

**EXPLORING THE RELATION BETWEEN  
GENDER POLITICS AND REPRESENTATIVE  
GOVERNMENT IN THE MAGHREB:  
ANALYTICAL AND EMPIRICAL OBSERVATIONS**

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# **Exploring The Relation Between Gender Politics and Representative Government in the Maghreb: Analytical and Empirical Observations**

**By Amel Mili**

**Thesis director: Professor Jyl Josephson**

**This thesis uses analytical and empirical methods to explore the relation between gender standards and democratic standards in the Maghreb, which includes Algeria, Morocco, and Tunisia. The analytical approach consists of considering theories that link gender standards and democratic standards, and analyzing whether and to what extent such theories would apply or not apply to the Maghreb. The empirical approach consists of taking measurements that reflect gender standards and democratic standards across the three countries and four different milestones of their recent history (1970, 1980, 1990, 2000), and applying statistical methods to compute correlations and regressions. Because the empirical approach yields no significant correlation between gender standards and democratic standards in the Maghreb, I analyze this statistical correlation for other sets of countries that are part of Maghrebian identity: Arab countries, Muslim countries, African countries, and Mediterranean countries. The combined results of these analyses give us some insight into possible explanations of the empirical observations.**

**This modest work is humbly dedicated**

**to *My Mother*,**

**and to the Memory of *My Father*,**

**Also dedicated**

**to *Noor*,**

**for her inexhaustible imagination**

**and to *Farah* and *Serena***

**whose version of the Fairy Tale ends when Cinderella kisses the prince**

**goodbye and goes for her PhD**

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# **Introduction and Motivation**

## **1. Purpose of the Dissertation**

This Dissertation examines whether gender policies adopted by the post colonial North African states towards women affected levels of democratization in the three countries. More specifically: Do North African states who adopted gender egalitarian policy performed better in terms of democratization<sup>1</sup>? I point out that this question examines gender policies and evaluates their effectiveness as an instrument for democratization. However, I do not deny the critical role of gender equality as a constitutive part of democracy itself.

Through the case study of three Arab-Muslim countries, unified by a similar history but making different choices in terms of gender policy after independence, I will try to measure the impact of gender policy on the evolution of the political system in terms of democracy. For this purpose I will first explore and explain the state policies, particularly through the exploration of the different laws enacted in matters of family law, then assess whether these policies translated into tangible rights in practice, and finally examine the reciprocal relation between state democratization and women liberalization.

## **2. Motivation**

This dissertation aims to bring a new light to the reason of persistence of authoritarian regimes in the Arab region and to be a contribution to a whole new literature that links regime type to women's place and situation in the society. The

democratic deficit<sup>ii</sup> that characterizes the Arab world has received many explanations. Some of them emphasize the constraining impact of Islamic movement on the Muslim world's intellectual, technological, scientific and economic progress; others cite the international economic order and the petrodollars; others point out to the distinctiveness of patterns and values that guide the Muslim world and question the compatibility of Islam with a democratic system of government. This study aims to consider the question of democratic deficit from a gender perspective. This dissertation aims to bring also a new contribution not only by the study of a new region but also by selecting an important point in time. The different gender policies adopted by the three North African states, corresponded with the emergence of new post colonial nation states, and aimed to be part of the building of a new state identity and ideology.

My interest to explore the relation between democratization and gender policies is also motivated by the emergence of women as major agents of modernization and development. A World Bank survey related to development and the relation between gender equality and economic development (*Engendering Development*) shows that improving women's education and lessening the gender gap in education, and income distribution, have a positive effect on economic growth. *The United Nations human development report* of 2002 shows a significant lag in economic growth between countries such as Malaysia, Vietnam, South Korea, and china that invested in women's education and economic participation and some countries such as Iran who have a negative or low growth. The countries who have adopted a gender equality policy have been more able to face the challenges of globalization and profit from its opportunities, according to this same report.

Another element that motivates my interest in gender equality in North Africa is that most experiments in democratization in the Arab world have brought about radical governments most of them hostile to ideals of freedom, or equality. The last few months of the year 2005, the labeled free election that happened in Egypt, Iraq, Lebanon, and Gaza propelled Islamic governments or gave increased clout to Islamic parties. The election in Egypt has produced a strong favor to the brotherhood, the election in Iraq propelled the Shiites, the election in Lebanon produced Hezbollah, and the election in Palestine lead to a significant victory of Hamas (that even Hamas was not expecting). One radical version of Islam was the Taliban regime which denied women education, work, appearance in public without a male...While this regime is considered draconian, however, Islamist regimes such as those in Afghanistan, Egypt, Sudan and elsewhere [Kepel, 2002] have all a common lower denominator which is tighter control over women and restrictions of their rights. Fundamentalists reassert the idea of authentic, pure national identity. The purification of society from the evils of alien values is mostly concentrated around the purification of women's body from the evils of "liberalization".

### **3. Literature Review**

Since the 1990's, many studies appeared trying to explain the major obstacles facing the Muslim world and preventing it from modernizing and switching to more democratic forms of government. This interest has been growing since the fall of the communist block and the converging of most of the countries and human population towards a general consensus that liberal democracy -despite its weaknesses- remains the

best mode of governance. The third world wave of democratization included almost all of the world countries from Latin America to Africa except the Arab region.

Many scholars from different schools of thought and different backgrounds tried to explain the democratic deficit using different approaches: political [Sadiki], religious {Abou El Fadhl}, economic [Sherbiny and Tessler], historical [Lewis], sociological {Sharabi}, and cultural [Huntington]. A well-known contribution is Lewis (2002), who observes that a process of cultural and political dynamism started in the West with the Renaissance (half a millennium ago). It has gradually spread – as a quest for modernization – to the rest of the world, but, even if it has often been introduced in the Muslim world, it has failed to sink deep roots. In the terminology of economics, the spread of modernism has the character of a “club” effect, where countries in the club are influenced by each other, but not by outside countries.

Others are more radical: Kedourie (1992) argues that “the idea of representation, of elections, of popular suffrage, of political institutions being regulated by laws laid down by a parliamentary assembly, of these laws being guarded and upheld by an independent judiciary, the ideas of secularity of the state....all of these are profoundly alien to the Muslim political tradition” (p. 5). Zakaria (2003) qualifies this by claiming that a lack of democracy among Muslim countries is not a Muslim problem, but rather an Arab problem:<sup>19</sup> Several Muslim countries – most notably Bangladesh, Indonesia, Malaysia, Mali and Turkey – are democracies, but (in 2003) none of the 22 countries in the Arab League have elected governments. He gives three main reasons for this: First, he notes that the enlightened dictator, and the heroic leader, enjoys a revered place in Arab political discourse (Barakat, 1993; Korany, 1994). Second, Western countries tolerate the

dictatorships of Arab strongmen because the alternative to such pro-Western dictatorships is held to be even worse: Anti-western, Muslim fundamentalism. Third, the existence of Israel and the Palestinian cause have become the great obsessions of the Arab world, deflecting the attention of its population from the problems of their own society

A new generation of scholars started approaching the problem from a gender perspective. Support for gender equality is not considered as just a consequence of democratization, *“gender equality is a central component of the process of democratization. It is part of a broad cultural change that is transforming industrialized societies and bringing growing mass demands for increasingly democratic institutions”*<sup>ix</sup>. Gender equality is considered at the same time as a prerequisite for the creation of a sustainable democratic system. As stated in Pateman’s book *“If civil society is patriarchal, the type of democracy that is conceived within it cannot but be male oriented. The achievement of political equality ends up being the bastion of men, leading to a form of citizenship in which men are more equal than women and this inequality is the antithesis of democracy”*<sup>x</sup>. This new approach corresponds with a new interest expressed in women as a vehicle of development. The UN Decade for Women, which ended in 1985, initiated the integration of women into development. In 1993 the Vienna world conference proclaimed women’s right as human rights and the Cairo International Conference on Population and Development placed women’s empowerment and health at the center of development programs for economic and social progress.

The importance of equal gender relations for the building of a democratic state has indeed been advocated by Wollstonecraft as early as 1791 [Wollstonecraft, 1791]. In her book *Vindication of rights of women* Wollstonecraft proclaimed that if the modern

world is to be free of tyranny, not only must the divine right of kings be contested but also the divine rights of husbands' as well (p. 127). Wollstonecraft's statement sets out a deeply rooted connection between the possibility of citizenship and participation in government on the one hand and obstacles to such a possibility anchored heavily in unequal gender relations on the other. Her argument is that there can be little if any progressive political change without restructuring the sphere of the private relations, and there can be no satisfactory restructuring of the private without major transformations in the nature of governing institutions." (Vindication, pp316-318). However the work of Wollstonecraft received little attention at that time and was even much contested in many circles.

Transposed to the Arab region, the literature about gender approaches basically attributes the Muslim world lagging behind the West to the place and role of women in Arab and Muslim societies. Ronald Inglehart and Pippa Norris - presenting a new element of modernization theory- wrote that the fault line that divides the West and the Islamic world is the position of women and attitudes towards sexuality [Inglehart and Norris, 2003]. In their book *Rising Tide* 2003, Ronald Inglehart and Pippa Norris, explain and demonstrate how attitudes towards women are part of an integral process of modernization that includes economic mode of production, level of wealth, system of belief, and mode of governance. Through the analysis of a data base the world survey and the European values surveys providing data from more than 70 societies containing over 80 per cent of the world's population and covering a full range of societies very rich to very poor, from long established democracies to authoritarian states, they conclude that "*human development fuels more egalitarian attitudes towards women in virtually any*



*society, although this process, particularly the pace of cultural change is mediated by particular religious legacies, historical traditions, and institutional structures in each country*” [Inglehart, Norris 2003]. They conclude that positive attitudes about gender equality are usually intertwined with attitudes towards sexuality (homosexuality, abortion, prostitution) and a more general process of secularization of the society and democratization.

In her article “ Is gender Inequality In Muslim Societies A barrier To Modernization and Democratization” and using a World Bank survey *Engendering Development* [World Bank, 2001], building on the findings of the report that demonstrate how gender equality in education, income, household, fertility control has a positive impact on economic growth (Malaysia, Saudi Arabia), Valentine Moghadam concludes that “Women’s economic marginalization in the MENA has contributed to the slow pace of its economic and social development (1) women’s marginalization from formal politics has been due to the neo-patriarchal and authoritarian nature of the region’s government and their resistance to democratization (2), by the late twentieth century, women in the Muslim world, and especially in the MENA region, had emerged as the main agents of modernization and democratization (3) [Moghadam, 2003].

In their book *Gender Inequality in Political Representation: A Worldwide Comparative Analysis* Lane Kenworthy and Melissa Malami examine the determinants of a cross-national variation in the share of parliamentary seats held by women in 1998. While prior studies have sharply disagree about the most significant factors that influence the share of seats held by women (political, socio-economic, cultural), they conclude that

all these factors actually play a role in accounting for variation in the degree of gender inequality in political representation around the world.

In his book *Modernization, Cultural Change, And Democracy*, Ronald Inglehart drawing on a massive body of evidence from societies containing 85 percent of the world's population, demonstrates that "modernization is a process of human development, in which economic development gives rise to cultural changes that make individual autonomy, gender equality, and democracy increasingly likely." [Inglehart, 2005] He illustrates how value systems play a crucial role in the emergence and flourishing of democratic institutions. Inglehart creates a model of social change that predicts how value systems are likely to evolve and to impact the process of modernization and democratization. The discourse advanced by the "new modernist school" which establishes a direct relationship between value system, gender equality and democracy could be debated. There is a common belief that gender equality favors the rise of social and economic conditions more favorable to the emergence of democracy, however, there is no agreement about the possible quantification of the relationship in the general mainstream modernist discourse.

On a more specific level, and concerning my case study (Women in the Maghreb), the interest in women as a central agent for modernization and democratization (understood as a factor of modernization) has been proclaimed by different voices since the 19<sup>th</sup> century. Arab scholars who had visited the West such as Qasim Amin, Tahar Haddad, and Rifaat Al- Tahtawi called for a change in women's situation in order to usher in Arab renaissance. In his very controversial book *Imraatuna fi chariaa wal mujtamaa (our woman, Islamic law and society)* published in 1930, Tahar

Haddad called for a revisited interpretation that gives women their right for education and forbids abuses such as repudiation. For Tahar Haddad the relationship between women and modernity is very clear since women are children's first school. Educating women is educating future generations and preparing the society to evolve. Using the Quran, the Hadith, and the lives of prominent women in the early period of Muslim history as sources, he called for a more progressive politics of gender based on the egalitarian ideals of Islam.

The ideals of modernization and the emancipation of women, continued to be carried out by many scholars of the Maghreb who approached the stagnation of the Arab world through different approaches according to the local, regional and global context. In the 90s for example the question of women started being approached in a more complex theoretical way from a "gender-development" prospective, as the region was going through a structural adjustment to incorporate the world economy. Islam was eclipsed temporarily from gender analysis. The rise of Islamist movements and the question of the Islamic dress stimulated a new interest in the relation between gender, Islam and politics in the region. While some of them called for a new opening for the gates of *ijtihad* (religious based jurisprudence) and a new reading of the Quran, others called for the separation of state and religion as the only way to free women, men and build a democratic state [Charfi, 2005]. Secularization of the state is seen as the starting point for new gender roles and the building of a new society.

The question of modernity, democratization and the role of women as a vehicle of modernization and democratization in the Middle East and North Africa have been approached from different angles. While some studies focus on the Islamic religion and

Sharia (Islamic mandated law), as the major force that is preventing women from upgrading their situation and forming a barrier in front of the Muslim world access to modernity and democratization, and call for the separation of state and religion as a central point for the access of the Arab world to democratization [Charfi, 2005], other studies linked negatively gender inequality to economic growth, openness and development [Moghadam, 2003]. Apart from the studies linking gender inequality to religious or economic factors, there are a large number of studies that consider tribal structure and continued kin relation preserved for decades through the role assigned to the women, a major obstacle for women's social, political participation and the democratization of the state [Charrad, 2004 ], [Sharabi, 1988]. In [Charrad 2002], Mounira Charrad investigates gender policies in terms of social structures of North Africa. Charrad takes an anthropological viewpoint to argue that the policy choices of a society that is structured in social classes is inherently distinct from those of a society that is based on tribal structures.

### **3. Conclusion**

The Inglehart Values Map visualizes the strong correlation of values in different cultures. Countries are clustered in a remarkably predictable way. “A central component of this emerging dimension involves the polarization between Materialist and Post materialist values, reflecting a cultural shift that is emerging among generations who have grown up taking survival for granted. Self-expression values give high priority to environmental protection, tolerance of diversity and rising demands for participation in decision making in economic and political life. These values also reflect

mass polarization over tolerance of out-groups, including foreigners, gays and lesbians and gender equality. The shift from survival values to self-expression values also includes a shift in child-rearing values, from emphasis on hard work toward emphasis on imagination and tolerance as important values to teach a child. And it goes with a rising sense of subjective well-being that is conducive to an atmosphere of tolerance, trust and political moderation. Finally, societies that rank high on self-expression values also tend to rank high on interpersonal trust. This produces a culture of trust and tolerance, in which people place a relatively high value on individual freedom and self-expression, and have activist political orientations. These are precisely the attributes that the political culture literature defines as crucial to democracy.” [Inglehart, 2004].

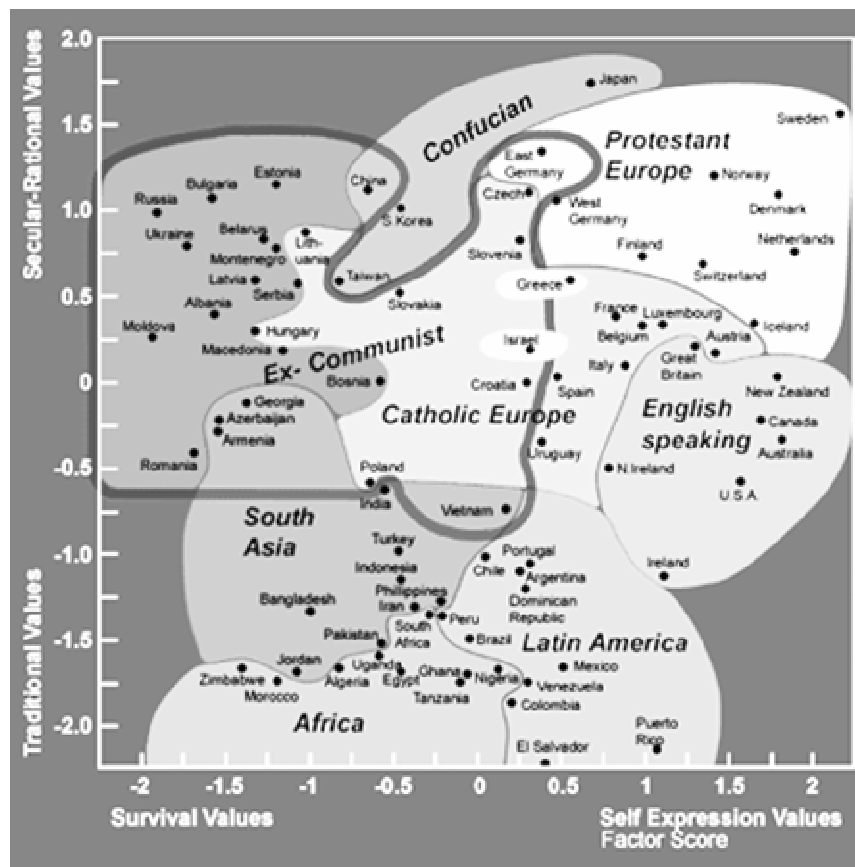


Figure 1: World Values Survey

This map illustrates implicitly how countries that rank high in Inglehart's scale of rationality and self expression are also those that have the most advanced and longest lived democratic systems. Tunisia is not shown on this map, but Algeria and Morocco are, and they are placed fairly on both scales. In this dissertation I will look in greater detail into the democratic evolution of the countries of North Africa, and explore relations between this evolution and that of gender equality.

