

Democratic Governance and Women's Rights in the Middle East and North Africa (MENA)

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Executive Summary

Democracy, governance and women's rights are intimately intertwined. A democracy must ensure that 50% of its population - that is, its women - are treated fairly and accorded rights and protections. These rights and protections cannot be guaranteed unless the government possesses the necessary capacity and legitimacy to implement the rule of law fairly, efficiently and equitably. Hence, effective democracy and governance are essential for women's rights. Four mechanisms linking the importance of democratic institutions and good governance to the status of women emerge in the literature on women's rights. These mechanisms are related to the political culture of a nation, the political opportunity structure linked to democratic forms of governance, the domain of political rights, and the effective implementation of the rule of law to ensure the representation of women and their interests in a given polity.

Democracy and good governance are beneficial to women in several ways. Democracies by default secure the interests of the entire population, including women, and they are more likely to underscore legal equality across gender groups. Further, democracies are able to secure the public and political spheres as sites for female contestation and advancement.¹ Yet, democracies and good governance should not be conflated. Democracies alone however, are not sufficient to secure the interests of women. Democracies have to be able to govern competently and enforce the rule of law. That is, legal jurisprudence guaranteeing women's rights in these democracies must not only exist, but it must also be enforced. Countries like India, and several in the former Soviet Union which are successful democracies, may not be able to guarantee women's rights because of ineffective legal institutions and cultural norms that render women second class citizens. Hence, good governance is crucial for women's rights.

Democracies are also important for women because such political systems encourage forms of tolerance, acceptance and norms that are useful to women's rights in general.² Democracies reinforce granting rights to all citizens regardless of gender, race, family, tribe, and so on. Thus, democracies help reinforce values most important for the full incorporation of women as citizens of the state.

Further, with democracy comes expanded political spaces that enable women to make the necessary demands on the state. Where women can mobilize, they can more effectively launch the concerns of women.³ The lack of such spaces has hurt women—or at least made them more vulnerable to patriarchal structures that claim to enhance their rights through pre-existing structures. Further, the state has guaranteed some rights to women so long as women reinforce

1 Idea's Focus on the Political Participation of Women. <http://archive.idea.int/women/parl/ch1a.htm>; The Arab Human Development Report: The Rise of Women in the Arab World. UNDP, 2005.

2 Ronal Inglehart and Pippa Norris. *Rising Tide*. Cambridge: Cambridge University Press, 2003. Steven Fish. "Islam and Authoritarianism," *World Politics*. 2002.

3Nadje al-Ali. "Gender and Civil Society in the Middle East," *International Feminist Journal of Politics*. Volume 5 number 2, 2003; Laurie Brand. *Women the State and Political Liberalization*. Cambridge: Cambridge University Press, 1998.; Valentine Moghadam. *Modernizing Women: Gender and Social Change in the Middle East*. Boulder: Lynne Rienner, 2003.

many of the authoritarian principles or the regime.⁴ Having said this, democracy should not be reified as a construct that is absolutely useful to women. Of course, women experience considerable levels of discrimination in the democratic world as well. Women of minority backgrounds and those who are poor, for example, experience marginalization in their everyday interactions with the state. Yet, the existence of democratic institutions allows for other groups to actively mobilize on behalf of such disenfranchised women. In the context of the Arab world, active political lobbying is more demanding due to the non-democratic nature of the state.

Thus improvements in democracy and good governance are necessary for the enhancement of women across the region, but the challenges to democracy remain multiple and interrelated. Political reforms will not move forward under conditions of domestic repression, heightened security, and international support of authoritarian regimes. Even regimes that have adopted cosmetic reforms to please outside interests have become more repressive in nature. The U.S., for example, does little to question regimes when they violate basic citizen liberties, especially if those liberties are confiscated in the name of the War on Terror. American involvement in the Middle East, the promotion of authoritarian regimes, the Occupation of Iraq, and the continued Israeli Occupation thus far promoted anger against the West and its democracy promotion initiatives, including its gender programs.

1. Obstacles to Democracy and Good Governance

The events of 9-11 have also played into the Arab authoritarian project. Arab regimes are firmly and publicly fighting the War on Terror with their allied counterparts in Europe and the U.S.⁵ This has meant increased interrogations in the Arab world and the outsourcing of such interrogations from the democratic West to these Arab states where such abuses are the norm and not the exception. Further, 9-11 has given Arab regimes that resist democratization more ammunition; these regimes use the Islamist threat as an excuse for their lack of democratization.⁶ Yet, Islamists galvanize support when US policies in the region are seen to be oppressive and inhumane. In 2006, Egypt renewed its Emergency Laws under the pretext of needing more time to issue anti-terrorism laws. What is implied is that it is better to have authoritarianism than Islamism. And although the vast majority of Muslims support neither fundamentalist aspirations nor Osama Bin Laden, citizens who vote Islamist are also considered culpable—witness Hamas' 2006 election win in Palestine. Hamas did not win on a platform promoting terrorism. In fact, it won for its willingness to fight internal corruption and the fact that a failed peace process foundered Fateh's credibility. Of those polled after the elections, over 70% of those who supported Hamas stated that they supported a two-state solution. Yet, support for Hamas has been translated by the international community as simultaneous support for terror. As a result, the U.S. and Europe have placed an excruciating economic boycott on a population already on

4 The Arab Human Development Report: The Rise of Women in the Arab World. UNDP, 2005.

Laurie Brand. *Women the State and Political Liberalization*. Cambridge: Cambridge University Press, 1998.

5 See Steve Heydemann "Upgrading Authoritarianism in the Arab World," Brookings Paper. 2007:

<http://www.brookings.edu/papers/2007/10arabworld.aspx>

6 Asseburg, Muriel and Daniel Brumberg (Eds.) "The Challenges of Islamists for EU and US Policies: Conflict, Stability, and Reform." Joint Publication of Stiftung Wissenschaft und Politik (SWP) and United States Institute of Peace (USIP), 2007; Barsalou, Judy. "Islamists at the Ballot Box: Findings from Egypt, Jordan, Kuwait, and Turkey." United States Institute for Peace Special Report No. 144, July 2005.

the verge of economic collapse. With unprecedented levels of poverty, unemployment, and humanitarian catastrophe, it is difficult for the Palestinians to think of effective democracy, or for that matter gender equality, when the future state has become a mirage. Democracy is not a priority.

Hence, democracy in the Arab World is not a straightforward project. Multiple influences shape its trajectory and suitability in the region. These range from domestic issues, like political culture, to the larger international issues like foreign occupation and involvement. Both sets of factors, the domestic and the international, have had a negative effect on the status of women in some countries in the region.⁷

Yet, in some other cases, we've witnessed significant gains for women. The reform of the Mudawana package in Morocco serves as one such case. Further, the Moroccan case demonstrates how international pressure, a committed monarch and continued pressure by the women's movements resulted in concessions from the regime in favor of women.

Before the passage of substantial reforms in Morocco's personal status laws in 2003, women's access to public life was guided by the notion of guardianship. Women needed the approval of their male legal guardians before they could legally work, travel or attend university. Further, the existing *moudawana* laws supported the institution of polygamy, and women had few rights to initiate divorce. The oral divorce (*talaq*) remained common and a major threat to women's advancements.⁸

This would change in 2003. Moroccan women were granted one of the most generous reform packages in the Arab world. Wives' duty to obey their husbands was abolished, and both spouses were made responsible for their households and families. Second, women no longer required the permission of a male legal guardian to marry, the minimum marriage age was raised to 18, and polygamy was substantially restricted. And third, divorce was made easier for women, while men could no longer divorce through the pronouncement of *talaq*. These gains for women have been extraordinarily valuable and seen as some of the most liberal reforms on women in the region. Certainly, today they serve as a model to be emulated elsewhere.

