



NOVEMBER 2025

The Politics of Personal Status Law in Egypt and Iraq

Nermin Allam and Baneen Al Qaraghuli

The Politics of Personal Status Law in Egypt and Iraq

Nermin Allam and Baneen Al Qaraghuli

© 2025 Carnegie Endowment for International Peace. All rights reserved.

Carnegie does not take institutional positions on public policy issues; the views represented herein are those of the author(s) and do not necessarily reflect the views of Carnegie, its staff, or its trustees.

No part of this publication may be reproduced or transmitted in any form or by any means without permission in writing from the Carnegie Endowment for International Peace. Please direct inquiries to:

Carnegie Endowment for International Peace
Publications Department
1779 Massachusetts Avenue NW
Washington, DC 20036
P: + 1 202 483 7600
F: + 1 202 483 1840
CarnegieEndowment.org

This publication can be downloaded at no cost at CarnegieEndowment.org.

Contents

Introduction	1
Egypt Case Study: Strategic Stalling, Not Structural Constraint	3
Iraq Case Study: Structural Constraint and Strategic Backsliding	9
Comparing the Two Country Cases	15
Why Personal Status Law Reform Matters	16
About the Authors	19
Notes	21
Carnegie Endowment for International Peace	25

Introduction

In February 2025, amid shouts and confusion on the floor of Iraq's parliament, lawmakers hastily bundled three controversial laws into a single vote. Among them was a long-debated personal status law intended to encompass both the Shia and Sunni populations of the country. The new law (Ja'fari Code) handed over jurisdiction of family matters to Shia religious clerics under the Ja'fari school of jurisprudence. As votes were cast and counted with little clarity or transparency, observers struggled to determine what exactly had passed. Activists warned that the law's vague provisions and sectarian underpinnings would entrench child marriage,¹ limit judicial authority,² and deepen gender inequality.³ After a long delay, the document containing the code was passed earlier this month, with the full input and implications considered from both the Shia and Sunni endowments (institutions that manage religious sect related relations).⁴

A few years ago, Egypt witnessed its own legal controversy around personal status law. While it was less chaotic than Iraq's parliamentary episode, it was no less politically charged. In 2021, a draft personal status law prepared by the cabinet was leaked to the public.⁵ The proposal, that was expected to be a step forward, instead revealed new restrictions on women's autonomy. It included provisions that allowed fathers to annul their adult daughters' marriages and reinforced male guardianship across family matters.⁶ The public backlash was swift, civil society mobilized, and ultimately the state quietly shelved the law and formed a judicial committee to revise it.⁷ While the state-sanctioned committee's work remained opaque for several years, in early 2025 the committee introduced a revised draft that included modest improvements but left patriarchal guardianship structures largely intact.⁸ The committee submitted the draft to the Council of Ministers for review, and next it will go to the House of Representatives; its legislative fate remains uncertain and politically contingent.

Why do regimes in the Middle East and North Africa resist meaningful personal status law reform?

Such moments of opaque passage or quiet retreat raise important questions about how personal status laws function as instruments of governance in the region. Why do regimes in the Middle East and North Africa (MENA) resist meaningful personal status law reform? And how do debates over family law reveal not only resistance to gender equality, but also deeper struggles over who holds moral authority, defines citizenship, and regulates gender roles? The cases of Egypt and Iraq reveal that personal status law reform is not simply constrained by state capacity or religious conservative institutions but is instead shaped by governance strategy. While Egypt resists meaningful reforms to preserve the patriarchal foundations of its authoritarian rule, Iraq adopts conservative reform to negotiate legitimacy across sectarian lines.

Literature has often treated personal status laws as reflections of cultural tradition or religious doctrine. Scholars have shown that policy reforms are more difficult to adopt in personal status laws as such reforms threaten to shift control away from religious bodies and disrupt the status quo.⁹ While it is true that personal status laws are rooted in religious tradition and maintained by patriarchal institutions that are resistant to change, they also serve important political purposes. The literature on gender politics in the MENA region emphasizes that autocratic regimes may instrumentalize women's rights reforms to facilitate electoral manipulation,¹⁰ suppress political opposition,¹¹ distract from human rights violations,¹² and burnish their international legitimacy.¹³

In examining debates around personal status law reform in Egypt and Iraq, two broad arguments come to the fore. The first is that both autocratic regimes like Egypt and democratically conservative ones like Iraq are not merely reacting to external pressures, responding to feminist activism, or deferring to conservative religious institutions. Personal status law reform is not blocked solely by religious institutions, such as Al-Azhar in Egypt and the Hawza of Najaf in Iraq. Regimes themselves are invested in patriarchal legal orders that bolster their legitimacy. The second argument challenges the tendency of policy platforms to interpret personal status law reform through a technocratic or human rights lens, as a matter of legal harmonization or international pressure, rather than as an arena of authoritarian statecraft that is deeply entangled in regime politics.

These observations and other significant findings stem from original fieldwork and legal analysis. For the Egyptian case, the data draw upon thirty-two semi-structured interviews conducted with feminist activists, legal advocates, and nongovernmental organization (NGO) leaders working in the area of women's rights in Egypt. The interviews were part of a larger set of interviews that Nermin Allam carried out between 2020 and 2025 for her ongoing research on gender politics in Egypt. To supplement the interview data, the team analyzed key legal texts, including Egypt's 2014 Constitution (particularly Article 11), personal status laws, and draft reform proposals. In Egypt, the draft reform proposals analyzed included the Al-Azhar's 2019 proposal, the 2024 unified proposal from Christian churches, the 2021 cabinet proposal, the 2025 draft personal status law, and the proposals prepared by

the Center for Egyptian Women's Legal Assistance (CEWLA) in 2017 and 2021. For the Iraqi case, the team examined the country's personal status law code and the 2005 Constitution (particularly Article 41). It also analyzed the 2025 amendment (commonly referred to as the Ja'fari Code) to Iraq's Personal Status Law 188 of 1959, as well as social media campaigns on family law reforms, media reports, human rights documentation, and legal commentary from national and international sources.

The Egyptian case study shows how the regime has repeatedly avoided substantive reform while strategically managing both religious institutions and feminist dissent. On the other hand, the Iraqi case reveals the political bargains of Shia Islamist parties embedded in the adoption of the Ja'fari Code and its relationship with Iraq's Shia religious establishment, the Marjayya. A comparative analysis of the two cases highlights the contrasting governance strategies at play, underscoring how Egypt's centralization and stalling versus Iraq's legal delegation and conservative reform present different approaches to governing gender. The analysis helps uncover several overarching implications for understanding the political function of personal status laws, the reproduction of patriarchal power, and the limits of reform in authoritarian contexts.

Such analysis contributes to ongoing policy conversations by grounding them in empirical cases and highlighting the political logic underpinning legal change. Without inclusive processes that center women's voices and challenge patriarchal legal norms, even well-intentioned legal changes risk reinforcing the very inequalities they purport to address. Meaningful transformation in personal status law thus requires political will, sustained feminist advocacy, as well as a reimagining of legal authority that places justice at its core.

Without inclusive processes that center women's voices and challenge patriarchal legal norms, even well-intentioned legal changes risk reinforcing the very inequalities they purport to address.

