

EXPLANATION FOR THE VARIATION OF WOMEN'S RIGHTS
AMONG MODERATE MUSLIM COUNTRIES

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Due to the actions of radicals and extremists, many in the West have come to view Islam as a religion of gender inequality that perpetuates the severe oppression of women. However, there is actually great variation in women's rights across Muslim countries. This thesis presents a theoretical framework seeking to explain this variation, by examining differences in family law. The theory supposes that variation can be explained by the strategic actions of political leaders. From this theory, I hypothesize that the variations in women's rights come from the variation in family law, which in large, are due to the existence of groups threatening the power of the political leaders, and the leader's subsequent understanding of this threat. Using a most similar systems research design, I examine 4 moderate Muslim countries, Turkey, Tunisia, Morocco, and Egypt. Through case study research, I find limited support for the above hypothesis.

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INTRODUCTION

In the last 50 years or so, the religion of Islam has grown both in strength and in numbers. It is the world's fastest growing religion with about one fifth of the world's population currently being followers. That translates to roughly 1.5 billion people, and the majority of Muslims live in Asia and the Middle East. A popular belief among the public is that the rapidly growing number of Muslims poses a threat to non-Muslim countries, and other religions. This fear has incited a great amount of research to learn more about the practices of Islam and Islamic culture, to determine how Muslims will interact with non-Muslim countries and people. One of the most well known works of this sort is *The Clash of Civilizations* by Samuel P. Huntington. Huntington (1996) wrote that the culture of Islam is inherently different from that of the West, and that the West and its democratic values are threatened by the rapid and vast expansion of Islam. He believes that very little can be done to alter Islamic behavior, and that there would never be any level of compatibility between Islam and the west.

Implicit in Huntington's argument is the assumption that all Muslims and Muslim countries are the same, which groups all 1.5 billion people together under one umbrella. However, variations among Muslim peoples and Muslim countries do exist. Gregorian (2003, 2) writes, "Only 15 percent of the world's 1.2 billion Muslims are Arabs, ... Muslims comprise at least 10 percent of the Russian

Federations' population, three percent of China's population and three to four percent of Europe's population. Islam is the second largest religion in France and the third largest in both Germany and Great Britain...Religious, cultural, and population centers for Muslims, then, are no longer limited to such places as Mecca, Cairo, Baghdad, Teheran, Islamabad, and Damascus- they also include Paris, Berlin, London and now New York, Detroit, Los Angeles and Washington, D.C."

In addition to geographical variation, there are also many variations within Islam based on beliefs. The earliest and most significant division is that of the Sunni and Shi'I branches. Roughly 85 % of all Muslims belong to the Sunni branch of Islam, while Shia Islam is the largest minority. The basis of this division comes from a disagreement on who the rightful Caliphate was after the death of Mohammad. The Sunni believe in the Sunna (the documented practices of Mohammad), and accept a leader or Caliphate, regardless of his biological lineage. Shi'I believe that the only rightful Caliphate is a direct descendant of Ali, and Fatima, Mohammad's daughter (Lippman, 1982). Zubaida (2009) discusses the differences of the sects within Islam. He writes (2009, 545), "Islam in the modern world is divided principally between the Sunni and Shi'I branches. This broad division hides many other more subtle differences, such as the various Sufi orders and competing doctrines in both. There are also schisms between Sunni groups, notably the Salafi/Wahhabi advocacies against both traditional and reformist trends in current culture and politics."

Like many religions and organizations, Islam has been largely viewed via the actions of a small minority of radicals and extremists. For example, Dalia Mogahed, the strategic analyst of Muslim studies at the Gallup World Poll, referring to a poll from 2006 said in an interview with the *New York Times*, “Western perceptions generally cast [Muslim] women as victims” (Andrews 2006). This perception likely occurs due to the national coverage of the most oppressive countries such as Afghanistan. Katie Couric of CBS recounts her experience in Afghanistan dealing with young girls sold into marriage by their parents. Nicholas Kristoff, the popular op-ed columnist for the *New York Times*, did a multi-part story following the daily lives of women in Afghanistan and detailing the struggles they experience solely because they are women. In addition to the number of news sources that report on the most severe oppression of women in Muslim countries, there are a number of books available recounting tales of women in Muslim countries such as Iran, Saudi Arabia, Afghanistan and Morocco, among them the popular Princess series by Jean Sasson. The Princess series that made the *New York Times* bestseller list details the trials and tribulations experienced by a Saudi princess in her struggle for gender equality.

Due to the portrayal of these practices and beliefs, many in the West have come to view Islam as a religion of gender inequality that perpetuates the severe oppression of women. This reputation in the west is detrimental to relations between Muslim countries and Muslim people and the west. Indeed, it is often assumed that there something inherent about Islam that makes it inimical to

women's rights, and if this is the case than there would be no examples of Muslim societies where women are relatively free such as Turkey. What is missing in much of the current literature is the consideration of the argument that current practices in moderate Muslim countries are as much about politics as they are about culture and society.

Knowledge concerning the variation in treatment of women across Muslim countries will allow people to move beyond their preconceived understandings of Islam, which is a first step in improving communication and relationships between seemingly disparate cultures. Empirically, research concerning the causes of variation in women's rights across moderate Muslim countries allows for an understanding of why women in some Muslim countries are treated differently when compared to women in other Muslim countries. Because women's rights have long been held up as an indicator of the progress of democracy, it is important for political scientists to study the variation in women's rights in Muslim countries. In addition, there is a lack of political science literature exploring the variation in women's rights across Muslim countries. It is for these reasons that the focus of my research is women's rights in Islam.

This thesis seeks to better understand the causes of these variations. More specifically, the question I address is, what explains the variation of women's rights across moderate Muslim countries? I argue that political pragmatism of leaders plays a large role in influencing the level of women's rights in a country. To investigate this question, I use a most similar systems case study design focusing on

four Muslim countries, Morocco, Tunisia, Egypt and Turkey. Ultimately, I find support for the thesis. There is evidence that shows decisions by political leaders, in an effort to maintain power, directly affect the level of women's rights in a country through alterations in family law.

The organization of this thesis begins with a review of the literature concerning Islam and women's rights, such as economic modernization theory, the effects of Shari' a law and patriarchy, and impact of culture. The majority of this literature explores the link between the Muslim religion and women's rights violation. However, there is almost no systematic political science research that explores the variation in women's rights across Muslim countries. After the literature review a theory is presented based on the work of Charrad (2001) who argues that women's rights in Muslim countries is in part explained by the actions of political elites who use its expansion as a hedge against the political challenges posed by radical Islamic movements. Comparative case studies are then used to evaluate this theory by examining the cases of relatively secular authoritarian regimes in the Middle East- specifically Morocco, Tunisia, Egypt and Turkey. Finally, this thesis concludes with a section focusing on the implications of the theory in the development of women's rights in the region.

LITERATURE REVIEW

There are numerous theoretical perspectives as to why women's rights violations occur in Muslim countries, most of which are attached to the structure of Islam itself, its culture, or its many diverse practices (Bossen, 1975; Arat, 2000; Rozario, 2006). Indeed, there is a considerable amount of literature that seeks to explain why Muslim countries restrict the political and social liberties of women. This literature often focuses upon economic modernization, Shari' a law, culture, and the patriarchal system as explanations for these restrictions. As will be seen, however, there is very little literature that examines the political reasons for the expansion (or contraction) of women's rights. From this literature review, a theoretical explanation is derived that focuses on how the expansion and/or contraction of women's rights among moderate secular authoritarian middle eastern states is a function of strategic political choices on the part of the regime in order to face the political challenges posed by radical Islam.

