

Nationalism, Tribalism, and the Future of Women's Rights in
Iraqi Kurdistan

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Abstract

There is little question that the legal rights of Kurdish women in Iraq gradually improved after Kurdish emancipation at the end of the Gulf War in 1991 and particularly after the American invasion in 2003. In contrast, Arab-Iraqi women's rights deteriorated after Gulf War and fell into crisis after 2003. I use statements, laws, and reports published by the KRG and transnational women's groups to support the theory that the Kurdish government increased women's legal rights due to the growth of women-oriented civil society, the strength of transnationalism, and Kurdistan's search for international legitimacy. However some academics and policy leaders overemphasize the importance of transnational feminist movements, international pressure, and Kurdish civil society (as it stands today) in promoting women's rights because they do not sufficiently address the effects of tribalism, which hinders the implementation of women's rights legislation. The economic, political, and social instability that has rocked Kurdistan since the Iran-Iraq War strengthened these tribal bonds enough that bonds now undermine the effectiveness of the KRG. I also argue that some academics and policy leaders overemphasize the importance of transnational feminist movements, international pressure, and Kurdish civil society (as it stands today) in promoting women's rights because they do not sufficiently address the effects of tribalism.

Introduction

Kurdish nationalism is one of the most powerful nationalist movements in modern history that has not (as yet) resulted in the creation of an independent state, and its population of approximately 30-40 million people makes it the largest non-state in the world (Mojab 2000; BBC 2016). However, over the past twenty-five years, drastic changes in Iraq's economy, government, and society have gradually given the Kurds in Iraq increasing levels of autonomy until, after the American invasion in 2003, Iraqi Kurdistan developed into a "de-facto" state (Stansfield 2001; Voller 2014). This nationalism allowed Kurdistan to develop politically and economically after 2003 (Voller 2014, 354-55). However, how did these drastic changes affect women, who are consistently one of the most vulnerable segments of society, especially during times of political turmoil (al-Ali, Liberation 2008)? This paper examines the effects of Kurdish nationalism and increasing Kurdish autonomy on the lives and rights of women in a way that delineates the differences between women's rights in law and women's rights in practice. It also adds more nuance to discussions of the relationship between nationalism and feminism as well as between transnationalism and tribalism. Using these frameworks, I argue that there are fundamental conflicts of interest between modern Kurdish nationalism and women's rights movements. These conflicts weaken the effectiveness of transnational women's organizations while protecting tribal structures and values that discriminate against women. Therefore, Kurdish women's legal rights did improve as Iraqi Kurdistan gradually gained autonomy, largely due to the pressure put on the government by transnational civil society groups and the international community. However, the strength of tribalism in Kurdistan combined with the government's inability to enforce the rule of law hindered both in-state and international efforts to put these legal gains into practice.

Literature Review

The discussion of women's rights in Kurdistan after 1991 falls into current debates on the effects of nationalism on women's rights, the influence of transnational groups and international pressure on the laws and policies of states, and the role of tribes in women's subjugation. There is a substantial debate in feminist literature regarding whether nationalism and feminism are inherently incompatible movements (al-Ali 2011, 340). Some, like Minoo Alinia, argue that Nationalists rely on a hyper-masculine narratives, which solidifies men's social dominance and enables female oppression (2013, 55-56). Others contend that while nationalist narratives can reinforce gender inequality, women's movements can coopt these narratives to associate the development of a national identity with gender equality (al-Ali 2011, 341-342; Armstrong 2015, 215-216).

However, nationalist movements do not exist in a vacuum, so it is necessary to examine the effect the international community has on nationalist as well as feminist movements. Transnational women's groups examine women's issues across international boundaries (Al-Ali 2008, 10). These groups join with foreign governments and international government organizations to put new pressure on national governments that condone discrimination against women to conform to international human rights standards. These coalitions also strengthen in-country organizations (Voller 2014, 351-52, 356, 361). Because they operate outside the state, transnational organizations, and any regional groups they sponsor, can avoid some of the politicization that engulfs other women's groups (Voller 2014, 355; al-Ali 2008, 10). This is not to say that transnational groups can necessarily operate against the political establishment, but rather than they have the resources to advocate their positions to political leaders rather than being totally co-opted by political parties (Voller 2014, 356). However, as with attempts by civil

society groups to use nationalism to promote women's rights, transnational groups struggle to enact meaningful changes on the society.