## **Part I: Background**

## Chapter 1

### Dimensions of Gender Equality

*“The root meaning of equality is negative; egalitarianism in its origins is an abolitionist politics. It aims at eliminating not all differences, but a particular set of differences, and a different set in different times and places.” Michael Walzer, 1983.*

The purpose of this chapter is to elucidate the interpretation of feminism as it is understood in the Maghreb<sup>xix</sup>. The concept of feminism that Maghrebine women aspire to is the result of a complex set of factors, including cultural, social, historical and political factors. Also, the evolution of the feminist movement in the Maghreb is the result of a set of forces that are unique to the Maghrebine experience, including colonialism, development, Islamist resurgence, etc. Consequently, Maghreb feminism cannot be understood exclusively as a static condition, but rather as an evolving process.

Even though it is difficult to assign a date to the emergence of feminist<sup>xx</sup> demands since there have always been women whose voices raised to contest different aspects of gender stratification and power sharing in society which could be qualified today as gender equality aspirations, I will try to retrace the evolution of feminism in its content and meaning to the colonial period and what follows. The colonial period is characterized by the encounter between two different models of culture and governance. This encounter had a deep impact on the shaping of women and men's expectations. It also blurred the



public/ private divide since women participate in the struggle for independence and left the private arena, traditionally considered as their natural space.

## 1.1 Founding Discourses

In the following , I expose different nationalist discourses that appeared in the Maghreb during the colonial period. If all the discourses agreed about the relation between underdevelopment and colonialism and the necessity to end colonialism, they differ great deal about the causes and remedies society should take to get out of that situation. Women and gender relations were central to theses discourses and it sounds important to review them since they shaped and set up to a large extend the frame in which feminism developed.

### 1.1.1 The nationalist/feminist encounter: “Reevaluating differences “

A branch of the nationalist/feminist discourse is held under a religious guise calling for a return to the sources (*Quran* and *Sunna*, a reference to the conduct of the Prophet) to re-examine women’s status and re-interpret her duties and rights in a way that is more consistent with the prescriptions of Islam. A second branch of the nationalist movement called for a radical redistribution of power between women and men pointing to the direct relation between gender inequalities, women situation, and governance. They advocate a full participation of women in the public as well as the private sphere and her right to a full citizenship. The liberal nationalist voices are sharply criticized by the conservative ones who oppose particularly the right of women to work and her participation in the public affairs. In what follows. I will expose the major contours of both discourses.

### **1.1.2. The Nationalist Modernist Discourse**

The nationalist modernist discourse is advocated by people from upper classes of society who have been usually exposed in different ways to the West and considered the west as the model to follow or at least to take as an example for inspiration in the building of a new developed society. The nationalist modernist discourse is articulated around three axes: Islamic faith, the Muslim rulers, and the Muslim family, of which women are a major component. Some nationalist women also took part in the debate, such as Bechira Ben M'rad in Tunisia, Huda Shaarawi in Egypt and Nazirah Zein ed-din in Lebanon.

Modern nationalists exonerate Islam from the charge of oppressing women, they also avoid to question the relevance of Islam for modern society and they focus instead on the potential of Islamic faith to evolve according to the new societal needs and women's new roles. The nationalism of "secular" progressive men calls for a review of women's situation in light of a new reading and interpretation of Quranic precepts and a separation between what constitutes the pillars of Islamic faith and what was assimilation of local customs and old cultural practices to its teaching. They call for a distinction between what is temporal (what is specific to the time when Islam emerged) and what is timeless (meant to apply through the ages) in the Islamic faith. Sharia, considered as a product of human (versus Divine) imagination, is viewed as temporal and gender roles being the product of the Ulama (Religious Scholars) discourses, are called into question and challenged. Widespread rules governing gender relations such as the permitting of polygamy, the provision of unilateral divorce without ground for men only, the assignment of all child custody rights to the father and his family, are all detrimental to women.

Tahar Haddad, a Tunisian modernist, saw the remedy against colonialism and societal decay deeply linked to the family and women's condition. He proceeded from the premise that women's status is closely linked to the well being or the decay of the whole society. Tahar Haddad exposes his ideas in a book entitled *Imraatuna fi Chariaa wal Mujtamaa* "our women, Islamic law, and society" [Haddad, 1977]. He denounces the ill treatment of women and society's hypocritical complicity and silence about it. He unveils society's hypocrisy towards women by narrating stories demonstrating the inhuman treatment of women by men and the abuse of the system in the interest of men so they can deprive her from her religious rights such as inheritance or the right to own property. Haddad denounces the ideological constructions of marriage, sexuality and gender. While women were limited to monogamous marriages, men were able to engage in polygamous marriages and are allowed up to four wives at a time. Muslim men can marry women of the book (Muslims, Christians, Jews) while Muslim women may not marry non-Muslims, nor may non-Muslim wives inherit from their Muslim husband. Haddad denounces these abuses and others. Taking a new reading of Islam, Haddad calls for women's education and human rights such as the right to dignity and to be treated well. Women's education is presented as part of a wider nationalist project to combat colonialism. Women's education is put to the service of elevating family roles specially the role of the mother. The idea behind this is that education of women helps mothers educate their children as part of a larger role of education of the nation. Among the reforms he proposes is first of all the abolition of all the detrimental institutions such as polygamy, unilateral divorce, automatic child custody. He also calls for mutual consent of the spouse for marriage and denounces the practice of forcing girls into undesired marriages usually with elderly men.

He also calls for the education of men in their rights and obligations in the family the right way. Haddad's book, which became a symbol of the struggle to emancipate women, was vigorously attacked by the religious establishment in Tunisia [Labidi, 2005]. He was isolated and marginalized and died a few years later in solitude. However, his ideas have been adopted by the Tunisian leader at the independence and have constituted a major source of the forthcoming evolution of women's situation.

The modernist discourse was part of an international nationalist discourse that arose in many occupied / colonized Arab countries and that placed women at the center of a nationalist discourse often pulled between a need for modernization and the need to assert a "pure" national identity. Echoes to Haddad's voice are heard in parts of the Islamic world by the voices of modernists in Egypt such as Muhammad Abduh, Rashid Rida, and Qasim Amin author of *Tahrir al-Mar'a* (The Liberation of Women 1899) and *Al-Mar'a al-Jadida* (The New Women 1900). In his second book, Amin distances himself from the modernist discourse that so far approached modernity from a religious standpoint. Amin unveiled his admiration for the West particularly Europe and America where women enjoy their rights fully. For Amin the more the East imitates the West, the better it will be [Amin, 1976]. The idea that the West is decadent and the East is spiritually superior was vigorously rejected. Amin called for the integration of women into the public sphere. He denounced the Hijab (women's head-dress) as the major symbol of women's exclusion from the public sphere and social sexual segregation between genders. He sees the Hijab as a major barrier to their growth and a source of their ignorance. He calls for a spiritual as well as physical change in women's condition. While the spiritual change happens through education, the physical change includes physical training in order to combat the prevailing problems of obesity, anemia and premature aging.

Another important modernist voice to be cited is Mohammed Ahmed Khalaf. Khalaf maintains that the Quran gives women political rights that they freely exercised during the Prophet's time but were disregarded by the early Caliphs (successors of the Prophet as heads of state). Women are not only entitled to work outside the house but even obligated under Islam as no development is possible without women's participation in the work force. (Khalaf, 1967[. He approached the question of Hijab from a temporal perspective since the Quran recommends that both genders observe modesty and never prescribed a particular "Islamic dress". Clothing styles however, change with times as do norms of public behavior. As his predecessor he call for family law reforms such as the abolition of polygamy, unilateral divorce, custody rights, and women's right to choose their husband. Khalaf's method of approaching women's rights in light of a new reading of Quran has been described as *historicized Ijtihad* that takes into account both the historical change as well as the changing content of what constitutes the public interest.

### **1.1.3 The nationalist conservative discourse**

The conservative discourse stems from a need to protect a "pure" Islamic identity as it arose during the acme of Islamic time, thus the conservatives defend an absolute closing of the gates of "Ijtihad" and reject any evolutionary interpretation based on a new reading of Islam or public interest concept. The struggle against colonialism culminated around the preservation of Islam in its first readings. Maintaining women in a status of second class citizen was viewed as part of protecting a traditional way of life, and was therefore viewed through the same lens as the struggle for liberation from alien colonial powers.

The conservatives assert the superiority and supremacy of men over women. One of the voices is Tal'at Harb, an Egyptian nationalist who argues that women's liberation is

another imperialist/ colonial plot designed to undermine Egypt's social structure, her religion, and her morality. According to Abdulwahab [Abdulwahab, 1985]., for example, men's superiority over women is part of God's design, and it would be wrong for us to question it or resist it. The notion of women's psychological and intellectual weakness was the thesis of many conservatives such as Mahmud al-Aqqad who published two books on women's status in Islam . In his books, he claimed that women are immature and destructive and accused them of being ignorant, curious, weak willed and unable to resist temptations [Al Aqqad, 1975]. . To illustrate his thesis he took example from the past to the present to show how men have been all the time the ones who occupied superior roles from glorious soldier to scientists, politicians...while women confined themselves to household chores and raising children.

However, this misogynist conservative discourse disappeared during the fifties due to different social evolutions that repositioned women in society and yielded to a new conservative discourse that asserts the equality of genders in difference. This discourse glorified women's role as wives and mothers. It distinguished between the public and private arenas and designated the private arena as the woman's natural domain. The different gender roles were considered as prescribed by God's will that gave genders a different anatomy and designated women to bear and raise children as their first and most important role. Attempts to change institutions such as polygamy presented as positive one's for women are considered as attempts against God's will. When colonial powers talk about liberating women they are attempting to alter the purity of Islamic society in order to weaken it. The question of women's right to circulate freely is carefully limited to necessary moves and this brief visibility in the public domain should be corrected by the wearing of the veil. While most moderate conservatives agree that the veil should cover the body except hands and face,

some make it as the obligation of women to cover her face except the eyes which are either uncovered or covered by a transparent fabric leaving some possibility for women to see.

The question of women's participation in public life and work outside the house was totally rejected. The mixing of sexes was seen as a source of moral backwardness and social anarchy. The institution of the family which is the first and most important cell of society may become doomed to extinction since children and husbands will be not properly cared for and the mixing of sexes may result in social moral decadence. Among the frequently cited Quranic verses to support their position, conservatives cite sura An Nisa (The Chapter of Women), Ayat 34 (34<sup>th</sup> Verse): "Men are the guardians and maintainers of women, because God has given the one more than the other..", and verse 33 of Sura Al Ahzab (Chapter of the Parties), which bids the prophets wives to stay in their houses and verse 24 of Surat An Nur (Chapter of the Light), which requires Muslim women to refrain from displaying their beauty and ornaments except to their relatives.

These debates highlighted the link between private and public life and raised the question of women's place in society as a central one not only for the type of government we would like to have but also for the position of the countries on the international scene. As a continuation of these debates, different women's associations appeared. In the following we will cite some of them to highlight the deep link between colonialism and feminism and state building.

## **1.2. Feminist Groups**

The feminist movement in the Maghreb has been divided into three waves : the colonial one, the post colonial one, and the independent women's organizations

### 1.2.1 Feminist groups that formed under colonial rule.

The first feminist associations in the maghreb appeared in 1930 and were characterized by two features: The submission to Islamic values and the clear subordination of women's demands to nationalist causes which was then the independence from the French rulers and the country's independence. This subordination to Islamic values and the national cause framed women's demand and expectations.

Under theses headings, a feminist named Bechira Ben M'rad founded the first feminist organization in 1936. As described in its bylaws, the aim of the union was the following:

- To group Muslim women in a process of exchange of experience and knowledge, and solidarity to help them in the defense of their families, freedom and democracy.
- To orient young women towards education, and Islamic moral, and improve their social, cultural and civil status.
- To organize conferences, courses, ceremonies issue publications and hold cultural activities.
- To set up and develop institutions to take care of children and young people via specialized committees.

The union advocated the affirmation of the Arab- Muslim identity. It did not challenge Islamic values and focused the struggle against all forms of backwardness. This union was a training ground for female militancy.

The second union that appeared under colonial rule is the **Women's Union of Tunisia** in 1944. This union was an extension of the communist party. According to its bylaws, this union committed itself to the struggle against the enemies of the people and



the warmongers, referring to the colonial powers at the time. The association joined the network of the women's international democratic federation in 1945, however, it fell short in understanding women's needs at the grass-root level and was not successful in attracting women. The majority of the adherents belonged to the communist party and the party needs and policy preceded women's cause.

In Algeria, women remained invisible at the beginning of the colonial time. The seclusion of women, its veiling were perceived by Algerian people as a way to resist colonial power who tried to dismantle Algerian identity and Islamic religion. I just mention the creation in 1947, of The Muslim Algerian Association which was formed by a left working class party called l'étoile du nord (The North Star). The aim of the association was to disseminate nationalist ideas and information among women (Lazreg, 1990). When the FLN decided to move to the armed struggle women took an active role in the war for independence. In 1956 the FLN enjoined women to bring "moral support to the combatant, gather information, act as a liaison agent, take care of military and medical supplies, provide shelter to people sought by the police, help the family of guerrillas or those who were imprisoned" (Lazreg, 1990, p768). Unmarried women have been accepted in the ranks of the FLN and ALN army. Women such as Djamila Bouhired, sentenced to death, Djamila Bouazza, Hassiba Ben Bouali, killed in the Casbah, Djennet Hamidou, who was shot and killed as she tried to escape an arrest, or Yamina Abed, wounded in the battle and amputated from both legs, (Cherifati\_Merabtine, 1995) are few among many others who mobilized and left their house to struggle for their freedom. The participation of

women to the armed struggle for independence changed gender roles and blurred the public private divide.

### **1.2.2 Feminist groups that formed at The Independance**

By the 1960s the three countries of the Maghreb became independent, under a strong leadership of authoritarian leaders who took steps to modernize their countries. Socialist economic systems and heavy industrialization are experimented. The modernization and economic building of the country had a profound impact on women's situation and gender assumed roles. Women were brought to the labor market in larger and larger numbers. In Tunisia, The new marketing of women went hand in hand with a reshaping of the family and a reduction of its size. Aggressive policies to decrease birth rates were launched. State supported policies empowered women to have control over their body and give them access to a new set of rights such as abortion rights (in Tunisia), the free access to birth control medicine, and others. Women gained access to education and the rate of women students and professionals at the universities followed trends to a rate of fifty percent (see Chapter 10). Women also gained access to professions that used to be mainly men dominated such as doctors, engineers, lawyers, etc. in addition to the more female professions of nurses, teachers, social workers, etc. Labor laws guaranteed, in principle, equality of pay. By the 1970s women achieved the right to vote in all three countries.

To consolidate its aggressive formal gender equality, the Tunisian socialist party created in the early days of independence The *National Women's Union of Tunisia*: This union was conceived as being part of a comprehensive social project that considered women's emancipation as part of national construction to educate both women and men and convince them of the rightful cause of women. The program of the union was set during its first congress, which took place in 1958 and included the following:

- To regroup women within a feminist organization with the aim of promoting their social and cultural standards.
- To fight all forms of apathy and break all chains hindering the women's movement.
- To provide the necessary care to young women, and protect them against all dangers that might threaten them and obstruct their development.
- To protect children and make all endeavors for their well being in all fields.

The action of the union focused on the realization of the politics of the government and helped bring women to the economic and political life. It also helped implement the government policy in matters of birth control and the limitation of family size. The association constituted an important supporter for the party policy on the economic as well as the political level. Among its members was Bourguiba, the first president of Tunisia and one of the most enthusiastic advocates of gender equality in Tunisia..

In Algeria , the first post colonial period witnessed a cooperation between women and the new regime: the active participation of women in the war for independence owed them a privileged social position and the government sought the protection of their right

as a duty for their active participation in the national fight for independence. The september 1962 Constitution guaranteed equality between the genders and granted women the right to vote. It also made Islam the official state religion. Other legal texts such as the charter of Algiers and the 1976 National charter reiterated the state commitment to women's rights for their participation in the war. The first feminist organization formed in the post colonial time is called Union Nationale des Femmes Algériennes (UNFA). The organization assembled many women Moujahidine (i.e. who participated in the struggle for independence) and served as an inspiration to the 1960s and 1970s algerian women generation . The organization had close ties with the ruling political party whose political and economic choices earned him to be described as socialist.