The Coexistence of Economic Modernization and Tradition

One popular theory, which is not exclusive among Muslim countries, is that economic modernization affects the status of women. This theory states that as countries economically modernize that social policies and practices will also

modernize (Lipset, 1959). Bilson (1982) argues that modernization leads to higher status in income, which generates political freedom. According to Burkhart and Lewis-Beck (1994), economic modernization leads to a demand for democracy. Coleman (1960) finds that economic development is correlated with stronger democratic political performance. In other words, most undeveloped or underdeveloped countries will tend to be more traditional in regards to the family structure and the role of women within the family and within society, while social and family structures in industrialized or industrializing countries are seen as moving towards a “western” model (Bendix, 1967). As a result of economic transformation, these types of societies are more likely to expand political rights to include women.

Many Middle Eastern states embarked on ambitious economic modernization programs in the 1960s and 1970s, which radically transformed many of these countries. For instance, Tunisia and Turkey embarked on period of sustained economic modernization, which transformed them from largely agricultural societies into countries with growing and vibrant urban sectors. As the result, in both cases there were increased rights granted to women including the right to enter the public workforce, the right to vote, the right to participate in government, and increased access to education (Bossen 1975). Unfortunately, according to William J. Goode (1971), the rights that these women gain may tend to superficially create the image gender equality and that in practice the opportunities available to women remained quite limited. Some sociological scholars have argued,

however, that modernization has at the same time challenged the traditional role of women in the family, and in some cases the reality of these challenges have created a resurgence of traditional values in the wake of modernization (Marshall & Stokes, 1981).

Though it would seem that economic modernization would promote gender equality by increasing the chances for education and integrating the work force, it is evident in many cases that these types of policies do not necessarily advance the personal freedoms of women by promoting gender equality within the family nucleus. In addition to the economic and educational rights, there are a number of personal status rights that women struggle for in order to truly achieve gender equality. The right to choose whom they marry, the right to divorce, gain custody of their children, equal inheritance, the right to travel without a male companion are just a few rights that many women in traditional societies do not possess (Bossen 1975).

Another problem with this theory is a lack of consensus on causality. Olson (1982) argues that democracy and freedom lead to economic growth rather than economic growth leading to democracy and freedom. Heo and Tan (2001) research supports Olson's conclusions. If this research is correct, economic modernization does not lead to greater women's rights, but greater women's rights will lead to economic growth.

Based on this literature, the logical conclusion to draw is that economic modernization and growth do not solely account for the variation in women's rights

across Muslim countries. There is no reason to believe economic growth will lead to greater personal freedoms. There is also little evidence that economic modernization is the cause of greater democracy and freedom. A different explanation for the variation in women's rights across Muslim countries must exist.

Shari' a Law and the Governing System

A second factor often cited in the literature as impacting upon women's rights is the role of Shari' a law. Generally Islam does not separate religion from the state. William Shepherd writes that Islamic law is the cornerstone of Islamic government (Shepherd, 1987). In other words, the religion of Islam is the governing force, and government is religious, the two are not mutually exclusive. The law that is implemented in these circumstances is the law of the Koran, and of Islam in general, it is Shari' a law.

At the core of Shari' a law are concepts of gender, and relationships within the family unit. Specific laws that apply to marriage, polygamy, divorce, child custody, and inheritance are carefully laid out. Conservative family law as found in Shari a will go so far as to define the relationships between people not only within the family unit, but within society as well, thereby creating a societal structure.

Restricting the rights of the individual in this respect affects the rights of women, as they place women in a subordinate role to men. For example, the strict family law that falls under Shari' a law states that in case of death, with no prewritten will, males can and most likely will inherit more than twice what females

will. The purpose of this gender based, unequal distribution is to reinforce the patriarchal system, and patriarchal family unit. The man inherits more because he has the greater responsibility of providing for the family. Females inherit less, but they may keep it for themselves.

Shari' a law is an all-encompassing legal system that dictates every aspect of human life within the family and society. It mandates in minute detail what to eat, what to wear, whom to interact with, who has more authority, etc. It is the use and enforcement and interpretation of Shari' a law that differentiates Islamic governments from secular governments (Price, 2002; Lerner, 1987). Though it remains unproven that governments based in Shari' a law propagate human rights violations at a rate higher than other governments, it is a popular belief that governments based in Shari' a law are more controlling of their population. Looking briefly at data from Freedom House, we see that all countries exclusively applying Islamic law rank as "Not Free" in freedom of press and overall level of freedom.

Patriarchy

Other scholars contend that in addition to Islamic Shari' a, there is the patriarchal system, which is the traditional structure of an Islamic nation, is responsible for the restrictions that women of these nations experience (Arat 2000). Gerda Lerner is an expert on the history of the development of patriarchy, and how it has sustained itself as a system for many years. In her book, she describes the creation of patriarchy in Mesopotamia in great detail, dating its creation and evolution between the years of 3100 and 600 B.C.E. (Lerner, 1987). She defines this

system as being the deliberate control and exchange of women's sexuality and reproductive capacity, by men. She divides both men and women into different social classes. The men rank higher or lower in society with relation to their means of production "those who owned means of production could dominate those who did not" (Lerner, 1987 pp. 122). Women were often thought of as a commodity based on their sexuality and the social status of their family. For example, a poor family can gain in status if they marry their daughter off for a substantial bride price. In this case, not only will they gain in wealth, but also, they gain a liaison with a more prominent family. Lerner explains that when this was not an option, men often sold their daughters into slavery for financial or social status gain. Therefore, because of their sexuality, women were placed into a subordinate position in society (Lerner, 1987).

Looking at most aspects of society over time, it is obvious that the essence of the patriarchal system remains relatively unchanged. The patriarchal system that we still see today consists of a hierarchy of men, and women play no public role, only a role within the family structure where she is subordinate to the men of the family, even her own sons after a certain age. Many believe as Lerner, that the system itself predates Islam, and therefore the religion itself was born into a society consumed by patriarchy (Arat 2000). Over the years, patriarchy and Islam have become so tightly entwined, that researchers and historians have difficulty in deciphering Islam with a gender-neutral eye.

While not dismissing such arguments, there are several examples of Muslim countries that have moved away from the patriarchal system. Most of these countries have since increased the liberties and rights of women, closing the gap on gender inequality. From this, it does not seem to be unrealistic to believe that countries that move away from such a male dominated system, will progress towards elevating the status and rights of women. While the type of sociological structure seems to be directly linked to the relative freedom of women, it does not explain the reason for the variation of structure, and therefore the variation of women's rights among these countries.

Impact of Culture

Culture is the orientation of the people within a society towards that society, and the political systems of that society (Almond and Verba, 1963). Students of cultural studies agree that culture plays a large role in the development of values and interests (Wildavsky 1987), which would therefore affect the interpretation of religious texts (Afzal-Khan 2005; Lippman 1995). Wildavsky (1987, p6) goes even further to explain that culture is the result of "shared values that legitimate social practices." Wildavsky states that people value their relationships with other people, and other people's relationships with them. This tells us that people will make choices based on what is already socially acceptable. Islam is no different from other religions or other groups in that over time there have become many different,

yet acceptable ways to be a faithful follower, each acceptable within the comfort of their own societies.

Even within cultural theories, there is room for diversity. Swidler (1986) likens culture to a “tool kit” that we use to make decisions. A way to further explain this would be that while culture shapes our action by defining what we want, more importantly our culture is how we go about getting what we want. That is how people of a different culture can share common goals while remaining extremely different in their patterns of behavior. Our culture provides us with experiences we need to make decisions towards future actions. These experiences may not have been our own, but may have been the experience of a person or group of people that are influential in our development.