While theories on nationalism and the influence of transnational groups generally focus on the laws and political systems of a region, the role of tribes in a region focuses more on the social attitudes, practices, and structures of the society. To explain the theoretical framework that defines tribes and their relation to both the state and women, I will be relying on the research conducted by Doctors Valerie M Hudson, Donna Lee Bowen, and Perpetua Lynne Nielsen, who used quantitative analyses to identify the relationship between tribes, the oppression of women, and state stability (2015). Tribes are “an informal organization comprising a network of individuals linked by kin-based bonds.” As relatively self-sufficient kinship networks, tribes can serve as important economic, social, and political networks, particularly in situations when state power is weak or non-existent (Hudson 2015, 335-6). In these roles, tribes can either reinforce state structures by supporting national leaders or undermine the government's authority by rallying the population around tribal laws and structures instead of those of the state (Hudson 2015, 336, 539).

Since tribes are kinship structures, women, by definition, must be involved. However, tribal networks are based on marriage and inheritance patterns that favor men. In order to maintain these networks, tribes must control women's marital and sexual habits (Hudson 2015, 536, 540). When women violate these marital and sexual norms, they threaten the entire tribal system. Similarly, the centralization of political authority and social change, such as the emancipation of women, weakens tribal influence. This forces tribes to change their role in society (Hudson 2015, 537). Therefore, regions with strong tribal systems must decentralize the state and actively repress women to stay in power. Hudson et al measured the extent of tribal

influence, and therefore state instability, in a region by examining the acceptance of eight practices that control and repress the sexual and marital rights of women. These are:

(1)patrilocality, (2)inequitable family favoring males, (3)prevalence of polygyny, (4)early/child marriage for females, (5)marriage within the patriline (cousin marriage), (6)sanctions for honor-based violence against women, (7)high levels of violence against women, and (8) lack of property rights for women in practice. (Hudson 2015, 540)

Tribal societies will tolerate or condone several of these practices. Naturally, the opposite is also true. If a society condones many of these practices, it is likely highly tribal. Since tribes and women's rights are intricately connected, it is ineffective to curtail one without addressing the other (Hudson 2012, 551).

Violence against women becomes even more acceptable in tribal societies that experience sustained conflict. Prolonged periods of state-level violence and social instability encourages violence between state and non-state actors. This, in turn, normalizes violence within the fundamental social structures of the society (Alinia 2013, 59; Taysi 2009, 90). In addition to socializing violence in general, armed conflicts threaten the masculinity and social dominance of men, who in turn further repress women as a way of defending their honor and maintaining social order (Brown 2006, 52). When this social acceptance of generalized violence occurs in tribal societies, it can turn the "safe haven" of a nation into a "slaughterhouse for women" (Mojab 2000).

Historical Background

While the strength and importance of tribes has waxed and waned throughout Iraq's history, after Kurdistan gained autonomy in 1991, nationalist groups allied with tribal leaders in order to create a regional government. However, while tribes buffer up weak states, they do not make them strong, and tribal values tend to subvert former ideologies. This is apparent in Saddam's Iraq, where, as his government weakened, conservative, tribal values gradually

eclipsed his progressive, nationalist ideology. For much of Saddam's rule, Iraq led the Middle East in regards to promoting the rights of women, and tribes remained relatively weak. However, in order to maintain power after the devastating effects of years of war and the imposition of economic sanctions, Saddam co-opted tribal and religious leaders and reversed many of the gains made by women in previous decades (al-Ali 2008, 107). He reinstated polygamy in 1990 and weakened women's rights to divorce, child custody, and inheritance. In an even more overt attack on women's rights in society, in 1990, Saddam also signed Article 111, which allowed men who killed women for honor-related offenses to escape jail time (Brown 2008, 59). Thus, Iraqi politics in general, as well as Kurdish politics specifically, have encouraged the growth of tribes and the restriction of women's rights.