In Tunisia the state initiated reforms pertaining to gender equality have had a profound effect on the socio economic development of the country, In particular, they have helped Tunisia evolve into the modern society that it is today: first by marshalling the feminine workforce to serve the country's development goals; and second by creating a liberal atmosphere in the country, that served the country well as it opens up to Europe for trade and tourism. In Tunisia, "state feminism" was the leading cause in the rise of feminist movement in Tunisia at the independence and helped women achieve the "formal" access to their legal rights. These rights are political, economic and social. They have been driven by an economic/political choice that centered around "modernization" and its tools. Women have been central in that process. While a profound change has been accomplished in terms of economic rights and social rights, the access to political rights remains elusive. Moroccan and Algerian women had different

fate. While, Algerian women had a much greater role in the fight for independence than their Tunisian or Moroccan their right have been curtailed as soon as the initial socialist ideology espoused by the new state bankrupt leading to social discontent and a growing popularity of Islamist parties. As a response women organized to defend their rights and different groups and independent feminist organizations flourished as we will explore in the following paragraph. In Algeria, the fortunes of women varied in the post colonial era according to the political turmoil experienced by the country. They evolved under the competing pressures of the socialists, the Islamists, and the FLN (the party that led the fight for independence then governed the country for most of its post colonial era). Nevertheless, women were able to achieve advances in the educational and professional sectors. In Morocco, the rural nature of the country and the tribal nature of its government structure have led to less favourable conditions for women, both in terms of legislation and in terms of application of the legislation. Morocco made a conservative choice by holding up Sharia law as a major source of family law. Feminist organized in the eighties with the aim to reform Moroccan family law known as the *Moudawana Moroccan feminist focus on demonstrating that women's right and Islam are compatible*.

### **1.2.3. The Rise of an Autonomous Feminist Movement**

The autonomous feminist movement did not appear in the Maghreb until the second half of the 1970s. The seventies constitute a particular period not only at the national level but also at the global one. At the economic level new choices were starting to happen, faced sometimes by social unrest and the confrontation between citizens and the political power (ex: in Tunisia, the social unrest that occurred in January 1978 as a result of high prices). The first league of human rights was created (the first one in Africa) and different

political parties (many of which were clandestine ) organized . At the global level and following May 68 in France a new ambiance of moral liberalization and sexual freedom was sending its seeds in the world. It was in this context, and with the rise of leftist parties, that new feminist groups appeared. This new class of feminists thought that formal equality would not eradicate the deep roots of domination and would not reverse or deeply affect gender inequality. These feminist groups saw the roots of women's oppression as ingrained in the social relations of production which exploits women to serve the profit of the capital accumulation and makes a big part of women's work invisible, such as housework, or women's agricultural work. Formal equality can be advantageous to some women who may gain access to education and paid work, but in most cases would still be in lower paid jobs and still be required to support all the domestic labor in the home.

In this context new feminist organizations appeared. In the following I review some of them:

- The Tahar Haddad Club formed in 1978. It was initiated by a number of students; then professional women joined the club. The club opened its doors to both women and men and served as an independent space where women met. It was also a cultural one where movies, shows, exhibitions of books and painting were organized.

The club defined the following questions as cornerstone in dealing with women condition:

- Why are women denied full citizenship rights despite the rights they have won?

-What are the forms of economic exploitation and intellectual and moral oppression to which women are exposed and which deny their capacity to self-determination and creativity in the different spheres of life social family and professional.

The club held the first Maghreb feminist meetings. The questions of sexuality and power were among the most important ones dealt with.

The committee for the study of working women. This committee was formed in 1982 by former trade unionist women. Having been prevented during the January 26 crisis 1978 from being active within the general Tunisian union of labor, these women decided to form the committee for the study of working women's condition. The purpose of the committee was to shed light on issues of working women and bring their problems to the attention of relevant authorities. After the union's conflict with the authorities the committee was disbanded.

After the elimination of the committee, and in concertation with more than 50 founding members, a magazine named "Nissa" (women) was created. The aims of this magazine were to create a larger women network that transcends the institutional limits and to provide a space for women's free expression, to discuss women's issue and help create a new social image for women.

- The Tunisian Association Of Democratic Women
- Founded by feminists who where in majority adherent to leftist groups and parties such as social democrats, Leninists, Trotskyists, and very much impacted by the Israeli invasion of Lebanon in 1982, this association wanted to distinguish itself

from feminist affiliated to governmental women's organization. According to its bylaws, the goals of the association were to combat gender discrimination, consolidate the legislative gains that women had secured, improve social attitudes towards women, and generally help women achieve equality in the public arena.

An important number of the founding members believed that the problems faced by women are faced by them as a class being exploited for the purpose of the capital. As interpreted in the reality of women of the Maghreb, they put a special emphasis on state action to make a structural change. As a precondition for gender equality, they call for an extensive change in the marriage contract and the household division of work and call for egalitarian long term heterosexual partnerships.

The question of secularism is considered as a fundamental question if gender equality and women's liberation have to become true. The association believes that religious groups and the use of religion in politics constitute a threat for women's rights. Secularism is the solution, according to this group, not a new interpretation of the text of the Koran as advocated by other feminist organization.

In Algeria, The first feminist independent organizations flourished in the 70 and eighties and came as a response to state policy and the one party regime who traded people raising anger against corrupted political system and bankrupted economic system to women's Rights. As summarized by Cherifa Bouatta , algerian feminisme started as a movement which aimed to the creation of spaces for expression much needed with the raise of the one party authoritarian political system which jeopardise women's rights: "Under the shadow of the one-party system, the political monolith,



some women attempted to create spaces of independent expression through cultural and trade union groups. Psychology students created a working group and a cine-club. In Oran, study and reflection workshops on Algerian women were organized in early 1980, with contributions from historians, economists, sociologists and psychiatrists. The proceedings of these workshops were published and the organizers created a women's journal ISIS. Other groups were then created, such as the *moudjahidates* collective and groups that studied and criticized official proposals for a new Family Code. This latter effort gave life to the women's movement, and is indeed regarded as the spark that led to the emergence, the objective and the strategies of Algeria's feminist movement. (Bouatta, 1997: 4)

Two events gathered women and led them to large protest in late eighties the draft of a regressive family code which restored polygamy, curtailed women's right to marry without a male assistance and her right to divorce and instauring the duty of obiddience. A second draft law prohibited Algerian women from leaving the country without guardian permission. During early eighties, feminist movement in Algeria was preoccupied essentially by family law. In this period a number of feminist group formed such as L'Association pour l'Égalité des Droits entre les Femmes et les Hommes (known as Égalité) established in May 1985 around the Family Code struggle, with Khalida Messaoudi as its first president. (Moghadam; 2001 p 138 )

The raise of islamism however, was accompanied by a shift in women's concerns from family law to fundamentalism and family law: The new family law promulgated in 1984 was inspired from sharia law wanted to please the Ulama in hope to gain their support in front of the raising FIS: the veil was reinstituted and the house was

declared as the natural space for women: the algerian decadent regime; economic and political system was accompanied by a sharp regression in women's acquis:

Women wage war against fundamentalism; however; the feminist movement se partage; and in April 1989 a demonstration of 100,000 women in favor of Islamism and sex-segregation ) Moghadam p 136 ) This time witnessed the birth of a new feminist organization named l'Association pour le Triomphe des Droits des Femmes l'Association pour l'Émancipation des Femmes (Émancipation); l'Association pour le Défense et Promotion des Femmes (Défense et Promotion); Rassemblement Algérien des Femmes Démocratiques; Cri de Femmes; Voix des Femmes; El Aurassia. .their main goal was the, struggle against fundamentalism Moghadam; p 141

In conclusion and despite their active participation to the war for independence most feminist organizations in Algeria flourished in the 80 and 90 in response to the rise of fundamentalism and the promulgation of the conservative family law (Moghadam , 2001 }.

### 1.3 Maghrebine Feminism in the Era of Globalization

The encounter between maghrebine feminism and global feminism happened through *Gender mainstreaming*<sup>xxvi</sup>. Gender mainstreaming is an international phenomenon, originating in development policies, and adopted by the UN at the 1995 conference on women in Beijing. It is a “process that seeks to advance gender equality by revising all mainstream policy arenas.” (Walby, YEAR p 453 ). The purpose of mainstreaming is to

alter the existing social and political order that led to gendered outcomes and promote the full participation of women in all economic, social and political areas and their full participation in the decision making process.

Gender mainstreaming was officially endorsed by the three countries of the Maghreb when they ratified the Beijing platform for action which requires that "a national machinery for the advancement of women is the central policy coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas" (Beijing Platform for Action, q2).

The Beijing meeting produced a platform for action in 12 areas considered critical and called on states to achieve three strategic objectives: (1) create or strengthen national machineries and other governmental bodies; (2) integrate gender perspectives in legislation, public policies, programs and project, generate and (3) disseminate gender-disaggregated data and information for planning and evaluation (Fourth World Conference on Women Platform for Action H 1.2.3 196-2091, (True and Mintrom, March 2001, p27-57).

Algeria, Morocco and Tunisia ratified the convention and complied at different times and to different degrees with the requirement concerning the creation of Institutional mechanisms for the advancement of women. While Tunisia and Morocco adopted a state apparatus for the promotion of gender equality as early as 1992, Algeria waited until 1996. While the Tunisian and Algerian structures have been described as high level mechanisms, Morocco's stated mechanism has been described as a low level mechanism [True and Mintrom 2001]. According to True and Mintrom the classification

high level/low level mechanism refers to the strength of the bureaucracy created for the promotion of gender equality and its ranking in the state apparatus.

The Beijing meeting constitutes a central point in the framing of what constitutes gender equality and the role that states should play in this overlapping and transcending process for the realization of gender equality. It promotes women's rights as human rights inherent to women focusing on similarities and blurring the separations based on religion, culture, place...It also reasserts the importance of the state in the realization of gender equality.

This convergence between global and local institutions which reframed the meaning and the dimensions of gender equality as a transnational and trans-feminist concern, has been endorsed by feminists of the Maghreb from different backgrounds who convened in 1995 in preparation of the Beijing meeting and produced a document entitled "The one hundred measures for equality" where they defined major aspects of gender equality that might hold in the three countries. We can identify through our reading of the paper the following principles agreed upon:

- The separation between Islam and Islamic law and the consideration of the second a human creation subject to evolution and change.
- The right of women to a full access to citizenship.
- Autonomy within the household. This encompasses the setting of a minimum age for marriage, right to marry and divorce, right to custody in case of divorce, the elimination of polygamy, and repudiation, sharing decision-making power and access to assets within the family.

- Autonomy of the body, which refers to the absence of gender based violence, control over sexuality, and control over reproduction. 5. The access to social resources, mainly health and education.

Access to economic resources which refers to access to land and housing, more equitable distribution of paid and unpaid work, formal and informal labor, wage differentials... [Cent Mesures, 1995 ].

The spread of state initiated gender equality [True and Mintrom] (p29) helped harmonize the meaning and content of equality across transnational institutions of global governance. It is noteworthy that Tunisia, Algeria and Morocco endorsed the CEDAW (convention of elimination of all forms of discrimination against women)<sup>xxvii</sup> respectively in September 20<sup>th</sup> 1985, May 22 1996, June 21 1993. However, the three states expressed some reservations to the convention. CEDAW is one of the most highly ratified international human rights conventions, having the support of 185 States parties, it can stand as a treaty that has achieved a global consensus and thus reflects the normative standards applicable to women's human rights worldwide. The globalization of the debate concerning gender equality has also been paralleled with a growing concern pertaining to Islamic identity.

### **1.3.1. The “Glocalization” of Gender Roles: Feminism and Islamism**

From the mid-1980s onward, important international events such as the end of the cold war and the fall of the Soviet Union in 1989 which led to the rise of the United States as

the sole superpower and the emergence of capitalism as the sole viable economic system created a context in which religious and gender identities arose and developed in relation to one another. More recently a reaction to the Iraq war, translated in more Maghrebin women wearing the veil. The new “Islamic” generation of women is mindful of the burden of patriarchy. Most of them are affiliated with Islamic associations, Islamic political parties, or both and do not represent themselves as anti-liberal.

The new feminist “class” is claiming a new women’s identity in the respect of Islamic dictates. They focus on Islamic texts while expressing their demands. Vis-a`-vis international feminisms they sought in Islam a characterizing identity and a strategy of liberation that standard Western explanatory frameworks, often based on egalitarian and individualistic assumptions, do not include. Liberal feminist<sup>xxviii</sup> oppose this discourse as they choose to articulate their legal and emancipation demands in terms of liberalizing society and did not concentrate on religious texts per se. Faced with modernity issues, such as definitions of individual and collective identities in a fast-changing world where religion is assuming a bigger role, as well as a delineation of women’s new roles in public space, liberal feminists sought to play down the narrow religious aspect of Islam.

Liberal feminists are mindful of the use of Islam by patriarchy. They challenge the patriarchal discourse by making an issue out of the separation of, and opposition between, the private and public spheres. This approach allows liberal feminists to politicize the private sphere and attack the theological discourse that deliberately ignores women’s real issues. Fatema Mernissi states in this regard: “One of the functions of theological discourse on women is to shift the debate on real economic, political, and social problems into religious debates. Thus, instead of debating the obstacles to rural

girls' schooling, the causes of women's absence in the food industry, the theological discourse moves the debate into "Is such a law or measure authentic?" "Does such a law or measure conform to tradition or is it an innovation?" This switch from women's problems towards problems relating to *Fiqh*, may be considered one of the incidents that have aborted the potential of public administrators, political parties, associations, and intellectuals who have tried to reflect on women's condition in these societies" [Mernissi, 1992]

Liberal feminist scholars understood the central role of women in the discourse of Islamization and endeavored to use their share of this discourse. They are aware of the fact that Islam provides Muslims with powerful tools for social analysis (see Eickelman and Piscatori 1996), and they wanted to use those tools to reinforce their own demands. As such, Islamization for liberal feminists was a continuous rethinking process in which their voices needed to be well positioned in order to be heard.

## 1.4. Conclusion

It is clear that for all feminists of the Maghreb, women's liberation cannot happen without political liberation. Under colonialism feminism was seen as a tool for national liberation, social emancipation and autonomy. During the early time of independence, feminism sought to provide the economic and social context for emancipative and liberative state action. With the rise of Islamism, feminism is used as a tool for the building of an Islamic state. If feminism and democracy seem to be understood as two

faces of the same coin<sup>xxix</sup>, the issue of secularism and state identity remains a controversial one.



## Chapter 2

### Representative Government

#### 2.1 The Democratic Debate in The Arab World

*“The modern political system was born at the moment that God died”*  
Adam J. Lerner, 1991,

The purpose of this chapter is to survey the evolution of the founding idea about legitimacy in the exercise of state power in the Maghreb. From the seventh century onwards, the Maghreb has, for the most part, been part of the Arab/ Islamic community of nations. Until the end of the first world war, the Maghreb was made up of provinces of the Ottoman empire; more recently, upon their independence, countries of the Maghreb have joined the Arab Leagues as well as the Organization of the Islamic Conference. Consequently, in order to understand the concept of nation-state in the Maghreb, one may find it useful to analyze one must analyze the major historical moments that shaped the idea of legitimacy (state) in the Arab/ Islamic region.

Exploring the tenets of political thought in the Arab region and what legitimizes state power invokes the controversial debate surrounding the question of state/religion

separation. While the separation between state and religion has been a cornerstone in the definition of liberal democracy based on sovereignty of the people and separation of powers, this question remains unsolved and very ambiguous in the Arab region. In what follows, I will briefly expose the terms of the debate on state/church separation by reviewing the major arguments presented by both secularists and conservatives to call for the separation or for the fusion of the two.

## **2.2 The Separation of State and Religion**

### **2.2.1 The Islamic Discourse**

*“The Umma of Islam ...was designated by Muhammad and his followers to overcome blood feud and tribalism among the Arabs, by submitting them all to a single set of moral and legal rules and to a unified political and military leadership. It was in the essence of the umma to be a new total society. Muhammad conceived no separation between spiritual and secular aspects of the society, his prophecy and leadership were spiritual, judicial, fiscal and military. The Umma should and did undertake war to vindicate the supremacy of its faith. After Muhammad, the caliph stood as the defender of the faith, the dispenser of justice, the leader in prayer and war all in one in Islamic thought and Islamic society at all levels, religion, the religious law, and religious government.*

*Antonym Black, (The Caliphate).*

The question of separation between state and faith is one of the most contentious questions in the Islamic world. Under the Islamic revival witnessed in different parts of the Maghreb a call for the advent of an Islamic state remains one of the principal

vindications of the Islamist groups. Religion and politics remain intertwined, and this is a central feature of all Arab governments, even those that are considered most secular. While the three states of the Maghreb proclaim Islam as a state religion in their constitutions, they all show a mixture of secular aspects and religious in their conduct. In times of political upheavals the quest for legitimacy is usually negotiated by the infusion of some degree of Islam in politics.

Two major schools of thought compete in the debate on the separation of state from religion in Islam [Charfi 2005, Ben Achour, Gellner 2001, Esposito 1998, Lewis, 1987].. The first school represented by secular Arabs proclaims that the separation between state and religion is possible in Islam and see it as a prerequisite for the advance of democracy in the Arab region [Charfi, 2005] and thrive to separate spiritual life (a personal experience) from civil life (a public experience). The second school of thought is represented by Islamist scholars who proclaim that Islamic faith is a unifying one that leaves no room for state/religion separation. They call for the rebuilding of an “Islamic state” in the form of a caliphate and insist that the genealogy of their concept of "Islamic government" extends all the way back to the first century of Islam, having been fully realized in the practices of the Prophet Muhammad that were emulated by the four Rightly-Guided Caliphs, who succeeded him as leaders of the Muslim polity (ruled between 632-661 CE) [Afsaruddin, 2007], p 3.