If culture provides the materials necessary for individuals and groups to “construct strategies of action,” then it seems futile to try to determine who the political drivers are in religion. In Islam, as well as many other religions, culture and religion dance so closely together that sometimes it is impossible to separate them or to tell them apart. However, with Swidlers’ argument, you could apply this “tool kit” theory to different states of similar religions, and you would probably find that while the beliefs are the same, the “culture,” or strategic thinking of the people in these nations would differ. Politics, Economics, historical events, and ethnic or national identity affect all nationalities and all religions. Muslims collectively believe in God, in the message of Muhammad, in prayer, and in the Last Judgment, but aside from that, they are more diverse than they are homogenous (Lippman, 1995).

Others have argued that culture plays a role in understanding differences between laws in Muslim countries (Webber 1997; Meyer, Rizzo and Ali 1998). According to Meyer, Rizzo and Ali (133), "After the time of the prophet, Muhammad's principles regarding women and their place in political life were shaped differently by the various traditions and cultures of regions within the Middle East." There are two ways in which culture can affect the variation in women's rights. The first way involves the enforcement of established laws. If social norms and the law are not consistent with each other, then often times people will choose to disregard the law (Webber 1997). However, since this thesis is focusing on the implementation of laws, the enforcement of laws is inconsequential to this thesis. The second way relies on the idea that the culture of a society determines the laws. The culture of a society affects the lawmakers within a society and therefore affects their decisions when implementing laws.

Many times culture does have an impact on law making. For example, in Morocco, it took over forty years for women to see the complete overhaul of the personal status code that granted them many rights they did not previously have in the areas of divorce, marriage and inheritance. These changes were a direct result of a grass roots movement started by a few women petitioning for reform in the 1960's, and grew over the following forty years to be a group of people and organizations so large and vocal that their demands could no longer be ignored. Moroccan women enlisted the help of non-governmental organizations and other cross-national organizations to bring greater attention to the issues of Moroccan

woman's rights worldwide. In addition to drawing attention upon themselves within the country, these women sought to create an international audience to hear their arguments. Such attention threatened the reputation of the Moroccan government, and made it very difficult for them to continue ignoring their demands.

There are also several examples of a top-down style of law change, most notably Turkey and Tunisia. Both of these countries experienced massive structural changes to their government and legal systems without the demands or input of the general population. In addition, many of the laws implemented in both Turkey and Tunisia were not aligned with common cultural practices but rather were put in place to promote cultural change. Therefore, Islamic culture alone cannot explain variations in laws, and cannot explain variations in women's rights.

Muslims from the very beginning have struggled with the interpretation of the Quran and Sunna, who is qualified to interpret them, and how to interpret them. As a result, there have been many divisions along the way. According to Strawson (1997), after the death of Muhammad, Islam experienced a transformation from an oral into a written tradition opening a gateway for many conflicting interpretations of the texts. The four main Sunni schools of jurisprudence were established sometime in the eighth century after which each school produced its own interpretation of the Sunna and Koran.

These differences make it difficult when trying to study and compare several Muslim societies and their application of Islamic law. Gregorian (2003) uses the example of trying to understand Morocco and Saudi Arabia and Syria and Indonesia,

all of which are very different in how they practice Islam, the level of state sanctioned Islam, whether they enforce Shari' a law or not, which interpretation of the texts they follow etc. Yet, all fall under the larger classification of Islam.

Some argue that there are particular interpretations of Islam that are more conservative, and offer that as an explanation as to why some countries are more restrictive of their women than others (Ayubi 1992; Meyer, Rizzo and Ali 1998). However, as I will show later in this paper, Iran is a perfect example of how an entire country of the same interpretation has changed their family law regarding women over a period of 30+ years. If interpretation of Islam explained variations in women's rights, you would not see the immense change in restrictions on women in a country when the sect of Islam remains unchanged. This change shows that the interpretation of Islam cannot alone explain the variation in family law in Muslim countries. In addition, you can compare countries with similar interpretations and see variations in their family laws. Further, Meyer, Rizzo and Ali (1998) find that the orthodoxy of one's Islamic interpretation has no effect on individuals' willingness to extend citizenship rights to women, which suggests that interpretation of Islam may not explain variations in women's rights.

POLITICAL PRAGMATISM AS AN EXPLANATION

What has been generally missing from the literature is to consider that the expansion (and contraction) of the scope of women's rights in the Middle East is the role played by politics. A partial exception is the work of Mounira Charrad (2001) who developed a theory that seeks to explain why three North African, postcolonial states emerged from colonization at roughly the same time, and why each resulted in a different governmental outcomes, differences in family law and most importantly differences in women's rights. She chose Algeria, Tunisia and Morocco because they have similar characteristics such as they are all North African countries, they are all Muslim countries, and they are all former French colonies. However, though they share these similarities, they have evolved in completely different directions. Charrad states that this is due to differences in leadership, political strategies, and the types and severity of threat each regime faced. Her theory at its broadest sense argues that a states society and governmental structures depend upon political strategies, rather than culture and religion.

When emerging from colonialism, each of these countries had important and strategic decisions to make regarding the development of their nation state. Charrad (2001) argues that many of these decisions were based on the relationship between the acting political power and the opposing power which in this case are the tribal groups formed within each society. Charrad discusses in depth the

formation of these tribal groups, and the type of threat that they pose to the leading political power in each state, however, for the purposes of this paper, the important detail to note is that political power in each state created a political strategy in reaction to the proposed threat. In Charrad's work, the proposed threat was the existing and growing power of tribes within each country.

As Charrad (2001) points out, different contexts in different countries, create different political strategies to gain and/or maintain power. Charrad's theory is that family law is often altered in response to a threat to political power. The logic of this theory becomes quite clear once we make the assumption that political leaders make the laws of a country, and they have goals that they want to achieve. These political goals can range from the desire to grow in power, to remain in power, or to dismantle competition.

When there is a threat to power, political leaders want to diffuse the threat. The actions that political leaders take to diffuse threat are not the same across all types of societies. For example, in a Western country a political leader may try to appeal through speeches or economic policies, to a larger percentage of the population to gain support and take support away from the opposition. In Muslim societies that have been traditionally patriarchal the idea is similar in that political leaders try to appeal to a larger percentage of the population, but the actions to appeal to the population are different in Muslim societies. There has historically been a large segment of the population that is not allowed to participate politically and lacks civil rights, women. In trying to decrease the power of the threat, political

leaders seek to appeal to women in society. In order to do this, political leaders grant women both political and civil rights. This adds a new element to the population that increases support for the political leaders and decreases support for the opposition.

Some Muslim countries are democracies, and some are not democracies. In a democratic society, greater support leads to a higher possibility of re-election for political leaders, which helps them achieve their goal of remaining in power. But even in non-democratic societies, the idea still applies. When women are added in by the regime, they will likely support the political leaders who gave them rights. Granting women rights in a non-democracy will maximize the percentage of the population that supports the current regime, and minimize the percentage of the population that supports the opposition. This makes it more difficult for an opposition group to gain traction, which makes it more difficult for an opposition group to overthrow the current regime. This helps political leaders achieve their goal of remaining in power.

It is possible granting women rights could increase support for opposition groups. But this is not a likely scenario when we take into account the beginnings of most opposition groups in moderate Muslim countries. Many opposition groups in moderate Muslim countries are fundamentalist and view advancement as giving up traditional values, such as the Muslim Brotherhood in Egypt or the Tunisian Renaissance Party founded by Rashid al-Gannushi. Because these groups are opposed to advancement and abandonment of traditional values, granting women

rights goes against their core beliefs. The people who are opposed to granting women rights will likely already be members of these opposition groups. Few people who are not already members of these groups will be so opposed to granting women rights that they join opposition groups. Though granting women rights will reinforce the cause behind the opposition it will provide a greater benefit to the leaders in power.