Women's Legal Rights

Although female civil society groups emerged and began advocating for gender equality shortly after Kurdistan gained autonomy in 1991, the prioritization of nationalist ideals over gender equality inhibited their ability to advocate effectively for their cause. Before 1991, women actively participated in Kurdistan's nationalist movement, but they generally did so without threatening Kurdish society's patriarchal structures. Technically, Kurdish nationalist parties had been sponsoring women's groups since the 1950s. Unfortunately, these groups were, in practice, "cosmetics for rallying support for the males who were leading nationalist movements" (Mojab 2000). However, Kurdistan's newfound self-governance allowed for the rapid development of civil society and political organizations (al-Ali 2011, 343). Women took advantage of this opportunity, and the number of women's groups gradually increased throughout the 90s. Then, in 2003, the Coalition invasion of Iraq sparked a dramatic increase in women's NGOs in Iraqi Kurdistan. The war also gave civil society groups the opportunity to

connect with organizations outside of Kurdistan. However, despite the increased size and vigor of female-oriented civil society, women's groups faced significant political and ideological impediments to enacting meaningful change. As with women's groups before the 1990s, political parties, especially the PUK and the KDP, co-opted a majority of women's groups, silenced other civil society organizations, and ensured that movements for gender equality remained subservient to nationalist ideals.

With this long history of nationalist groups co-opting women's organizations, it is unsurprising that tensions between the KDP and the PUK extended to the women's groups associated with each party, which further inhibited efforts to coordinate meaningful movements on behalf of women's rights (al-Ali 2011, 345-6). In 1994, the rivalry between the KDP and PUK erupted into civil war, and while some women tried to mediate, the war divided many along political lines (al-Ali 2011, 343-4). Distrust between politically aligned women's groups and independent women's civil society organizations has further fragmented the relationships between other ideologically disparate women's groups (al-Ali 2011, 344-346). Even after the KDP and PUK formally reunited under the Kurdish Regional Government (KRG), critics still emphasized the lack of unity within Kurdish civil society (Hague 2013, 389). Although robust civil society and the presence of women-oriented social and political groups are necessary for the expansion of women's rights, the political situation in Kurdistan hampers these organizations' effectiveness.

In contrast to civil society, which is often embroiled in domestic politics, transnational women's organizations usually have enough monetary support and independence to minimize their involvement in political partisanship. Just as the size of Kurdish civil society increased after the Coalition invasion, transnational groups became much more involved in Kurdish society after

2003. These organizations could avoid the political partisanship that bogged down women-oriented civil society. For example, the Kurdish Human Rights Project (KHRP) is a transnational NGO that works with the European Court of Human Rights and other international organizations to promote human rights across all Kurdish populations. The KHRP is based in London, which places it outside the control of any political party. This independence allows the KHRP to report on the status of human rights in every major Kurdish population and to provide “an alternative way of engaging in debates on public policy and democratic development” (Impact Report 2010, 9). In this way, the KHRP’s transnational nature gives it both the resources and the freedom to contribute to the dialogue on human rights issues, including women’s rights issues without domestic political feuds tying them down. The war also gave civil society groups the opportunity to connect with organizations outside of Iraqi Kurdistan.

Unfortunately, the same distance that makes transnational Kurdish groups independent of KRG intervention also cuts them off from most of Kurdish society, which limits their ability to improve the daily lives of most Kurdish women. As mentioned above, Kurdish transnational organizations often interact exclusively with political leaders and well-known civil society groups, and not with most Kurdish women. Therefore, these transnational organizations are only as effective as the KRG is willing and able to enforce the programs and laws they recommend. Once again, the KHRP provides an apt example. The fact that it usually only works with international government organizations and other transnational groups severely limits its ability to influence a majority of the Kurdish population. Furthermore, women’s groups that are independent from political parties depend on funding from an international governmental or transnational organization. While this saves these groups from political co-optation, it distances them from their social bases by opening them up to foreign intervention (al-Ali 2008, 10).

Although the rise of transnational women's organizations lead to important advocacy efforts and provides much-needed funding, significant challenges limit their effectiveness and access to ordinary Kurdish women.