### **2.2.2 Islamic Political Institutions**

Those who argue that Islamic religion cannot be separated from the Islamic state point out that the Prophet Muhammad was not only the messenger of God but also a political

figure, a statesman, and a military commander, hence his prescriptions are interpreted as sound advice, in addition to being religious imperatives. They argue that the rules of an Islamic state and the form it should take are all in the Quran and the behavior and commands of the prophet. The Caliphate, which was abolished in March 1924 by Kemal Ataturk ([Charfi 2005], p102), is considered as the form that an Islamic state should take. The Caliph is seen as the right-guided leader who should conduct the political affairs of Muslims while also safeguarding their religion. Two verses are usually invoked to advocate a return to the caliphate: verse 30, sura 2 where God tells the angels that he intended to “place on earth one that shall rule as my deputy “. In sura 38 verse 26, David is appointed Caliph in the sense of a ruler. The Caliph, a political and spiritual leader, should then conduct the affairs of Muslims with respect to *shura* principle. The principle of *shura* provides that the Caliph makes decisions in consultation with a group of wise people (usually men), who form a body called *Majlis Esh Shura* (The Council of Advisors). This structure is usually held up as evidence that Islam is compatible with democratic governance. Proponents of this view also argue that the Quran contains a voluminous body of legal rules that concern social, political, and legal aspects of life in society. One can find there rules defining personal status, criminal law (defining crimes and punishment), property law, family law (governing marriage, divorce, custody), constitutional law (governing branches of government), fiscal law (governing tax rules), civil law (rules dealing with contract and obligations, inheritance). They then draw two conclusions: the first one refers to the nature of Islamic faith, seen as a conservative religion that leaves no place to separation between the temporal and the immutable. Second, Islamic law derived from the Quran has a sacred character and is not subject to

change. Unlike other religious books, the Quran does not limit itself to a spiritual function but also encompasses a practical function. By analogy, one can think of it as the combination of the Bible and the US constitution into one; it certainly inspires, among its followers, as much respect and awe as these two documents. A more concrete analogy would be with the Ten Commandments; nobody can reasonably argue that we can obey some of them and modify others. Yet in terms of the Quran, separation of State and Religion means that we are going to revisit all the prescriptions of the Quran and distinguish between those that we have to obey (religion) and those that we can alter (state).

## **2.3 The Secular Discourse: Separating the human and the Divine.**

### **2.3.1 The State: A Human Institution**

Secular scholars argue that the state is not a religious institution. The Quran never talked about the state. To support their thesis they narrate the historical events that actually surrounded the choice of the first caliph after the death of the prophet Muhammad and that demonstrate that there was no reference to the Quran to make the choice. As historical and the biographical works relate, the earliest Muslims were caught by surprise at the prophet's death in 632 CE and were confused as to how to proceed to select a leader and maintain political stability. ([Charfi, 2005, Afsaruddin, 2006]). It was clear that no successor had been appointed by the

prophet. At the same time the Quran contains no reference to the mode of appointing rulers or removing them. The first sources reporting the election of the first caliph tell us that a significant number of people converged at a portico in Medina immediately after the Prophet's death to select a leader. The procedure entailed debating rather noisily and heatedly the merits of some of the obvious contenders for the office of the caliph, which included Abu Bakr, 'Umar, and 'Ali, the Prophet's cousin and son-in-law. The debate did not center on the Quran and the major argument advanced was that the successor should be chosen from the prophet's own tribe, *The Quraysh*. The matter was resolved by 'Umar offering his allegiance to Abu Bakr, his older friend, and asking the crowd to follow suit. "Umar prefaced his offer of allegiance by reciting before the gathered audience an impressive resume of meritorious deeds that Abu Bakr had performed during Muhammad's lifetime. This resume convinced the assembly of people to recognize Abu Backer as the legitimate caliph" [Afsaruddin, 2005].

### **2.3.2 Sharia Law: A Human Creation**

Secular scholars acknowledge that the Quran includes an amount of legal prescriptions. However, they deny any sacred character of Islamic law, which is a voluminous body of legal rules that was developed by hundreds of authors in thousands of works dealing with various branches of law. A reference to Omar, the second caliph is always made to refer to the exception he made to the application of corporal punishment for robbery just a few years after the death of the prophet. They also invoke a number of defunct categories such as *Venzel*, *Kirdar*, *Musakat* and *Mogharsa*, which used to regulate land ownership and are just not anymore used today. Another example is found in the institution of slavery which used to be regulated by Islamic law and which has been abolished today

from all Islamic countries. This demonstrates that Islamic law is a human creation, a product of history and has to evolve like any other legal system in the world. It is neither just nor immutable indefinitely. History teaches us that Islamic countries developed different forms of states through the ages and the idea of legitimacy has been negotiated through different stakes. While liberal democracy evolved as the only form of legitimate government in the West, it remains uncertain whether it is a viable model in the Maghreb.

To illustrate this debate, I will review the major forms that Islamic states took and review how the idea of legitimacy evolved.

### **2.3.3 The Caliphate: State as the Embodiement of the Islamic Order**

“The question of *imamah* should not be sought in the rules of reason, but should rather be subordinated to textual evidence. But since no specific Quranic statement exists, and a confirmed tradition is lacking, the validation of the doctrine of *imamah* falls under the principle of *ijma*”

Abu al Ma’ali al Juwayni, *Giyath al Umam* Alexandria, Egypt: Dar al Dawah, 47.

The first Islamic polity which emerged after the death of the prophet Muhammad took the form of Caliphate (from the word Caliphah, which means *successor*). The Islamic state will be referred to as Caliphate until March 23rd 1924, the date of its abolition by Kamal Ataturk. The Caliphate became the official appellation of the Islamic state and covered different forms of government which included different degrees of legitimacy and different mechanisms that can be described as democratic ones.

**The First Caliphate:** Probably from all the definitions and the functions attributed to the state, the one identifying the state as a perpetrator of a certain order it claims to realize and which, in turn, determines its goals and actions, is among the most distinctive ones to identify the state during the first caliphate period. At that time the first function of the state was to make sure that an Islamic order was enforced. For this purpose the first caliph Abu Baker devoted his reign to two major goals: To break the resistance of all the tribes who reneged on Islam after the death of Muhammad, and to collect and write the Quran and the prophet's Hadith (record of the Prophet's declarations and actions). The community was involved either directly or indirectly in the choice of the Caliph, a system that could be qualified as second degree elections.

Scholars such as Al Mawardi (1058), for example claimed that two models of selection of the Caliph existed: *Election* and *Appointment*. He supports his conclusions by reference to the practice of the Muslim community during the reign of the four caliphs: while Abu Bakr the first caliph was elected, Omar the second caliph was appointed. In both cases the caliph should receive confirmation (*Bayaa*) from the community. The head of the state should also meet some physical, moral, and intellectual requirements. Islamic scholars agree that the caliph enjoyed large "executive" powers and unlimited number of mandates. He enjoyed also the right to appoint his ministers and the members of his government; however, he was denied any legislative power. Beyond his executive supremacy, he was subordinated to the sharia law, and limited by its rules and principles. The Shari'ah was the ultimate source of law, and both the community and the Islamic scholars acted as a check on the ruler. The community was instructed by the Quran to



obey the rulers only as long as they conform to Islamic law. The scholars retained the power to interpret Islamic law and to assess the conformity of ruler's policies to the *Sharia*.

The principle of *Shura* which means consultation has been barred from producing its effect since consultation is limited to a circle of Islamic scholars who retain the power of interpreting the religion and thus are the only ones to state the conformity of the caliph's act to its precepts. The reign of the four caliphs was consistent with the first tradition of Islam described as the egalitarian period. According to Lewis (1987), Islam "denounced aristocratic privilege, rejected hierarchy, and adopted a formula of the career open to the talents." [Lewis, 1987].

The advent of Islam in Mecca and **Medina** in the seventh century is considered by historians of the Islamic state as a humanistic revolution. Islam set a new social and political order opposite to the one that existed before. He replaced the hegemony of some tribes on others by principles such equality and justice, fought some inhuman practices such as female infanticide and trade in slaves, introduced new rights for women such as the right to inherit and to learn and the limitation of polygamy to four wives, as well as to impose such restrictions on polygamy as to make it virtually illegal (the Quran restricts polygamy to cases when the husband can be perfectly fair to his wives, and concludes by the mysterious declaration: and you cannot be perfectly fair). Islam introduced also institutions for the democratization of political life such as *Shura* (consultation) and *Ijmaa* (consensus). Hence many Muslim scholars and ideologues criticize the Eurocentric view of history that links the genesis of good governance to the French revolution. [Sadiki, 1983].

**Empires.** The historical period which started with the first dynasty in Islam the Umayyad after the big fight about state legitimacy in terms of who should govern the Islamic state and which extended to the break-up of the Ottoman Empire witnessed the expansion of the Arabic influence from the Arabian Peninsula to what is currently referred to as the *Arab World* if we use geography or the Islamic Umma if we use identity.

The state during this time is characterized by the total centralization of powers in the hands of different successive dynasties which ruled the Islamic state. Political absolutism and social hierarchy gained ascendancy at the expenses of the egalitarian principles that characterized early Islamic rule. Under the Umayyad, which ruled out of Damascus in the seventh and eight centuries, the Caliph became a totalitarian authority which embodied the temporal as well as the Divine power. Powerful groups able to forge strategic solidarities and detain coercive capacity were able to rule. The Abbasids who followed the Umayyads in 750 continued this model of governance. Ideas of political absolutism and social hierarchy gained ascendancy at the time the Islamic empire gained expansion and power. We can already see how the sophistication of political and social life was paralleled with a centralization of power, absolutism and social stratification. Under the Abbasids' rule people from Persian provenance gained ascendancy. The majority of the bureaucratic secretaries who were mainly responsible for managing the actual day-to-day affairs of the Abbasid bureaucracy, tended to be of Persian descent [Afsaruddin, 2004]. The rule became hereditary and less consultative and tending towards de facto secularization.

The notion of the Umma challenges state boundaries since the Islamic state boundaries do not necessarily coincide with those of the *Umma*. This means that although the territorial component of the state is important for determining the jurisdictional boundaries of a specific state, it is not an intrinsic element of the Islamic state, since territorial divisions come as a result of history and the balance of power between east and west, not the will of the people. We refer to the *Umma* (mother in Arabic) as a feeling of belonging and engagement that cuts cross countries and continents and creates solidarity between people in different places and times.

**Al Nahdha movement.** Al Nahdha refers to the emergence of a political movement in the wake of Napoleon's invasion of Egypt which constituted a shock to the Ottoman Mameluks who ruled Egypt, realized how far they lagged behind the lands of Christendom in the sciences, technology, arts and warfare. This led to the reopening of the gates of *ijtihad* or independent reasoning to revisit all aspects of Islamic society and concentrated on the political authority. Thus the Napoleon invasion acted as a catalyst and set "The Arab's modern political thought on its course of political thinking" [Al Husri, 1966], the rejection of oppression and the clamor of freedom were the crux of el Nahdha [Al Samawi, 2002].

Among statesmen known for their political will to introduce reforms was the Tunisian political authority Ahmed Bey. In 1860 Ahmed Bey promulgated the world's first Muslim constitution (in the modern sense) 'Ahdu-Al-Amaan (Covenant of Social Peace). This constitution introduced for the first time principles of public interest, equality before law between Muslim and non Muslim, and Tunisians and foreigners. Scholars such as

Hourani outline the span of the Arab lexis during this time period. “ In this line of thought, *maslahah* ...gradually turns into utility, *shura* into parliamentary democracy, *Ijma.*into public opinion. Islam itself becomes identical with civilization and activity, the norms of nineteenth century social thought”. ([Hourani, 1969], p. 144).

Ami Aylon ([Ayalon, 1989]p29) shows how new democratic terms have been assimilated by the Arabic language. He identifies 17 permanently assimilated terms such as *Dimuqratiyyah* (Democracy), *Barlaman* (Parliament) *Aghlabiyyah* and *Aqalliyyah* (Majority and Minority), *Jumhuriyyah* (Republic) *Jinsiyyah* (Citizenship) *Muwatin* (Compatriot). However, the real impact of theses early reformers was limited. The tension between *Islah* (reform) and *Hadatha* (modernity) was clear. Besides, reforms were discussed within the framework of Islamic religion and thus limited in their scope.

**The Nation-State Experience.** “The idea of an impersonal and sovereign political order, i.e. a legally circumscribed structure of power separate from ruler and ruled with supreme jurisdiction over a territory could not predominate while political rights, obligations and duties were closely tied to religious tradition, monarchical powers and the feudal system of property rights.”

Held, p73

“Dogmatically Islam may not be ‘secularisable’, but historically it has been”

Nazih Ayubi

The independence experience corresponded with the creation of the first nation-state in the Arab world in general and the Maghreb in particular. The new state is build around

new ideologies that departed to different degree from the Islamic one. Some of the ideologies that gained some traction, at least for some time, include Baathism (Iraq, Syria), Socialism (Algeria, Egypt, Iraq, Syria, Tunisia, Libya, and Yemen since the 1950's), Communism (South Yemen in the 1960s), Pan-Arabic Nasserism (Egypt, as well as the few countries that have joined it at one time or another in short lived unions), and state capitalism fused with monarchy (the Gulf states, Jordan and Morocco). However, aware that religion still occupied a center place in the political space and facing the task of modernization, the new regimes created state institutions to regulate religious affairs while at the same time attempting to replace religious truths with nationalist truths (particularly in Algeria and Tunisia). According to Abdelbaki Hermassi, the insertion of the Maghreb to the modern world affected its political and cultural dynamics. Islam was used as a unifying factor to fight against colonialism and after the dependence, Islam was used to gain legitimacy and rally the believers around their state in its mission of Jihad against underdevelopment.

“The nationalization” of religion led to the marginalization of the Ulema (Islamic scholars) and the secularization of the state. The divine was humanized. Institutions of democratic governance appeared in a more transcendent way. The three states of the Maghreb promulgated constitutions which embody the principles of separation, the principle of elections, the limitation of mandate and the three powers, executive, judicial and legislative. Legislative authority is constitutionally exercised by the people through their representatives.

**The failure of the nation state.** Only in relatively few instances, like Turkey, have state actors been able to engineer relatively solid popular support for the nation-state and to

shape the long-term expectations of their peoples. In most other cases, like Egypt or Algeria during their Arab Socialist period, the state appears to have had only partial and temporary success in shaping society in the image of the citizenry of their modern nation-state. Failures of the state to cope with society are also on display in countries like Afghanistan or Yemen. The idea of *Asabiyya* a remnant from the non state period is still very much present in Islamic countries.

## **2.4 Conclusion**

The account made in this chapter shows that from the advent of Islam to the birth of the nation-state different landmarks periods are relevant to the issue of freedom and democracy for the Muslim polity. The role of Islam remains present and important at all times. Nazih Ayubi [Ayubi, 2007] observes that state and religion have indeed been intertwined in Muslim history, but this has not been due to any essentially political character of Islam. It has rather been due to material conditions. ‘Traditional Islamic politics was shaped less by Islam as a belief system (since . . . the Quran and Hadith contain very little indeed on politics) and more by nature of the modes of production and the economic requirements and cultural traditions of the territories that eventually formed the Islamic dominion’. Ayubi suggests that the extraction of surplus in the form of tribute required an ideological justification, which was found in religion. The state in these societies had a central role in organizing the economy and society, and it sought to legitimize its overarching power by relying on what seemed to be the predominant element of cultural homogeneity, that is, religion. Thus, opposition to the state also had to express itself in religious terms; political struggles took place using the religious idiom.

Interestingly, in many Arab countries today, religious opposition is the only form of political opposition, as it is the hardest to eliminate. Religion has an aura of untouchability in Arab/ Muslim countries, and leaders must tread carefully around it; also when religious organizations engage in politics, it is not always possible to oppose them without appearing to oppose religion.

## **Chapter 3**

### **Research Methodology**

In this chapter I will discuss the research methodology that I follow in my thesis, and draw attention to some issues and ways to overcome them and make them more specific to the purpose of our research. I will also indicate sources I will be using to collect needed information and the ways to compile them.

#### **3.1. Analytical and Empirical Research**

I envision using analytical and empirical methods to explore the relation between gender politics and democratic standards in the Maghreb. Our understanding of the contrast between analytical methods and empirical methods is the following:

- Empirical research is an inductive method that collects factual data and uses standard techniques (typically statistics) to identify general relations that may be meaningfully supported by the data. It is inductive in the sense that it derives general laws from specific observations; and it is factual in the sense that it observes facts without interpreting them. In particular, statistical methods highlight correlations between quantitative observations, but are unable to determine causal relations (e.g. if



variables X and Y are correlated, they increase simultaneously, but we cannot tell whether the increase of X causes the increase of Y, whether the increase of Y causes the increase of X, or whether perhaps some variable Z causes the simultaneous increase of both X and Y).

- Analytical research complements empirical research by providing a rationalization of empirical observations. While empirical research makes observations then tries to derive general laws from them, analytical research posits a hypothetical model (defined by, e.g. a set of laws), argues the rationale of this model, then discusses its implications in specific situations and matches factual observations against provisions of the model.

Table 1 summarizes and clarifies my discussion, by contrasting empirical research and analytical research along several dimensions, namely: Philosophy; goal; reasoning mechanism; typical methods; raw materials, validation, and application.