In sum, variation in women's rights in Muslim countries, from this theoretical process, is a result of pragmatic politicians rather than differences in culture, religion, and institutions. Political leaders in all countries use policy to achieve their goals. In Muslim countries we see political leaders using changes in family law, granting of rights to women, to achieve their goals. Therefore, one may expect that the type of family law, which is the type of law affecting the freedoms of woman, implemented or enforced in Muslim countries has little to do with the levels of religious fervor in the country, and much more to do with the goals of the government in power.

Many observers have argued that religious concerns dictate women's rights in Muslim countries. However, if this theory is correct, religious factors may have little to do with women's rights. Thus, one can hypothesize:

Hypothesis: The variation in the level of women's rights across moderate Muslim countries is due to the existence of groups threatening the power of the political leaders, and the leader's subsequent understanding of this threat.

RESEARCH DESIGN

I utilize case studies to test my hypothesis. There are multiple types of designs that can be used when doing a case study analysis. The two most common are most similar systems design and most different systems design (George and Bennett 2005). According to Przeworski and Teune (1971, 33), most similar systems design focuses on “Intersystemic similarities and Intersystemic differences.” The most similar systems design focuses on the usage of comparable cases (Lijphart 1971). Lijphart (1971, 685) argues that using comparable cases minimizes “the principle problem facing the comparative method,” which is having many variables and few cases. In a most similar systems design, researchers look for cases that are the same in as many aspects as possible. The logic behind choosing similar cases is to eliminate as many variables as possible as causes for what you are trying to explain (Przeworski and Teune 1971). Ideally two cases would be similar in all attributes except one, leaving the one different attribute to explain the dependant variable. Rarely can we control for all but one attribute, but “one can reduce considerably the number of operative variables” (Lijphart 1971, 687).

In a most different systems design the main assumption is “systemic factors do not play any role in explaining the observed behavior” (Przeworski and Teune 1971, 35). In other words, most different systems design focus on cases that have a

similar outcome yet have taken different paths to reach this outcome. Ideally each case will vary in all independent variables except one. The one similar independent variable will explain the similar outcome of these cases.

Since the question driving this paper is an explanation for variation among similar moderate Muslim countries, and the theory in this paper argues that threat to political power within a country, a systemic factor, is the driving force behind variation in women's rights among moderate Muslim countries, I will be use most similar systems design.

In this paper, the dependent variable is variation in women's rights, which is understood as variation in family law. Family law is a good measure for women's rights because it sets a pattern for the structure of society to follow. In order to understand why family law is a good measure of women's rights in a country, one must first understand the depth in which family law affects the rights and restrictions of women. Charrad (2001) explains that family law is a very powerful political tool as it has the ability to dictate the intricacies of society in minute detail. Included in the many aspects of family law are the rights and restrictions of women.

Family law sets a pattern for the structure of society to follow. If this pattern is removed or altered, it can change how people function within a society. For this reason, most countries have laws that dictate and determine the actions of individuals within a family setting. For example, in the case of divorce who will gain custody of the children? In case of a death in the family, how will the inheritance be determined? How does one file for divorce? What is necessary to be legally

married? These questions are answered with a set of laws called family law. Some Muslim countries have a more conservative family law that falls under Shari' a law, in which the rights of the individual are restricted. At the core of this type of family law are concepts of gender, and relationships within the family unit. Specific laws that apply to marriage, polygamy, divorce, child custody, and inheritance are carefully laid out. Conservative family law as found in Shari' a will go so far as to define the relationships between people not only within the family unit, but within society as well, thereby creating a societal structure.

Restricting the rights of the individual in this aspect affects the rights of women as they are most often placed in a subordinate role to men. For example, the strict family law that falls under Shari' a law states that in case of death, with no prewritten will, males can and most likely will inherit more than twice what females will. The purpose of this gender based, unequal distribution is to reinforce the patriarchal system, and patriarchal family unit. The man inherits more because he has the greater responsibility of providing for the family. Females inherit less, but they may keep it for themselves.

Though this pattern of laws pertains to society as a whole, it is this type of law that has historically been used to justify restrictions on women's rights (Esposito and DeLong-Bas 2001). Since family law has been used in the past to justify restrictions on women's rights, altering family law to give women more rights can redefine relationships between men and women, within the family, and within society. If the change in family law gives women more control over issues

such as marriage or divorce, those changes will begin to balance gender roles within a society.

The independent variable in this paper is perceived threat to political power. In this case, the threat takes the form of a rising or existing group that leaders believe can viably challenge the stability of the current regime. Though there are varying types and levels of potential threat, the key to this variable is that it is 'perceived' threat. For the purposes of this paper, actual threat will be used as a proxy for perceived threat.

In a Most Similar Systems design, cases with similarities are chosen in order to control for many possibly confounding factors. The cases of Morocco, Tunisia, Egypt and Turkey were chosen for this paper for this reason. One of the most important similarities between these states is religion. All four of these countries are predominantly Muslim, where over ninety percent of the population practices Islam. In addition to the fact that they are all predominantly Muslim, the dominant interpretation of Islam in each of these countries is the Sunni school of interpretation. Therefore, it is likely that the variation in women's rights has little to do with the type of religion or the interpretation of that religion.

In addition to religion, age of the country could be an important factor to control for. Young countries tend to be less stable than established countries, which could affect the policies and laws of that country. These four countries also share the fact that they are relatively young states, each of them being less than 100 years old. The republic of Turkey was formed in 1923, while Morocco and Tunisia came out of

French colonization in 1956, and Egypt was declared officially independent from British rule in 1957.

Economic factors are also important to control for. These four countries are all economically mid level developing countries. While they are far from being wealthy nations, none of them have more than 5% of the population living below the international poverty line according to the United Nations in 2009. Thus these countries are all economically comparable.

The last, and perhaps one of the most important similarities between Turkey, Egypt, Tunisia and Morocco is the regime type. Though there are levels of variation, all four of these countries promote themselves as a democracy. There are differences in how democratic each country actually is, but all are less democratic than they claim to be. Freedom House rates the level of freedom in countries on a scale of 1-7 with 1 being the most free. According to Freedom House, since the 1970s, all four of these countries have been relatively equal in the level of freedoms afforded to the population, as can be seen in Table 2. These four countries are all considered to be partly free with scores ranging between 3 and 5.

Table 1 Freedom House Civil Liberties ratings for Egypt, Morocco, Tunisia and Turkey by year.

Year	Civil Liberties in Egypt	Civil Liberties in Morocco	Civil Liberties in Tunisia	Civil Liberties in Turkey
1975	4	5	5	3
1980	5	4	5	5
1985	4	5	5	5
1990	4	4	4	4
1995	6	5	5	5
2000	5	4	5	5
2005	5	4	5	3
2010	5	4	5	3

The case study approach used in this paper is theory confirming. In this approach cases are tested for relationship between two variables in order to test a pre-existing theoretical framework (Lijphart, 1971). The test in this case study will contribute to the evidence supporting the theory.

I pose two sets of questions that help structure the inquiry into the country cases. The first set of questions deal with basic cross sectional comparisons between the four countries (and are summarized in Table 2). These include basic questions about socio economic context, type of regime, the existence of non-Muslim minorities, and the historical influence of Shari' a law. Further, I examine in each case the current level of women's rights and the level of threat to the regime from Islamic Fundamentalist groups.

