

DOI: <https://doi.org/10.63332/joph.v5i9.3302>

The Role of Communist Women in the Adoption of the Personal Status Law No. 188 of 1959

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Abstract

Communist women contributed by virtue of their affiliation with the League for the Defense of Iraqi Women's Rights ()IWRI) and by virtue of their position in the government, especially after the appointment of Dr. Naziha Al-Dulaimi() as Minister of Municipalities on July 13, 1959, in the adoption of the Personal Status Law, which is the first progressive law in Iraq and the Arab region as a whole that guarantees women part of their civil and political rights. The research was divided into two axes, the first axis dealt with the role of the League for the Defense of Women's Rights in issuing the Personal Status Law No. 188 of 1959. The second axis dealt with the position of clerics and political forces opposed to the issuance of the Personal Status Law.

Keywords: Association, Women, Law, Demonstrations. Personal Status.

Introduction

In 1933, the first attempt was made to develop such a law, where the Ministry of Justice entrusted the Office of Legal Codification to develop a regulation of the Personal Status Law, but the matter remained between ebb and flow and took ten years and the law was not approved, as another attempt was made in 1945 When the Ministry of Justice formed a committee of jurists and law headed by the Speaker of the House of Representatives at the time, Muhammad Hassan Kubba, and the membership of Sheikh Ali Al-Sharqi, Chairman of the Jaafari Sharia Discrimination Council, Hamdi Al-Adhami, legal blogger, and Shafiq Sharif Al-Ani, a member of the Sunni Sharia Cassation Council, and the committee began its work based on the list of the Legal Codification Bureau, which was developed in 1933 and a new regulation developed by Sheikh Ali Al-Sharqi, the Committee has tried to collect and unify the legal provisions to come out of them with a law that collects agreed opinions However,() with the advent of the revolution of July 14, 1958, women were able to achieve part of their rights, especially at the social and political level, and their participation in public life expanded, especially after their participation in the adoption of the Personal Status Law.

1. The role of communist women in issuing the Personal Status Law No. 188 of 1959

Communist women have made strenuous efforts to promulgate a law guaranteeing women part of their civil and political rights, as reflected in their repeated calls for the formation of a national commission to work on a law guaranteeing women's rights in this area().

At the behest of Dr. Naziha Al-Dulaimi, the Communist women, through their work in the

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Women's Problems Committee of the Iraqi Women's League, consisting of Dr. Rose Khadouri(), Nazima Wehbe and Rassima Zanel, () () Dr. Naziha al-Dulaimi pointed out that "()we will work to develop laws and regulations in line with the objectives and principles of the July 14 democratic revolution".

In light of this, Dr. Naziha Al-Dulaimi, in her capacity as the official in charge of the Iraqi Women's Association and by virtue of her position in the Government, submitted to Prime Minister Abdul Karim Qasim a draft() law containing the enactment of a personal status law, which was approved at the time () . In implementation of Administrative Order No. 560 of 7 February 1959, a committee was formed in the Ministry of Justice () It took upon itself to draft a personal status regulation that derives its principles from what is agreed upon from the legal provisions without being restricted by a particular doctrine, and also took some of its articles from what is acceptable from the laws of the Islamic countries and what was settled by the Sharia judiciary in Iraq to ensure the building and stability of the family () . Accordingly, the Women's Problems Committee of the Association formed several committees in Baghdad and other Iraqi brigades, and Dr. Naziha Al-Dulaimi assigned Dr. Rose Khaddouri to supervise the work of these committees and provide Detailed reports on their work, and those committees began their work to search for the social problems facing women in Iraq and after the completion of their work they submitted their reports to the Higher Committee of the Association in Baghdad, which in turn submitted them to the committee in charge of drafting the law() .