Despite the limitations of Kurdish women's groups and transnational organizations, they have spearheaded important movements to expand women's legal rights, but these movements only succeeded after the KRG sought to increase its international legitimacy. As the prospect of complete independence increased, the KRG gradually adopted progressive gender policies to increase its international legitimacy. Although the number of organizations advocating for gender equality increased after 1991, women's issues received little official attention until the turn of the century (Voller 2014, 351-52). For example, the PUK spent years arguing that honor killings were part of Kurdish culture before it finally abolished lenient sentences for perpetrators of honor killings in its territory in 2000. The KDP followed suit in 2002 (al-Ali 2011, 344). Then, in 2003, Iraqi Kurdistan suddenly increased its autonomy, experienced a post-invasion economic boom, and developed a well-trained *pashmerga* military force. However, making any type of official declaration of independence would throw the international community into chaos. Instead, the KRG focused on improving human rights, especially women's rights, in the region in an attempt to earn international legitimacy (Voller 2014, 353-55). This new focus led to a series of legislative and representative gains that culminated in the passage of an anti-domestic violence law in 2011 (Voller 2014, 366-67). In this period, women became representatives in government, held high positions in the judiciary, and were influential in Iraq's interim government (Brown 2006, 56). Additionally, unlike the Iraqi interim constitution, the Kurdish constitution did not use Islam as a source of legitimacy and maintained existing laws protecting women's rights (al-Ali 2011, 348-49).

One of the most overt examples of the Kurdish government's attempts to display its commitment to gender equality is a weeklong campaign that it launched in 2008 to push for gender equality and women's rights (KRG Launches Women's Rights Campaign). The campaign also included an attempt to appeal to the demands of transnational organizations by convening a commission to study Amnesty International's recommendations for improving women's rights in Kurdistan. Similarly, the Kurdish government sponsored a study through the University of Bristol to research honor killings (KRG Addresses Women's Rights 2008). Masoud Barzani, the president of Iraqi Kurdistan, participated extensively in the campaign. Regarding gender equality, he explained that, "Our region must become the best example for Iraq." When specifically discussing how to reduce violence against women, he said, "I am confident that we, the people of Kurdistan, will accept these challenges," (KRG Addresses Women's Rights 2008; Kurdish Government Begins Campaign Advocating Women's Rights 2008). In both cases, Barzani's words are highly nationalistic. He frames violence against women, as not just a social issue, but as a way of differentiating Kurdistan from the rest of Iraq. Notably, however, despite all the rhetoric surrounding Kurdistan's campaign against violence against women, there was little indication of concrete steps to implement these ideals. This pattern repeats throughout the KRG's approach to gender equality, and particularly to violence against women. Although the KRG made impressive overtures, and even legislative advances, towards gender equality, these measures are rarely enforced, nor do they make significant differences in the lives of ordinary Kurdish women. I will discuss reasons for this in the next section.

Women's Rights in Practice

Despite making generous overtures towards women, the Kurdish government has generally failed to implement its new laws and programs. The second part of this paper focuses

on the reasons Kurdish women's lives have not substantially improved in practice. I begin with a discussion of how the divides between Kurdish activists and the general population impedes the implementation of legislation promoting women's rights. I then explore how patriarchal and especially tribal norms subvert the authority of the Kurdish government and likely prevent any meaningful change in the unequal treatment of Kurdish women in the near future. Finally, I give several examples of how the theories I described above perpetuate several forms of violence against women in Kurdistan.

Despite the growth of civil society and transnational organizations that advocate for women's rights in Iraqi Kurdistan, a vast majority of these activists have little contact with a majority of the women they defend. Sharp economic, educational, religious, and urban versus rural divides cut off most direct contact between women's activists and a majority of the population. Activists usually come from the urban middle class, and their perspectives are relatively secular. On the other hand, 31% of women in northern Iraq (which is primarily Kurdistan) have no education (Linos 2012, 629). Many live in poverty in rural areas, and they tend to be more religious than their urban, wealthy counterparts (Mlodoch 2012, 73). So far, these divides have proven mostly intractable, and little contact exists between the two groups. Therefore, most civil society groups that advocate for women's rights do not provide services directly to women in need (Taysi 2009, 97). On a more ideological level, activists do not represent the perspectives of most Kurdish women, who generally reject the overtly secular feminism offered by most women's groups (al-Ali 2011, 343; Voller 2014, 364).