Table 2 Case Study Qualifying Questions

Country	Level of Freedom	Existence of Fundamentalist Islamic Group	Majority Muslim	Govt. influenced by Shari' a Law
Egypt	Not Free	Yes	Yes	Yes
Morocco	Partly Free	Yes	Yes	Yes
Tunisia	Not Free	Yes	Yes	Yes
Turkey	Partly Free	Yes	Yes	No

Source: Level of Freedom taken from freedom house 2010

Source: Existence of Fundamentalist Islamic Group: Tunisia and Morocco, Charrad (2001); Turkey, Arat (1998); Egypt, Hatem (1992)

Source: Majority Muslim and influence of Shari' a law taken from CIA world fact book

The second set of questions deal with the more important issue of changes over time. In other words, were expanding rights for women (as revealed by family law) a function of threat to the political power of the sitting leader (i.e. president, king, etc.)? Were more rights granted in response to the threat?

Table 3 Case Study Questions

<i>Do women currently have some civil and political rights?</i>
<i>When were these rights granted?</i>
<i>Was there an opposition group that challenged the government during this transition time?</i>
<i>Was there an identifiable act of threat to political power prior to these changes?</i>
<i>Were rights granted as a result of this threat?</i>

To evaluate likely reasons for change in family law, it is necessary to take a close look at the period of time directly preceding and following that change. I seek to map out in detail a particular series of historical events that lead to changes in the status of women under family law. In particular, I focus on the existence of a group that challenges the ruling authority of the sitting leader of each country as the impetus for change in women's rights. I expect to see leaders of countries changing family law when they are threatened by a challenging group. By documenting the current status of women under family law, and then backtracking to the implementation of that law, and just before the law was implemented, we should find a common occurrence across all four countries, a threat to the sitting leader's power.

In mapping out the historical events surrounding changes to family law in these countries, my hypothesis will be confirmed if threat to political power precedes change in family law. I expect these changes in family law to grant women more societal rights. For example, raising the legal age of marriage, giving women a say in who they marry, and giving them the right to divorce all significantly alter the structure of the family, and society. By empowering women in just a few areas, women will move to a more prominent position in the family and in society. This should show that pragmatic political decision-making explains variation in women's rights across moderate Muslim countries.

In order to understand the impact of a change in family law, one must first understand the depth in which family law affects the rights and restrictions of not

only women, but also the entire family nucleus. Family law sets a pattern for the structure of society to follow. Most countries have laws that dictate and determine the actions of individuals within a family setting. For example, in the case of divorce who will gain custody of the children? In case of a death in the family, how will the inheritance be determined? How does one file for divorce? What is necessary to be legally married?

In these four case studies I am looking for an explanation for variation in women's rights among moderate Muslim countries. In doing so, I will examine the current status of women in each country through family law. Regarding marriage, divorce, child custody, education, and political freedoms, I expect to see that most civil and political rights will have been granted at the same time. In addition, I expect that these vast changes in the laws that create societal structure will have occurred in effort to secure political power.

CASE STUDY ANALYSIS

In this section I begin my comparative case study analysis. I am looking at major changes in family law in moderate Muslim countries in the twentieth century. Since many of these changes occurred during the Nation building phase, I have ordered the studies chronologically from the date of the creation of the independent modern state. I start with Turkey, then the second case study is Tunisia, Morocco is the third, and I finish with Egypt.

Turkey

Do women currently have some civil and political rights?

Women in Turkey currently experience some of the most liberal and progressive civil and political rights among Muslim countries. In addition, they are among the most educated and literate women in Muslim countries. Unfortunately the World Bank surveys, used in Table 4, do not go back as far as 1920. However, you can see that over the last 30 years there has been an increase in many aspects of gender equality, most notably in the area of literacy. There has been a slight decrease in the percentage of women in the labor force, yet that could be explained by the increase in the number of years of schooling. Again, the data is not extensive, but it does show an improvement and movement in the direction of gender equality.

Table 4 Data for Turkey from the Years 1980, 1990, 2000 and 2007.

	Expected Years of Schooling	% of Women in Labor Force	Life Expectancy	% of Women Literate	Percentage of Seats Held by Women in Parliament
1980	.	27	62	50	.
1990	7	30	67	69	1
2000	9	26	72	.	4
2007	11	26	74	81	9

When and how were these rights granted?

Turkish women were granted rights through three major changes in law.

The first change came directly after the birth of the Turkish republic in 1923. In efforts to create a modern and western state, Ataturk abolished the Caliphate (ruling religious authority), and closed traditional religious schools. In doing so, this opened doors for a modern civil law to be put in place, and sent a clear message that traditional, religious law no longer had a place in the Turkish government, thus creating a transition into the second major change to affect Turkish women's rights.

The second major change took place in 1926 when a civic code was put in place. This code was the most impactful for women as it gave them equal rights to men in areas of divorce, marriage, and inheritance. In accordance with Ataturk's vision, the new civil code was based on the family code of Switzerland. This code changed the status of women not only within the family, but also within society as a whole.

The third major change occurred in 1930 when women's suffrage was granted. In addition to voting rights, women were also given the right to be elected in Municipal elections, and later in 1934, Parliamentary elections. Turkey was one of the earliest states to grant women voting rights, just ten years after the United States, but more than ten years before France, Italy and Belgium. These new laws allowed women to have a political presence like never before. By 1935, eighteen women had become members of Parliament, nearly 5 percent (Arat, 1998).

Was there an opposition group that challenged the government during this time period?

Ataturk's vision of a modern and western Turkey, was not shared by everyone. He was obsessed with altering the Turkish society, and creating a new western nation to be held up against all other western nations. He even went so far as to alter the language both spoken and written (Arat 1998). Amidst the push for all these drastic changes was a rapidly growing group of Turks who opposed the modernization of their country, and more importantly the westernization of Turkey. Many members of the opposition were former associates of Ataturk. They felt that Ataturk was alienating their traditional Muslim values and that he had gone too far in efforts to align the country with Europe. They organized a group that aligned themselves with the conservative Muslim movement and the return to traditional values (Kandiyoti, 1987).

Was there an identifiable act of threat to political power prior to these changes?

Ataturk had a vision of becoming part of Europe, and in the efforts of doing so, transform Turkey into a modern European country (Arat 1998). He felt that his position and his goals for the country were threatened by the growing presence of Islamists that were opposed to his ideas. Early on, Ataturk attempted to repress all representation of and participation of the Islamists. He made no concessions whatsoever to the Islamist movement.

The first sign of a real threat was 1924, when the Islamists began grouping and organizing themselves into a legitimate political party, The Progressive Republican Party. Their platform was to oppose all of Ataturk's reforms. (Kandiyoti, 1987). Though Ataturk was strategically able to continue suppressing the Islamic opposition by abolishing the Caliphate and closing Islamic schools, he was slowly creating a greater threat overall.

In 1926, a plot to assassinate Ataturk was uncovered. It was found to have originated with one of Ataturk's former deputies whose position was abolished along with the Caliphate. In addition, a thorough investigation uncovered the participation of more than 15 men who were Ataturk's former associates. Many of these men were hanged and the rest sent into exile (Arat 1994).

By 1930, the Islamic opposition had grown into a sizable and legitimate organization. They were forced to create a new political party called the Liberal Republican party. Their platform remained the same in which they were opposed to

all of Ataturk's reforms (Kandiyoti 1987). In addition, the Islamists believed that religion should be brought back into government.

Ataturk made an attempt at a multiparty election in 1930 where the Liberal Republican Party succeeded in opposing Ataturk's reforms all around the country. Ataturk dismissed the elections and said that he believed the country was not yet ready for a multiparty system. He continued his authoritarian, single party system. Were these changes a direct reaction to the act of threat to political power?