To complement the work of the Association, Dr. Naziha Al-Dulaimi, by virtue of her position as Minister of Municipalities, participated in the discussion and vote on the list of the law in the Council of Ministers session held on December 19, 1959 under the name of "Personal Status Law No. 188 of 1959", and supported the issuance of the law and was at the forefront of the vote on its issue() . The law has the support of Prime Minister Abdul Karim Qassem, especially in the paragraphs that guarantee women their social rights, and in this regard, Dr. Naziha Al-Dulaimi points out that"Abdul Karim Qasim respected women a lot and defended their rights, and he had progressive opinions, and I remember during our discussion of the list of the Personal Status Law in the Council of Ministers session, which sparked a wide controversy about it, he was more enthusiastic than me in defending women's rights, especially in some paragraphs and texts contained in the list of the law, at a time when I was calculating the reactions of clerics and some conservative circles towards this law."()

In any case, the law was approved on December 30, 1959 in cooperation with a specialized committee and experts such as Dr. Safaa Al-Hafez and() Adeeb Baban, and thus the law became effective. In this regard, Mrs. Mubjalil Baban points out: "The most important project presented by the Iraqi Women's League was the Personal Status Law, as the head of the legal codification at the time, Dr. Safaa Al-Hafez, included a paragraph unifying inheritance between men and women and distributing it equally, and Dr. Naziha Al-Dulaimi carried the draft law. As the minister to the leader Abdul Karim Qasim, who approved that paragraph and did not object to it and ordered the application of the law throughout his reign "() , and thus the Personal Status Law is the most important project contributed by communist women in the achievement, especially as it aims to achieve justice and equality in the official and customary rights legislated by the authority, as it included the most important legal provisions related to women and ensured their organization such as marriage, divorce, separation, custody, will, inheritance, and the rejection of sectarianism, sectarianism and discrimination that characterized it. The official doctrine in the Ottoman era .()

We can summarize the most important paragraphs contained in that law():

1. The law prohibits a man from marrying more than one woman except with the permission of the judge, and the following two conditions must be met: that the husband has financial sufficiency to support more than one wife, and that there is a legitimate interest.

2. The law granted the mother the right of custody in the event of marital and after separation, unless the child is harmed by that, and stipulated that the female custodian must be an adult sane and honest capable of raising and maintaining the child and not married to a foreigner from the child, and the law also granted the judge the right to authorize the extension of the custody period if it turns out that the interest of the minor requires it.

Communist women not only approved the Personal Status Law, but also demanded that women be allowed to participate in the application of the provisions of the law by appointing them as judges in the personal status courts, and this request was taken into account, as lawyer Zakia Ismail Haqqi was appointed as the first female judge in the Sharia courts in Baghdad in the republican era.

2- The position of clerics and political forces opposing the Personal Status Law No. 188 of 1959.

The promulgation of the Personal Status Law has generated mixed reactions by the clergy, conservative mediators and the educated class, especially in the provisions related to matters of marriage, divorce, custody and inheritance, and voices have risen demanding that the issuance of such laws be the responsibility of the clergy and the concerned authorities (). Judges in Sharia courts also refused to apply the law, even women heirs refused to apply the law by taking equal shares as contrary to Islamic law.

The position of the clerics on the decision to issue the Personal Status Law was characterized by rejection and the religious authority in Najaf announced its explicit opposition to the law and promised its paragraphs contrary to the provisions of Sharia and Quranic texts and insisted on making amendments to it, and promised the approval of this law a victory for man-made laws at the expense of heavenly laws, including Islam, and considered the law a kind of corruption for society () The clerics also disputed the legitimacy of issuing and approving the law, considering it a legal violation by the Sovereignty Council, which consists of three members, namely Major General Muhammad Najib Al-Rubaie(), Khalid Al-Naqshbandi, and Muhammad Mahdi Kubba, Speaker of the Council of Representatives, who refused to sign the law and submitted his resignation, thus considering the law incomplete and contrary to Article (20) of the Iraqi Interim Constitution, which stipulates that the Sovereignty Council is formed by three members and not two.(). The Scientific Committee in Najaf also demanded from Prime Minister Abdul Karim Qasim to cancel the law or introduce amendments to some of its paragraphs because they are a clear violation of the provisions of Islamic law and the contents of the Qur'anic texts.

In the face of the development of events, Ayatollah Sayyid Mohsen al-Hakim sent() several letters to Prime Minister Abdul Karim Qasim in which he demanded the latter to abolish the law because it negatively affects family relations, especially the paragraphs contained in it concerning inheritance issues that contradict what was stated by Islamic law and Quranic texts.