However, Morocco also serves as a clear example of a country that lacks the necessary levels of democracy, rule of law institutionalization, and human development to effectively implement the reforms successfully. For example, it is true that even with the *moudawana* women will have few legal channels to exercise their new rights, since the rule of law in Morocco is weak and the legal system is rather dysfunctional. Further, more than two thirds of Morocco's women are illiterate, knowledge of the *moudawana* changes is not widespread, and the excruciating poverty of Moroccan men and women may well limit the benefit from these new laws. Nonetheless, these

7 Amaney Jamal and Vickie Langohr. "Moving Beyond Democracy: What Causes Variation in the Level of Gender Equality Across Arab States." Working Paper. "The Arab Human Development Report: The Rise of Women in the Arab World. UNDP, 2005; Janine Clark and Jillian Schwedler. "Who Opened the Window? Women's Activism in Islamist Parties," Comparative Politics, April 2003.

8 James Sater. Changing Politics From Below? Women Parliamentarians in Morocco. Democratization. August, 2007.

reforms are considered major advances for women and in fact are some of the most progressive laws in the Arab world.

The reforms were possible because of three inter-related dynamics: women's civil society activism, international influence, and the commitment of the monarchy to institute the reform package. Moroccan women's movements have been demanding reforms since the early 1970's. Women's groups emerged in the 1970's and 80's to demand their rights and call for reform of the existing *moudawana* laws, culminating in the 1990s "million signatures" campaign against the *moudawana*. Some advances were made under King Hasan II, who in 1992 signed an earlier version of the 2003 reforms that improved women's status while still falling short of their expectations. The push for reforms continued, and in 1995, the King, singlehandedly, eliminated the requirement that women have their guardian's signature in order to obtain a passport. In 1999-2000, women again mobilized to demand additional reforms, and King Mohammad VI, who in fact supported the reforms, had to withdraw legal deliberation at the time due to popular opposition by Islamist groups.

As political liberalization in the kingdom allowed proponents of the women's reforms continued space to advance their agenda, so too did it allow for increasing Islamic activism against the reforms.⁹ The religious establishment, which had grown more active in political and social life during liberalization, openly campaigned against the proposed *moudawana* changes. The Moroccan League of Ulema, an official state body, declared that the plan would undermine Islamic jurisprudence, loosen morals in the kingdom, destroy the sanctity of marriage and make it more difficult for men to marry, a position supported by the Minister of Islamic Affairs. Both Islamist groups in Morocco, the PJD and the Justice and Charity movement, attacked the reform package as a "US-American imperialist conspiracy designed to destroy Islamic culture."¹⁰

Nevertheless, the King pressed on with the reforms. He had signaled his sympathy for improving women's position in a 1999 speech, when he asked "how can we expect to achieve progress and prosperity when women, which (sic) constitute half of society, have their interests taken away; when the rights with which our holy religion has endowed them, to make them equal to men, are being ignored?" On October 10, 2003, the king presented the Moroccan parliament with his plan to initiate the new modern family law, anchoring his rationale for the plan in an Islam "which advocated human dignity, equality and harmonious relations, as well as cohesiveness of the Malikite rite of *ijtihad*, thanks to which Islam is a suitable religion for all times and places." The king grounded his explanations in the teachings of Islam and interpretations of the *sharia*. Further, the king won support from the leadership of such Islamic groups like the PJD, despite the fact that they had rejected the reforms earlier on. Even Nadia Yassine, daughter of Sheikh Yassine (leader of the Justice and Charity movement), supported some of the initiatives of the reform package. She indicated her willingness to endorse the reforms when she claimed that the

9 Bruce Maddy-Weitzman. "Women, Islam, and the Moroccan State: The Struggle over the Personal Status Law," *The Middle East Journal*. Summer, 2005.

10 Martina Sabra. "Morocco's King Takes a Courageous Step." 2004.
http://www.qantara.de/webcom/show_article.php/_c-476/_nr-77/i.html

old *moudawana* was not sacred text and advocated its replacement with a more Islamically appropriate legal guide.¹¹

Thus, Morocco is an important case to analyze in terms of appreciating how democratic openings, along with international efforts to support such movements, resulted in the positive outcomes that we witness for women.

2. Connections between Gender Opinions, Gender Outcomes, and Democracy

Several strands in the political culture debate emphasize the importance of attitudes favorable towards women for democracy. Societies that have unfavorable opinions towards gender equality are also less tolerant in general. As such, the democratic political culture essential for the maintenance and functioning of democratic institutions is lacking in these societies. Ronald Inglehart and Pippa Norris, while arguing that these favorable attitudes towards women are necessary for a democratic political culture, also note that these value shifts are linked to economic development projects. As countries industrialize, they maintain, more women enter the workforce, become more educated, have smaller families and obtain the right to vote. Hence, industrialization and economic development—components of modernization—are pertinent vehicles that empower women and lead to value shifts important for women's equality. Not only does democracy figure largely in this analysis, but good governance should also not be underestimated. Effective governments, that is, are able to move their countries along solid economic trajectories. These economic trajectories will be a theme captured below.

The Arab world shares the lowest public opinion attitudes on gender equality than any other region in the world (see Table 1 below). Arab societies are more likely to believe that men make better political leaders; University education is better for a boy than for a girl; and when jobs are scarce, men should be entitled to the jobs that do exist. Not only are the attitudes most negative in the region, but they are directly linked to negative objective indicators on women. In the context of the Arab World, negative attitudes towards women are directly linked to gender objective indicators that disservice women. That is, countries in the Arab region with unfavorable attitudes towards gender equality are also the same countries that tend to perform more poorly on gender outcomes.

11 Bruce Maddy-Weitzman. "Women, Islam, and the Moroccan State: The Struggle over the Personal Status Law," *The Middle East Journal*. Summer, 2005.

**Table1 : Mean values from World Values Survey,¹² countries and regions
(lower score signifies poorer attitudes)**

Country	Men make better political leaders	University more important for a boy	Men have more rights to job
South/Southeast Asia	2.36	2.80	1.62
Central Asia	2.01	2.67	1.45
Arab World	1.82	2.77	1.27
Africa	2.30	3.07	1.71
Eastern Europe	2.25	2.94	1.75
Developed Countries	3.02	3.30	1.92

Examining gender outcomes that include women in parliament (2000), women in government (2000), the literacy gap, the economic activity ratio, life expectancy, and education ratio and controlling for 1990 logged GDP, percentage of population living in urban areas, income inequality, fuel exports as percentage of GDP, degree of democracy in neighborhood and a country's previous experience with democracy,¹³ we find that attitudes negatively structure women's advancements. Countries that score low on gender equality attitudes—those more likely to favor men over women—are also likely to have a lower number of women in parliament, a lower number of women in government, and lower levels of female literacy, economic activity, and education.¹⁴ Gender attitudes were a significant factor explaining all the objective gender indicators except for life expectancy. However, other variables also remained significant in the equations. The level of urbanization was significant in all but the education rate model. The Gini variable¹⁵ was significant in the economic activity model and literacy gap models, with more inequality disadvantaging women. Further, previous experience with democracy was significant in the education ratio, literacy gap, and life expectancy models. Those countries with a stronger democratic history scored better on these indicators. Yet, the evidence is compelling that attitudinal predispositions matter for the standing of women. Societies that have less favorable attitudes towards gender also have a worse record on women.

¹² World Values Survey, Fourth Wave.

¹³ According to Donno and Russett "a state's political neighborhood matters. In his discussion of conditions producing transitions to democracy, Huntington mentions "snowballing" or demonstration effects." Previous experience with democracy is also important. Donno and Russett say: "Theories of path dependence and consolidation of regimes are common. Again we cite Huntington, who proposes that "a longer and more recent experience with democracy is more conducive that is a shorter and more distant one." Page 586.

¹⁴ Please see Amaney Jamal and Vickie Langohr. "The Democratic Deficit and Gender Attitudes: Do Attitudes Towards Women's Role Actually Affect Women's Rights and Levels of Democracy?" Working Draft. 2007.