The behavior of Ataturk and the founding fathers of the Turkish Republic fall perfectly in line with the theory. Tekeli (1992) and Kandiyoti (1987) have both pointed out that it is no coincidence that the Caliphate was abolished at the same time that the Islamist opposition began grouping and organizing. Nor is it a coincidence that the civil code liberating women from the role of submission was passed within months of an uncovered assassination attempt on Ataturk. It also an unlikely coincidence that the legislation on women's suffrage, passed in the 1930's, giving them the right to vote and be elected to office, occurred just four years after the Liberal Republican Party succeeded all around the country opposing all of Ataturk's reforms. In passing each legislation, Ataturk was strategically able continue to suppress the Islamic opposition, (Kandiyoti 1987).

Though the liberation of women from oppressive traditional practices was only the tool used by Ataturk to realize his vision of a modern and western Turkey, women have benefited greatly from these changes. Turkey has become a leading

role model in gender equality for all Muslim nations that struggle between a secular and religious identity.

Tunisia

Do women currently have some civil and political rights?

Much like Turkey, women in Tunisia experience many civil and political rights. Tunisia is said now to be one of the most liberal countries, in regards to women, in the Middle East and northern Africa. World Bank data provides a brief snapshot of Tunisia over the last 40 years, and as you can see in Table 5, Tunisian women have steadily improved their status over this time-period. In the 20 years between 1977 and 1997, they doubled their level of education, and in the last 20 years or so, they have more than tripled their percentage of seats in the parliament.

Again, this data does not show the most major change in women's rights in Tunisian history. Prior to 1956, Tunisian women were not educated or allowed to vote, much less hold a political position. Even under colonial rule, Tunisia used Islamic courts and traditional shari' a law which places women in a subordinate position to men in all aspects of society.

Table 5: Data for Tunisia from the years 1977, 1987, 1997 and 2007.

	Expected Years of Schooling	% of Women in Labor Force	Life Expectancy	% of Women Literate	Percentage of Seats Held by Women in Parliament
1977	6	.	62	.	.
1987	9	21	68	.	.
1997	12	24	74	.	7
2007	.	26	76	.	23

When and how were these rights granted?

To date, Tunisia's most powerful change, not just for women, but also for all citizens, was the adoption of the code of personal status. This code is what gave women their first taste of gender equality. Though the data in table does not show the civil rights of women, it was with the implementation of the Code of Personal Status in August 1956, just five months after independence, that women gained many familial and societal rights literally overnight. This code changed the way women were viewed in the family, and therefore in society. It provided protection for women against unilateral repudiation, a common divorce practice in Islam where the husband simply has to say "I divorce thee" three times and in the presence of witnesses and his wife can consider herself divorced, and often with nowhere to go. The code now requires that all divorces go through civil court, and that women are equally able to file for divorce. In addition, the code makes polygamy illegal, and establishes fines and punishments for those that choose not to

obey the law. In addition to these changes, the code also reformed marriage by implementing minimum marrying ages of 17 for girls and 20 for boys. It also states that the girl has the right to choose whom she marries and that she cannot be forced by her family to marry anyone she doesn't want to. The code also expanded women's rights on child custody and inheritance.

Was there an opposition group that challenged the government during this transition time?

Tunisia gained independence from France in 1956, with the carefully calculated efforts of Habib Bourguiba, and the reformist group. These reformists fought alongside many in Tunisia during their struggle for independence from France, however, they also met opposition within Tunisia. Their vision and goals for the future of the country did not match those of the conservative faction, led by Ben Youssef. Ben Youssef was strongly supported in the tribal areas, and appealed to those who sought the safety of the past, and traditional values. He promoted pan-Arabism, pan-Islamism, and Maghribi unity (Charrad, 2001). His supporters were opposed to modernizing Tunisia and moving away from traditional Islamic practices.

Was there an identifiable act of threat to political power prior to these changes?

Much like Turkey, the threat to political power came first in the form of organization. As Ben Youssef, the Islamists and the traditionalists began to formally

organize themselves as an official opposition group, Bourguiba and the reformist group became aware that their position would eventually be threatened if they did not take action. Ben Youssef focused on rallying support from the poor rural areas that had been hit hard by the drought. Once he gained the support of guerrilla forces, he grew rapidly in power. He pushed his followers to continue the fight against the French until Morocco and Algeria were both free, and touted Pan-Arab nation where all North African, Islamic states would be free to form one Arab/Muslim nation.

Bourguiba felt the pressure from Ben Youssef and his followers. His goal was to lead Tunisia out of violence, and into freedom, not into a “pan-Arab supranation” (Charrad, 2001, pp. 206). However, as the number of Ben Youssef’s followers grew, Tunisia became deeply divided. By 1955, just a year before independence, there was a full-blown war within the country, in addition to the battles against France. Guerrilla fighters that were Ben Youssef supporters started attacking Bourguiba supporters.

Bourguiba and the reformists responded to the violence by initiating negotiations with France, and gaining the support of the Labor Union, which shifted the balance in favor of Bourguiba. Upon independence in 1956, Bourguiba was named prime minister, and then head of state in 1957 (Charrad, 2001).

Were rights granted as a result of this threat?

Charrad (2001), Marshall and Stokes (1981), agree that these changes were implemented by Bourguiba to ensure the political viability. As the theory suggests, those in political power need to find a way to achieve their goals while simultaneously maintaining their popularity and thus keeping themselves in power. Bourguiba saw Ben Youssef and Islamic institutions as a threat to the new nation state, and his own political power, and therefore created secular policies that are now the base of Tunisia's government. Charrad describes how Bourguiba and other leading political actors created a state building strategy to implement national institutions while consolidating the power of a central government. In addition, to further separate themselves from tribal solidarities, the leading conservative factions, they attacked traditional institutions including the power of Islamic courts (Charrad 2001) (Marshall and Stokes 1981).

These strategies accomplished multiple goals: first, they reinforced the vision of a modern nation state, and second it undermined the traditional structure of society and with it the power of patrilineage. Without this structure, and the laws to support it, the Islamists, traditionalists, and tribal oppositions have little power to build on (Charrad 2001).

Morocco

Do women currently have some civil and political rights?

The current status of women in Morocco is astounding. Looking at Table 6, you can see that while the level of education has increased in the last 30 years, the literacy rates remain extremely low with only 44% of women being literate. It is possible that these literacy rates could be explained by the severe divisions in economic class that remain in Morocco. The wealthiest Moroccans most likely have easy access to education, while the poor rural women do not. In addition, poor rural women must work to support their families, which is probably why the percentage of women in the labor force has increased over the last 30 years.

Table 6 Data for Morocco from the Years 1982, 1994, 2004 and 2009.

	Expected Years of Schooling	% of Women in Labor Force	Life Expectancy	% of Women Literate	Percentage of Seats Held by Women in Parliament
1982	5	23	61	18	.
1994	6	25	68	29	.
2004	9	26	72	40	11
2009	.	26	74	44	11

Women currently hold at least 11% of the seats in Parliament in part because in 2002 Morocco's electoral code was revised. According to Freedom House, a proportional list system was introduced reserving 30 national seats for women. However, women still struggle to gain greater representation, in part because of the

difficulties with access to education (Naciri 2011). The high rate of illiteracy in Morocco keeps women from accessing information about the political system, and subsequently their rights. Morocco, unfortunately, has two very strong gaps that it must bridge, the divide between rich and poor, which are reflected in the divide between urban and rural areas, and the great gender divide (Charrad 2001). This means that women in rural areas suffer doubly. They lack access to education because of their economic status, their geographic location, and their gender. Lack of education simply perpetuates the cycle by leading to illiteracy. Illiteracy leads to the inability to gain information regarding resources, and political and civil rights which will likely continue to perpetuate the cycle (Naciri 2011).

The women in urban areas have greater access to education and information because of both their geographical location, and they are wealthier. Educated women in Morocco have held a number of prestigious positions. As of 1998 there were 391 female judges in all of Morocco's courts. Morocco has over 1,000 female lawyers, which makes up about 18% of all lawyers in Morocco. Women have also served as counsel for the prosecution in the Supreme Court, and as deputies of the Attorney General. (Naciri 2011).