Dimension	Empirical Method	Analytical Method
Philosophy	Factual	Speculative
Reasoning mechanism	Inductive	Deductive
Typical methods	Quantitative	Qualitative
Goal	Derive Laws	Explain Laws
Raw material	Observations	Hypotheses
Validation	Statistical standards	Model testing

Application	Modeling	Predictions
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**Table 1: Empirical versus Analytical Methods**

I briefly present a legend for this table, taking the dimensions of distinction one at a time:

- *Philosophy.* Analytical methods are speculative, in the sense that they derive hypothetical laws on the basis of existing rationale. By contrast, empirical methods are factual in the sense that they make no speculations, but only observe facts.
- *Reasoning Mechanism.* Empirical methods are inductive, in the sense that they infer general laws from individual observations. By contrast, analytical methods are deductive, in the sense that they infer special cases from hypothesized general laws.
- *Typical Methods.* Typically, empirical methods use quantitative means to measure observations and analyze their relations. By contrast, analytical methods are primarily qualitative.
- *Goal.* The goal of empirical methods is to derive laws pertaining to the phenomena we observe. By contrast, analytical methods focus on highlighting the rationale of laws.
- *Raw Material.* Empirical methods start from observations and work their way to laws. Analytical methods start from hypothesized laws and analyze their practical consequences.
- *Validation.* Empirical laws are typically validated using statistical standards. By contrast, analytical methods are validated by assessing their ability to model existing observations.
- *Applications.* Empirical methods are typically used to derive models; analytical methods are typically used to derive predictions.

In this thesis, I use empirical and analytical methods in concert, so that the methods support each other. In part IV, I focus on the empirical part of the study, by discussing, in turn, the quantification of relevant factors, their collection in field observations, and their statistical analysis. In chapter 10, I identify factors that are relevant to gender equality and democratization, then discuss how to quantify them (i.e. assign them numeric values) and how to compute them, i.e. derive or approximate their numeric values from empirical observations.

For gender specific data collection, I will use a combination of sources, including UN databases (WiStat), UNDP databases (Human Development Reports), NGO reports, and research literature. In order to include a historical context, and also to increase the size of the data set, I collect gender related data for the three countries of the Maghreb at four different time periods, namely in years: 1970, 1980, 1990, and 2000. I could not find relevant variables for all countries on all time periods, hence had to compute some of them from available data.

As for variables of democratic standards, I have used the Freedom House variables, because they are the only variables for which I have found data for all three countries, and for all four dates of interest. In chapter 11 I apply statistical functions to the data, and attempt to highlight meaningful empirical relations between our observations. Then I try to determine whether the statistical relations that the statistical analysis has highlighted are meaningful, or are merely incidental (stemming from the specific observations I have made, from data collection errors, etc).

The outcome of part IV is a set of validated statistical relationships between variables pertaining to democratization and variables pertaining to gender equality. In part V, I complement this empirical result with an analytical study, in which I present a hypothetical model that represent causal relations between democratization and gender equality; this

model is built using the insights we gain in parts II and III, in which we discuss in turn what countries of the Maghreb have in common (Part II) and what distinguishes between them (Part III). In chapter 14 I attempt to link the analytical study and the empirical study in two steps:

- I show that the analytical models provide a sound rationale for the empirical observations.
- I show that the empirical models provide instances that support the analytical model's predictions.

Adjustments may have to be made to achieve this mutual relationship between the two approaches.

## **3.2 Quantifying Relevant Parameters**

In order to conduct my empirical research, I need to quantify the parameters that are of interest to my research, namely:

- Parameters that pertain to democratic standards.
- Indicators of gender Equality

As far as democratic standards are concerned, we envision using the criteria for political rights and civil liberties that are used by Freedom House ([www.freedomhouse.org](http://www.freedomhouse.org)) to rate countries worldwide. These criteria are structured as follows (source: the Freedom House homepage).

### **3.2.1 Quantifying Parameters Pertaining to Democratic Standards**

## POLITICAL RIGHTS

### **A. Electoral Process**

1. Are the head of state and/or head of government or other chief authority elected through free and fair elections?
2. Are the legislative representatives elected through free and fair elections?
3. Are there fair electoral laws, equal campaigning opportunities, fair polling, and honest tabulation of ballots?

### **B. Political Pluralism and Participation**

1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?
2. Are there a significant opposition vote, de facto opposition power, and a realistic possibility for the opposition to increase its support or gain power through elections?
3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?
4. Do cultural, ethnic, religious, and other minority groups have reasonable self-determination, self-government, autonomy, or participation through informal consensus in the decision-making process?

### **C. Functioning of Government**

1. Do freely elected representatives determine the policies of the government?

2. Is the government free from pervasive corruption?
1. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

#### **4. Additional discretionary Political Rights questions**

- For traditional monarchies that have no parties or electoral process, does the system provide for consultation with the people, encourage discussion of policy, and allow the right to petition the ruler?
- Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?

### **CIVIL LIBERTIES**

#### **Freedom of Expression and Belief**

1. Are there free and independent media and other forms of cultural expression? (Note: in cases where the media are state-controlled but offer pluralistic points of view, the survey gives the system credit.)
2. Are there free religious institutions, and is there free private and public religious expression?
3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

4. Is there open and free private discussion?

### **E. Associational and Organizational Rights**

1. Is there freedom of assembly, demonstration, and open public discussion?
2. Is there freedom of political or quasi-political organization? (Note: this includes political parties, civic organizations, ad hoc issue groups, etc.)
3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

### **F. Rule of Law**

1. Is there an independent judiciary?
2. Does the rule of law prevail in civil and criminal matters?
3. Are police under direct civilian control? Is there protection from police terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies? Is the population treated equally under the law?

### **G. Personal Autonomy and Individual Rights**

1. Is there personal autonomy? Does the state control travel, choice of residence, or choice of employment? Is there freedom from indoctrination and excessive dependency on the state?
2. Do citizens have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, or organized crime?
3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?
4. Are there equality of opportunity and the absence of economic exploitation?

### 3.2.2 Quantifying Parameters Pertaining to Gender Equality

For the purpose of this dissertation I envision to discuss first the dimensions of gender equality/inequality in the specific context of North Africa, a developing region, characterized by new nation-states, old populations and impacted by its Arab/Islamic legacy and its very specific social make-up. The initial list of variables that I have selected is inspired from WISTAT; because WISTAT does not have measures for all its variables for all three countries for all four periods (1970, 1980, 1990, 2000), I had to look up other sources of information. Also, because many of these variables may be interrelated, I envision to investigate their correlations first and to select a representative subset. The dimensions that interest me can be described as social, economic and political. After selecting my gender equality dimensions, I will use different international standards to measure different aspects.



To measure the political and economic gender indicators I will use the GDI, which is the Gender-related Equality Index, developed by the UNDP in 1995 in its *Human Development Report*. The GDI is a measure of well being. The three variables taken into account are the following: Adjusted income (1), Education (2), and Health (3). The GDI being a recent measure, we do not have recorded values for it for all the years of interest; as we discuss in Chapter 10, we compute their values for past years by collecting individual data and applying the formula used by UNDP to compute the GDI.

### **3.3 Collecting Factual Data**

For the purposes of this empirical study, we need to collect data on democratic standards and gender equality standards. In order to obtain a sufficient number of data points, and to broaden the significance of the study, and in order to capture possible historical evolution, I collect this data at different dates, and for different countries (Tunisia, Algeria, and Morocco). Clearly, this data has evolved with time; hence it makes sense to sample it at different times.

As far as data on democratic standards are concerned, I have considered a number of possible variables, but had to settle for the variables of Freedom House. It is with some reluctance that I have resolved to use these variables, because even though they reflect a wide range of relevant variables (as shown in the list given above), they summarize them in three abstract numbers, that do not necessarily reflect the specifics of each country's situation. Nevertheless, I am using the Freedom House indicators because they are the only indicators for which I found data for the three countries and the four years I am interested in. These

three variables are: PR (political rights), which range from 1 to 7; CL (Civil Liberties), which range from 1 to 7; and the freedom index, a three value index (Free, Partly Free, Not Free).

As for gender related data, it is collected from UN databases, NGO databases, and scholarly references. In some cases, it is computed from existing data.

### 3.4 Statistical Analysis

The result of our data collection is a set of data vectors that have the following format:

Country	Year	Democratic Standards					Gender Standards				
		D1	D2	D3	... ...	Dn	G1	G2	G3	... ...	Gm

**Table 2: Map of Statistical Data**

I designate by D1, D2, D3, ... Dn the democratic standards, and by G1, G2, G3, ... Gm the gender standards that I define for my study. Analytically, I find that causal relations run in both directions between these sets of factors: high democratic standards produce high gender equality; and high gender equality (involving higher participation of women in the political process) produces, I believe, high democratic standards. Hence I do not distinguish between dependent and independent variables: each set of variables will be viewed as dependent or independent, according to the causal relation that we are interested in.

### 3.4.1 From Democratic Standards to Gender Standards

To study the impact of democratic standards on gender standards, I view democratic standards as independent variables and gender standards as dependent variables. Then, I envision exploring the following relations:

- Cross correlations between gender variables and democratic variables, as shown in the table below. Such a correlation table would show individual correlations between gender variables and democratic variables.

		Gender standards				
		G1	G2	G3	... ..	Gm
Democratic Standards	D1					
	D2					
	D3					
	... ..					
	Dn					

**Table 3: Democratic Standards versus Gender Standards**

In addition to considering correlations between gender variables and democratization variables, I also want to explore correlations within each class. I am not sure to what extent the variables within each class are independent dimensions, or are simply different reflections of the same aspects. This yields two matrices, with the following structure.

		Gender standards				
		G1	G2	G3	... ..	Gm
Gender Standards	G1					
	G2					
	G3					
	... ..					
	Gn					

**Table 4: Correlations within Gender Standards**

		Democratic standards				
		D1	D2	D3	... ..	Dm
Democratic Standards	D1					
	D2					
	D3					
	... ..					
	Dn					

**Table 5: Correlation within Democratic Standards**

- I am also interested in taking variables G1, G2, G3, ... Gm and exploring how these variables can be explained by the (supposed) independent variables D1, D2, D3, ... Dn. To this effect, I envision to apply data analysis techniques (to distinguish between relevant and irrelevant democratic variables). I also envision applying

regression techniques, to see if some gender variables can be formulated as a function of democratic variables.

- Finally, I also envision to explore statistical relations between an overall democratic score (the sum of all the variables  $D_1, D_2, D_3, \dots D_n$ ) and an overall gender score (the sum of all the variables  $G_1, G_2, G_3, \dots G_m$ ). Alternatively, or additionally, I will also consider classes of parameters, rather than individual parameters. For example, the parameters that we consider can be divided into many broad categories: Education (enrollment ratios, literacy rates); Health (life expectancy, fertility rate, reproductive health); Income Share (Income Ratio, Economic Activity Ratio). Hence we can investigate correlations among broad classes of variables rather than individual variables.

### **3.4.2 From Gender Standards to Democratic Standards**

To complement the study above, I envision replaying in reverse the investigations that are not symmetric, namely:

- The data analysis techniques that view  $D_1, D_2, D_3, \dots D_n$  as dependent variables and  $G_1, G_2, G_3, \dots G_m$  as independent variables.
- The regression techniques that try to model each of the democratic variables as a function of the set of gender variables.

### **3.4.3 Validation**

My empirical study and analytical study will be conducted in parallel, and will be used to validate each other.

- The empirical study will proceed through defining relevant gender variables, quantifying them, and collecting data on them for the different countries, at different years (whenever data is available).
- The analytical study will proceed through analyzing the historical, social and religious background of the countries of interest, and will investigate in detail the legislation that defines gender relations and women's rights in each country, as well as the application of this legislation.

In part V of our thesis, we will validate the empirical results by finding their explanations in the background (which we cover in Parts I through IV). Also, we envision validating the analytical results by confronting them against the empirical observations.

**Part II:**  
**Historical/ Cultural Background of the Maghreb**

## **Chapter 4**

### **A Common History**

#### **4.2 History as Identity**

Before I carry out my analytical and empirical study of the Maghreb, I must address the question: who are the peoples of the Maghreb? I submit the thesis that the identity of these peoples is defined by their history; to support my claim, I submit that all common characterizations of these peoples do not do them justice [Lacoste, 2004].

Algeria, Morocco and Tunisia are all Arab countries, where Arabic is the constitutionally mandated official language. Yet merely characterizing them as Arab countries does not do them justice because they are so radically different from other Arab countries: their Arabic identity is a cultural attribute, rather than a true ethnic attribute; their Arabic attributes have been watered down by subsequent Turkish/ Moorish/ Spanish/ Italian/ French influences; their Arabic identity appears to be a volatile political statement rather than a deeply felt sense of belonging. Hence, for many citizens, who are western educated, who speak French at work and at home, listen to European radio stations and TV channels, whose livelihood depends on the Maghreb's relation to Europe, the Arab identity is an abstract constitutional detail more than a genuine identity. It is not



uncommon to observe nowadays a number of identities competing for dominance in the Maghrebian countries, especially in Tunisia.

Also, Algeria, Morocco and Tunisia are all Muslim countries, where Islam is the official religion. Yet merely characterizing them as Muslim countries does not do them justice either, because they practice a specific form of Islam that sets them apart from other Muslim countries: Unlike Shiites, they separate state and religion (at least in practice, if not in theory); and unlike Middle Eastern Sunnis, they practice a lightweight version of Islam, that is more focused on broad philosophical principles than on rigid ritual; also, unlike most Muslims, and perhaps due to greater European influence, North African Muslims has experienced a European-like religious emancipation that other Muslims have not. Specifically, peoples of the Maghreb have been in close contact with Europeans over the last two centuries or so, at a time when Europeans were experiencing a departure from religious traditions; hence, they seem to have experienced a similar emancipation with respect to their own religion. By contrast, many peoples of the Middle East and Asia have reacted to European/ Western influence by taking refuge in their religion.

Also, Algeria, Morocco and Tunisia are all African countries, yet they are very different from other African countries, in terms of ethnic differences, religious differences, differences of culture, and differences of geography and history.

Finally, Algeria, Morocco and Tunisia are all Mediterranean countries, yet they are different from other Mediterranean countries in terms of their history, ethnicity, religion, political system, and economic standards.

Interestingly, a new identity is emerging in the area, that of *EuroMediterranean Countries*. As countries of the Maghreb secure privileged relations with the European Union (short of membership), and as countries around the Mediterranean Basin realize that the fate of the Mediterranean has an impact on all of them, the Euro Mediterranean identity is emerging as a potent symbol of a shared destiny.

So who are the peoples of the Maghreb? Are they Arabs? Muslims? Africans? Mediterraneans? Euro Mediterraneans? Phoenicians? Berbers? Moors? Romans? What makes them who they are? What makes them think the way they do? I submit that the only way to define their identity is to consider their shared history, which will tell us who they are, how they think, where they come from, what are their aspirations, etc.

## **4.2 Introduction to Maghrebian History**

Algeria, Morocco and Tunisia share a common historical background, owing to their shared geography, that distinguishes them from other Arab countries (from which they are distinguished by their proximity to Europe and their Mediterranean identity) and African countries (from which they are separated by the daunting Sahara desert). We explore this common historical background, focusing in particular on events that shape their current

ethnic and social structure. We consider six broad phases in the historical background of this area, namely: the pre-Islamic period, the advent of Islam (7<sup>th</sup> century), the Inquisition/ Reconquest (15<sup>th</sup> century), the Ottoman rule (16<sup>th</sup>-20<sup>th</sup> centuries), the Colonial era (19<sup>th</sup> century) and Independence (20<sup>th</sup> century). First, we discuss some general features about the area of interest to us in this study, the *Maghreb*.

The *Maghreb* (Arabic for: West, or: where the sun sets) refers to the three North African countries of Tunisia, Algeria and Morocco. Within these countries, Morocco is itself known in Arabic as *Maghreb*, as it is the westernmost country of Maghreb. These three countries are united by a common geography, in that they are delimited by the Mediterranean Sea to the East, North and West, and by the Sahara desert in the South. The Maghreb differs from North Africa in that the latter designates also Libya, Mauritania, and even Egypt, in addition to Tunisia, Algeria and Morocco.

This geographic unity has fostered, in turn, a unity of history, in virtually all the six eras that I envision to discuss in this chapter. The history of this region was also determined to a large extent by the strategic location of this region at the cross roads of several trade routes through the Sahara desert to sub-Saharan Africa and through the Mediterranean to Europe and the Middle East.

Because the Maghreb, most notably Tunisia, was at the cross roads of many trade routes, it had a great strategic value in the Mediterranean basin, and was the object of much covetousness, and the target of many invasions, of various degrees of benevolence. As a result, the ethnic makeup of this region is very diverse, including, in addition to the original Berber population: Phoenicians (current Lebanon), Greeks (current Greece), Romans (current Italy), Sephardic Jews (Spain, Portugal, Arab countries), Byzantines (current Greece, Balkan

countries, Turkey), Vandals (Eastern Germany), Normans (Northern Europe), Arabs (Saudi Arabia), Africans (sub Saharan Africa), Moors (Andalusian Spain), Italians, French, etc. So that when we refer to these countries as *Arab countries*, we are talking about their cultural identity more than their ethnic identity. As to the question of why, of all these invaders, the citizens of Maghreb identified with Arabs, that is the subject of a whole separate thesis, but I assume that it is because Arabs were perceived as benevolent, showing a keen interest in the spiritual and physical welfare of their subjects.

### **4.3. Pre Islamic Period**

The pre-Islamic history of the Maghreb is dominated by two major periods of influence, namely the Phoenician influence, from the 8<sup>th</sup> century BC to the 2<sup>nd</sup> century BC, and the Roman influence from the 2<sup>nd</sup> century BC to the fourth century AD. This was followed by a set of invasions in rapid succession, which left no significant impact.