¹⁵ A measure of inequality within a country

3. Gender Advancements and Remaining Challenges

Women in the Arab world enjoy the smallest share of parliamentary seats worldwide. They occupy only 9.5% of all parliamentary seats in the region,¹⁶ as compared to 18.8% in sub-Saharan Africa and 18.5% in Asia. Women occupy 4 of 128 (3.1 %) seats in Lebanon, 7 of 110 (6.4%) seats of the lower house in Jordan, 8 of 454 (1.8%) seats of the lower house in Egypt, 30 of 389 (7.7%) seats of the lower house in Algeria, 34/325 (10.5%) in Morocco, and 31 of 250 (12.4%) in Syria.

Some Arab countries have tried to increase the representation of women in key positions. Recently, Arab countries like Morocco, Tunisia and Jordan have adopted quotas that guarantee the representation of women. These countries have reserved parliamentary seats specifically for women; Morocco has set aside 30 of a total 325 parliamentary seats; Jordan, 6 out of 110; and Tunisia, 38 of 152 seats. Algeria has party quotas for women. Morocco also adopted the Mudawanna reform package in 2004, one of the most pro-women sets of reforms in the Arab world. The number of female politicians elected at the communal level in Morocco's 2003 elections rose from 84 to 127, but that remained out of a total of 22,944 elected officials. Lebanon's women hold less than 1% of all seats at the municipal level. The King of Morocco appointed the first female Royal Counselor, Zoulikha Nasri, and in 2006 President Bashhar Al-Asad appointed Dr. Najah Al-Attar as a second vice president for cultural affairs. She is the first Arab female to hold that position. Egypt has instituted different forms of quotas, but none are currently in effect. At the ministerial levels, Arab states employ a larger concentration of women in key public offices.¹⁷ In fact, Lebanon ranks 4th in the world, while Jordan is 8th.¹⁸ Egypt employs women as prominent judges in the Female Shura Assembly. Although women are under-represented in elected or appointed positions, their employment in key government offices is on the rise. Women, for instance, occupy prominent positions in the United Arab Emirate's Ministry of Education. The UAE Ministry of Planning reported that female employees exceeded male employees in the more than 25 federal ministries; in 2001, 16,223 workers were women, and only 9,518, men.¹⁹

These advancements are note-worthy, but noticeable deficiencies still loom large. The limited presence of women in parliament has raised considerable concern among observers and policy makers alike. Egypt's Amr Mousa, for instance, has suggested that women's status in the Arab world will improve only when they hold prominent decision-making positions. In Morocco, women's parliamentary participation hastened the adoption of the family code provisions of 2004. Yet, a recent examination²⁰ of the last four reigning Egyptian parliaments seems to imply that female presence has had no direct effect on the levels of gender issues raised in parliamentary sessions.

16 Women in National Parliaments, 2010.

17 May include women serving as ministers and vice ministers and women holding other ministerial positions, including parliamentary secretaries.

18 Nation master.com.

19 According to the UAE Ministry of Planning, 2001.

20 IDEA: <http://www.idea.int/women/parl/studies1a.htm>

Arab women active in political life are not content with the current status quo. Complicating issues, most women do not see the formal legislative process as a viable means to improve their condition. 68% of Arab women MPs are dissatisfied with the current level of women's political participation. And 80% of women active in public life claim that they could accomplish their goals without having to participate in formal state institutions.²¹

Several political, material, social, and cultural conditions continue to stifle women's ability to attain their goals. Political parties remain weak and ineffectual, thereby reducing their impact on policy. The rule of law, too, remains weak in the Arab world, and though some laws guaranteeing women's participation in the public sphere exist, they need to be enforced. The lack of legislation promoting women's presence in parliament also explains their continued marginalization. Only one in every two women in the Arab world is literate; as a result, their overall political awareness is quite low. Reactionary forces seek to exclude women from the public and political spheres, and many current political regimes promote these conservative elements. Prior to unification, half of the judges in South Yemen were women, but since, conservative forces have reappointed these women to clerical positions.²² In fact, the patriarchal political environment is not favorably inclined towards equal participation in the political sphere. This was demonstrated in the Kuwait (2006), where though for the first time women were able to vote in the elections, not a single woman won a parliamentary seat. However, this trend was reversed in the 2009 election, where four women, Aseel al-Awadhi Rola Dashti, Salwa al-Jassar and Masouma al-Mubarak won parliamentary seats.

Other factors, including the lack of political party support for and backing of female candidates, have also hindered women's formal participation. Deficient media support and limited democratic norms result in the manipulation of electoral processes and their results. A disjunction between women's civil organizations and current women MPs encumbers the advancement of women's issues in legislative processes.²³ Familial dynamics, too, promote male at the expense of female political participation. As Nayla Mouawad, a female Lebanese parliamentary member, comments, "[i]t is still very exceptional to see a woman in the position of family leader."

Finally, the dismal state of Arab economies structures women's access to the public sphere. As standards of living decline and employment rates rise, women are becoming unable to afford the education necessary to enhance their human capital. Depressed economic conditions widen the digital gap between Arab countries and the rest of the world. This technology gap disadvantages Arab women in particular; without the ability to network virtually, they cannot participate in key transnational debates about gender empowerment. Nor do they have easy access to current information within their own nations. The Moroccan Mudawana, though applauded internationally, still remains foreign to many Moroccan women who have yet to hear about the reform package and understand their rights. This has prompted Liz Cheney, in 2005, to allocate another 2 million dollars under the State Department's MEPI initiative to increase awareness

21 IDEA: <http://www.idea.int/women/parl/studies1a.htm>

22 United National Development Program: Program on Governance in the Arab region: Yemen: Women in Public Life. (2003)

23 IDEA: <http://www.idea.int/women/parl/studies1a.htm>

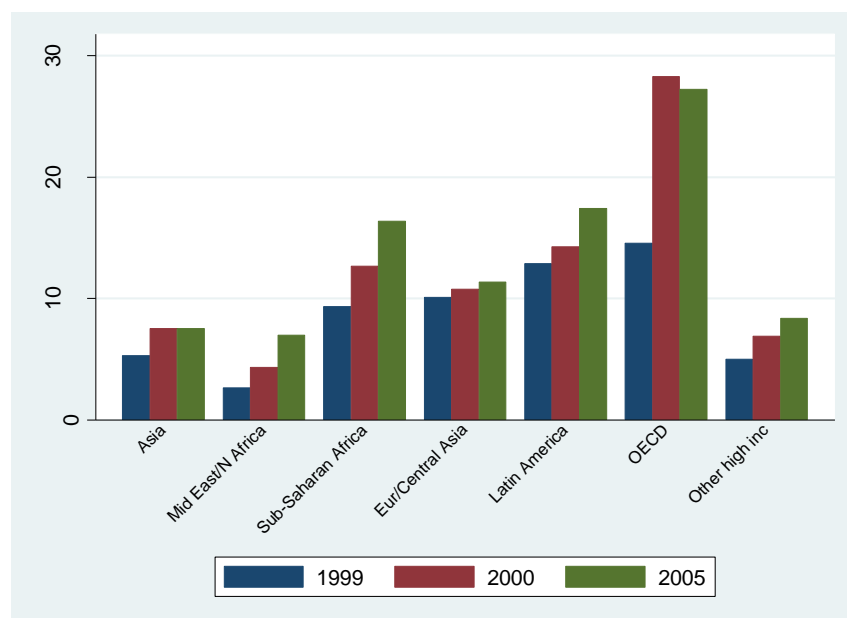
among women.²⁴ With a population that has close to a 70% illiteracy rate in the country-side, raising awareness among Moroccan women will be a considerable challenge. The impediments to meaningful gender representation are thus located not only in political realities of the region but also in economic and cultural realities.