Egypt Case Study: Strategic Stalling, Not Structural Constraint

In Egypt, a centralized authoritarian state, the regime has repeatedly advanced conservative proposals and stalled meaningful reform in personal status law, even as it has promoted selective progress in other areas of the women's rights agenda. The recent 2025 draft personal status law and the controversial 2021 cabinet proposal show how the regime responds to feminist demands only when doing so consolidates its administrative and legal authority; otherwise, it stalls when reforms challenge the patriarchal foundations of its authoritarian rule. Reforms in the domain of family law in Egypt reflect neither linear progress nor grassroots responsiveness, but rather strategic calculations about when and how to legislate

gender. Meaningful personal status law reform is not constrained by state capacity, and the Egyptian regime is not a passive actor hemmed in by conservative religious institutions such as Al-Azhar. The regime resists meaningful reforms because they clash with the patriarchal foundations of its authoritarian rule.

The Legal Terrain of Personal Status Law in Egypt

Personal status matters in Egypt are governed under Law No. 25 of 1920 and its amendments, Law No. 25 of 1929 and its amendments, Law No. 1 of 2000 on litigation procedures in personal status matters and its amendments, and Law No. 10 of 2004 on the establishment of family courts. Personal status laws are based primarily on Islamic sharia, and non-Muslim communities—Christian and Jewish—apply their respective religious laws in personal status matters.

Feminists' key concerns include unequal access to divorce, the practice of polygamy, child custody and guardianship laws, inheritance laws, and domestic violence. While men can easily initiate divorce (*talaq*) without justification and can exercise verbal divorce (the practice of men being able to divorce verbally), women must navigate a far more complicated and burdensome process. Law No. 1 of 2000 grants women the right to seek divorce through *khula*; a legal mechanism that allows a wife to unilaterally initiate divorce without her husband's consent, typically in exchange for forfeiting her financial rights, including alimony and dowry which leave them economically vulnerable.¹⁴ Polygamy, whereby men can marry multiple wives, also remains a significant concern, as it creates unequal power dynamics within marriages. Child custody and guardianship laws present another layer of inequality. Although mothers are typically granted physical custody of young children after divorce, it is only under certain conditions such as remaining unmarried, and the legal guardianship remains with the father. Another economic inequality related to family matters is rooted in inheritance laws. Inheritance laws are based on sharia jurisprudence, which allocates women only half the share that their male counterparts receive. However, notably, the 2017 amendments to the Inheritance Law impose stricter penalties on those who withhold inheritance, thereby primarily benefiting women who have faced challenges from male family members.¹⁵ A final significant issue is the lack of legal protections for women in cases of domestic violence and marital rape, neither of which are adequately addressed in Egyptian personal status laws or in the penal code.

Women's rights activists and organizations in Egypt have for many years launched initiatives, organized campaigns, and put forward proposals to reform personal status laws. But despite their ongoing calls for reform, feminists' efforts to address the above structural inequalities have encountered fierce resistance. Meanwhile, reform proposals introduced by state institutions—namely drafts presented by formal religious bodies and proposals prepared by the cabinet in 2021 and recently the judicial committee in 2025—have not offered concrete solutions and instead perpetuated and solidified gender inequalities.

From the 2021 Cabinet Draft to the 2025 Judicial Committee Proposal

What was anticipated to be the most concrete step toward reforming personal status laws was the cabinet's 2021 proposal. However, the proposal included provisions that would further restrict women's rights and reinforce male guardianship in family matters. Two of the most controversial provisions allowed fathers to annul their daughters' marriages without their consent (even after adulthood) and granted them predominant guardianship over children (even in cases where mothers had custody). The proposal did not offer solutions for pressing issues such as alimony, domestic violence, or polygamy.¹⁶ Again, this was not a clerical draft, but rather a state-produced one.

Feminist organizations and women's groups publicly condemned the draft; they argued that it represented a regression in women's rights and gender equality. In response to the proposal, the Women and Memory Forum launched a viral campaign titled "#GuardianshipIsMyRight." The campaign criticized the law and called for legal reforms that grant mothers equal guardianship rights alongside custody.¹⁷ The campaign gained widespread attention on social media platforms and from feminist organizations, with several feminist organizations joining it.

The National Council for Women (NCW), which is a state-affiliated institution closely aligned with the regime's official gender policy, also criticized the proposal and prepared a set of determinants and requirements to guide discussions and reforms in personal status laws.¹⁸ The 2022 framework emphasized women's full legal capacity and called for the protection of their rights and freedoms as guaranteed in the constitution. Unlike independent feminist organizations' efforts that explicitly challenge the patriarchal foundations of personal status law, the NCW's interventions emphasized legal harmonization and constitutional alignment rather than structural reform. This is because while NCW is positioned close enough to the executive to technically influence policy discussions, it is structurally dependent on the regime for its mandate and resources, which limits its ability to confront the state on core patriarchal structures.

The CEWLA took a more comprehensive approach and presented an alternative draft proposal titled "A More Just Family Law."¹⁹ The center had already submitted an earlier proposal in 2017 for reforming personal status laws.²⁰ Among the most notable points addressed in both proposals was placing divorce under the jurisdiction of the court instead of unilateral will, granting the right of visitation to the noncustodial parent, allowing the division of shared assets by including them in the marriage contract terms, and granting Christian mothers married to Muslim men the right to retain custody of their children (similar to Muslim mothers' rights).

In response to the criticisms, the regime shelved the 2021 cabinet proposal, and in 2022, President Abdel Fattah el-Sisi appointed a judicial committee to produce a revised version.²¹ In early 2025, the committee introduced a draft that included some modest amendments,

especially with regard to requiring documentation of verbal divorce and prioritizing fathers in custody arrangements.²² The draft, however, left patriarchal structures largely intact. Key issues such as male guardianship, unequal access to divorce, and the absence of protections against domestic violence remained untouched. Feminist organizations criticized the draft as cosmetic; they argued that it restructured rather than dismantled gender hierarchies.²³ The regime offered a more regulated, but still deeply unequal, version of control. It did not address feminist demands but instead used symbolic responses such as the NCW guidelines, formation of a judicial committee, and the 2025 modest reforms to manage dissent while safeguarding patriarchal structures.

Managing Legitimacy Without Ceding Control

The Egyptian regime's failure to introduce meaningful reforms in the area of personal status laws was not due to lack of state capacity to reform or to weakness in the face of conservative religious institutions.²⁴ The regime responds to feminist demands, challenges religious stances, and adopts reforms only when doing so consolidates its administrative and legal authority; otherwise, it stalls when reforms challenge the patriarchal foundations of its authoritarian rule.

State Capacity

Over the past decade, the women's rights agenda in Egypt has produced some key reforms and changes. The overarching legal framework for these advancements is the 2014 Constitution and its 2019 amendments. The 2014 Constitution dedicates Article 11 to women's rights; it mandates that the state ensure gender equality in civil, political, economic, social, and cultural domains. However, in terms of implementation, the regime has only introduced reforms in the areas of political representation, economic participation, and sexual violence, while stalling meaningful reforms in the area of personal status law.