The Phoenician era started in the ninth century BC, when Queen Dido sailed across the Mediterranean Basin in 814 BC from the city of Tyre in Phoenicia (current Lebanon) to the site of Carthage, north of present day Tunis. Thus started what was to become a regional superpower, whose influence stretched across the Mediterranean, and over all of North Africa. Phoenicians maintained good relations with the local Berber tribes, and used their local knowledge and their skills in agriculture, trade, manufacturing to their advantage. But they had much less success maintaining good relations with other Mediterranean powers: Between 700 and 409 BC there were repeated clashes with Greece over trade routes and zones of influence, which ended up destabilizing Carthage.

What sealed the fate of Carthage, however, was the confrontation with Rome, which took place during three successive wars, known as the *Punic wars*. The first Punic war, from 264 to 241, resulted in Roman victory on land, in Sicily and in North Africa but Roman defeat at sea. The second Punic War, fought by Amilcar then his son Hannibal, included a Carthaginian invasion of Rome, through a long march across North Africa, then Spain, then Southern France, then The Alps, and concluded with a defeat of Carthage in 202 BC at the hands of an alliance between the Romans and Numidians. The third Punic war is essentially a three-year siege of Carthage by the Romans, which concludes in 146 BC by the capitulation of Carthage, resulting in utter destruction of the Phoenician city and its surroundings. The destruction of Carthage was so thorough that today, virtually all the landmarks in Carthage are Roman (rather than Phoenician) ruins (see the Picture below). Upon the conclusion of this war, the Romans take over all the territory that was under the control of Carthage, rename it Africa (a name that has evolved to designate the whole continent) and start their imperial expansion in North Africa and beyond [Scarre, 1995].

North Africa remained under Roman control for the next few centuries, although to different degrees for different parts. Carthage and most of what is now Tunisia was annexed to Rome upon the third Punic war, though the local population was not admitted as Roman citizens, and many were used or sold as slaves. In 44 BC Julius Caesar landed in Tunisia to suppress a Numidian uprising, and upon crushing the uprising he annexed Numidia (current Algeria) to the Roman empire. During the 1<sup>st</sup> and 2<sup>nd</sup> centuries AD the Romans rebuilt North Africa using former Punic sites, and presided over a period of relative prosperity. Using engineering skills well beyond their scientific knowledge, the Romans built some important sites, such as Thysdrus (currently known as El Djem, Tunisia), which has a coliseum comparable to that of Rome, Sufetula (currently Sbeitla, Tunisia), Thuburbo Majus (Tunisia), Thamugadi (Timgad,

Algeria), etc. Also, the Romans cut down large swaths of forest in Northern Tunisia to grow grains,/ cereals, and referred to this area as the granary of the empire. The emergence of Christianity has influenced life in North Africa, starting in the second century AD. By the end of the fourth century, the settled areas had become Christianized, and some Berber tribes had converted en masse, despite (or perhaps because of) opposition from the Roman authority.

As the Roman empire started to decline, its influence in North Africa began to wane, culminating in the invasion of the Vandals at the beginning of the 5<sup>th</sup> century AD. In 429, the Vandals crossed the strait of Gibraltar (coming from Spain) and headed east towards Carthage, which they took in 439; though they are originally from Northern Europe, they made Carthage and its region the center of their kingdom. Their presence in North Africa was characterized by a rapid succession of short lived reigns, and was marked by much instability, violence, and plundering. Carthage and North Africa reverted back to Roman rule by the middle of the sixth century AD, though not for long, as the Roman empire was growing weaker, making the area ripe for the next invasion.

#### **4.4. The Advent of Islam**

The prophet Muhammad was born in Mecca (currently, Saudi Arabia) in 570 AD, and migrated to Medina (Saudi Arabia) in 622 to escape the prosecution by Mecca tribes, who opposed his new religion. The prophet Muhammad dies in 632, is succeeded by Abu Bakr, who, along with his successors, takes it upon himself to spread their newfound religion far and wide.

By the year 670, the Arabs enter Tunisia under the command of Uqba Ibn Nafaa, bringing a universal message of goodwill embodied in their newfound religion. They easily subdue the

Byzantines, as well as the pockets of token Christian, Jewish and Berber resistance. Mindful of the Norman pirates who roam the Mediterranean Sea, they set up their capital inland, in the city of Qayrawan (Kairouan), about 40 miles from the coast. The Arab Muslim army continued its conquest of North Africa all the way to the Atlantic then moved North to Spain through the Gibraltar (Jabal Tariq, named after Tariq Ibn Ziyed) strait [Djaïet, 2004].

#### **4.4.1. The Aghlabids and Fatimids (797-1057)**

For the next eight centuries, North Africa is ruled by a succession of dynasties, that had varying degrees of autonomy, starting with the Aghlabites. As it grew more prosperous, the City of Qayrawan sought autonomy from the remote Baghdad based caliphate. When rebellion erupted in Qayrawan and Tunis in 797, the colorful Baghdad Caliph Harun Al Rashid was unable to restore order, so he delegated the task to a local leader, Ibrahim Ibn Al Aghlab, whose dynasty, the Aghlabids ruled over Eastern North Africa from 800 to 909. The Aghlabid military elite was made up of Arab invaders, Arabized berbers, and sub-Saharan Africans. Their administrative elite was composed of Arab and Persian immigrants, as well as Christians and Jews<sup>xxxiv</sup>.

The Aghlabids flourished in the 9<sup>th</sup> century, expanding their rule into Sicily, and building new Capitals, such as Abbasyia, Raqqada, etc, as well as new infrastructures in Qayrawan and elsewhere (for irrigation, agriculture, utilities, etc). By the turn of the tenth century, religious quarrels between the political hierarchy and the religious class were exacerbated by foreign interference from the Fatimids of Egypt, and resulted in bringing down the Aghlabid dynasty. Building on the rebellion they stirred, the Fatimids conquered much of North Africa; then they moved their capital back to Cairo and neglected North Africa, relegating it to local representatives, and exposing it to instability. The final blow was dealt by nomadic

migrations from Arabia and Egypt, when the Banu Hilali Bedouins defeated the Fatimid vassal states and vandalized Qayrawan in 1057 [Charfi 2005].

#### **4.4.2. Almohad and Almoravid Dynasties (1050-1230)**

In 1050, a religious military organization called the *Almoravids* (from Arabic: *Al Murabitun*) started growing its influence in Western North Africa. Under the leadership of *Yusuf Ibn Tashfin*, Berbers from a confederation known as the *Sanhajis* invaded Morocco in 1061 and Mauritania in 1071, then moved North to Spain. In 1121, an Arab reformer by the name of *Muhammad Ibn Tumart* formed a group called the *Almohades* (from Arabic: *Al Mowahhidun*) and called himself the *Al Mahdi* (from Arabic: The Inspired, the Guided). His successor, *Abdel Mu'min*, has conquered Morocco (1140 to 1147), putting an end to the Almoravid rule. He went further east, covering Algeria and reclaiming Tunisia from the Norman kingdom in Sicily, who between 1134 and 1148 seized Mahdia, Gabes, Sfax, and the island of Jerba. Abd al-Mu'min (1130 - 1163) also intervened in Spain and Portugal in 1154, where the Almohads maintained their influence until their defeat in 1212 in the battle of Navas de Tolosa. The influence of the Almohads ended in Spain in 1232 and in Africa in 1269 [Djaïet, 2004].

#### **4.4.3. The Hafsids (1230-1574)**

At the beginning of the Thirteenth Century, the Almohads ceded Tunisia to *Abdel Wahid Ibn Haf*; his son *Abu Zakarya Yahya* broke away from the Almohads and formed a new dynasty, the *Hafsids*. *Abu Zakarya Yahya* extended his territory westward to cover Algeria and Morocco (Tlemcen) as well as northward to cover parts of Spain (Granada). The Hafsid dynasty became totally independent starting in 1236. In 1270, the second crusade of Saint Louis ended in disaster when Saint Louis and his army were decimated by an epidemic upon



their landing in Carthage, Tunisia. In the thirteenth and fourteenth century, North Africa witnessed great prosperity as well as a vibrant literary and cultural activity. Towards the end of the fifteenth century, after the death of the Hafsid ruler *Abu Umar Uthman* (1436-1488) the dynasty started to weaken due to internal power struggles, as well as the impending inquisition in Spain and the external power struggle between the Catholic Kings of Spain and the Ottoman Pachas. The Hafsid dynasty ended in 1574 with the arrival of the Ottomans in North Africa.

After the Almohads, Morocco followed a different destiny from its neighbors to the East. The Berber dynasties (Almoravids, Almohads, and Marinids) gave the Berber peoples of Morocco some measure of autonomy, as well as a new sense of identity. But the tension remained between traditional tribal loyalties and the new dynasties, that are perceived as artificial political constructs (in the sense that for tribal peoples, the tribe is the most meaningful organizational structure, and any structure that is placed above the tribe is perceived as alien) [Djaïet, 2004].

## **4.5. The Inquisition/ Reconquest**

The 700 year struggle to liberate Spain from Muslim influence came to fruition in 1492, with the fall of Granada. Following their defeat, the Muslim Moors migrated from Spain back to North Africa, along with the Jews, who feared religious persecution at the hands of the inquisition. This migration is important in the history of North Africa, because it affects the ethnic makeup, as well as the cultural evolution, of the area. Muslim and Jewish Moors brought with them much needed skills in agriculture and crafts. They also brought a European lifestyle, refined over many centuries of interaction between Middle Eastern and

European populations. These migrants settled along the coast, stretching from Morocco to Tunisia.

North Africa was the subject of competing ambitions by Spain and the Ottomans, with Spain chasing those who were fleeing the inquisition and the Ottomans seeking to protect Muslims and Jews on Muslim lands. In 1574, Tunisia and Algeria fell under Ottoman rule, and were designated Ottoman provinces. As for Morocco, it reverted from Berber rule back to Arab rule, whereby starting in 1559 successive Arab tribes claiming descent from the Prophet Muhammad ruled the region: first the Saadi Dynasty who ruled from 1511 to 1659 and then the Alawis, who founded a dynasty that has remained in power since the seventeenth century.

## 4.6. Ottoman Empire

Strictly speaking, the Ottoman Empire ruled over Tunisia and Algeria only in North Africa, defining them as separate provinces, each governed by an Ottoman designated governor. The two provinces followed distinct but similar destinies. The Bey of Tunis and the Dey of Algiers reported officially to the Sultan of the Ottoman Empire in Constantinople, but they gained increased autonomy from the Sultan, the tax contributions of Tunisia and Algeria to the empire dwindled, and Tunisia and Algeria were turning their attention to local issues of trade with Europe and sub-Saharan Africa, regional conflicts, and ... piracy

In the meantime, Morocco pursued its autonomous evolution under Arab dynasties. The Saadite dynasty fell in 1659 and was followed by the Alaouites. Moulay Al-Rashid of Morocco was proclaimed Sultan of Morocco in 1664. The Alaouites expanded their territory

over several centuries. They acquired Tangier in 1684, El Jadida in 1769, and Cape Juby in 1895.

The Ottoman rule was not a favorable period for North Africa. The dynasties of Tunisia and Algeria had a unique mechanism for passing from one ruler (Dey or Bey) to the next. Power does not pass from father to son, but from the oldest male member of the family to the next oldest. While the idea was that rulers would thereby be wiser, in practice it meant that the countries were ruled by senile people, who had little or no plans for renovation, and had short term prospects. Literature and culture were neglected, and the standard of living was stagnant. So, when colonial powers in Europe started nurturing colonial ambitions in North Africa, North Africa was ripe for their plans [Djaïet, 2004].

## **4.7. Colonial North Africa**

### **4.7.1. The Colonization**

As the Napoleonic wars precipitated the decline of Ottoman influence in North Africa, and as Europe grew increasingly industrialized and increasingly populated, North Africa grew increasingly attractive as a target of colonial ambitions. The Maghreb had greater wealth than Sub-Saharan Africa, it was readily accessible from Southern Europe, and had great strategic value in the Mediterranean Basin. After some strictly internal give-and-take, European colonial powers deferred to France as the prime candidate to colonize North Africa.

France colonized the three countries of the Maghreb at different times, and under different excuses, starting with Algeria in 1830, then on to Tunisia in 1881 and Morocco in 1912. In all three countries, France sent *colons* (French settlers) to settle the colonized countries;

these were mostly farmers/ landowners, who took some of the most fertile land and exploited it using large scale modern farming techniques. France also built a modern infrastructure in these countries, including roads, railroads, mines, postal service, telegraphs, public works, etc. Also, France installed an administrative structure to serve its settler population, along with a judicial system, an educational system, a banking system, etc. Some of these systems (e.g. courts) ran in parallel with indigenous systems, while others also served the indigenous population, thereby lifting it from poverty and backwardness.

Algeria was the first country that France occupied, the last one that it left, the one in which it had the highest stakes, the one it had the hardest time parting with, and the one it had influenced the most; hence we consider it first. Citing a minor diplomatic incident, the French moved in 1827 to blockade Algiers for three years, then invaded and occupied coastal areas of Algeria in 1830. They subsequently moved southward, installing settlers as they went, and crushing rebellion to their rule by Emir Abdelkader. By the mid nineteenth century, most of northern Algeria was under French control, and French Algeria was declared part of France and was divided into three districts, Algiers, Oran, and Constantine, which were governed as French Departments. The indigenous population of Algeria did not look favorably upon the French rule, which was an affront to their religious and national identity, as well as an instrument to seize their property for the benefit of French settlers. In addition, at the same time as they consider French Algeria as part of France, the French authorities did not consider the indigenous population as French citizens, but merely as French nationals. Also, in a bid to divide the indigenous population, the French colonial authorities accorded Algerian Jews special privileges, which later worked to their detriment. Despite much suspicion and mistrust on both sides, the French and Algerians developed a fascinating love-hate relationship that remains passionate to this day. The French occupation of Algeria saw

significant progress in health, education, infrastructure, and overall economic prosperity, leading to the creation of a new middle class that would subsequently play a role in shaping the independence movement.

Following minor skirmishes at the border with Algeria, and citing a debt that the Bey of Tunis had foolishly contracted with the French in his vain effort to build a Versailles-like palace in Mohammadia, France invaded Tunisia in 1881. In preparation for a possible colonization, Italy<sup>xxxv</sup> had started sending its citizens to Tunisia, creating an Italian community (made up of Maltese, Sicilians) that remains in Tunisia to this day; in the presence of France's *fait accompli*, Italy acquiesced and took Libya instead. As they did in Algeria, the French deployed a set of measures intended to help French settlers colonize the country; they set up an administrative structure, built infrastructure, installed a judicial system, set up an education system. Many of these structures (education, judicial) run concurrently with the indigenous structures, and cater to different populations; though in time, the indigenous Tunisian population took advantage of the available resources and used them to their advantage.

The French occupation/ colonization/ protectorate of Morocco was more controversial than those of Algeria and Tunisia, started later, and ended earlier. While France showed interest in Morocco since the early part of the nineteenth century, it had to bargain it away from the United Kingdom and Germany, and did not get its wish of a protectorate over Morocco until 1912, by virtue of the Treaty of Fez. Even then, it had to share administrative and territorial responsibility with the Spanish authorities. As with Algeria and Tunisia, the French protectorate in Morocco was a mixed blessing, bleeding the country of its resources to benefit

France at the same as it offered Moroccans the opportunity to wake up to the possibilities of the twentieth century. Unlike Algeria and Tunisia (which were unified territorial and administrative units before the advent of the French protectorate), Morocco was a loosely organized set of tribes, with little national identity in a traditional sense. This may explain the absence of an organized resistance movement, at least at the beginning of the protectorate. Most of the tension pertaining to the independence of Morocco was, paradoxically, played out between competing interests in France and within the French settler communities [Charfi, 2005].

#### **4.7.2. Independence Movements**

One can argue that North Africa merely rode the wave of independence that swept the African continent in the middle of the twentieth century. Yet the individual histories of the three countries of interest are sufficiently distinct that they barely warrant the characterization that they are part of a broad wave. Also, France has gotten itself far more involved in the life of its North African colonies, especially Algeria, than any other colonial power (with the possible exception of Belgium in Congo). Yet in all three cases, independent movements arose after World War I and gained urgency after World War II. The French government recruited large numbers of soldiers from North Africa for its military effort in World War II. They had little effect on the military outcome of the war, but had a political impact: France can hardly call on them to serve French nationalistic goals then refuse to acknowledge their legitimate nationalistic aspirations.

In Algeria, French settlers dominated the colonial government and controlled most of the country's wealth, imposing an agenda of exclusive privileges at the expense of the local population. This agenda came under increasing pressure in the years leading up to the

Second World War, but instead of making concessions, the colonial authorities imposed stricter restrictions on the local population, under the guise of measures for security and public order. The defeat of the French by the Nazis in Europe and the recruitment of Algerians in the French army in its struggle to resist the Nazis have created conditions that preclude a hard-line position of the French colonial authorities against the Algerian population. Towards the end of the Second World War, the colonial authorities made some cosmetic concessions to the indigenous Algerian population, singling out “meritorious” Algerians for privileged treatment. This policy was deemed divisive and inadequate by the Algerians, who in 1954 launched a full-fledged armed struggle against the French colonial authority. Reflecting the high stakes that are involved (oil wealth, large settler population, profound attachment of French settlers to Algeria, etc) the war of independence involves very violent resistance and equally violent repression. The war lasted about eight years and caused the death of between three hundred thousand and a million Algerians, as well as the displacement of nearly 2 to 3 million people inside Algeria. When a cease fire was signed in 1962, at Evian (Haute Savoie, France), another million people, French settlers, had to return to France, due to the unbridgeable gaps caused by the war. They were followed by thousands of Algerian Jews (who were granted French citizenship by the colonial administration) as well as thousands of Algerian Muslims, called the *Harkis*, who fought alongside the French during the war of independence. As hard as the Algerian people fought to secure its independence, this turned out to be a mixed blessing at best: In addition to the physical destruction caused by the war, the emigration of the colons left the country with a severe shortage of managers, farmers, civil servants, engineers, teachers, physicians, and skilled workers. This, in turn, caused social and economic upheaval as the state tried to sort out ownership and exploitation of property left vacant by the exodus. Against this background,

Ahmed Ben Bella was elected president of Algeria, and a new constitution was adopted by referendum in 1963.