4. Arab Women in Cross-National Perspective

Although women face setbacks, we do see improvements across time in the standing of women across Arab States. Gender Empowerment Measures (GEM) and the Gender Development Index (GDI) indicate that there have been some note-worthy advancements for women. Yet, some scholars and analysts have argued that GDI and GEM measurements are biased towards women in the Arab world because they don't focus on agricultural or informal sector income.²⁵ Nevertheless there is value to these scores, especially when we compare them across time and to other regions.

An examination of the graphs below illustrates that Arab women are significantly doing worse than other women elsewhere across the globe. Only one region systematically fares worse than the Arab regions, and that is sub-Saharan Africa. The below graphs illustrate that women do worst on a number of indicators, including percentage of women in government, percentage of women in parliament, the literacy gap between men and women, and economic activity ratio. The one area where Arab governments have done well, it appears, is in the area of closing down the educational ratio between men and women. Yet, only one out of every two women is literate.

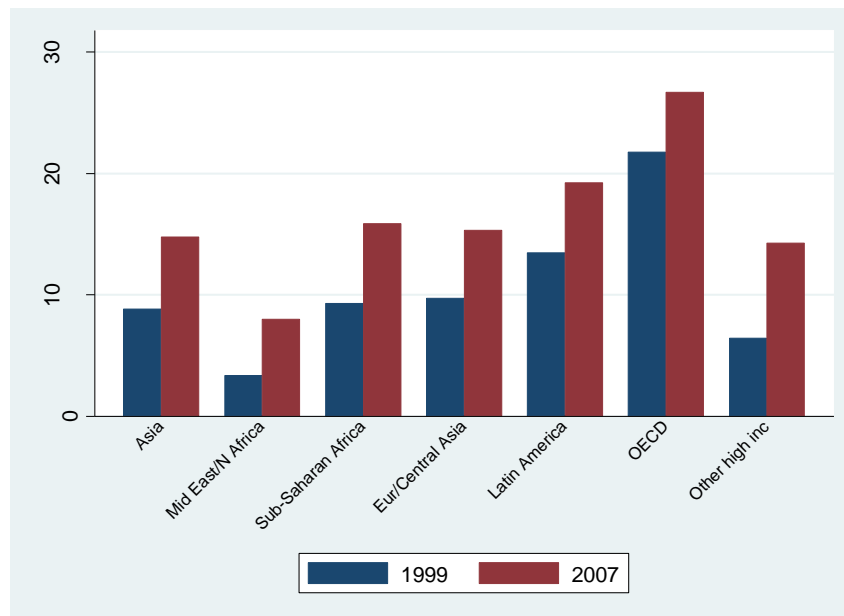
Graph 1: Percentage of Women in Government, by Region



²⁴ Karima Rehenan, Morocco Time, April 12, 2005.

²⁵ See for example: Nadia Farah. "Arab Women's Development: How Relevant are UNDP Measurements?" Middle East Policy; Summer 2006.

Graph 2: Percentage of Women in Parliament, by Region



Female participation in political life is important for a variety of factors. First, when women are visible as leaders in a given society, they dispel the myth that they are incapable of leading. Thus, institutionalizing female patterns of leadership is important for changing culturally held values that see women as incompetent in the political sphere. Second, women are more likely than men to advance demands for an increased appreciation of respect for gender equality. Third, when women lead, they are also more likely to be sympathetic to the issues that concern women the most, especially as they pertain to state services and benefits, like maternity leave policies, that will empower women to participate effectively in public, social, economic and political life.

Yet, there are reasons to remain skeptical about the influence of women in the political sphere. The primary reason is that women in Arab states are confined to settings that are not themselves democratic in nature. Arab elections in the region often have less to do with democracy and more to do with the distribution of clientelistic benefits and services. Since parliamentary candidates cannot influence policy, they utilize the political system as a means of distributing favors to local constituents in the form of *wasta*.²⁶ This means that even women who do access political power must participate in this system of patrimony, which privileges existing patriarchal networks. Hence, women become agents sustaining the status quo rather than agents of change. The ability of women to influence policy outside clientelistic networks is limited. Further, the space for political mobilization is encumbered by the regime. And as highlighted above, even in areas where women can influence change through policy, the rule of law in many states remains weak. Finally, and a theme that will be discussed in more detail below, women's rights in the Arab region are governed by personal status edicts and are protected by the religious establishments in each country.

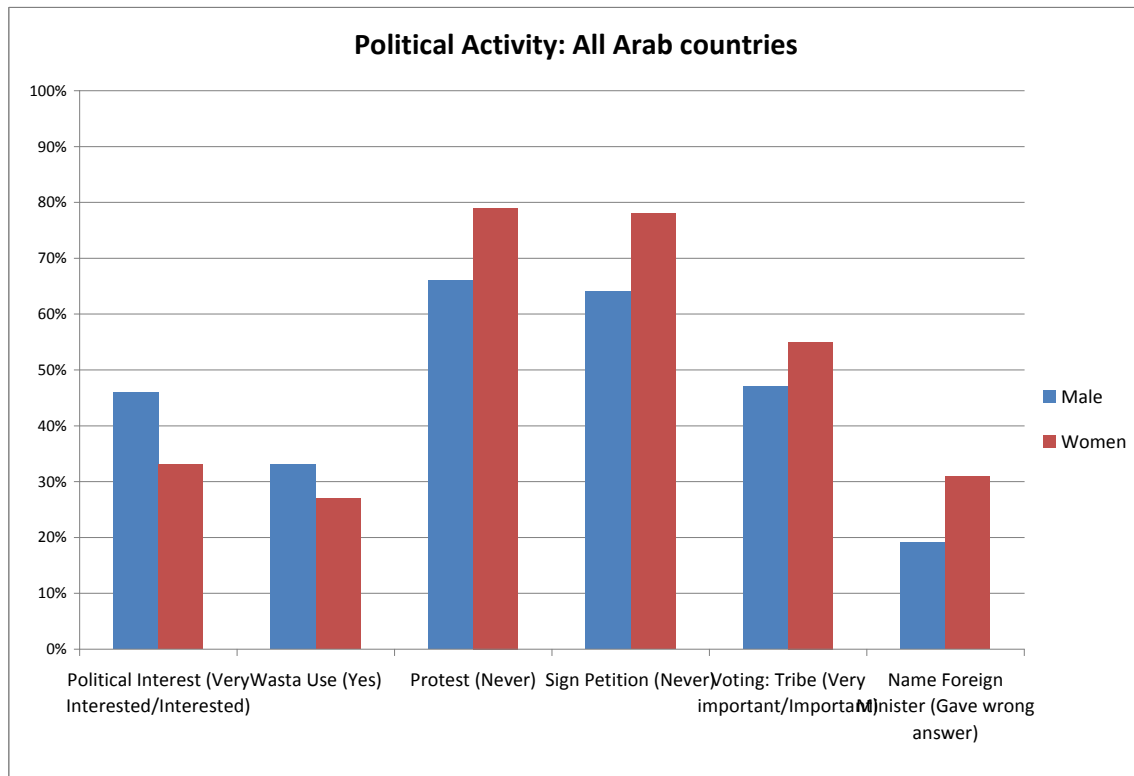
²⁶ See Ellen Lust-Okar. "Elections Under Authoritarianism: Preliminary Lessons from Jordan," *Democratization*. 2006, for example.

It should be noted that there is a long history of women's participation in political life in many Arab states. In 1959, Iraq appointed its first female minister. Egypt followed suit in 1956, and Algeria did the same in 1962. Today, we witness an increase in government appointments of women to key offices, as captured in Graph 2. Yet, such appointments fall well behind the global average. Further, these appointments are often made to elite women who are already invested in the political status quo. Most often, these appointments are made solely to appease the donor community.