The interactions (or lack thereof) between Kurdish women's activists and the female survivors of Saddam's genocidal Anfal campaign illustrate this point. In 1987, Saddam Hussein's son, al-Majid led a brutal military campaign, which included the use of chemical

weapons, against Kurdistan. The attack led to 180,000 deaths and created thousands of widows (Stansfield 2007, 115). Even after Kurdistan gained autonomy after the Gulf War, the Kurdish government gave little or no aid to these widows, known as the Anfal Women, until 1999. Many people considered these women economic burdens and social pariahs because of the sexual violence many suffered at the hands of Iraqi soldiers (Mlodoch 2012, 74, 76). However, as women's activism gained traction and the Kurdish government searched for ways to legitimize Kurdish autonomy, the Anfal women became powerful symbols in both feminist and nationalist discourse. While the Anfal women eventually focused on their pride at raising children in such impossible circumstances, nationalist rhetoric portrayed these women as helpless victims that symbolized the suffering of the entire Kurdish nation (Mlodoch 2012, 79-80). While some women's activists emphasized the strength of the Anfal women, neither they nor the politicians who exploited their stories interacted with the women themselves (Mlodoch 2012, 82). This sharp divide, and the fact that women's civil society has done little to bridge it, seriously impedes the ability of women's activists, much less legislators, to understand the lives and needs of a majority of Kurdistan's population. Without this fundamental understanding, it is difficult for even the best-intentioned activists and officials to write, not to mention enforce, effective legislation. As Lucy Brown and David Romano noted, the bottom-up movement for change is far weaker than the top-down one, and this reality subverts all other attempts at gender empowerment (2006, 56).

Perhaps more important than socio-economic impediments to enforcing legal advancements in women's rights are the patriarchal norms and institutions that weaken the effectiveness of the central government and promote the subjugation of women through violence. Before examining the social norms that weaken the KRG's ability to enforce new legislation and

promote violence against women, it is important to note the devastating psychological impact decades of war with Iran, the Iraqi regime, and between the KDP and PUK. After such long periods of vicious conflict, Kurds were socialized into believing that violence is the most effective and acceptable way to resolve conflict (Alinia 2013, 59). This also normalized violence on an intimate scale. In particular, it provided men with a justification to abuse women. Ever since the devastating effects of the Iran-Iraq war, a sense of helplessness, inferiority, and oppression developed among Kurdish men. Men compensated for this loss of control by restricting women's freedoms in an attempt to protect women themselves and to provide a "sense of authority and moral order" in a chaotic time (Brown 2006, 52). Regulating women's movements became especially important during Kurdistan's war with the Iraqi Ba'ath regime. Throughout Iraq, men were taught that their masculinity was inextricably linked to their ability to defend their homeland and especially their women, who were portrayed as the ultimate symbol of national (and in this case Kurdish) identity (al-Ali 2008, 9). Because of these norms, the Ba'ath regime specifically targeted women to attack the community's sense of identity and masculinity (Taysi 2009, 90; al-Ali 2008, 90). In this way, women's lives became a battleground for national identity and, more specifically, a man's role in his nation.

Kurdish men's loss of control over their lives and their place in society prompted a backlash against women even after the fighting had finally subsided in 1991 (Mojab 2000; Taysi 2009, 90). The cataclysmic events of the Iran-Iraq War and the Anfal campaign had displaced thousands of people, encouraged urbanization, and sparked massive social shifts (Voller 2014, 358). With the social fabric of Kurdistan in ruins, men tried to re-exert their control over their culture and society by violently re-exerting control over women (al-Ali 2008, 171; Mojab 2000). For this reason, the rates of honor killings surged after 1991 (Voller 2014, 358). Tragically,

former victims of the Ba'ath regime also became the primary targets of this backlash (Mojab 2000; Taysi 2009, 90). The Anfal women provide a heartbreaking example of this increase in internal violence against women. As those who had suffered the most at the hands of the regime, these women also received an inordinate amount of social violence and rejection. As was previously mentioned, Kurdish society rejected the Anfal women for at least a decade because of the sexual violence they endured (Mlodoch 2012, 74, 76). In fact, there are many rumors that relatives killed some of the Anfal women because they considered their victimization an unendurable stain on the family's honor (Rafaat 2016).

Since social and political unrest has defined Kurdish society for decades and promoted patriarchal attitudes that tolerated violence against women, local leaders tend to fight official legislation promoting women's rights and, even when legislation does pass, these leaders implement it ineffectively. Although Iraqi Kurdistan has developed into a de-facto state, the rule of law is weak in the region (Taysi 2009, 88). This forces the KRG to align with the strong, conservative base within the society, which disapproves of the state's involvement in family matters, such as the treatment of women. Although the KRG tries to balance between international demands to improve women's rights and the desire of conservative elements within society to remain free of government influence, it generally struggles to implement any reforms effectively (Voller 2014, 358-9; al-Ali 2011, 347-8). For example, although the KRG passed legislation to combat violence against women, local courts are often lenient when prosecuting or sentencing violators. Other courts simply ignore them. Additionally, many people do not know that new laws exist (Alinia 2013, 76; Taysi 2009, 101-3). Similarly, in accordance with the demands of many international government and non-government organizations, the KRG developed a National Action Plan to increase women's rights, but it implemented these new

measures haphazardly (Hague 2013; 390-91, 395). Although the KRG may pass impressive legislation, the weakness of the rule of law hampers the ability to make meaningful changes.