For example, the 2014 Constitution mandated that 25 percent of local council and parliamentary seats be allocated to women. As a result, women assumed 28 percent of parliamentary seats in 2020 and 13.3 percent of the seats in the Senate; twenty women were directly elected, and twenty women were appointed by Sisi.²⁵ In the cabinet, the percentage of female ministers increased from 6 percent in 2015 to 25 percent in 2018, with women holding 27 percent of deputy minister roles in 2018 and 31 percent of deputy governor positions in 2019.²⁶ Since 2021, women have also been appointed as judges in the Public Prosecution and the State Council. Yet, while this progress may seem significant, the regime has instrumentalized these reforms to consolidate power domestically by co-opting feminist activism and appointing loyalists. Internationally, the reforms serve to enhance its image and deflect human rights criticisms.

In the area of economic participation, the regime has extended maternity leave, removed job restrictions, and promoted financial inclusion. Yet these achievements obscure the everyday economic struggles faced by many women, particularly those in the informal sector. The International Labour Organization (ILO), in its 2025 report, found that 91 percent of women in Egypt's informal workforce earn less than the national minimum wage, compared to 65 percent of men.²⁷

In the area of sexual violence, the regime criminalized sexual harassment for the first time in 2014 and introduced stricter penalties in 2021. However, while the regime addressed sexual violence in public spaces, it notably neglected domestic violence in private settings, and reforms in personal status law have lagged behind despite ongoing feminist advocacy.

The regime's selective approach toward gender reform underscores that Egypt has the legal and institutional capacity to reform personal status law and address feminist demands but chooses not to do so unless the moves are in its interest. The absence of comprehensive reforms cannot be attributed to lack of state capacity, nor can it be fully explained by pressure from conservative religious institutions.

Religious Institutions

While the regime has often endorsed patriarchal views by religious institutions, it has shown a clear willingness to defy them when doing so aligns with its own interests. The regime aims to extend state control over the family. Religious establishments, on the other hand, aim to reinforce religious traditions and uphold the authority of religious leaders as gatekeepers.

For example, in 2019, Al-Azhar, the highest Islamic religious authority in Egypt, proposed for the first time a full draft for a new personal status law.²⁸ The proposal focused on safeguarding traditional Islamic interpretations of marriage, divorce, and guardianship. The draft kept conservative elements such as granting the father sole guardianship over children's finances and education even when the mother has custody. A feminist legal expert noted, "Whether it's Al-Azhar's draft or the state version, the principle is the same . . . the father is the legal guardian, and that authority is never shared. The structure remains male-dominated, regardless of who authors the law."²⁹ Indeed, the 2025 judicial committee draft made minor procedural adjustments, but it did not challenge the foundational principle of male guardianship; it simply codified it in more bureaucratic terms.

The regime's selective approach toward gender reform underscores that Egypt has the legal and institutional capacity to reform personal status law and address feminist demands but chooses not to do so unless the moves are in its interest.

Christian churches have also come together to put forward personal status law proposals for their communities. In December 2024, Egypt's Ministry of Justice and representatives from the five officially recognized Christian denominations finalized a unified draft of the Personal Status Law for Christians. The draft addressed long-standing issues related to marriage, divorce, and inheritance. While legal experts have hailed this development as a "historic leap," critics have raised concerns about the law's formulation process and its content.³⁰ Similar to Al-Azhar's process, the discussions did not involve women's rights advocates or activists. A legal expert in the Women's Rights and Gender Programme at the Egyptian Initiative for Personal Rights, criticized how discussions were marked by "insularity and control" where "entire communities were sidelined as religious authorities negotiated over their lives behind closed doors."³¹ Furthermore, the draft excluded provisions for civil marriage and raised questions about the practical implementation of inheritance equality as it did not outline concrete legal mechanisms to guarantee it.

In cases when the regime's vision has diverged from that of the conservative religious interpretations, it has not been because the regime is progressive but because it has competing patriarchal visions. For example, the issue of verbal divorce has been a particularly contentious one between the regime and Al-Azhar. In 2017, Sisi publicly clashed with Ahmed el-Tayeb, the grand imam of Al-Azhar, over a proposal to end verbal divorces. Sisi suggested legislation requiring official documentation for divorces as a way to reduce Egypt's rising divorce rates, while the grand imam opposed this change, citing Islamic traditions.³² Despite this opposition, the 2025 judicial committee draft, sanctioned by the regime, included again a provision mandating the documentation of verbal divorce within fifteen days. Such a move shows that the regime is willing to override religious resistance when it serves its own interests.

The Patriarchal Foundations of Authoritarian Rule

The regime thus converges or diverges with some conservative religious visions, based on whether or not the visions align with its own logic of patriarchal governance. Personal status laws in Egypt, and in the MENA region broadly, are not just grounded in Islamic jurisprudence, but are also deeply tied to the state's moral authority, religious legitimacy, and patriarchal social order. To reform the laws would be to question the logic that sustains not only legal patriarchy but also authoritarian governance itself. As Director of the Women and Memory Forum Hoda Elsadda notes, reforming personal status law requires problematizing the philosophy behind the laws.³³ The philosophy embedded in these laws is deeply rooted in unequal power relations and social hierarchies that reflect the broader structures of inequality in society. These unequal power relations mirror the power hierarchies upon which the regime bases its rules. Problematising them would thus entail questioning the very logic that perpetuates inequality, both in the legal system as well as within politics. Reforms in this area would require the state to challenge the embedded patriarchal assumptions that underpin its own legitimacy.

The regime, thus, does not base its legal reforms on what will least upset conservative religious actors, nor does it respond to feminist demands out of concern for gender justice. Instead, it chooses when and how to reform, or not reform, based on what reinforces its own administrative control, legal authority, and public image. For example, while it upholds male guardianship, a core pillar of patriarchal power shared with religious institutions, it keeps attempting to intervene on verbal divorce—not to expand women’s rights, but rather to formalize and bureaucratize family regulation under state authority. The regime repackages patriarchal control in more regulated terms, reforming only where it strengthens its own governing imperative.

The Egyptian regime chooses when and how to reform, or not reform, based on what reinforces its own administrative control, legal authority, and public image.

Iraq Case Study: Structural Constraint and Strategic Backsliding

Much like in Egypt, strategic governance drives Iraq’s state approach to personal status laws. In addition to maintaining the patriarchal dominance in politics, Iraq’s Shia political system leverages family laws to govern and promote sectarianism. The recent hasty vote and rapid passage of the Ja’fari Code—and, prior, the absence of a publicly available draft outlining the law—reflect a calculated power move by Shia political parties as the country approaches its first parliamentary elections this November. While the law’s enactment risks deepening sectarian divisions within Iraq’s social fabric, the attempt by pro-Ja’fari politicians (those who subscribe to the Shia School of Islamic Jurisprudence) to push it forward is not surprising. The Iraqi constitution explicitly states that “Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law” (Iraqi Constitution 2005).³⁴ Drafted in the aftermath of the 2003 U.S. invasion and Iraqi president Saddam Hussein’s fall, the constitution granted each sect the authority to manage personal and family matters within its own legal framework, no longer bound by the unified code of Personal Status Law (PSL) 188, which previously governed all such cases through the courts. At the heart of the controversy are the issues of custody and divorce, which represent the most debated and frequent court cases. During the late Baathist era, revisions to PSL 188 awarded mothers custody of their children until the age of fifteen, without enforcing visitation rights for fathers.³⁵ This remains a contentious point in the broader debate over sectarian influence and legal autonomy and was the driving factor for drafting this law.