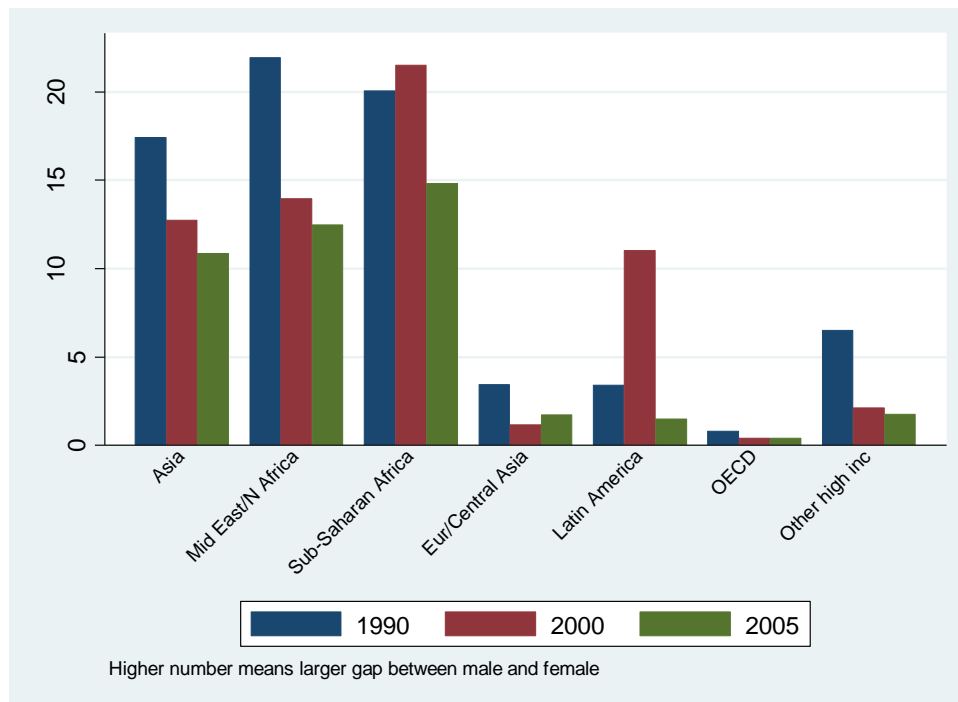
Further, in many of these societies, women take less of a general interest in politics than men, and it appears that they have less access to political venues. Data from the Arab Barometer (2006-2007) in seven Arab countries—Palestine, Algeria, Morocco, Kuwait, Lebanon, Yemen and Jordan—find that on average men are more likely to be interested in politics (45% to 33%); men are more likely to have used a *wasta* (33% to 28%), women are more likely than men to have never protested (79% to 66%), and a similar percentage reports that they have never signed a petition. When asked to name the foreign minister, 31% of women—compared to 19% of men—did not know. And most interestingly, women more than men indicated that the Tribe was a very important consideration for them when they allocated their vote. Close to 55% of Arab women (compared to 48% of Arab men) believe that allocating their vote based strictly on tribal allegiances is very important—despite the fact that the tribal structure of Arab societies remains the most patriarchal and women within these networks on average are relegated to the status of sustainers and subjects in need of protection. This then raises the question of whether women find comfort and reassurance in these structures more than other available networks and pathways. In the absence of efficient state structures to protect the status of women and without the economic opportunities that create the necessary conditions for self-sufficiency, will women continue to accept patriarchy and tribalism as a result of the deficiencies of states in the region?²⁷

27 See Lara Deeb. *An Enchanted Modern. Gender and Public Piety in Shia Lebanon*. Princeton: Princeton University Press, 2006; and Valentine Moghadam. *Modernizing Women: Gender and Social Change in the Middle East*. Boulder: Lynne Rienner, 2003.

Graph 3: Women and Political Activity

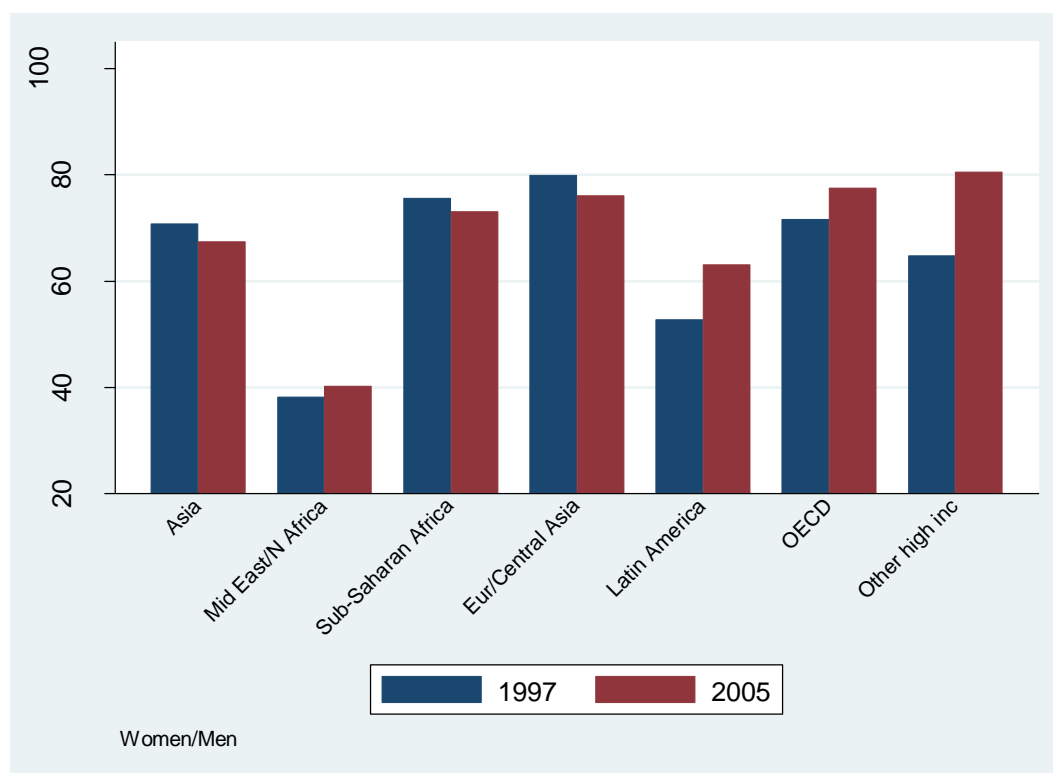


Graph 4: Literacy Gap, by Region



The literacy gap remains quite large in the Arab world, compared to global trends. Only one region, sub-Saharan Africa, does worse on these literacy gap measures. Astonishingly, the Arab world is far more economically advanced than many countries in the Sub-African continent. One of every two women in the Arab region remains illiterate. In some countries, like Morocco, estimates have it that two-thirds of the female population is illiterate. These numbers are formidable and exemplify the inefficiencies of states, educational systems, and donor programs altogether. Illiterate women have more difficulty understanding their own rights. They are more likely to seek the protection of patriarchal networks that disadvantage them. Further, without being equipped with the fundamental right to read, they are incapable of obtaining the necessary information to articulate their own self-interest. Illiterate women are more likely to raise their children, both female and male, to reinforce the system of hierarchy and privilege for males and one of subordination to females. This takes the forms of the domestic division of labor and expectations about female involvement in political, social and economic life. Many a donor program designed to increase women's awareness and democratic forms of engagements assumes, a priori, that women have the knowledge to read and write. Discussing advancements in gender equality must acknowledge the need to equip women with the right to read.

Graph 5: Economic Activity Ratio, by Region



Arab women's economic activity ratio as a proportion of men's employment remains drastically low. The region has seen mild improvements in economic ratio scores across the years. Less than 35% of women participate in economic activity in the region, against a global average of 56%. Further, women's participation does not exceed 42% of that of men, while the global average is

at 69%. The sources of these dismal economic levels of participation rest on three primary reasons. First, the prevailing male culture privileges domestic labor and child rearing above and beyond labor force participation as arenas of women's work. Further, in many countries, women can't work without the consent of their husbands or fathers. Second, job scarcity and unemployment continue to disadvantage women's economic participation. Third, high reproductive rates remain a key disadvantage to women's labor force participation. In the Arab States, the lowest rate of women's participation in the labor market occurs in the occupied Palestinian territories, one of the areas with the highest birth rate and the state with the highest rate of early marriage. Meanwhile, states such as Tunisia present the opposite pattern, with low recorded rates of early marriage, low fertility rates (2.1 compared to 4.2 for the Arab region) and a high rate of economic participation (32%).