Additionally, even the KRG and other political actors that advocate for, write, and pass progressive legislation often tolerate or even condone violence against women (Taysi 2009, 97, 100). Political groups outside the KRG will also officially support feminist ideals while privately aligning with far more conservative views. For example, when talking to Western scholars, representatives of the Islamic Union of Kurdistan, which markets itself as a moderate Islamist group, assured the scholars that they advocate for women's rights. However, this same group maintains a close relationship with the extremist Islamic Group of Ali Bapir, pays people who practice female genital mutilation (FGM), and defends unequitable inheritance laws (Brown 2006, 58-9). This is not to say that new legislation is not somewhat effective or that it cannot act as a deterrent against previously condoned forms of female oppression, such as honor killings (Alinia 2013, 78). However, it does mean that progressive legislation is not nearly as effective as some political and civil society actors may claim. Failing to remember this sharp divide between law and practice in Iraqi Kurdistan and accepting the claims of official Kurdish institutions obscures the true nature of female oppression in Kurdistan.

Patriarchal norms play the primary role in preventing the implementation of legal reforms, and in Kurdistan, the pinnacle of these patriarchal attitudes is the tribe. Although autonomous, Kurdistan, which traditionally heavily values tribal connections, experienced an additional wave of neo-tribalism after 1992 (al-Ali 2011, 343; Yaphe 2000, 53). This was a result of Kurdistan's political and economic disarray after the Iran-Iraq War, Saddam's repression of the Kurdish insurrection, and the Gulf War. In this chaos, strengthening pre-existing tribal structures was one of the only ways to fill the power vacuum left by years of war and oppression.

When the time came for nationalist leaders to establish a government (which the KDP-PUK civil war in the mid-90s shows was difficult enough) the only way they could establish a system with any stability or legitimacy was to co-opt tribal structures (al-Ali 2011, 348; Taysi 2009, 93-4). However, this alliance often weakens the state's control over the rule of law. For example, courts often made rulings based on tribal laws rather than state ones, including laws that condone the use of violence (Taysi 2009 93-4).

Despite its limitations, the alliance between nationalist and tribal leaders unfortunately found much of its strength in militarism and the oppression of women. Kurdish tribalism traditionally had a strong military tradition, and nationalist rhetoric tends to marginalize and sexualize women (Yaphe 2000, 53; Hegasy 2012, 1). Kurdish tribes, therefore, could feed off the sexist narratives provided by Kurdish nationalists to justify the institutionalization of discrimination against women. Meanwhile, Kurdish nationalists needed military strength to stabilize the region and demonstrate independence and, by extension, national legitimacy. In a time of enormous political and economic instability, co-opting tribes to bring order to society and to fulfill nationalist ambitions was a logical, perhaps even necessary, decision. However, these tribal structures maintained and strengthened system founded on the oppression of women.

As Hudson and her associate's research found, tribes rely on "ties [that] bind men and bypass women," and their research identified eight practices that tribes rely on to control and repress the marital and sexual rights of women. Using this framework, I selected two of these practices, honor killings and violence against women, and analyzed how tribal structures in Kurdistan impede national and transnational efforts to eliminate these practices. Although all of these factors deserve attention, I chose to focus on honor violence as well as violence against women. Civil society, the KRG, and transnational groups have all targeted these practices, so

there is a substantial amount of data that tracks their prevalence as well as efforts to eliminate them. In both cases, tribalism significantly inhibits efforts to combat these practices by preserving the attitudes that justify these forms of female oppression and providing social and legal protections to those who commit these crimes.