When and how were these rights granted?

Like Tunisia, Morocco gained independence from French colonization in 1956. However, they waited a full year before they officially adopted a code of personal status known as the Mudawwana, though the official code came with no

changes for women. The Mudawwana established in 1957-1958, was nearly a complete replica of Islamic law, renamed as a civil code for all Moroccan citizens.

The big change for Moroccan women came in October of 2003, when King Mohammad VI presented the proposed Modern family code to parliament, and suggested that rather than reforming the existing Mudawwana, that they simply adopt the new, modern family code instead. The King met little resistance, and by January of 2004 the Modern Family Code had been ratified (Harrak 2009). This new code brought forth many, many reforms, and completely changed the status of women in Morocco. It granted women the right to divorce, and unilateral repudiation was made illegal. Polygamy was not abolished, but was made nearly impossible by stating that the approval of the first wife was needed for a husband to take on a second wife, and that the husband has the financial ability to guarantee equal treatment of the women. In addition, women can no longer be forced into marriage, and the legal marriage age for both boys and girls is raised to 18. In addition to these reforms, there were many others that afforded women a great deal of gender equality (Charrad 2001).

Was there an opposition group that challenged the government during this transition time?

In Morocco, as Charrad (2001) points out in her research, the post colonization revival of the monarchy combined with old tribal groups left in tact by the French colonists created a political situation quite similar to that in the years

prior to being colonized. Since the tribal presence in Morocco was much stronger than that of Tunisia, the central government strategized that they could remain in power and consolidate the nation if they could create a coalition between monarchy and tribe. Once the coalition was created, the monarchy continued efforts to appease the tribal entity in order to maintain power. Part of this strategy was to create a policy on family law that linked the 2 groups. To appeal to the conservative nature of the tribal entity, and to not offend anyone with dramatic change, they remained with the Islamic family law of the Shari' a. As mentioned earlier, this type of family law is the cornerstone of the tribal system. By reaffirming this type of law and system, the monarchy secured it's strong ties with the tribal groups thereby dramatically decreasing any chances of opposition (Charrad 2001).

Fast forward to the 1990's where the political power of Islamic groups was rapidly and intensely growing. The conservative Islamists fought against reform, and the "modernists" represented by women's groups, and NGO's wanted massive reforms (Harrak 2009). King Hassan II finally realized that his best plan of action was to start integrating women into society. By March of 1999, the Prime Minister announced a proposed plan to promote integration of women on a national level. This plan suggested reforms from women's education to healthcare to economic development and politics (Zoglin 2009). Just a few months later, in August of 1999, King Mohammed VI had ascended the throne, and made very clear that the government's priority would be to improve the status of women in Moroccan society (Harrak 2009).

Was there an identifiable act of threat to political power prior to these changes?

In 2000 and 2001, the opposition began to grow in both size and strength. There were demonstrations on both sides, those in support of the proposed national plan for women, and those who opposed it. In March of 2001, King Mohammad VI announced his plan to review and revise the Mudawwana. He established a Royal Commission, that included three women, to review the code and make suggestions for reform.

Given the number of things that needed to be taken into consideration, the committee spent nearly two years reviewing personal status codes from other Muslim countries, attempting to keep their suggested reforms in line with Islamic values, listening to the sentiment of civil society, and trying to come to a consensus on real reform that could meet the needs of an advancing society. During this time however, the public was losing confidence in the advancement of the commission, and were growing restless and impatient. In addition, as a result of the public's restlessness, the Islamic opposition who wanted no reforms, were becoming more and more agitated. All of this led up to the May 16th 2003 Terrorist bombing in Casablanca. The Islamic extremists took credit for the attack.

Were rights granted as a result of this threat?

Morocco is a good example of a government changing directions. Under Hassan II, there was reluctance to reform the family law. There still seemed to be a

desire to appease the traditionalist, the Islamists and the tribes. Though a mounting opposition of women's organizations and NGO's forced him to realize that some reforms must be made to calm the crowds. Alternatively, under Mohammad VI, the status of women became a hot topic. Mohammad VI ascended the throne with the goal of altering the status of women and integrating them into society. Perhaps he wanted to appeal to the international community, or perhaps he simply believed that Morocco would advance at a quicker rate if women were an active part of society. Either way, the more the Islamists opposed reform, the fewer considerations they were given. Counter to their mission, it seemed the terrorist attack by the Islamists in 2003 ensured that the reforms would pass.

Egypt

Do women currently have some civil and political rights?

The general status of women in Egypt is difficult to quantify. Women gained the right to vote in 1956, and in 2002 gained the right to be appointed judges, which though that decision does not alter family law in their favor, it challenges the patriarchal system and puts women in one of the highest positions in the country. In addition, as judges, women will have the right to impact future laws and future reforms. Two years later, women were granted the long awaited right to initiate divorce. Though this law forced women who filed for divorce to forfeit any rights to her dowry and maintenance payments from her husband, it allowed her to initiate

and break away completely from her husband, a right which she did not previously have (Hatem 1992). However, as shown in Table 7, Egypt is still one of the lowest ranking Middle Eastern states in literacy rates, though it is increasing at a rapid rate with 58% of women being literate in 2006 up from 22% in 1976. Last reported in 1986, Egyptian women were expected to receive 7 years of schooling, and that was up from 5 years of schooling reported in 1976. In addition, the status of women is improving in all areas, most notably the rate of literacy.

Table 7 Data for Egypt from the Years 1982, 1994, 2004 and 2009.

	Expected Years of Schooling	% of Women in Labor Force	Life Expectancy	% of Women Literate	Percentage of Seats Held by Women in Parliament
1976	5	.	55	22	.
1986	7	27	62	31	.
1996	.	25	68	44	.
2006	.	24	72	58	2

When and how were these rights granted?

Unlike any of the other cases, Egypt has not experienced a major reform in family law. There have been small reforms in family law, but nothing large enough to alter the structure of society or the path to gender equality. In the 1950's and 1960's some transformations began to take place regarding the social status of women. Under President Nasser, women were integrated into all aspects of society including economic, political and educational sectors. In addition, in 1956, women

were finally granted the right to vote. However, not one reform was made to Personal Status Code. Because the Personal Status Code and family law fell to the responsibility of the religious leaders, it is likely that Nasser felt he had little to gain by challenging these laws, and that reform in this area would most likely fuel an intense opposition from the Islamists. Therefore, Nasser propelled Egypt towards modernization with social reforms.

Compared to several other North African countries, Egypt has made little progress in the area of gender equality. Those in power have made small concessions by chipping away at the patriarchal power of men, yet few actual advances have been made for women, most especially in the area of family law.

It wasn't until 1979 that President Sadat, after receiving pressure from his wife, agreed to revise the personal status code, which only made small advances such as expanding the conditions in which a women could apply for a divorce, and adding some restrictions on the practice of polygamy. Those these were not sizable gains for gender equality, they were small steps towards the greater goal, and these small steps met with a huge resistance. Unfortunately, these small steps forward were revoked just after Sadat's assassination in 1985. It was only after several large protests, pressure from the UN, and the desire avoid negative international publicity, that Egypt decided to reinstate these reforms albeit a slightly more conservative version.

Was there an opposition group that challenged the government during this transition time?