Women's labor force participation has also been hindered by a lack of support services. While economic opportunities remain limited in the region, dependency ratios remain the highest in the world. Each worker in the Arab region supports more than two non-working people. This is compared to East Asia and the Pacific, where each worker supports less than one person.²⁸

The World Bank Report of 2003 called the unemployment crisis an "unprecedented challenge," and it alerted regional specialists that over 80 million new jobs had to be created in the next two decades to absorb the aspirations of the growing youth population. Without political reforms, the report cautioned, the degree of economic reforms necessary would be difficult to achieve. Unemployment for the entire group of Arab countries is about 15%. Combined unemployment and underemployment is as high as 20–25 percent. In Algeria it is at 30 percent; in the West Bank and Gaza it could be as high as 35–50 percent—in some areas, even as much as 75 percent. First-time job seekers have the worst of it, and about 80 percent of the unemployed in Egypt are in this position. Since 1980, real wages for almost all occupations have declined in Egypt. Exacerbating this bleak economic predicament, the Arab world's share of world trade has declined from 38 percent in the 1980s to 3 percent in the early 2000s.²⁹ In inflation-adjusted dollars, as of 2002 not a single Arab country had maintained the income level it had in 1982.

The economic development infrastructure remains weak in the region. Unlike the experiences of women in some western societies that experienced massive export-led growth and industrialization, necessitating additional female labor in the market, this has not been the case in the Arab region. And although some countries like Kuwait and Saudi Arabia witness that women possess much wealth, it should be noted that such wealth is often passed through patriarchal structures. Thus, women find themselves reinforcing both the patriarchal and often politically authoritarian structures to maintain economically self-sufficiency.

It should also be noted that women's economic empowerment need not produce a direct route to the acquisition of individual rights. Saudi women possess 70% of the wealth within Saudi Arabia—but yet, little advancement has been made on gender issues. Wealth might assuage more demands—especially if it from the form of oil rents—where women are not necessarily

28 Valentine Moghadam. *Modernizing Women: Gender and Social Change in the Middle East*. Boulder: Lynne Rienner, 2003; *The Arab Human Development Report: The Rise of Women in the Arab World*. UNDP, 2005.

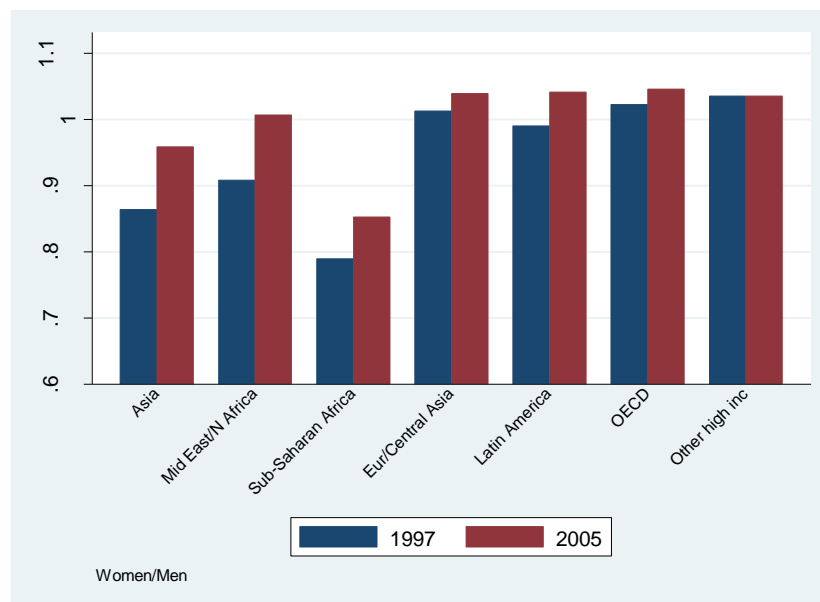
29 Sullivan 2003.

undergoing processes of labor mobilization and skills acquisition that may serve as useful elements in terms of demanding rights from the states

Finally, poverty remains an undeniable reality in the lives of many women in the region. The UNDP found that when the Gender Empowerment Index was treated as a dependent variable (that which is to be explained), poverty systematically came up as positively and significantly linked to a lack in gender empowerment. According to the UNDP:

The results of the analysis show that the spread of income poverty on average leads to the disempowerment of women... as compared to men. Income poverty also leads to the disenfranchisement of women in the areas of parliamentary participation, professional and technical employment, and control of economic resources.

Graph 6: Education Ratio, by Region



Where Arab countries have made significant advancements is in the area of education. Basically, Arab states have now closed the gap between men and women in (combined) gross enrollment rates for all levels of education. It is noteworthy that governments have received little criticism from conservative sectors of society for actively encouraging and empowering women in the educational sphere. Nor has the Islamic establishment resisted the educational attainment of females. This is an issue worthy of continued exploration. It does appear, however, that Islamic interpretation sanctions educational attainment for females as is encapsulated in the Prophetic sayings: “Seek knowledge, even if it were in China” and “Seeking knowledge is a religious duty for every Muslim, man or woman.” This should raise the issue of whether issues pertaining to Islamic jurisprudence must accompany strategies to improve the status of women across the Muslim world.

Yet, these increasing levels of education, have unfortunately not led to an increase in women's labor force participation or political decision-making capacity. Thus, education on its own, although important, needs to be accompanied by strategies that

5. Islamism, Sharia, Personal Status and the Rights of Women:

Personal status laws are by far the most prohibitive to women's advancement. The problematic is two-fold. On the one hand, the personal status system supplements the legal system in upholding laws that treat women as subjects of their male relatives. Second, the system promotes patriarchal structures, so that women have become totally reliant and dependent on the very institutions that continue to deny them equal footing.³⁰ Even improvement in the Rule of Law, good governance, and the expansion of democracy—which might lead to better implementation of personal status laws—will not address the core issue at hand: the personal status laws themselves need to be reformulated in ways that allow for the compatibility of Islam with the principles of equality between men and women. Even more importantly, it appears that the donor community is at an overwhelming disadvantage in dealing with these matters. These issues are considered to be Islamic, domestic and indigenous, and therefore “protected” from foreign intervention. Personal status laws need to be reformulated and they need to be dealt with on the level of the logic that drives their legitimacy. As existing conservative Islamic interpretations inspire the existing personal status laws, so too the basis of their reformulation should be located in Islamic practice, jurisprudence, and rationale.

It must be noted that the international donor community has not adequately dealt with the issue of Islamic jurisprudence and its overwhelming influence on the status of women. This is perhaps due to the fact that donor agencies operate within a secular framework, where religion should not impede the status of women. Or perhaps, there's an assumption driving the donor community that democracy is the route to lessening the influence of religion in the public sphere. For whatever the reason, the continued relegation of Islamic interpretation to conservative sectors of Arab societies has and continues to terribly disadvantage women, to the arguable extent that without a constructive and meaningful way to address the issue of Islam and jurisprudence, the status of Arab women will continue to lag behind the rights of women elsewhere in the world.

There are emergent avenues in the MENA region, including local charitable societies, mosque networks, university programs, women's research centers that attempt to create a more favorable understanding of Islamic jurisprudence. In fact, it is common to find secular women's organizations collaborating with and establishing coalitions with Islamic women's associations to advance the cause of women's rights. These coalitions have been a major force driving women's empowerment in Jordan, Morocco, Palestine, Egypt, and Kuwait, for example.