The Legal Terrain of Personal Status Law in Iraq

Prior to 1959, Iraq had no unified civil law to govern personal status for its citizens. In the second half of the 1940s and the beginning of the 1950s, some efforts were made to draft a law to address personal status but none succeeded. Women were not represented in the legislative process at the time, and little attention was given to improving laws regarding women and family matters.³⁶ The central issues prior to 1959 were, and continue to be, child marriage, polygamy, divorce, and custody. Religious leaders from Sunni and Shia origins objected to codifying provisions of Islamic sharia by accepting any draft of proposed reforms. Religious leaders wanted the field of personal status to remain in their hands without the intervention of judicial procedures. That remained the case until the passing of PSL 188 in 1959.

In 1958, a military coup d'état was organized to topple the British-installed monarchy in Iraq.³⁷ A year later, the new republic, with Abd al-Karim Qasim as prime minister, passed PSL 188 to unify all family laws for Muslims under one court system. Organized groups of the Iraqi women's movement pushed for the shaping of the law to advance women's legal rights in society. The law included progressive language and provisions that were drafted by specialists, jurists, and the first woman cabinet member in the Arab world, Naziha al-Dilaymi, who was also the head of the League for the Defense of Women's Rights.³⁸ The league reviewed and submitted the draft to the government, which was approved. The new code set the marriage age at eighteen, prohibited unilateral men's divorce, restricted polygamy to complex judicial permission, gave women the upper hand in guardianship, and set equal standards for women on inheritance.³⁹ The new code was highly contested by prominent Shia and Sunni religious leaders for undermining Islamic jurisprudence with its secular ideals. The major opposition was made up of prominent Shia religious leaders in Najaf who were vocal about their discontent with the law. In fact, one of the first prominent figures to oppose the changes was leading Marja Muhsin al-Hakim, who refused to amend his ties with Abd al-Kareem Qasim due to the changes in the personal status law and considered them a great insult to Najaf.⁴⁰

A second successful coup occurred in 1963, this time to overthrow Abd al-Karim Qasim at the hands of the Baathist group.⁴¹ The new constitution was written in 1970 after the Baathist regime took hold of the government. The constitution stated that all citizens were equal before the law regardless of religion, ethnicity, or gender. Some minor alterations were made to the 1959 law of personal status to reintroduce some religious provisions so as not to alienate religious conservatives, despite the party's secular commitments. The amendments (1) loosened restrictions on polygamy, (2) made provisions applicable to inheritance consistent with sharia, (3) increased authority for male guardianship on marriage matters, and (4) set the custody age for women at age fifteen.⁴² The provisions undermined the stance of PSL 188 and created a vacuum of disagreement among different sects in parliament and a desire to change more of the law.

Following the U.S. invasion, the country witnessed steep increases in the number of new women's rights organizations and number of members. Women mobilized politically for their legal rights and demanded participation in the political process. There was major opposition to the proposal of the Interim Governing Council (IGC)—the temporary Shia majority government appointed by the U.S. de facto head of state, Paul Bremer—to replace PSL 188 with a more conservative law (Decree 137).⁴³ The decree was later overturned but eventually found its way back to the current constitution in the form of Article 41, which has legally undermined PSL 188 as it provides religious authority over personal status. The IGC had strong patriarchal slants and often grossly underrepresented women in its ranks. In the second half of the IGC's tenure, twenty-five seat quotas were given to women in parliament, which is significantly fewer than the forty seats women advocated for in the beginning.⁴⁴

PSL 188's existence was also undermined by the flawed amendments proposed in the late 1970s and the establishment of the new constitution. Conservative members in parliament also fought for the establishment of a code that adhered to Shia interpretations as an option for the Shia majority individuals in the country since they saw underrepresentation of the sharia in PSL 188. This option would encompass all the laws of sharia that are applied to Shia Muslims and would be administered by the clergy and religious leaders. The law, called the Ja'fari Personal Status Code, was first approved by the cabinet in 2014, but it was not enacted due to increased conflict with the self-proclaimed Islamic State.

Ja'fari Code 2025

After a twenty-year debate and multiple attempts to amend PSL 188, the first meeting to amend the law was held on August 4, 2024. The new Ja'fari Code was then passed in January 2025 after a controversial floor vote in parliament.⁴⁵ Strategically, parliament voted on three major laws of interest together for Sunni and Shia members: the General Amnesty Bill, the Personal Status Law Amendment (to be named the Ja'fari Code), and a decree to dissolve all decisions of the previous (Baathist) Iraqi Revolutionary Command Council. Due to the chaos and confusion during voting, it was unclear which one of the stated decisions received the majority of the votes and which received the minority.⁴⁶ Stripped of all transparency and due process, the amendment was passed with many remaining uncertainties regarding the legal framework that would take shape and the implications for the Iraqi public—especially since all protests against the unprecedented stacking of laws were dismissed by the supreme court.⁴⁷

The Ja'fari Code grants Islamic courts and clerics expanded authority over family matters.⁴⁸ Though its application is technically optional, the law's passage signals a shift toward sect-specific legal frameworks, suggesting that establishing separate personal status laws may be seen as the only viable method to appease Iraq's deeply divided sectarian groups.

However, this move risks exacerbating sectarian tensions in an already fragile social and political landscape, particularly in cases of inter-sect marriages, which raise complex legal and societal questions.

The idea of separate family laws gained traction after it became apparent that the most contentious issues driving people to court were divorce and child custody. In Iraq, marriage and other personal matters are often handled privately, with limited state intervention. While marriages are legally required to be registered with a judge, many go unregistered. Even when registration does occur, courts typically do not interfere with the marriage terms as long as the woman consents and her guardian approves. Sometimes, the courts even disregard the age of the female.⁴⁹

The issues of divorce and custody, however, fall into a murkier and more arbitrary legal space. Under the current law, custody is granted to the mother until the child reaches age ten, with no mandated visitation rights for the father. Even when the court grants visitation, a mother can refuse the father's access up to seven times before the case is returned to court—a process that can drag on due to the lack of an efficient, structured system. Attempts to amend PSL 188 in these areas have repeatedly failed, paving the way for Shia political factions to advance the Ja'fari code instead—an outcome that might have been avoided through a more inclusive legal reform process. Under the new code, custody shifts to the father from age seven to fifteen, after which the child is allowed to choose which parent to live with.⁵⁰ Shia clerics have also dismissed the need for child support and have historically given women custody only until the age of two.⁵¹

The Ja'fari bill also outlines divorce procedures based on Shia jurisprudence, granting unilateral authority to the husband. The law excludes both the woman and the judge from the decisionmaking process, making divorce far more difficult for women. In cases of abuse or mistreatment, if a woman cannot present hard evidence, obtaining a divorce becomes nearly impossible—and even with substantial proof, the process remains heavily biased.