The independence of Tunisia was much less violent, not only because the stakes were much lower, but also because of the political methods of the main architect of Tunisia's independence, the French trained attorney Habib Bourguiba. Nationalist, anti-colonial sentiment was increasing in Tunisia after the First World War, and was expressed by the *Destour (Constitution) Party*. Its successor, the *Neo Destour Party*, established by attorney Habib Bourguiba in 1934, was banned by the French authorities in Tunisia. During the second world war, Tunisia was first occupied by the Germans (under the command of Edwin Rommell) and subsequently occupied (or liberated?) by the axis forces, notably the Americans (George S Patton) and the British (Bernard Montgomery), as they were preparing the invasion of Europe through Sicily. Though Tunisians were very much impressed by the discipline and power of the German army in the early part of the second world war, and tempted to side with the axis against the Allies (including the colonial ruler, France), Bourguiba was warning them that the axis was likely to lose the war and that the policy of Tunisia was one of friendship towards France (not to mention the opportunistic policy of siding with the expected winner). At the end of the war, his loyalty and principled position earned him the respect of the French. Though he orchestrated some armed resistance against the colonial power as an additional incentive, Bourguiba achieved most of his goals through diplomatic means, and had supporters among the political class in France, not least the socialist French Prime Minister Pierre Mendes France. Trusting that they had in Bourguiba a reliable goodwill partner, France awarded Tunisia its independence in March 1956; Bourguiba served as a prime minister of the new country, which remained a constitutional



monarchy under the Bey of Tunis, Mohamed Lamine Bey. One year later, Bourguiba moved to abolish the monarchy and establish the first Tunisian republic.

As in the case of Tunisia and Algeria, the independence of Morocco had its seeds in the aftermath of the first world war, and gained some measure of urgency in the second world war, when contradictions in the situation of France (occupied by Germany, occupying other countries) came to light. By contrast with Algeria, the independence of Morocco was achieved with relatively little bloodshed, and resulted primarily from political pressure and civil unrest; also, the instability of Algeria during the same period that Morocco's independence was being contemplated, gave a further incentive to French colonial authorities to find a reliable negotiating partner, in the person of King Mohamed V, and to work out an arrangement with him. Political pressures and civil unrest started in the mid-thirties, and took some urgency at the end of the second world war, when France appeared to renege on its obligations under the Treaty of Fez (which gave France the Moroccan protectorate to begin with) and under [Atlantic Charter](#) (a joint U.S.-British statement that set forth, among other things, the right of all people to choose the form of government under which they live). Tensions grew in 1952 as Moroccans grew impatient with the intransigence of the French authorities, and evolved into a wide campaign of resistance from 1952 to 1955, when the French authorities started to negotiate with Mohamed V the terms of a stepwise process of independence, starting with internal autonomy, then full independence. The treaty that gave Morocco its independence talked in fact of *interdependence* between France and Morocco, in a bid for France to save face as it continued to deal with Algeria, and to protect the interests of its citizens in Morocco. France relinquished its protectorate over Morocco in April 1956. Over the next two years, Morocco negotiated with Spain the return of Moroccan territory to

its rule. Thus began a cohesive power structure that has ruled Morocco for five decades, first under Mohamed V, then under Hasan II, and more recently under Mohamed VI.

The presence of France in north Africa has had deep effects on three levels: the family structure and more specifically gender roles; the way Islam is perceived; and the new emerging polities' structures [Berque, 1967].

#### **4.7.3. Women's role in the nationalist movement**

Women of the Maghreb participated in different manners and to different degrees in the war for independence. Algerian women played a key role on the field, while Tunisian and Moroccan women organized to help men in their struggle. Algerian women's participation can be described as a major one. According to Valentine M. Moghadam [Moghadam, 1993] when the *Front de Liberation Nationale* (FLN) was formed, there were provisions for women to enjoy any political or military responsibilities. Nonetheless, military needs compelled the officers of the national Liberation Army to use women combatants. The number of these combatants was estimated to 10,000 (Moghadam, p83). These women participated as nurses, cooks, but also helped carry information or weapons. Some of them were killed on the field such as Hassiba Ben Bouali, Djennet Hamidou; others were sentenced to death such as Djamila Bouhired. Other names include Djamila Bouazza, Jacqueline Guerroudj, Zahia Khalfallah, Baya Hocine, and Djoher Akrou. The participation of the Algerian women in the war for independence ushered a profound change in genders roles by admitting women outside their "natural space". Given that women played an important role in the national struggle for independence, it was difficult for political powers subsequent to independence to dismiss them from the political scene. Hence Algerian women imposed themselves in the political process by virtue of their active role in the

independence movement. As I discuss subsequently, this was not without difficulty, and feminists had a long road ahead in the post independence era.

## **4.8. Conclusion: a Common Historical Background**

The historical review of the Maghreb highlights some main characteristics of the region including:

- People of the Maghreb have been subject to different foreign invasions, each one bringing its influence. However, the arrival of the Arabs and Islam in the mid-seventh century constitutes a major cultural turn for the indigenous population who gave up many of their local customs as well as their language, while accepting Islam (Entelis 1980). The domination of the Maghreb by the Arabs and Muslims was total by 710, and is a fundamental feature that characterizes the region.
- The assimilation of Islam (as distinct from the de-facto domination of Muslims) by the indigenous population was slow and its adaptation to local customs or the adaptation of local customs to Islam was done over centuries giving Islam a local imprint. According to Gallagher what was important is “the slow assimilation of Islam by the masses who were trying to adapt this or that tendency of the religion to the solution of local problems. The formal leadership was almost always external, the causes and slogans were Islamic, but the real issue was the social organization of Berbery and the development of a Maghribi personality.” (Gallagher, 1963 p 49).
- Under the first indigenous empire (Almoravid empire 1042-1147) Morocco was unified and the reign extended to Algiers. At the same time the Almoravid eliminated all the sects and imposed a unified Islam with a permanent imprint: the Malikite school.

- The second indigenous empire, the Almohads (1147-1269), unified the whole Maghreb under a single home rule from Morocco to Tripoli. This unification reflected in cultural and philosophical life.
- The end of the unification of the Maghreb corresponded to the reconquest of Spain and the Ottoman rule. With the Ottoman rule the three countries of the Maghreb entered a period of social and political stagnation that set the stage for European colonization.
- Colonization exposed people of the Maghreb to European influence, most notably France. However, France developed different colonial aspirations in the three countries. Algerian colonization was total and pervasive. France's project was to dismantle the political, social and cultural indigenous make-up and to annex Algeria to France. Tunisian colonialism was a strategic one free from the disruptive societal transformations which took place in Algeria. While Tunisian political authorities were kept in place a parallel French administration was created. In Morocco the basic structure of the sultan was retained. No parallel administration was created as in Tunisia but instead, a department structure as an administrative sub-structure was created and run exclusively by French officials.
- Nationalist movements that emerged as a reaction to colonialism put gender relations at the center of the quest for modernization and independence. Nationalist movements view colonialism as the result of national weaknesses/ under-development, and view the role of women as an important component of the development project.
- Colonialism demonstrated that gender roles are not fixed, neither biologically or culturally. By exposing the indigenous society to a different social model, seemingly

more successful, colonialism provided a basis for questioning social norms and evolving them.

By virtue of these observations, it is clear that the peoples of the Maghreb share a set of common features that makes studying them a cohesive sample, yet have sufficient differences to make them a diverse sample.

## **Chapter 5**

### **A Common Societal Structure**

The study of gender relations in the Maghreb would be incomplete without a thorough analysis of societal structures; gender relations are an integral part of societal structures, and societal structures dictate and regulate gender relations. The societal structures of the Maghreb today are the result of an evolution that involves ethnicity, history, religion. While countries of the Maghreb have a great deal in common in terms of social history, they have also taken relatively distinct paths, producing a richer sample for our study. The purpose of this chapter is to analyze the societal structures of the Maghreb by considering in turn the various factors that determine them (ethnicity, identity, history, religion, colonial impact, etc).

#### **5.1. The Complex Identity of the Maghreb**

Algeria, Morocco and Tunisia are all three Arab countries; but referring to them merely as Arab countries misses much of their characteristics, and does not do justice to their differences with the rest of the Arab world, nor to the differences between them. In the same way that Iraqis are descendants of Mesopotamians, Lebanese are descendants of Phoenicians, Egyptians are descendants of Pharaonic Egyptians, so Maghrebians are not,

strictly speaking, Arabs, but are descendants of other, diverse, ethnic lines, that have adopted Arabic culture, and have been assimilated to Arabs. But the local populations also bring deeply ingrained cultural features, some of which persist to this day. As I have discussed in Chapter 4, the Maghreb has been the target of many invasions throughout history, leaving a rich gene pool, but also a richly mixed identity. It is fair to say that the Arab identity of Maghrebins is a cultural identity rather than an ethnic identity. The best explanation I can think of is that, unlike invaders who preceded them (for example, the Phoenicians, the Romans, the Byzantines) and invaders that followed them (for example, the Spanish, the Ottomans, the French), Arabs invaded the Maghreb with some measure of goodwill towards the local population: They viewed themselves as delivering a message of peace and progress, and sought the active participation of the local population in realizing the promise of their message. In exchange for this goodwill, the local population has adopted the language and religion of the invading Arabs, as well as a good part of their customs, which they have integrated to their own culture, and which they have evolved in subsequent invasions. It is fair to say that in some parts of the Maghreb (most notably, Algeria), the influence of the lengthy (130 years, in the case of Algeria) French colonization (also referred to as a *protectorate*) is in some ways stronger than the Arab influence.

Whereas culturally speaking Maghrebians consider themselves Arabs (with the qualifications discussed above), ethnically speaking they are a mixture of the indigenous Berberes with many of the invading populations. Two groups seem to have mixed with the local population in large numbers, because (unlike the Romans and the French, for

example) they did not distinguish between locals and immigrants: the Arabs, who arrived from the East in the 7<sup>th</sup> and 8<sup>th</sup> century AD, and the Moors, including Muslims and Jews, who took refuge in North Africa, with the help of the Sultan of Turkey, after Spain was overtaken by the Catholic Monarchy.

This discussion suggests that in order to understand the societal structure of Maghrebian societies, I must consider not only Arab cultural attributes, but also pre-Arab and post-Arab influences. In this chapter, I discuss attributes of the Maghrebian society, most notably those aspects that have a gendered nature.

## **5.2 From Tribes to Villages**

In his book *Le Maghreb Entre Deux Guerres* (Publisher: Editions du Seuil, 1962) , Jacques Berques explores the world of North Africa (which was almost entirely under French colonial rule) between the first and second world wars in great detail. In particular, he analyzes the evolving social structure of the region, from its traditional nomadic lifestyle to a more sedentary lifestyle, driven by the pressures of modern life and by the desire of the French authorities to expand their zone of influence beyond the confines of urban areas.

At the time, cities were administrative centers under the control of the colonial authorities, and were also centers of commerce, education and culture. In rural areas the



main economic activity was agriculture, and the lifestyle was fairly traditional, but relatively sedentary. Also, these areas were administered by the colonial power, via the local governmental structures (Caids for executive power, Kadhis for judicial functions, a legacy of the Ottoman rule).

But there were also nomadic tribes that were not readily submitted to the control of the colonial administration. Many of these tribes did not speak Arabic, and spoke various Berber<sup>xxxvi</sup> dialects. These include the Zlas and Swassi's in Tunisia; the Touaregs and Kabyles in Algeria, and the Berbers of the High Atlas mountains in Morocco (Zaiane, Ait Youssi, Ait Kassi, etc). These tribes led a nomadic life, based primarily on trade (in Algeria) and on pasture (lambs, camels, goats). But their main activity appears to have been fighting between each other for land, passage rights, water, etc. Another pastime was also fighting against the French colonial force that was trying to pacify the region under its control.

Jacques Berque explains how tribes started their long sedentarization process by organizing nomadic tribes into groups called *Douars*, which were first temporary/seasonal, then progressively became permanent. These *Douars* had complex local governance structures, with elementary executive and judicial functions, as well as a system for local elective democracy.

Jacques Berque gives a cross section of social life in the Maghreb between the two world wars, by giving the reader a guided visit of typical local villages, including an

Andalusean (Moorish) village, a colonial village, and a traditional Berber village. The Moorish village is characterized by its European architecture: typically built on a river (a European, not a North African tradition); typically built on a grid of streets (whereas North African/ Middle Eastern cities are built in concentric circles); typically built with sloped roofs (an unnecessary feature in North Africa, where there is no snow). The colonial village is characterized by its diversity: a French section, with the Church, the military outpost, the administrative building; the Jewish section, with shops and temples; and the Muslim section.

The struggle against colonial powers that started in all three countries between the two world wars gained a great deal of momentum after the second world war, and has given the citizens of North Africa a feeling of belonging to a greater entity than their tribe or their Douar. This new sense of identity came in handy when it was time to build new nation states after independence.

## **5.3 Social Makeup**

Because societal structures vary greatly according to lifestyle, the first aspect we consider is the distribution of Maghrebian population between rural and urban sectors. Generally, rural population has a traditional agrarian lifestyle whereas urban population has a modern sedentary lifestyle.

### **5.3.1 Algeria**

The following table ([Berque, 1967]) and figure illustrate the evolution of the Algerian population (in thousands) from the mid 19<sup>th</sup> century to the mid 20<sup>th</sup> century (the year 1966, specifically, i.e. shortly after the Algerian independence). They show the evolution of the Algerian born population, as well as the evolution of the foreign population --- mostly European/ French recent immigrants (settlers), along with their descendants.

	Algerian	Foreign	Total
1856	2307	3	2310
1861	2733	5	2738
1966	2652	6	2658
1872	2125	9	2134
1876	2463	16	2479
1881	2842	18	2860
1886	3265	22	3287
1891	3560	17	3577
1896	3764	17	3781
1901	4063	26	4089
1906	4447	31	4478
1911	4711	29	4740
1921	4891	32	4923
1926	5116	35	5151
1931	5548	40	5588
1936	6161	40	6201
1948	7612	67	7679
1954	8365	85	8450
1966	11906	112	12018

**Table 6: Evolution of the Population in Algeria, 1856-1966 [Berque, 1967]**

By the middle of the twentieth century, France was deeply anchored in Algeria; it had a large population of French citizens living in Algeria, was running the civilian infrastructure of the country (including universities, research laboratories, industries, etc), and was exploiting Algerian mineral resources, most notably Oil. The French used to refer to Algeria as *L'Algerie Francaise* (French Algeria), and school maps used to show

Algeria as part of the national map of France. Also, even though French settlers were primarily farmers, many of them were living in urban areas, or semi urban areas, and most were concentrated in the north of Algeria, near the coast. In areas where they were present, French settlers had a great deal of influence over the lifestyle of the indigenous population, who adopted their language and many of their social norms; consequently, it is important to consider the geographic distribution of the indigenous population in Algeria, as that determines the breadth of the settlers' impact. Shortly after the independence of Algeria, the geographical distribution of the Algerian population was as follows [Berque, 1967].

Rural counties	56.69
Cities	22.24
sparsely populated	1.82
suburbs	3.78
Rural towns	5.16
semi urban	5.55
semi rural	4.75

**Table 7: Distribution of the Algerian Population, in the Sixties [Berque, 1967]**

This distribution places nearly 32 % of the indigenous population of Algeria (Cities + Suburbs + Semi Urban) in close contact with the settler culture. Even though many settlers left shortly after Algeria's independence, their influence remains very strong to this day.