Arguably, the existing situation in Arab societies, through which Islamic jurisprudence reinforces the inferiority of women, is in complete disregard of the general ethos of the Quran, which recognizes the equality of the genders in several verses. Further, several of the existing interpretations about women rely on the most conservative and disputed accounts of female

30 Suad Joseph (ed). *Intimate Selving in Arab Families*. Syracuse: Syracuse University Press, 1999.

treatment in the tradition of Hadith. What is often missing from our analysis of the potency of Islamic interpretations on the status of women is that Islamic jurists are heavily influenced by customs and traditions when passing edicts that impact the lives of women. Further, Islamic jurists tend to gravitate towards the Islamically-prized ethos of social cohesion and harmony. So in order to not disrupt the balance between traditional and modern, Islamic jurists continue to reinforce the subjugation of women and reify patriarchy as a means of preserving harmony, however disadvantageous this is to women. Hence, men continue to be given priority in matters relating to Islamic jurisprudence.³¹

Existing personal status laws claim to protect women. And although there are indeed many protections for women in the personal status laws, there also remain discriminatory policies that continue to deny women their basic human rights. These disempowering personal status formulations are specially located in laws that guide marriage, divorce, and child custody. It is important to note that the personal status laws are not monolithic across states; nevertheless, it appears they enjoy significant support in many quarters of Arab society. Where women have made significant advancements in their rights, it is because they were able to convince those who upheld discriminatory personal status laws that the Islamic basis or rationale behind such legislation was faulty. Taking on the Islamic interpretations has proven successful to women. Unfortunately, the Western donor community is less equipped to deal with this strategy, nor has it necessarily embraced religion in its strategic implementation of laws.

Where we have witnessed successes in gender reform in the personal status laws, it is in countries that actively took on the justification of Islam for the continued subordination of women. Further, regimes have proven to be very salient in by-passing anti-women stances, especially those held by Islamist actors within parliaments as well. Tunis and Morocco are examples of two such regimes. More recently, women obtained the right to vote in Kuwait. There, we also found that women actively lobbied the religious establishment to increase their roles in society.³²

6. Methodological Challenges

Democracy and good governance on their own will not be sufficient to addressing the dire need to reformulate personal status clauses across the region. If anything, more effective government might prove useful to better implementation of these clauses. Even in situations where women can benefit from the personal status laws, like in obtaining child support from their ex-husbands, the legal system is too inefficient. Court files frequently get lost and cases are transferred from court to court. It is a far more useful strategy to seek the help and support of male kin and *sharia courts* to obtain compliance in matters related to personal status than the state legal system. This means that women have very few channels of recourse, outside the institutions of personal status. Further, women rely on and reinforce the patriarchal structures within society to attempt to gain their rights and standing because these institutions are more effective.

31 Valentine Moghadam. *Modernizing Women: Gender and Social Change in the Middle East*. Boulder: Lynne Rienner, 2003; *The Arab Human Development Report: The Rise of Women in the Arab World*. UNDP, 2005

32 Amaney Jamal and Vickie Langohr. "Moving Beyond Democracy: What Causes Variation in the Level of Gender Equality Across Arab States." Working Paper.

Any strategy that is designed to empower women must begin to address the social and economic structures that have led to their marginalization. Economic development, creation of jobs and opportunities as well as a constructive engagement with “religious” society may be the most obvious routes to pursue to advance the cause of gender equality.

Today, a new phenomenon appears to be sweeping the Arab region: the importance of satellite stations and television programs in issuing fatwas and Islamic jurisprudence on matters relating to women. Yet, these very programs, like “Sharia and Life” and others, continue to promote an image of women as completely dependent on the male members of society. These programs are very popular and are considered modern by technological standards. Yet, they continue to adopt regressive models of Islamic jurisprudence. This market remains fruitful for introducing new ways to think about Islamic jurisprudence and ideas relating to more equal footing of women in society.³³

Other challenges remain. The Arab world is a war-torn and politically tumultuous region. The imminent fear of war affects the Arab family in profound ways. Certainly, wars reinforce the roles of women as care-takers of their husbands, relatives and children. In general, war and insecurity are not conducive to advancing individual rights. Further, the authoritarian realities of the region continue to deny women the opportunities to effectively mobilize in society. Advocacy groups are often limited in the opportunities before them to demand change. Further, as the section highlighted above, even if democracy and good governance were to evolve, there is no guarantee that socially conservative sectors of society will not use these channels to further deny women opportunities for empowerment. Finally, the dire economic situation in the region, coupled with the high levels of unemployment, remain major obstacles for the advancement of women.

7. Other Marginalized Sectors

Other marginalized segments of Arab women remain. Women in rural and desert areas are generally poverty-stricken with very few opportunities for economic advancement. These areas are normally ruled by families and tribes. The existence of women in rural and desert area (far away from state institutions) reinforces their need for protection from male family members. Hence, patriarchal norms are strong in the countryside and more remote desert regions. Further, in many of these circles women lack education, social support, health care and nutrition. Their overall well-being is completely linked to that of male relatives. The staggering levels of illiteracy among females in these rural areas means young women cannot read or write and are not knowledgeable of their own rights.

Squatter settlements are yet other geographic locales that continue to disadvantage women. Residents have low technical skills and low levels of education. These factors do not bode well for economic improvements. Rates of divorce are higher in these settlements, with women heading their households. These women in general know little about their own rights. They

33 The Arab Human Development Report: The Rise of Women in the Arab World. UNDP, 2005.

normally don't possess the necessary documentation, like their birth certificates, marriage certificates or divorce papers to claim services from the state or other organizations. These women, therefore, are also very susceptible to male violence and abuse.

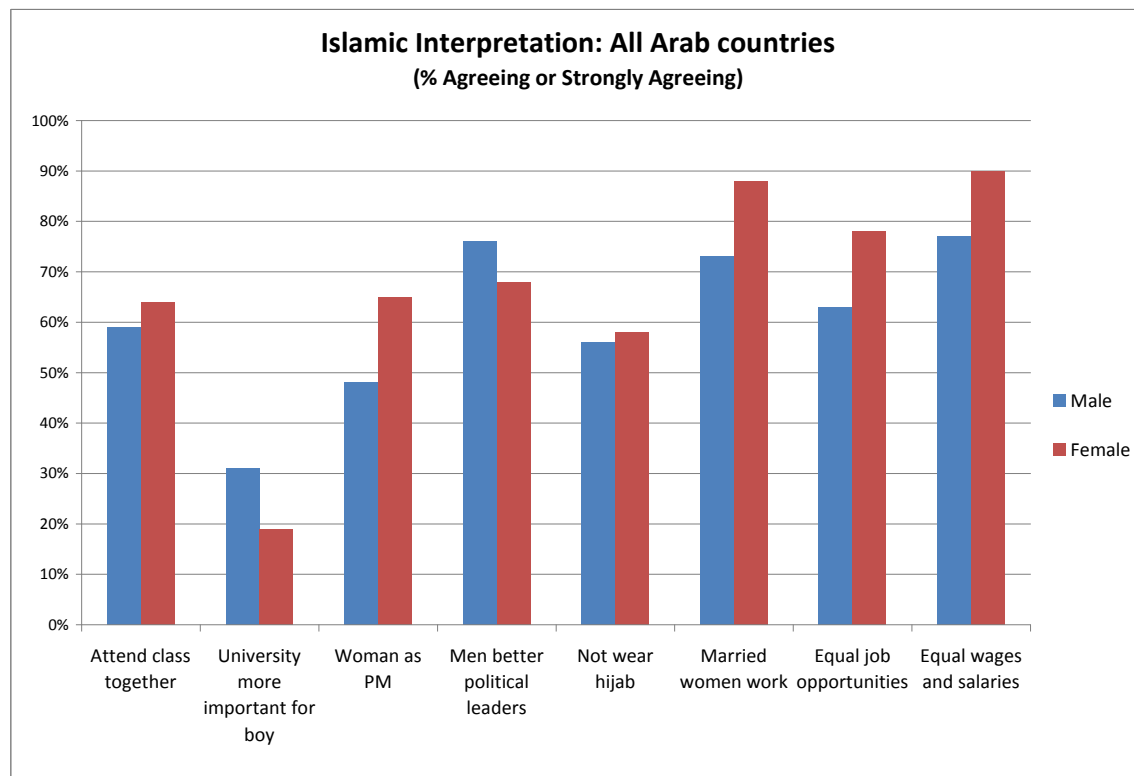
8. International Efforts and Donor Priorities: Emerging Areas of Research

The conundrum of women's rights in the Arab world is that it is located between the priorities of the donor community and authoritarian regimes that need to continue to appease the conservative and traditional Islamic sectors in society. This has resulted in a simultaneous strategy of offering cosmetic gestures to the donor community while simultaneously reinforcing patriarchal norms and dictates. It is within this environment that the donor community has had to set its priorities.