One of the most controversial elements of the code was the legalization of child marriage, which drew strong condemnation from international human rights organizations and women's advocacy groups within Iraq. Due to widespread backlash, the clause on child marriage was eventually removed in order to formalize the new personal status codes.⁵²

While the Ja'fari Code may address certain custody-related concerns and appease the Shia majority, it also risks deepening sectarian divides by diverging from the foundational legal framework that families of all sects rely on to secure their rights and by significantly undermining women's rights and agency in family matters. The law has also opened doors for the Christian population to debate the idea of putting forward their own draft personal status law specific to Christians, a move that could further entrench religious divisions.⁵³

Managing Sectarianism by Ceding Control

Iraq has endured decades of conflict, spanning from the fall of the monarchy in 1958, the Baathist coup and consolidation of power in 1968, the U.S. invasion in 2003, tensions surrounding the 2005 constitution and elections, to the war against the Islamic State. Combined, the conflicts created and exacerbated the sectarian divide in the country. The U.S. invasion was followed by a bloody sectarian conflict between the Shia and Sunni populations of Iraq, al-Qaeda, and the occupying forces, which led to the deaths of thousands of Iraqis and the erosion of political stability for the foreseeable future. Baghdad's neighborhoods experienced strict sectarian redlining due to the ensuing violence that limited mobility and increased societal paranoia. Cross-sectarian interactions grew distant and more volatile during the Islamic State's control and violent offensives in the country. After a relatively stable period, following the U.S. invasion and the Islamic State conflict, sectarianism has declined and tolerance in society has grown. Unfortunately, backsliding periodically occurs as a result of strategic legal and political actions that exacerbate sectarianism. While legal reforms concerning family matters are essential in a country divided by sectarian lines, most changes proposed in opposition to PSL 188 have had adverse effects on existing sectarian tension, women's rights, and the family dynamics of the country.

Sectarian Control During the Baathist Era

Women and family laws have remained contested issues in the post-Baathist period, though the authoritarian approaches to laws affecting women's rights have changed. During the first half of their rule, the Baathists implemented a system of progressive feminist policies. Illustrating how authoritarian regimes often liberalize certain agendas to promote the illusion of democratic ideals, both the Baathist regimes and those regimes that followed adopted this tactic.⁵⁴ With its inherently sectarian control that disenfranchised Shia Muslims in the country, the Baathists oscillated between modernization and conservatism to avoid widespread opposition. Such a strategy was also used regarding gender. Norms on women's rights in the legal and political sphere shifted depending on political needs. In the first half of the Baathist regime, women saw a significant application of universal women's rights in all sectors, which was particularly unfavorable for the Shia conservative community.⁵⁵ The improvement of women's rights did not always apply to Shia women due to the inherent discriminatory policies and actions of the Baathist party. This behavior furthered sectarian tension and societal instability among communities. Seeking to consolidate support among tribal and conservative constituencies both prior to the U.S. invasion and in the post-Gulf War period, the Baathist regime then rescinded much of its earlier reform agenda.

Human Rights Watch points out that women and girls in Iraq were "disproportionately affected" by the UN economic sanctions that contributed to a lack of food, healthcare, and education.

After the Gulf War, the harsh sanctions, and Hussein's improved relationship with tribal and religious leaders, restrictions on women's freedom increased.⁵⁶ Human Rights Watch points out that women and girls in Iraq were "disproportionately affected" by the UN economic sanctions that contributed to a lack of food, healthcare, and education.⁵⁷ Literacy rates for women fell from 75 percent in 1987 to 25 percent in 2000.⁵⁸ The declining state of the economy and a weakened state, with dependence on patriarchal elites, led to the greater marginalization of women.

Sectarian Manipulation During the U.S. Invasion

However, autocratic regimes are not alone in such manipulation. Contrary to President George W. Bush's claims of liberation, the 2003 invasion has had long-lasting negative consequences for Iraqi women. The U.S.-led Coalition Provisional Authority aligned itself with majority Shia political groups that held deeply conservative views on women's roles in society, thereby hindering the implementation of reforms aimed at advancing women's rights.⁵⁹ This alignment had a significant impact on women's legal status, including repeated attempts to replace the progressive Personal Status Law No. 188 with more conservative legislation such as the Ja'fari Code. The United States' intention for de-Baathification caused the collapse of Sunni representation in the government and placed a majority of Shia political parties in power. While this was done to reduce the marginalization of Shias in political representation, it created a vacuum of issues between the two sects, a major one being personal status laws.

Sectarian Fragmentation and Legal Backsliding

The Marjayya, a Shia religious establishment in Najaf, has been distancing itself from Shia political parties for many years now due to the parties' corruption, reputational damage, and flawed politics.⁶⁰ Because clerical authority relies on public support and PSL 188 has received much scrutiny and debate, Shia religious leaders have been extremely cautious in endorsing proposals to amend it. Nevertheless, the support from the Marjayya was the key to passing the Ja'fari Code.

And the legal backsliding this code represents in areas concerning women's rights underscores the growing influence of conservative forces in Iraq and reflects broader social and political divides that shape the lived experiences of Iraqi women. While this law might appease some of the more conservative Shia majority, it risks creating a vacuum of separatism on sect politics and furthers the vulnerability of women in conservative communities.

Comparing the Two Country Cases

Across both Egypt and Iraq, personal status laws reflect legal debates over women's rights, religious doctrine, or social values, as well as strategic choices about how to regulate moral authority, reproduce legitimacy, and maintain control. Despite major differences in regime type, legal structure, and institutional strength, both governments approach personal status law not as an instrument of liberalization or religious constraint, but as an instrument of governance and control.

In Egypt, the regime's stalling on family law reform is not a product of state incapacity or religious veto power. On the contrary, the state has demonstrated its ability to legislate quickly and assertively when reform aligns with its own interests, such as its reforms in political representation and public sexual violence. The regime's controversial 2021 cabinet proposal and the proposed 2025 draft by its appointed judicial committee show that the state seeks to stall reforms that challenge patriarchal structures and to respond to feminist demands only in ways that consolidate its administrative and legal authority. Proposed reforms around child custody, divorce documentation, or alimony enforcement may be framed as protective of women, but in practice, they enhance the state's surveillance and regulatory power over the family.

Still, Egypt's legal landscape and gender politics are complex, representing more than simple top-down repression. The regime must navigate multiple, often conflicting imperatives. Even as sectarianism is not a factor, the regime must preserve its central authority while managing competing sources of religious legitimacy, projecting an image of international modernity, and containing feminist mobilization. These pressures are not simply external constraints; they shape how the regime selectively engages with reform, allowing certain pressures to be accommodated while deflecting or suppressing others that threaten its core logic of patriarchal control. The result is a gender governance model that uses the language of reform while evading its substance. Its proposed reforms carefully preserve male guardianship and gender hierarchies that mirror its own authoritarian order. The state is thus responsive in the area of family law within the limits of its own authoritarian logic.

In Iraq, the dynamics are shaped less by centralization and more by fragmentation. The 2025 passage of the Ja'fari Code reflects a different strategy, where the regime delegated legal authority to sect-based actors. Shia political elites pushed forward a long-standing proposal rooted in Ja'fari jurisprudence in an effort to appease conservative constituencies ahead of elections and as a political concession to the Marjayya, who are able to provide Shia politicians with the legitimacy they need from the country's majority. This approach does not merely defer to religious actors; it empowers them as co-governors of the legal

Both governments approach personal status law not as an instrument of liberalization or religious constraint, but as an instrument of governance and control.