What increased the hardened position is the lack of response Abdul Karim Qasim to the opinion of the reference in the abolition of the law or the amendment of some of its paragraphs, which led to tension in the relationship between the two parties and looked reference to Abdul Karim Qasim as a sponsor of the communist movement in Iraq, and intensified the position of the

reference from it until it came to the refusal of Ayatollah Sayyid Mohsen al-Hakim to meet Abdul Karim Qasim despite the latter's request for it many times (). This position confirms that the communists were not the only ones behind the decision to issue this law, but the forces of the progressive revolution had a hand in it because of their desire to pass advanced social laws (). Despite the warning of figures close to Abdul Karim Qasim of the consequences of issuing this law on his government and that it will lead to the creation of hostility with the Islamic forces for its explicit violation of religious values, but these warnings did not work, especially since Abdul Karim Qasim did not take them and was based on His opinion on the justifications given by the Chairman of the Sovereignty Council, Major General Najib Al-Rubaie, in the issuance of this law.

Coinciding with that, some leftist newspapers attacked some clerics in Najaf and went too far by publishing articles and cartoons offensive to those personalities, including a newspaper drawing an offensive caricature of the person of Ayatollah Sayyid Mohsen al-Hakim, which led to agitation and widespread popular anger, and the denounced crowds flocked to the headquarters of al-Hakim in Najaf, expressing their readiness to confront the communists, but Ayatollah Sayyid Mohsen al-Hakim prevented that, and carried the reference Abdul Karim Qasim His government is responsible for communist overreach, especially since communist influence has grown during his reign(). The expansion of communist influence in Iraq has raised the concern of the religious authority, especially after the recent events in Iraq and the communist persistence under the government of Abdul Karim Qasim and the chaos witnessed in the political arena, all of which prompted Ayatollah Sayyid Mohsen al-Hakim to issue a fatwa prohibiting belonging to the Communist Party on February 12, 1960:

In the name of God the most Merciful, the most Compassionate

It is not permissible to belong to the Communist Party, as this is blasphemy and atheism, or the promotion of infidelity and atheism, may God protect you and all Muslims from that and increase your faith and submission. Peace, mercy and blessings of Allah be upon you ().

Following the issuance of this fatwa and its widespread spread among the people throughout Iraq, the masses of supporters gathered around the headquarters of Ayatollah Sayyid Muhsin al-Hakim in Najaf, declaring their innocence against communism and communists().

In the same context, Mr. Muhammad Mahdi Al-Khalisi attacked() the law and submitted a memorandum to the Minister of Justice stating: "The Personal Status Law No. 188 of 1959 is contrary to Sharia because it is not commensurate with the gains of the revolution, and is not based on the origin of the principles of Sharia, nor the principles of rights nor based on economic calculations, but it is contradictory to various religious and economic aspects." "The Personal Status Law makes the female share of inheritance the same as the share of the male, and with this contradiction the legal and economic balances are disturbed as a clear violation of the Holy Qur'an."()

The position of the reference rejecting the Personal Status Law provoked strong reactions among the popular circles that supported it and launched a fierce attack against the Iraqi Women's League and accused it of being the reason behind the issuance of the law, and in this regard Dr. Naziha Al-Dulaimi recalls that she was harassed and was fought with her family, especially her sisters and mother, so that she was warred in her field of work by her political opponents because she is a woman first and a communist second.() . Al-Wadi magazine published() an article entitled "The Ministry of Municipalities in the era of Dr. Naziha Al-

Dulaimi, in light of favoritism and affiliates", in which she accused Dr. Naziha Al-Dulaimi of dismissing a large number of employees working in the Ministry of Municipalities, prompting the Association Committee in Baghdad to file a lawsuit against Al-Wadi magazine. () Despite that, the magazine did not stop attacking the Association, but it launched a public war against the Association, as it published an article in which it accused the Association of being responsible for the escape of one of the girls in the city of Musayyib and her marriage to another man after the dissolution of her previous marriage and that the Personal Status Law adopted by the Association was the reason for this (), and the Iraq magazine also launched an attack on the Association, as it published an article in which the Iraqi Women's Association was described as a communist organization associated with the Union. The Soviet and working for him, and published another article under the pseudonym entitled "Fleeing from the hell of the Association" in which she attacked the Association, taking advantage of the withdrawal of one of the members from it due to social factors, and in condemnation of those attacks launched by the national newspapers, the branches of the Iraqi Women's League in Iraq submitted a note of protest to the military governor-general, Ahmed Saleh Al-Abdali. () Which in turn issued a statement No. (131) dated August 13, 1960 stipulating the obligation of newspapers not to defame or insult others, and oblige workers in the field of journalism to write their articles in line with the public interest, warning them of the consequences of continuing these acts that harm the reputation of the Iraqi press.