Honor killings are perhaps the classic example of tribal oppression of women, and they are an essential way of policing the sexual behavior of women (Alinia 2013, 58). The concept of honor pervades the close kinship bonds between individuals in tribal societies where, as one man convicted of committing an honor killing explained, “*sharaf* [honor] is bigger than death” (Alinia 2013, 64-65). Men who commit honor killings generally believe that without avenging his family’s honor, he would lose his identity as a man and, by extension, his privileged place in society. Conceivably, this loss of honor could cost individuals and families essential social and economic support (Alinia 2013, 65-66). This is not to say that every Kurd in Iraq supports honor killings. The more educated, urbanized, and wealthy someone is, the less likely he or she is to support honor killings. Even many members of communities where honor crimes take place support the victims rather than the perpetrators (Alinia 2013, 67). However, honor crimes are still a major factor in Kurdish society, particularly for people whose economic and social survival depends on personal and family honor.

Since tribal norms justify honor violence, tribes directly interfere with legislative efforts to combat it. These ideas are so deeply rooted in Kurdish society that after the KDP and the PUK technically banned honor killings, the KRG and women’s groups still struggled to implement the law. Instead, Kurdistan witnessed a rise in “honor suicides,” where families forced women to kill themselves or staged their murders as suicides (Brown 2006, 57; Voller 2014, 364-5). Honor violence is so dangerous that Aram Rafaat argues that Kurdistan’s “internal war” against women

has even more devastating consequences than external conflicts with other state or non-state actors (2016). Unfortunately, over a decade after banning honor killings, neither legislative action nor women's advocacy groups have succeeded in significantly reducing rates of honor violence. In 2013, the Interior Ministry of Kurdistan admitted that honor killings were still common. It also stated that convincing families of the immorality of honor violence as well as violence against women is what would reduce the levels of violence (Zybāry 2013). In other words, the interior ministry agreed that the top-down approach to countering honor violence could not succeed without a bottom-up approach. A Kurdish activist agreed, "The special article against honor killings exists, but it is not implemented," (Malā'ka 2014).

Even when police arrest perpetrators of honor killings, they often do not show remorse, and some may even feel as if they were the victims. From their perspective, the only choice was to murder their family members, and they did not expect punishment for something they saw as necessary (Alinia 2013, 72-3). The comments of these men illustrate the enormous gap between Kurdish activists and politicians and those at risk of either committing or falling victim to honor killings. These tribal norms, which convince men that they must murder those who violate the family's honor, still govern their lives far more than the laws of the state. Only the weakening of tribal structures will allow for the fundamental shift in social outlook that will lead to the prevention, not just the prosecution, of honor killings.

Although not as gruesome as combating honor killings, reducing violence against women presents another monumental challenge to weakening patriarchal tribal norms and empowering women. The most common form of violence against women is domestic violence, and widespread acceptance of this form of violence among both men and women indicates that there is a high level of patriarchal and tribal control in the societies. In order to enforce the

authoritarian control of women on the family level, both sexes need to accept the use of violence to enforce male authority (Hudson 2015, 551-2). Sure enough, a majority of people throughout Iraq agree that a husband is justified in hitting/beating his wife for burning food, arguing with him, denying him sex, neglecting children, or leaving the house without him. Specifically, 57% of the population of Northern Iraq (a majority of which is Kurdistan) agrees with this statement (Linos 2012, 627). In general, socio-economic status plays a key role in determining one's acceptance of domestic violence. Tolerance of domestic violence also strongly correlates to other practices that disenfranchise women, such as giving them little access to education or employment activities or marrying them to much older men (Linos 2012, 626, 629). Once again, differences in socio-economic status and education level create an enormous divide between those championing domestic violence reform and those most affected by the violence.

As expected, the divide between activists and the people inhibited meaningful progress. Although the KRG outlawed domestic violence in 2011, the Kurdish Interior Ministry admits that, as with honor violence, it is difficult to enforce the legislation (Zybāry 2013). To be fair, it is difficult to enforce domestic violence legislation throughout the world. However, difficulty revealing and prosecuting a complicated and hidden phenomenon like domestic violence is different from needing to convince a majority of the population that domestic violence is unacceptable. When a society accepts domestic violence as an appropriate and necessary tool to maintain familial order, it condones a social structure that goes to extraordinary lengths to subjugate women.