Both regimes selectively advance or obstruct reform to reinforce existing hierarchies, maintain moral authority, and regulate dissent.

order. It entrenches a fragmented system in which women's rights are shaped by sectarian affiliation, and it takes away the legal mandate to live equally under one law.

The Iraqi regime's delegation strategy, while distinct from Egypt's model, also reflects control logic. It allows the Iraqi state to offload contentious governance tasks, such as regulating family life and adjudicating moral disputes, onto clerical authorities, thereby avoiding direct accountability. The cost, however, is high; such delegation deepens legal pluralism,

erodes universal rights protections, and exacerbates the vulnerabilities of women in cross-sect and/or minority-sect marriages. The Ja'fari Code reflects religious conservatism as well as the political calculus behind legal fragmentation and the pursuit of electoral gains in a post-conflict state striving to maintain sectarian balance. While the country has long sought a personal status law that could appease all sects, the creation of separate laws will only exacerbate societal divisions rather than provide a feasible and equitable solution.

The Egyptian and Iraqi cases show that the absence or reversal of family law reform is not a failure of governance but is in fact a controlled expression. Both regimes selectively advance or obstruct reform to reinforce existing hierarchies, maintain moral authority, and regulate dissent. While Egypt centralizes and bureaucratizes patriarchy, Iraq diffuses it through sectarian delegation. In each case, the result is a legal system that preserves gender inequality. The contrast between Egypt's executive-led stalling and Iraq's legislative-led backsliding also underscores how different institutional pathways can produce parallel outcomes of entrenched inequality. In Egypt, reform is initiated and tightly managed by the executive. This approach allows the regime to centralize authority, choreograph responsiveness, and bureaucratize patriarchal control without ceding real power. In Iraq, reform emerges from parliament but is driven by sectarian bargaining. This approach results in the delegation of authority to religious actors and the fragmentation of legal protections. Yet despite the differences in Egypt's and Iraq's approaches, both models reveal how the locus of lawmaking shapes the form of personal status law as a tool of authoritarian governance.

Why Personal Status Law Reform Matters

The cases of Egypt and Iraq reflect a broader trend in the MENA region, where regimes use gender policy not to advance rights but instead to regulate dissent, manage sectarianism, and consolidate authoritarian control. This matters because family law is not just about family; it is also about the distribution of legal authority, access to justice, and the boundaries of state power. The absence of meaningful reform in the case of Egypt and the explicit backsliding in the case of Iraq leave women and children especially vulnerable in legal systems that neither protect their rights nor offer consistent recourse.

In the Middle East today, where feminist mobilization has intensified and legal pluralism continues to expand, personal status law remains a high-stakes arena for authoritarian governance. MENA regimes are invested in using reforms strategically. In Egypt and Iraq, family law is driven by both legal and political aims. And these aims will continue to shape the lives of millions, determining whether rights are protected through law or eroded by it.

While the question of what a just, equitable, and representative personal status law looks like remains, the answer lies within the fabric of each nation-state, its history, and its women's movements. In a conflict-ridden country such as Iraq, reform is expected to come slower as the country weaves itself back together into a state of stability. While acknowledging the constraints, however, reform advocates must continue to criticize any backsliding in laws that affect the daily lives of the population. Reforming personal status law is not only a legal necessity; it is also an obligation and a moral imperative that showcases the state's commitment to its people.

About the Authors

Nermin Allam is a nonresident fellow in the Middle East Program at the Carnegie Endowment for International Peace. She is an associate professor of political science and director of Women's and Gender Studies Program at Rutgers University-Newark.

Baneen Al Qaraghui was a James C. Gaither Junior Fellow in the Middle East Program. She is currently a MAIR candidate and a public service fellow at the Johns Hopkins School of Advanced International Relations.

Acknowledgments

We are deeply grateful to our colleague, Dr. Marsin Alshamary, assistant professor at Boston College for providing her insightful feedback on an earlier version of the article. Thanks are also due to Alana Brase for her careful editorial work.

Notes

- 1 Dima Dabbous, “Legal Amendments in Iraq Threaten the Rights of Women and Girls,” Equality Now, February 2025, <https://equalitynow.org/news/news-and-insights/legal-amendments-in-iraq-threaten-the-rights-of-women-and-girls/>.
- 2 Rend Al-Rahim, “Amendment to Personal Status Law: A Blow to Iraqi Women & Society,” Wilson Center, August 22, 2024, <https://www.wilsoncenter.org/blog-post/amendment-personal-status-law-blow-iraqi-women-society>.
- 3 “Musawah Statement on Iraqi Parliament’s Amendments to Personal Status Law,” Musawah, September 18, 2024, <https://www.musawah.org/press/musawah-statement-on-iraqi-parliaments-amendments-to-personal-status-law/>.
- 4 “وزارة العدل - جمهورية العراق.” Iraq’s Ministry of Justice, October 6, 2025, <https://moj.gov.iq/view.9777/>.
- 5 Personal Status Draft Law submitted by the Cabinet
مشروع قانون الأحوال الشخصية المقدم من الحكومة - فبراير 2021, منشورات قانونية, February 2021, <https://manshurat.org/node/74781>.
- 6 Personal Status Draft Law, February 2021.
- 7 “Guardianship Is My Right,” Women and Memory Forum, March 2021, <https://wmf.org.eg/en/projects/guardianship-is-my-right/>.
- 8 ”قانون الأحوال الشخصية.. لأول مرة الأب بالمركز الثاني بعد الأم لحضانة الأطفال“ Youm7, January 1, 2025, <https://www.youm7.com/story/2025/1/1/%D9%82%D8%A7%D9%86%D9%88%D9%86%D8%A7%D9%84%D8%A3%D8%AD%D9%88%D8%A7%D9%84%D8%A7%D9%84%D8%AE%D8%B5%D9%8A%D8%A9%D9%84%D8%A3%D9%88%D9%84%D9%85%D8%B1%D8%A9%D8%A7%D9%84%D8%A3%D8%A8%D8%A8%D8%A7%D9%84%D9%85%D8%B1%D9%83%D8%B2%D8%A7%D9%84%D8%AB%D8%A7%D9%86%D9%89%D8%A8%D8%B9%D8%AF%D8%A7%D9%84%D8%A3%D9%85/6831349>.
- 9 Mala Htun and S. Laurel Weldon, “Religious Power, the State, Women’s Rights, and Family Law,” *Politics & Gender* 11, no. 3 (2015): 451–77, <https://doi.org/10.1017/S1743923X15000239>.
- 10 Marwa Shalaby, “Electoral Manipulation and Women’s Rights in Autocracies,” *APSA MENA Politics Newsletter* 7, no. 2 (2024): 41–42; Alexandra Domike Blackman, “Democratic Backsliding in Tunisia,” *APSA MENA Politics Newsletter* 7, no. 2 (2024): 38–40.