The most effective and perhaps promising outlet has been organizational programs that target women themselves. Increasing their empowerment at the societal level, equipping them with necessary skills to make economic choices, and raising their own awareness about their rights have proven useful. These programs include advocacy groups, women's empowerment groups and other women-centric organizations. Yet, these strategies remain inefficient in addressing the overall burdens and obstacles women face on a day-to-day level. First, it must be noted that women already demonstrate a stronger commitment towards gender equality than men. Graph 7, below, illustrates that on all attitudes related to gender equality women do better than men. Second, women are located in states that are not democratic. Thus, the mere notion of policy preferences resulting in policy outcomes should not be overstated. And finally, personal status issues, legitimated by conservative and Islamic traditional interpretations, remain a key obstacle for women.

Graph 7 below indicates that on numerous scores, women out-perform men in terms of holding attitudes more favorable for their own advancement. Whether women and men could attend class together receives 62% of support from women and 58% of men. While 31% of men believe university education is more important for a boy, only 19% of women hold this view. Women are far more likely to believe that women can be prime ministers in Muslim countries (65% to 48%), and men are more likely to hold the view that men make better political leaders than women (75% to 68%). 58% of women compared to 56% of men believe that women are not *required* to wear the hijab. While 88% of women held the view that married women should be able to work, only 72% of men share that viewpoint. 78% of women believe they should have equal job opportunities as men, but only 62% of men share that assessment. Finally, 90% of women believe they should get equal wages for equal work, while 77% of men support this. On all scores, women are more likely to hold attitudes that advance their own notions of gender equality. This, then, raises the question of whether women should continue to be targets of donor assistance programs that raise awareness. Should men not also be recipients of such programs, given the disparity between the genders on these attitudinal scores?

Graph 7: Pooled Data from the Arab Barometer³⁴



Further, donor efforts should concentrate on institutional changes that can lead to greater empowerment for women. Women need more democratic space, more effective governance and a reformulation of the personal status codes. The existing international commitment to improve the status of women has normally focused on a two-tier approach. The first is to pressure states to accommodate the interests of women. And the second is to empower women through civil society activity and programs. These civil society activities include raising levels of political awareness, education and skills to improve the daily welfare of ordinary women across the region.

According to Valentine Moghadam, there are seven groups of civil society organizations that support positive changes in women's rights. These include service or charitable organizations, official or state-affiliated women's organizations, professional associations, women's studies centers, women's right or feminist groups, NGOs working on women's and developing issues, and worker-based or grassroots women's groups.³⁵ These organizations have all been beneficiaries of donor assistance, and their salience and importance should not be underestimated.

What is remarkably absent in many parts of the Arab world, however, are avenues for women to prosper socially as individuals in society. There is a dearth of sports clubs, libraries, arts and

³⁴ Jordan, Morocco, Palestine, Algeria, Kuwait, Lebanon, and Yemen (2006-07)

³⁵ Val Moghadam. "Feminism, Legal Reform and Women's Empowerment in the Middle East and North Africa. UNESCO, 2009.

crafts workshops, and extra-curricular events that can play very important roles in the empowerment of young women. These social avenues are pertinent for enhancing self-confidence, social capital, and a sense of efficacy within society. These outlets also enhance women's productivity, intellectual and creative thinking, and offer different opportunities in life.

Further, the donor community has done less with the direct issue of personal status laws. Mosque groups, Islamic charities, Islamic universities, and Islamic social service organizations should be targeted by donors to work together to enhance a more humane reformulation of personal status issues. Women within these circles must also be empowered to stake their claims on citizenship rights. There is consensus among both the policy and scholarly communities that the regressive personal status laws are a major impediment to the advancement of women. What is less clear is what available pathways and mechanisms are available to make these changes. It doesn't appear that it is suffice to ask existing authoritarian leaders, who already lack legitimacy, to make these changes. There needs to be a donor commitment to instigate change from within, by partnering with local Islamic organizations that seek change but lack the means to affect it.

Where we've seen successful reform it has been through reinterpreting and advancing Islamic understandings of gender equality. These negotiations on gender within an Islamic framework require sophisticated analysis of the texts. The more women can claim that they have "studied" the Islamic rationale for gender reforms the more legitimate their claims in the public sphere. Thus, efforts to empower women to advance understandings of Islamic jurisprudence in line with gender equality in their mosques, civic associations, and schools need to be promoted and supported. It will be indeed unfortunate if the continued *modus operandi* is one that assumes democracy can neutralize the influence of the personal status codes, that somehow and someday democracy will capably change the roots of these value systems. Maybe that will happen over time, but not in the foreseeable future; witness, for instance, how Islamist movements have used democratic openings to block reforms on gender. The most obvious case here is Jordan where the Islamic Action Front (IAF) has successfully blocked measures to reform the existing honor killing clauses that "reward" male perpetrators leniency in punishment.

While the West will never be seen as a favorable agent to promote such activity, some countries still have a kinder image in the region, like Canada, and may be better positioned to work with local actors on these issues. International agencies may consider working with groups of Muslims in countries that have already passed progressive gender laws. These laws can be used as a template to circulate throughout the Arab region. Some might argue that democracy should be a-religious, and that there should be no room for religious accommodation of practices that are seen to discriminate against any person or creed. Engaging the religious paradigm has often received skepticism from foreign donors and Western audiences. The engagement of religion for the purpose of political and social rights is often frowned upon within the development enterprise, and it directly shapes aid allocations. In a nutshell, donor agencies would prefer not to fund religious organizations overtly, especially if there are secular substitutes on the ground. This strategy however may be misplaced. Indeed, it has hurt the ability of both secular and "Islamist" women from advocating their causes. Secular movements are then tarnished as un-Islamic and accused of warming up to the US. Islamist movements are hurt because their programs are undermined by the West, denying Muslims the right to re-evaluate their own texts and their own understandings of patriarchy and gender inequality. This problem is a key source

of tension in the region, one that in my opinion has unfairly resulted in women being the casualty of this Western vs. Eastern discourse.

The point is clear. The Western donor community has not been able—or, quite frankly, willing—to deal with Islamic jurisprudence when it comes to issues of women's rights. Opponents of women's rights in the Arab world have unfortunately successfully portrayed Western efforts to address gender discrimination as part of a larger geo-political pattern of repression and colonization. This has to be acknowledged by the donor community. Geo-strategic considerations trump the rights of women and the ideals of democracy in the region. In the meantime, women in the Arab world remain the most subjugated cohort of women across the globe.

9. Summation of Key Strategies and Points

- The dissemination of information needs to take into account regional networks.
- Male religious scholars need to be on board.
- Social clubs, sports clubs, and social programming for young women should be encouraged.
- There is a critical need to adopt independent interpretative reasoning in Islamic jurisprudence.
- Promote Islamist female jurists through Mosques and women's circles/Halaqas.
- Continue affirmative action programs in all fields of human activity.
- Employ satellite television to educating about women's rights, increase awareness, and Islamic jurisprudence in favor of women.
- An infrastructure for women's empowerment needs to be developed, including shelters, daycares and pre-schools.
- Reducing poverty and enhancing job creation is central.
- War and occupation is not conducive to democracy or women's empowerment