The attack also affected the headquarters of the Iraqi Women's League in various districts, where orders were issued in some brigades to close the headquarters of the Association, for example, the administrator of the Amara Brigade issued an order to close the headquarters of the Association in the brigade under the pretext of women's participation in demonstrations and their assault on citizens. () The Association submitted a memorandum to the administrator of the Amara Brigade and the military governor general, Ahmed Saleh Al-Abdali, in which she explained the reason for the participation of communist women in that demonstration, which came as an expression of their denunciation and indignation at the attempt to assassinate the leader Abdul Karim Qassem, stressing at the same time that there was no attack by them on the citizens in that demonstration, but the military governor did not respond to that memorandum, which prompted it to file a complaint to the Ministry of Interior, which in turn confirmed the lack of a legal text Provides for such action against democratic organizations ().

Communist women were threatened and harassed at that stage, and their going out to work became risky, and Mrs. Bilqis Al-Sheikhli, President of the Association Musayyib Branch, recalls this by saying: "My exit from the house to the school where I was working was done through a private car for one of the men from the area, although the school is only a hundred meters away from my place of residence." () The Association's headquarters in Waziriya were also violated by unknown elements and its members were attacked by throwing stones at the bus that was transporting them while they were participating in the charity market that established the Association's branch at the time.

The harassment against the Iraqi Women's League continued, as the commander of the First Division, Mr. Hamid Hussein Al-Hussouna, who was close to the religious authority in Najaf, issued orders to close the literacy centers in the southern brigades of the First Division, which was based in the Diwaniyah Brigade, namely the Basra, Amara, Kut, Nasiriyah, Diwaniyah, Hilla and Karbala Brigade (), under the pretext that those centers were a cover for the dissemination of communist ideas. "Enough of the harsh experience of hiding behind the fight against illiteracy ... My mother is loyal better than a cultured and destructive citizen The violator

shall be sent to the courts in accordance with article 31 of the Baghdad Penal Code Amendment Act of 1959()." Al-Husuna also issued orders to prevent the Communist Party newspaper "People's Union" from entering and circulating in the southern brigades, and this decision caused a wave of indignation and protest by the leftist newspapers, which submitted an appeal to the head of the Journalists Syndicate to intervene with the Prime Minister to cancel the order, and indeed the order was canceled by Abdul Karim Qasim, who stated: "From now on you can send the newspaper anywhere because we have canceled the ban order, and only readers decide whether to buy the newspaper or not," and despite the cancellation decision, the ban order remained in force and was not lifted.

On the other hand, political opponents launched a fierce attack on the League for showing it publicly as hostile to Islamic teachings by publishing popular songs and sticking them to the members of the League, including Ahzoga (this month Mako Mehr and the judge slaughtered him by the river), and in this regard Mr. Hassan Al-Alawi, who was a member of the Arab Socialist Baath Party at the time, indicates that this slogan was launched by the propaganda and information apparatus of the Baath Party to accuse the communists.(). Others assert that this chant was echoed by a group of communist girls clapping and dancing in a car that was spinning near the upper courtyard in Najaf(). The matter did not stop at that, but some mass organizations affiliated with the political parties attacked the League and practiced a policy of restriction on it, especially organizations similar to the work of the League and its objectives, including the Organization of the Women of the Republic () associated with the Arab Baath Party, which began to compete with the work of the League if its rules of procedure contained articles similar to those stated in the rules of procedure of the Association, especially in the social aspect, such as the opening of centers to combat literacy and the formation of committees for maternal and child care, and was able to attract a large number of women to them .

Conclusion

Feminist activity in the Iraqi Communist Party, represented by the "Iraqi Women's League", witnessed a significant escalation under the government of Abdul Karim Qasim, and a number of factors contributed to this, foremost of which is the atmosphere of democratic openness that Iraq witnessed after the revolution of July 14, 1958, as well as the government's policy towards the Iraqi Communist Party and allowing it to practice its activity freely after years of secret work.

Communist women had a prominent role in the political and social life in Iraq, as they contributed by virtue of their position in power to the adoption of the Personal Status Law, which is the first progressive law in the Arab region that guarantees women their rights constitutionally. Despite the strong opposition faced by the law by clerics and political forces, the law was implemented and became effective, and thus the Personal Status Law No. 188 of 1959 was the greatest achievement of communist women under the government of Abdul Karim Qasim and is still in force to this day.

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