11 Aili Mari Tripp, *Seeking Legitimacy: Why Arab Autocracies Adopt Women's Rights* (Cambridge University Press, 2019).

12 Madawi Al-Rasheed, *The Son King: Reform and Repression in Saudi Arabia* (Oxford University Press, 2021); Mona Tajali, *Women's Political Representation in Iran and Turkey: Demanding a Seat at the Table* (Edinburgh University Press, 2022); Yeşim Arat, "Democratic Backsliding and the Instrumentalization of Women's Rights in Turkey," *Politics & Gender* 18, no. 4 (2022): 911–41, <https://doi.org/10.1017/S1743923X21000192>; Summer Forester, "Anti-Democratic Maneuvers and State Feminism in Jordan: Lessons for Research in an Autocratic Context," *French Politics*, July 8, 2024, <https://doi.org/10.1057/s41253-024-00257-0>; Hind Ahmed Zaki, "Gendering the Study of State Authority in the MENA Region: The Case of Tunisia," *APSA MENA Politics Newsletter* 7, no. 2 (2024): 35–38, <https://zenodo.org/re-cords/13948036>; Yuree Noh, "The Role of Women's Rights in Authoritarian Entrenchment and Democratic Backsliding," *APSA MENA Politics Newsletter* 7, no. 2 (2024): 27–28, <https://zenodo.org/records/13947984>.

13 Sarah Sunn Bush, "International Politics and the Spread of Quotas for Women in Legislatures," *International Organization* 65, no. 1 (2011): 103–37, <https://doi.org/10.1017/S0020818310000287>.

14 Law No. 1 of 2000, "قانون تنظيم بعض أوضاع وإجراءات التقاضي في مسائل الأحوال الشخصية رقم 1 لسنة 2000،" منشورات قانونية, January 29, 2000, <https://manshurat.org/node/27318>.

15 Law No. 219 of 2017, "تعديل بعض أحكام قانون المواريث بالقانون 219 لسنة 2017،" منشورات قانونية, December 30, 2017, <https://manshurat.org/node/25230>.

16 Personal Status Draft Law, February 2021.

17 "Guardianship Is My Right," Women and Memory Forum, March 2021, <https://wmf.org.eg/en/projects/guardianship-is-my-right/>.

18 Mohamed El Sharif, "«القومي للمرأة» يعرض محددات ومتطلبات تعديلات قوانين الأحوال الشخصية" El Dostor, May 11, 2022, <https://www.dostor.org/4080527>; "NCW Release: Personal Status Laws," National Council for Women, 2022, https://ncw.gov.eg/images/PdfRelease/NCW%20Release%20_%20Personal%20Status%20-520221910103693.pdf.

19 "مشروع قانون الأحوال الشخصية لمؤسسة قضايا المرأة المصرية," Center for Egyptian Women's Legal Assistance, https://drive.google.com/file/d/16Ne4PgfZcAvfcmQosKyWoc4tecsUHk81/view?usp=embed_facebook.

20 "مشروع مقترن لقانون الأحوال الشخصية «قانون أسرة أكثر عدالة»," منشورات قانونية, 2017, Center for Egyptian Women's Legal Assistance, <https://manshurat.org/node/65464>.

21 "Egypt Forms Judicial Committee to Redraft Controversial Personal Status Law," *The National*, June 6, 2022, <https://www.thenationalnews.com/mena/egypt/2022/06/06/egypt-forms-judicial-committee-to-redraft-controversial-personal-status-law/>.

22 "قانون الأحوال الشخصية.. لأول مرة الأب بالمركز الثاني بعد الأم لحضانة الأطفال," Youm7, January 1, 2025, <https://www.youm7.com/story/2025/1/1/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%A3%D8%AD%D9%88%D8%A7%D9%84-%D8%A7%D9%84-%D8%84%D9%85%D8%B1%D8%A9-%D8%A7%D9%84%D8%A3%D8%A8-%D8%A8%D8%A7%D9%84%D9%85%D8%B1%D9%83%D8%B2-%D8%A7%D9%84%D8%AB%D8%A7%D9%86%D9%89-%D8%A8%D8%B9%D8%AF-%D8%A7%D9%84%D8%A3%D9%85/6831349>.

23 Author interview of a founder and director of a feminist organization working in the area of child marriage, April 2025.

24 For a discussion on the relationship between Al-Azhar and the Egyptian state, see Nathan J. Brown and Mariam Ghanem, "The Battle Over Al-Azhar," *Diwan* (blog), Carnegie Endowment for International Peace, May 31, 2017, <https://carnegieendowment.org/middle-east/diwan/2017/05/the-battle-over-al-azhar?lang=en>.

25 Inter-Parliamentary Union, "Egypt Senate August - September 2020 | Election Results | Egypt," IPU Parline: Global Data on National Parliaments, 2020, <https://data.ipu.org/parliament/EG/EG-UC01/election/EG-UC01-E20200811>.

26 "Egyptian Women Fact Sheet 2014 – 2024," National Council for Women, 2024, 45, <https://ncw.gov.eg/Pdf/905/Egyptian-Women-Fact-Sheet>.

27 International Labour Organization. 2025. "Women and Men in the Informal Economy: A Statistical Profile – Egypt," <https://www.ilo.org/sites/default/files/2025-04/Informality%20EN.pdf>.

28 *Sawt Al-Azhar*, 1040th ed., October 30, 2019, 1040th ed., <https://www.azhar.eg/sawtalazhar/flipbook?id=2019/1040&pages=10>.

29 Author interview of a feminist legal expert, September 2024. Quote originally in Arabic; translated to English by the author.

30 Radwa Elsayed Hani, "Explainer: Key Facts about Egypt 1st Personal Status Draft Law for Christians," *Ahram Online*, December 17, 2024, <https://english.ahram.org.eg/NewsContent/1/2/537005/Egypt/Society/Explainer-Key-facts-about-Egypt-st-personal-status.aspx>.

31 Author interview with a legal expert in the women's rights and gender program at the Egyptian Initiative for Personal Rights, September 2024. Quote originally in Arabic; translated to English by the author.

32 Mai Shams El-Din, "Tensions Arise between Al-Azhar and Presidency over Verbal Divorce Debate," *Mada Masr*, February 7, 2017, <https://www.madamasr.com/en/2017/02/07/feature/politics/tensions-arise-between-al-azhar-and-presidency-over-verbal-divorce-debate/>.

33 Hoda Elsadda, co-founder of the Women and Memory Forum, author's interview, September 2024. Quote originally in Arabic; translated to English by the author.

34 Iraqi Constitution, art. 41 (2005).

35 Kenneth M. Cuno and Manisha Desai, *Family, Gender, and Law in a Globalizing Middle East and South Asia* (Syracuse University Press, 2009).

36 J. N. D. Anderson, "Changes in the Law of Personal Status in Iraq," *International and Comparative Law Quarterly* 12, no. 3 (1963), <https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/article/abs/changes-in-the-law-of-personal-status-in-iraq/CC356775251364944F72330AB08CE086>.

37 "The Iraqi Revolution — of 1958," Association for Diplomatic Studies & Training, n.d., <https://adst.org/2014/07/the-iraqi-revolution-of-1958/>.

38 Salma Ali, "Dr. Naziha Al-Dulaimi: Pioneer of Women's Movement in Iraq," *Liberation*, July 5, 2023, <https://liberationorg.co.uk/liberation-hero/dr-naziha-al-dulaimi-pioneer-of-womens-movement-in-iraq/>.