Another form of violence against women in Kurdistan is female genital mutilation (FGM), which involves cutting a girl's clitoris to purify her and lower her sex drive (Circumcision 2008). Iraqi Kurds are the only Iraqis who practice FGM, so measuring this form

of violence is a useful way of measuring violence against Kurdish women independently from the rest of the country. Additionally, the justification for FGM as a way of maintaining women's honor by controlling their sex drives articulates the tribal preoccupation with regulating women's sexual relationships. With this logic, if one uses FGM as an indicator of the strength of Kurdish tribalism, then tribal traditions, once again, appear to dominate Kurdish society. A 2008 study of FGM in 148 Kurdish villages shows that 61% of Kurdish women have undergone the procedure (Al-Arabiya 2009). In 2009, the KRG launched a campaign to fight the practice, but a law banning FGM stalled for a year before finally passing parliament. Women's advocates complained that the KRG did not want to focus on the traditional practice (Circumcision 2008). Tribal structures slowed the passage of this legislation, and they continue to slow its implementation.

Official recognition of FGM, however, does not mean the Kurdish public admits the practice exists or is ready to combat it. In the comments section of an al-Arabiya article describing the KRG's efforts to end the practice, several Kurds commented that they were surprised that FGM existed in Kurdistan, that not all Kurds supported it, or that the article was simply lying (Al-Arabiya 2009). It is telling, and disconcerting, that some Kurds refuse to accept that a procedure 60% of Iraqi Kurdish women have undergone exists in their society. The ignorance of a few anonymous commenters does not necessarily indicate national trends. However, it does once again reflect the differences separating the wealthy and educated middle and upper class, which has the means and the ability to access, read, and comment on online news articles in Arabic, from the majority of the tribal, rural, and often illiterate lower class.

Alternate Explanations

My paper argues that the sharp divide between the Kurdish elite and the majority of the Kurdish population as well as the powerful tribalism that permeates Kurdish society, impedes the implementation of progressive women's rights legislation. However, other factors may contribute to the persistence of violence against women. Some activists argue that not enough time has elapsed since the passage of new laws to see meaningful social change (al-Ali 2011, 348). This argument has merit. Improving the status of large groups of women, by definition, takes time. However, research by Hudson and other specialists in tribalism shows that strong, tribal societies undermine governments over long periods and prevent the implementation of the rule of law (Hudson 2015, 538-9). Therefore, if strong tribal structures remain in Kurdistan, women will probably not enjoy the benefits of legal reform on a broad scale in the near future.

Additionally, some scholars argue that Islam plays a greater role in restricting the rights of women than tribalism. While Islam may play a role in female subordinations, the tribal structures described above are found across many regions and religions (Hudson 2015, 549). It is also dangerous to isolate religion as a single cause for any phenomenon, since religious practices, even within the same faith tradition, vary dramatically from region to region. Kurds may use Islam as the language of legitimacy to justify violence, but it is simplistic to focus just on the role of religion. Exploring questions regarding the status of Kurdish women's rights in law and practice in the context of nationalism, legal rights, and the influence of tribalism takes more nuanced approach that incorporates a broader range of data.

Conclusion

Kurdistan's strong nationalist movement gave it political autonomy in 1991 and the status of a de-facto state in 2003. In both cases, this allowed for the expansion of women's groups and international influence in Kurdistan, which led to a gradual increase in women's legal rights. To

do this, women's civil society groups joined with transnational groups and international government organizations pushed the KRG to improve women's legal rights as a way of increasing Kurdistan's international legitimacy. However, the strength of tribal structures, which only increased after 1991, undermined the implementation of these new, legal protections. The dynamics between nationalism, civil society, transnational groups, and tribalism all need additional study. However, my research indicates that there is a significant disconnect between civil society and transnational organizations promoting legal equality and the cultural and social situation on the ground. After suffering decades of conflict, it makes sense for local Kurdish communities to gather around the closer and more reliable structures of families and tribes instead of relying on a political system that is in constant flux. For this reason, while it is important to understand the dangers and injustices propagated by tribes, it is also essential that activists and scholars not demonize these structures. Instead, the intellectual and international community needs to examine what needs tribes satisfy and then determine how the Kurdish government could replicate and ideally improve on these services. Promoting women's rights, therefore, is not simply a matter of replacing an outdated practice with a more savory one, nor is it an attempt to superimpose a system or set of values on an unwilling population. Instead, activists and researchers will improve women's rights by studying the institutions that discriminate against women, encouraging dialogue between all segments of society, and offering solutions that replace problematic structures in ways that complement the existing norms and values of the society.

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