One possible explanation for Egypt's lack of advancement in regards to the status of women is the size and power of the Islamic opposition. Egypt is similar to the early years in Morocco in which the Islamic opposition was equally as large and powerful as the political elites. Egypt is the birthplace of the Muslim Brotherhood, one of the largest and most notorious Islamic fundamentalist groups in the world (Gregorian, 2003). The leaders of the Muslim Brotherhood were opposed any move to modernize the country, which became problematic for any advancement both socially and economically. Since there was little that could be done to dismantle the opposition and remove them completely from the picture, much like the early years in Morocco, the political leaders were only able to negotiate with the opposition. One of the ways in which political leaders negotiated with the Islamists is to allow them to maintain control over family law while relinquishing control over all other aspects of law. In doing so, the Islamic religious leaders maintained much of the power in Egypt. It is for this reason that there have been few small changes and no major changes to family law in Egypt in the past 50 years (Badran, 2008).

Was there an identifiable act of threat to political power prior to these changes?

In 1954 there was an attempted assassination on president Nasser. The Muslim Brotherhood denied any involvement in the assassination, yet Nasser jailed several

of its leaders. In addition to jail, Nasser also banned them as a political party in 1954 (Gregorian, 2003).

Were rights granted as a result of this threat?

The banning of the Muslim Brotherhood had a positive impact on the advancement of women. Sending a strong message to the Islamic extremists, President Nasser, granted women the right to vote in 1956, just two years after the assassination attempt. In addition, Nasser insisted on further integrating women into society by educating and employing them.

Unfortunately Egypt has seen little further advancement over the years. However, in Egypt, the greatest challenge came in appeasing the Islamists who fought to maintain the traditional way of life. Egypt's leaders knew that Egypt could not advance economically without making some changes to the structure of society, yet changing the status of women within society, or altering the patriarchal structure, seemed to be a risky move and one where they proceeded with caution. This caveat along with the lack of pressure from external forces, could explain the slow progression towards gender equality.

CONCLUSION

In all cases women have some variation of civil and political rights, which was the main driving force behind this paper. The goal was to explain this variation through comparing several similar cases to determine a cause for the variation. In addition, we now know that these rights came about during different periods in each nation's history. For example, Turkey and Tunisia experienced their most radical reforms during the stages of nation building, where Morocco's major reform to family law occurred in 2003, 47 years after the creation of the nation state, and though the government in Egypt has granted several political rights over the years, Egypt has yet to experience a major reform in family law. Therefore, I find that if the government stands little to gain from granting gender equality to women, there seems to be no incentive for them to do so, especially if by doing so, they risk creating a stronger and more passionate opposition.

The theory used to explain this variation in women's rights, is dependant upon the presence of a threat to those currently in political power. In all four of these cases there were threats to power, yet these threats were managed in significantly different ways. What was not factored into these cases was the size and power of the opposition, only the presence of that opposition. Thus, I believe that these four case studies of Turkey, Tunisia, Morocco and Egypt may be more easily divided by the size of the opposition, and how each managed their opposition.

In the cases of Turkey and Tunisia, they took a more preventative approach where they closed all outlets of expression for the opposition while courting the general public towards their visions of modernity. This strategy could only work if the presence of the opposition were only beginning to build. The threat is still present, yet hasn't grown into a fully organized and deeply rooted institution.

Women gained liberties in education, employment, business, family, child custody, divorce, and inheritance virtually overnight. These changes occurred before grass roots movements had the opportunity to build their own momentum, but only because the governments felt they would benefit greatly from the deconstruction of the patriarchal system.

In the case of Turkey specifically, the objective was initially to create a liaison with Europe while distancing themselves as much from their Ottoman and Islamic past as possible and simultaneously growing the economy. To accomplish this, they forced people to wear western style clothing, encouraged women to go to school, and men to allow them, they encouraged women to enter the workforce, and participate politically by both voting and holding office. They simultaneously closed down all public outlets for the opposing Islamists, keeping them from participating in any aspect of political life.

For Tunisia, the political goal was to strengthen the power of the government by deconstructing the social makeup of the opposition. In this case, the opposition happened to be the conservatives and Islamists represented by the tribal groups. The Tunisian government made it very clear that religious extremism was

not welcome in government, and the best way for them to achieve their economic and social goals was to completely separate themselves from their traditional Islamic past in the creation of a new nation state that was completely secular. In doing so, like Turkey, they drastically altered the surface of women's lives.

The political leaders of both Turkey and Tunisia shared a vision of a modern nation state, which in these cases meant a western state. Both political leaders looked to the west for measures of modernity, and showcased their women as free to symbolize their detachment from traditional Islamic societies.

Both Morocco and Egypt had very different outcomes from Turkey and Tunisia. While these countries are still considered to be moderate, the greatest difference they have from Turkey and Tunisia is the length of time it has taken them to reach this status. In my research surrounding the family laws of these two countries, I find a striking similarity between them. Morocco and Egypt are both deeply traditional societies that still have a great influence from traditional Islamic values.

Morocco was able to reach a point where they made major progress, but only after the opposition removed themselves from a position of negotiation by becoming violent. The bombings in Casablanca communicated to the King that the Islamists were no longer rational or predictable, and therefore negotiations would be useless, as they would likely refuse any change. Therefore, this disruption in balance gave the King the freedom to pursue changes in family law.

In Egypt, the government negotiated power rather than policy. This allowed the Islamists to maintain control over family law and consequently women's rights. Though they likely still posed a threat to power for the political elites, having control over women and therefore over virtue actually made them quite powerful. In exercising that power over the last 50 years, there has been very little advancement for women in regards to family law.

All of these countries have shown a correlation between the political strategies of the government and the status of women through family law, and they have used the status of women to send messages to the outside world. Although the messages have varied in the past and will most likely vary in the future, we can see without a doubt that the status of women is used as a tool to communicate the political goals and achievements of the government to both its friends and its enemies.

The assumption in this paper is that pressure from the opposition will cause political leaders to alter family law in the direction that gives women more rights. However, it appears that if political leaders feel pressure from the opposition, and that opposition is equally as strong and powerful, the reaction may be to change family law to appeal to them, or to not make any changes despite outside pressures. In essence, a political leader will do whatever necessary to maintain power, and if agreeing to maintain the status quo, in the case of early Morocco and Egypt, will quiet down the opposition, then that is what they will do.

Consequently, I believe the size and power of the opposition is extremely relevant to the actions and reactions of the political elites. In the cases of Morocco and Egypt, it was too late to use preventative measures as the opposition already held a large presence. In Morocco it was the tribesmen who posed equally as much opposition to reform and government post colonialism as they did prior to the colonial period. The political elite had previous experience with them, and quickly came to the realization that the only way to secure their own power was to negotiate with them or appease them.

The events surrounding what is commonly referred to as “the Arab Spring” have produced monumental changes in the countries of the Middle East and North Africa, particularly in Egypt and Tunisia. Dictatorial regimes that have ruled for decades in these countries have fallen, and what this means for women’s rights is currently unknown. It is possible that the fall of dictators in these countries may lead to democracy, and greater rights for women. However, the end of these regimes may create an opening that allows the previously suppressed Islamic organizations to come to power, thus restricting women’s rights. The results of the recent Egyptian elections, in which the Muslim Brotherhood, and other Islamic groups recorded big wins, and the rise of the Islamist Ennahda Movement in Tunisia seem to suggest that Islamic groups are filling this opening, which could lead to greater oppression of women in these countries.

FUTURE RESEARCH

There are many opportunities to expand this research. One of the most important and easiest ways would be to simply expand on the number of Muslim countries included in the study. In addition, expanding the study to include other types of governmental regimes, specifically more conservative regimes, though it is likely that a conservative political leader will perceive threat differently, and therefore, their reaction to threat will be a different than that of a liberal political leader.

Another opportunity for future research would look at cases that use preventative measures versus cases that used reactionary measure to challenges met by the governing elites. In addition to this analysis, it would also be helpful to define whether the opposition groups are organized and deeply rooted, as this will likely determine the type of reaction that the political leaders will have.

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