39 Unofficial translation of Iraq's Personal Status Law of 1959 and its amendments, published by the Iraqi official gazette *Alwaqai Aliraqiya* on December 30, 1959, <https://www.refworld.org/legal/legislation/natlegbod/1959/en/122534>.

40 Fouad Jabir Kadhem, "The Sacred and the Secular: The 'Ulama of Najaf in Iraqi Politics between 1950 and 1980," (thesis, University of Exeter, 2012), <https://files.core.ac.uk/download/pdf/17050011.pdf>.

41 "The First Ba'athist Coup," Kurdistan Memory Programme, n.d., <https://kurdistanmemoryprogramme.com/the-first-baathist-coup>.

42 Unofficial translation of Iraq's Personal Status Law of 1959 and its amendments.

43 Faraz Firozui Mandomi, Dahir Majeed Qader, and Ayad Yasin Husein Kokha, "Iraq's Lost Century," Decree 137, Verfassungsblog, ahead of print, September 26, 2024, <https://doi.org/10.59704/60792efdb72e22c>.

44 Yasmin Chilmeran. "A Twenty Year Retrospective on the Iraqi Women's Movement," 1001 Iraqi Thoughts, April 23, 2023, <https://1001iraqithoughts.com/2023/04/23/a-twenty-year-retrospective-on-the-iraqi-womens-movement/>.

45 Associated Press, "Iraq Passes Laws That Critics Say Will Allow Child Marriage," *The Guardian*, January 21, 2025, <https://www.theguardian.com/society/2025/jan/21/iraq-passes-laws-that-critics-say-will-allow-child-marriage>.

46 Iraqi Parliament, “التصويب على قانون الاحوال الشخصية”，YouTube, January 2025, <https://www.youtube.com/watch?v=0xZFQpQfDaA>

47 Sinan Mahmoud, “Iraq’s Personal Status Law Amendments to Be Enacted after Supreme Court Dismisses Lawsuit,” *The National*, February 2025, <https://www.thenationalnews.com/news/mena/2025/02/11/iraqs-personal-status-law-amendments-to-be-enacted-after-supreme-court-dismisses-lawsuit>.

48 For discussions on the parameters of the law, see Marsin Alshamary, “Navigating Controversy: The Debate Over Iraq’s Personal Status Law,” 1001 Iraqi Thoughts, August 19, 2024, <https://1001iraqithoughts.com/2024/08/19/navigating-controversy-the-debate-over-iraqs-personal-status-law/>.

49 ”زواج الفاصلات خارج المحاكم العراقية.. مخالفات قانونية تفرض حقوق النساء - شفق نيوز”，Shafaq News, March 2024, [https://shafaq.com/ar/%D9%85%D8%AC%D8%AA%D9%80%D9%85%D8%B9/%D8%B2%D9%88%D8%A7%D8%AC-%D8%A7%D9%84%D9%82%D8%A7%D8%B5%D8%B1%D8%A7%D8%AA-%D8%AE%D8%A7%D8%B1%D8%AC-%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%83%D9%85-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82%D9%8A%D8%A9-%D9%85%D8%AE%D8%A7%D9%84%D9%81%D8%A7%D8%AA-%D9%82%D8%A7%D9%86%D9%88%D9%86%D9%8A%D8%A9-%D8%AA%D9%82%D9%88%D9%82-%D8%A7%D9%84%D9%86%D8%B3%D8%A7](https://shafaq.com/ar/%D9%85%D8%AC%D8%AA%D9%80%D9%85%D8%B9/%D8%B2%D9%88%D8%A7%D8%AC-%D8%A7%D9%84%D9%82%D8%A7%D8%B5%D8%B1%D8%A7%D8%AA-%D8%AE%D8%A7%D8%B1%D8%AC-%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%83%D9%85-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82%D9%8A%D8%A9-%D9%85%D8%AE%D8%A7%D9%84%D9%81%D8%A7%D8%AA-%D9%82%D8%A7%D9%86%D9%88%D9%86%D9%8A%D8%A9-%D8%AA%D9%82%D9%88%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D9%86%D8%B3%D8%A7).

50 “Iraq to Mull Shared Child Custody in Personal Status Law Amendment,” Shafaq News, July 2024, <https://shafaq.com/en/Iraq/Iraq-to-mull-shared-child-custody-in-personal-status-law-amendment>.

51 Ali Sistani, ”الحضانة - الاستفقاءات - موقع مكتب سماحة المرجع الديني الأعلى السيد علي الحسيني السistani (دام ظله)”，<https://www.sistani.org/arabic/qa/0450/>.

52 “Iraq: Personal Status Law Amendment Sets Back Women’s Rights,” Human Rights Watch, March 10, 2025, <https://www.hrw.org/news/2025/03/10/iraq-personal-status-law-amendment-sets-back-womens-rights>.

53 Georgena Habbaba, “Proposed Amendments to Iraqi Law Undermine Women’s Dignity,” Catholic News Agency, November 2024, <https://www.catholicnewsagency.com/news/260705/amendments-to-the-personal-status-law-in-iraq-undermines-women-s-dignity-says-human-rights-expert>.

54 Carsten Q. Schneider and Philippe C. Schmitter, “Liberalization, Transition and Consolidation: Measuring the Components of Democratization,” *Democratization* 11, no. 5 (2004): 1–32, <http://www.energy.ceu.edu/sites/default/files/publications/schneider-schmitter-04.pdf>.

55 Zahra Ali, *Women and Gender in Iraq: Between Nation-Building and Fragmentation* (Cambridge University Press, 2018).

56 Amatzia Baram, “The Iraqi Tribes and the Post-Saddam System,” Brookings, July 2003. <https://www.brookings.edu/articles/the-iraqi-tribes-and-the-post-saddam-system>.

57 “World Report 2013: Iraq,” Human Rights Watch, 2013, <https://www.hrw.org/world-report/2013/country-chapters/iraq>.

58 “Backgrounder on Women’s Status in Iraq Prior to the Fall of the Saddam Hussein Government,” Human Rights Watch, n.d., <https://www.hrw.org/legacy/backgrounder/wrd/iraq-women.pdf>.

59 Zahra Ali, “The Fragmentation of Gender in Post-Invasion Iraq,” in *The Oxford Handbook of Contemporary Middle Eastern and North African History*, eds. Amal Ghazal and Jens Hanssen (Oxford University Press, 2020), 427–43.

60 Alshamary, “Navigating Controversy.”

Carnegie Endowment for International Peace

In a complex, changing, and increasingly contested world, the Carnegie Endowment generates strategic ideas, supports diplomacy, and trains the next generation of international scholar-practitioners to help countries and institutions take on the most difficult global problems and advance peace. With a global network of more than 170 scholars across twenty countries, Carnegie is renowned for its independent analysis of major global problems and understanding of regional contexts.

Middle East Program

The Middle East Program in Washington combines in-depth regional knowledge with incisive comparative analysis to provide deeply informed recommendations. With expertise in the Gulf, North Africa, Iran, and Israel/Palestine, we examine crosscutting themes of political, economic, and social change in both English and Arabic.



CARNEGIE
ENDOWMENT FOR
INTERNATIONAL PEACE

CarnegieEndowment.org