insist upon the legitimacy of their rulers. According to Mohammed Al-Jassem, editor of *Al-Watan*, one of Kuwait's five major daily independent newspapers and also editor of the Arabic-language translations of *Newsweek International* and *Foreign Policy*, the legitimacy of the ruling family is grounded in consultation (*shura*) with the people and consent based on their judgment that the Al-Sabahs have generally ruled wisely and in the people's interest. "Freedom comes from the first political formula established in 1760," he explained, dressed as most Kuwaiti men do in the *dishdasha* or traditional long flowing cloak, and head

scarf held in place by a braided black band. Al-Jassem focuses on the good relations between the ruling family and the people rather than on the absence of constitutional mechanisms for altering or abolishing the monarchy. The key, he says, is "the very civilized way the Al-Sabah family came to be rulers: The Kuwaitis agreed to give them power." And the relation between the Al-Sabahs and the Kuwaitis, he maintains, has remained "based on agreement" and "very civilized."

Kuwait's commercial character also shaped its political development. As an important trading port since the eighteenth century, Kuwait has been in constant contact with the outside world, particularly East Africa and India, and its diversity of beliefs and practices. And while the men were often at sea pearl-diving or trading for weeks or months at a time, women ran households and developed the ability to fend for themselves.

So, again, if politics and commercial culture have inclined Kuwaiti men and women toward freedom, why don't women have the right to vote? Al-Jassem calmly supplied an answer I heard often: "Voting rights are not

a priority for Kuwaiti women." Nor is their lack of interest in obtaining the vote, in Al-Jassem's view, "really a major problem here in Kuwait." That's not because he regards freedom as unimportant. Indeed, Al-Jassem has been a staunch public defender of freedom of the press in Kuwait–last year he faced down the government in the Kuwaiti courts over his public criticism of the royal family and prevailed–but because he thinks political consciousness is poorly developed among Kuwaitis. The pace of change does not perturb him. So long as Kuwait continues to protect basic freedoms, democracy will eventually arrive. "So when any American would say it's a shame that Kuwaiti women don't have the right to vote, well it's not a shame." He pauses. "Maybe 50 years from now we would say it would be a shame. Still, we are developing."

Al-Jassem's remarks may sound like a tired apology for maintaining women's second-class status, but I got a similar response when I interviewed a group of students, five men and three women, at Gulf University of Science and Technology (GUST), Kuwait's first private university. The meeting was arranged by their professor, Lubna Al-Khazi,

a social scientist and women's activist, with whom I had been put in touch by the Kuwait Information Office.

All of the twentysomething men and women with whom I spoke identified themselves as believing Muslims, while also expressing a firm commitment to the idea of individual freedom. The men insisted that it would be up to their wives to choose whether they would work or stay at home with the children, and the women maintained, as if it were self-evident, that they fully expected their husbands to support their choices. Yet neither the young men nor women could muster much indignation about the exclusion of women from the political process. While the men supported granting women suffrage, the women seemed more disdainful of the sloth and corruption that afflicted electoral politics than desirous of participating in it.

In her spacious office at the ministry of higher education, with its waiting room crowded with members of parliament and assorted other well-wishers and favor-seekers drinking coffee and tea, Rasha Al-Sabah couldn't have disagreed more about the urgency of granting women the vote. It

would, she asserted, “change the whole spectrum of Kuwaiti politics.” Denied the vote, how could women not internalize the harmful message that they were ill-equipped for democratic politics, and how could men not internalize the harmful message that they were particularly well-equipped?

When I told Fatima Hussain—radio personality, television scriptwriter, one of the leaders of the Kuwaiti resistance to Iraq’s 1990 invasion, and author of an acclaimed memoir—of the indifference of the young women to their denial of political rights and of Mohammed Al-Jassem’s suggestion that the right would come when women really wanted it, she bristled. As she leaned forward in the comfortable chair in the living room of her elegant home, her husband Sulaiman Mutawa, a former minister of planning looked on, smiled, and nodded in agreement.” In 1962, when our constitution was approved, did anyone ask men whether they were interested in the vote before it was granted to them? Were men’s political rights conditioned on their belief that their representatives in parliament were public-spirited and accountable to the people?”

And where does the royal family stand on the question of women's suffrage? Here too informed Kuwaitis differ. In 1999, under some pressure as a result of promises he had made to enlarge freedom in Kuwait after the 1990 Iraqi invasion, the emir finally issued an emergency decree, while parliament was dissolved, granting women the right to vote. However, such decrees eventually must be approved by a majority vote when the national assembly reconvenes; when it did, it rejected the measure by a vote of 32 to 30.

Some Kuwaiti liberals, such as Mohammed Al-Jassem, contend that this legislative defeat represented a kind of victory for the democratic process, for what the parliament was telling the emir, in Al-Jassem's view, was that laws of such import should arise not by emergency decree but from the legislature. Others, such as Fatima Hussain, argue that the defeat of the measure merely reflected a lamentable lack of political will on the part of the government.

Only one political group in Kuwait strongly opposes giving women the right to vote, and that is the influential minority whose ultimate aim is to make Muslim law not just one source of Kuwaiti law, as the

constitution declares, but the *sole* source of Kuwaiti law. I mentioned the Islamist view–that Islam itself prohibits the participation of women in politics–to the students at GUST, and wondered how such a religion could ever be reconciled with democracy. Shaikha Al-Ali, seven months pregnant and among those who had expressed little concern about lacking the vote, replied with steel in her voice and fire in her eyes that there was no problem because there was no contradiction between women's political participation and her interpretation of Islam.

Nobody can say just when women in Kuwait will acquire the right to vote, but where the press is robust and free, where women avidly form voluntary organizations to help others and to advance their own interests, and where the willingness to live between cultures and to submit religious questions to the authority of one's personal judgment becomes second nature, respect for the just claims of equality can't be far behind.

–Peter Berkowitz teaches at George Mason University School of Law and is a fellow at Stanford's Hoover Institution.

PETER BERKOWITZ