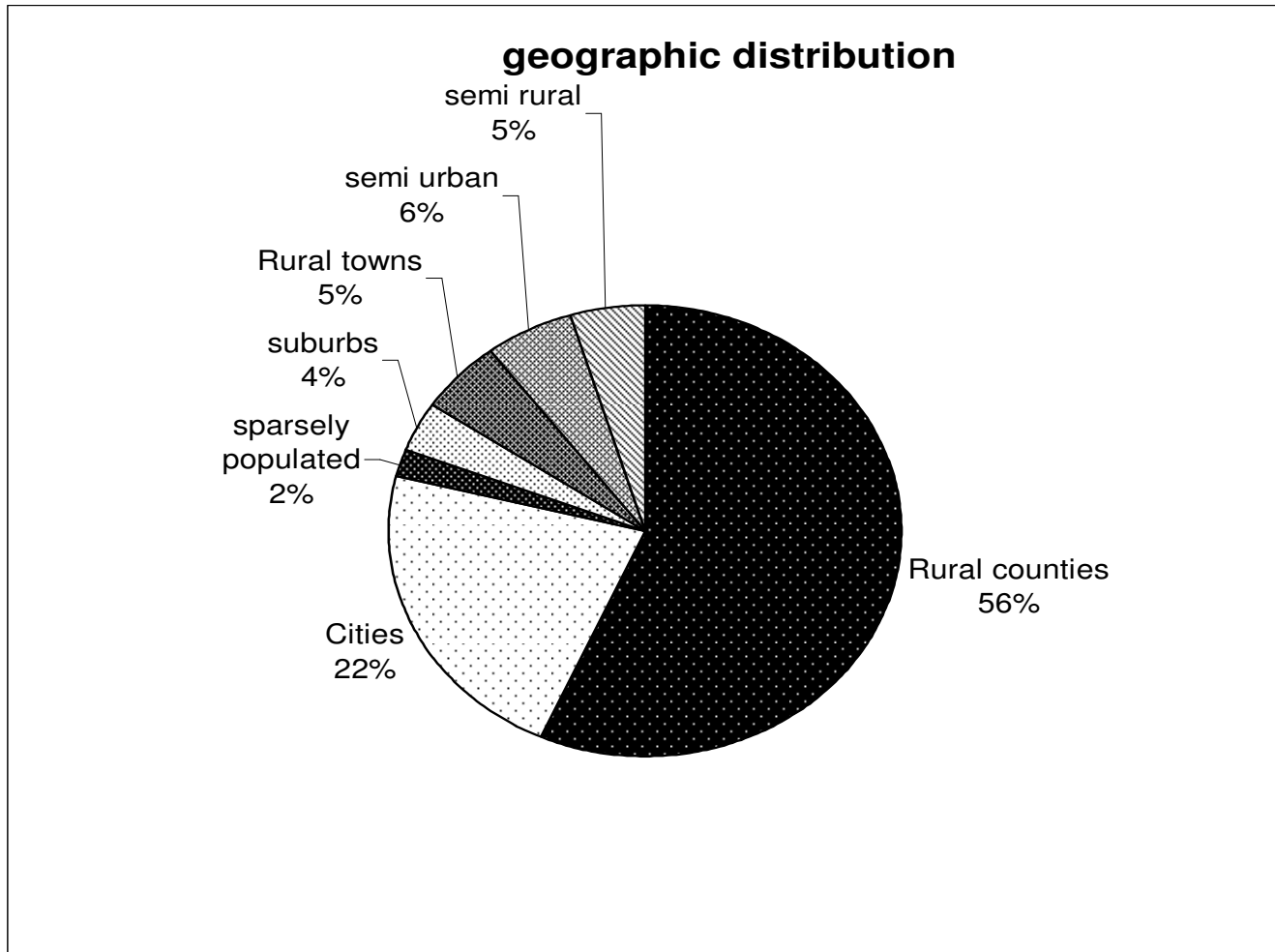


Figure 2: Distribution of the Algerian Population in the Sixties [Berque, 1967]

### 5.3.2 Morocco

In the period leading up to the middle of the twentieth century (timeline of this study), Morocco was divided into two areas: a small band of coastal territory in the North was under Spanish protectorate (from 1912 to 1956); the remainder of Moroccan territory was under French protectorate (also from 1912 to 1956). Tangier had a special status, that placed it under international governance; while this may be important from a political/

administrative standpoint, it is not important from a social standpoint (see the map below, due to <http://www.worldatlas.com/>). Hence I merge Tangier into the North, for the purpose of this study.



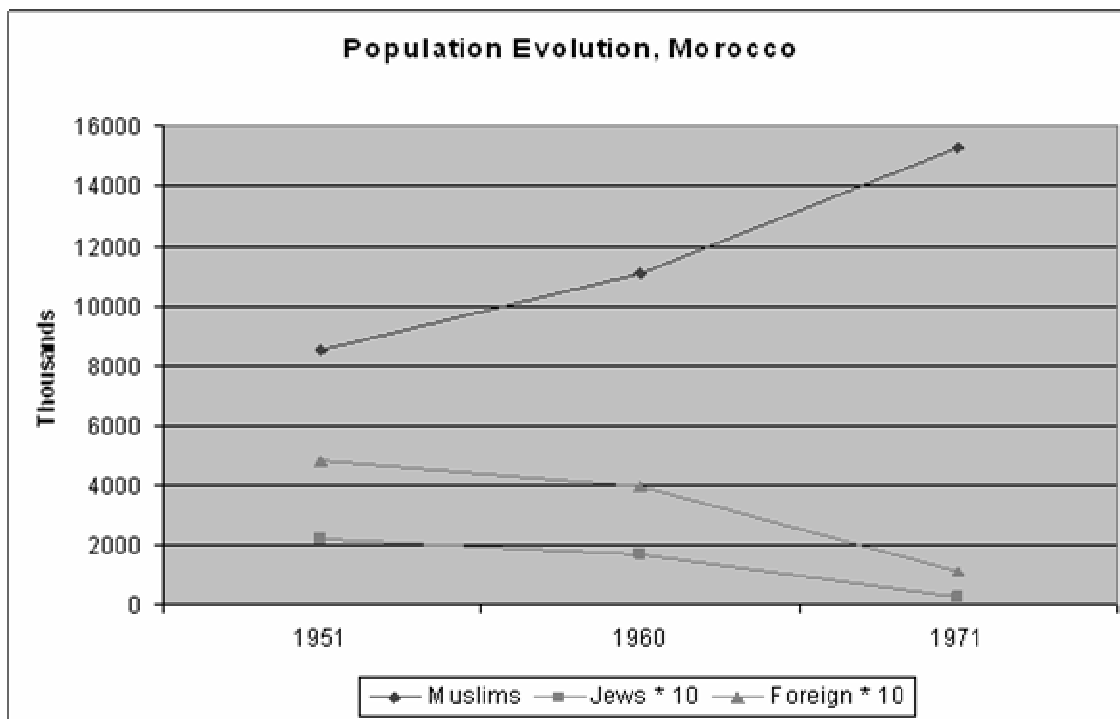
Figure 3: Geographic Map of Morocco, <http://www.worldatlas.com/>

The following table shows the evolution of the Moroccan population between 1951 and 1960, divided by sector, according to [Krotki and Beaujot, 1975]:

		Muslims	Jews	Foreign	total
South	1951	7442	199	357	7998
	1960	9784	151	320	10255
North	1951	1047	23	127	1197
	1960	1284	11	76	1371
Morocco	1951	8489	222	484	9195
	1960	11068	172	396	11636
	1971	15236	31	112	15379

**Table 8: Evolution of the Moroccan Population, 1951-1971 [Krotik and Beaujot, 1975]**

Of all three North African countries, Morocco had the greatest percentage of Jews (about 2.5%), stemming perhaps from the exodus of Jews from Spain after Muslims/ Moors were chased from it (at the end of the 15<sup>th</sup> century). The drop in their number from 1951 to 1960 most likely stems from immigration to Israel after the creation of the state of Israel, but also from immigration to France after Morocco's independence. As for the foreigners, they mostly consist of the French and Spanish administrative cadre of the colonial powers. The percentage of non Muslims is 15% for the north, and 7.4% for the south. This difference, combined with the more urban nature of the North, leads to a greater European influence in the North of Morocco than in the south, hence more modern/ less traditional social norms in the North.



**Figure 4: Evolution of Moroccan Population by Religion, 1951-1971 [Krotik and Beuajot, 1975]**

### 5.3.3 Tunisia

Of the three countries that are the subject of this study, Tunisia is perhaps the most socially cohesive. It is the smallest of the three, but it is also a country that has been ruled more or less as a unit, for the longest time. Before Habib Bourguiba created the Republic of Tunisia in 1957, Tunisia was a French protectorate, and a province of the Ottoman Empire before that (and remained an Ottoman province at the same time as it was a colonial province for some time, from 1881 to 1924). Since the 7<sup>th</sup> century, Tunisia has been predominantly a Muslim country, but has had a small 2000 year old Jewish community, which dates back to Roman times. Jews were settled primarily in Tunis, the capital, and in Jerba, an Island in the south (site of a world renowned

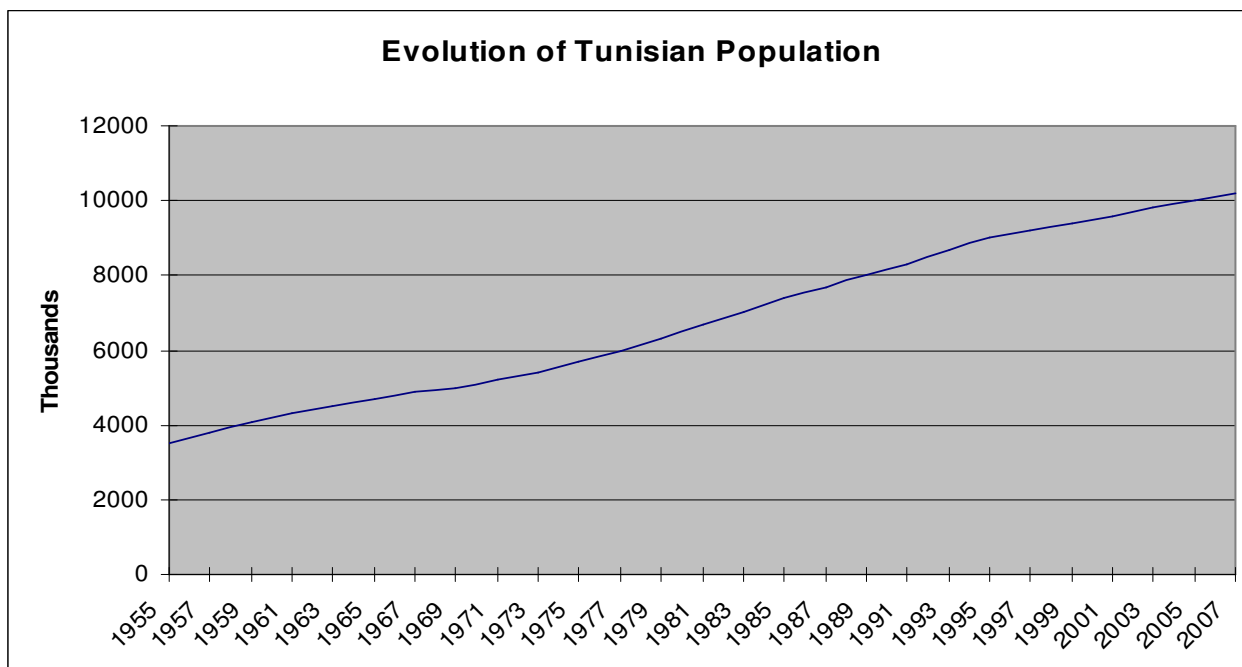


Synagogue). In the 19<sup>th</sup> century, when European powers (France, Italy) were negotiating colonial tradeoffs, they sent their respective nationals to Tunisia as potential colonial settlers. The colonial negotiations gave Tunisia to France in exchange for Italy taking Libya; Tunisia did end up with a solid Italian/ Sicilian/ Maltese community anyway, that was sent in preparation for a possible Italian protectorate. This has added a small contingent of Christians (Catholics) to the mix, who represent about 1% of the population. The presence of non Muslims in the midst of the Tunisian population, the diversity of the ethnic makeup of the country, the exposure to the Mediterranean Sea (East and North Coasts), and the proximity to Europe (the northeastern tip of Tunisia is about 50 miles across the Mediterranean from Sicily), have kept the Tunisian population open to outside influences, especially European influences. These trends have continued in the recent past, thanks in large part to the development of the tourism sector, which caters largely to the European market (and recently to visitors from Eastern Europe, North America, and the Far East).

Tunisia represents the image of a relatively more homogenous society than its neighbors Algeria and Morocco and all other areas in the Arab world. By the middle of the nineteenth century, the population was overwhelmingly Sunni Muslim belonging to the Maleki legal school and Arab speaking. The bey which is a political authority appointed by the Ottoman authority to lead the country and used Ottoman Turkish as his official language turned to using Arabic. The social structure of the country was driven by two criteria: ethnic origin and administrative rank or economic status. The most important distinction was between the mamluks and *ahl al makhzan*. *Mamluk* (in Arabic: the

Owned) refers to the Ottoman slaves raised in the castle then sent to Tunisia to act as rulers representing the Ottoman Empire. *Ahl al makhzan* (in Arabic: Owners of the Treasury) refers to the Tunisian people. Among Tunisian people classes were categorized on the basis of regional origins as well as social occupations. People from Tunis the capital were considered as *Baladi* (Urban). They are mostly rich merchants and craftsmen. *Baladi* is considered as superior to *Afaqi* which refers to people coming from provincial town and rural places. *Ahl al-Ilm* (in Arabic: People of Knowledge) refer to people of knowledge, usually academics or legal scholars. Interestingly, the term *Arab*, as used in this lexicon, does not refer to Middle East Arabs, but rather to tribal people either nomadic or settled.

Also, since its independence, Tunisia has adopted policies that emphasize education, health care, gender equality, and the development of human capital, which have helped Tunisia achieve a great deal of economic and social progress. The chart below shows the evolution of the population of Tunisia from the mid fifties (when Tunisia gained its independence) to today. The curve appears to progress slowly (perhaps due to high mortality) then it exhibits a high rate of increase (due to better health, low mortality) and is now showing a low rate of increase (due to lower birth rate). The current birth rate is about 2.2 children per household, and the rate of population increase is about 1.2 ---figures that characterize a socially advanced country.



**Figure 5: Evolution of the Tunisian Population, 1955-2007** <http://www.populstat.info/>

Traditionally, Tunisian society was based on patriarchal structures, but the struggle for independence and the state institutions that were put in place after the independence have given Tunisian citizens a sense of their national affiliation, and have quickly subsumed any residual tribal/ patriarchal affiliations. For most of her past, Tunisia has been part of a larger empire. In time of weakness Tunisia has enjoyed central government over more established coastal regions. In [Knapp, 1970], Wilfrid Knapp highlights the importance of the historic developments that followed the independence by pointing out that these represent major revolutionary events rather than continuous evolutionary processes. When he secured internal autonomy from France in 1956 and instituted the *Republic of Tunisia*, Habib Bourguiba was the first leader of an independent Tunisia, that is governed from within Tunisia. Incidentally, he was also the first Tunisian-born leader of the

country, long ruled by foreign-born governors or by representative of foreign powers altogether. Bourguiba has quickly rallied the young Tunisian nation around the concept of the Tunisian State, and has created the plethora of symbols that such a concept requires to survive in the minds of the people: a National Anthem, a Coat of Arms, a Flag, a Constitution, etc... A year later, with the acquisition of total independence from France, Tunisia has also acquired an army, an important symbol of national identity.

As a result of Bourguiba's progressive policies, Tunisia has quickly evolved from a traditional society based on tribal affiliations to a modern society, in which people feel a strong affiliation to state institutions, and relate strongly to their national Tunisian identity. Half a century later, this national identity is strongly anchored in people's psyche, and their secondary affiliations to region, class or tribal background is the subject of humor more than an identity that people take seriously.

## **5.4 Concluding Remarks**

The common societal structures of North Africa can be characterized by the following premises:

- Ethnically, they come from a Berber background, hence are descendants of indigenous nomads. But they have been mixing with many other ethnic groups, as North Africa was the destination of many invasions. As a result of this ethnic

diversity, North Africa has maintained a degree of openness that is uncommon in this part of the world.

- Culturally, they are Arabs, meaning that they speak Arabic and see themselves as having an Arab identity, but remain fairly distinct from Middle Eastern citizens.
- Socially, they were historically organized into nomadic tribes, but have been settling into an urbanized lifestyle since the nineteenth century, a process that has been accelerated by the French colonization.
- As far as religion is concerned, they are Muslims for the vast majority, though there are some Christians and Jews. Most Christians date back to the colonial period, with the immigration of colonial settlers; most Jews date back to the Spanish Inquisition period, though some have been living in the area for centuries, even before the advent of Islam.

## Chapter 6

### A Common Religious Tradition

Islam was revealed to the world community in the seventh century. Muslims believe that the Quran are the words of God transmitted to its prophet Muhammad through the angel Gabriel. Islamic tradition considers Islam as a continuation of the two precedent monotheist religions Judaism and Christianity, which it recognizes, and whose prophets (Moses and Jesus) it considers in the same rank as Muhammad. However, Muslims consider that the messages of previous monotheistic religions (Judaism, Christianity) have been distorted over time, and that the message of Muhammad is supposed to update them and correct them. Muslims also believe that Muhammad is the last messenger of Allah.

For his lifetime, the prophet Muhammad transmitted the Quran to his people as it was revealed to him. The teaching is usually related to a fact or a circumstance. The Quran deals with different matters pertaining to *ibadat* (spiritual matters and worship) as well as *muamalat* (dealings, or matters of civil conduct). Muslims consider the Quran not only a book of faith but also a constitution that should regulate all aspects of their life from marriage to inheritance to penal law, as well as a source for constitutional law (political system). Sharia or Islamic law alongside English common law and Roman-Germanic law constitute one of the four great juridical families in the world today ([Charfi 2005], p39).

Despite the great divide that rose within the Muslim community after the death of the prophet which led to the development of different schools of law (Sunnis, Shiites and Kharigites ) leading to variation with regard to gender matters, Muslim law retained a certain unity and coherence because various schools remained in agreement over the main choices (Charfi, p 38). To understand how Islam came to be assimilated with a legal system I discuss briefly how Islam has been used by Ulema (religious scholars, who interpret the Quran and other religious sources) to build upon a juridical school known as Sharaic school or Islamic law.

## **6.1. Islam as a legal system**

When we talk about Islam and Islamic jurisprudence, a distinction should be made between the primary sources of Sharia and the secondary sources. The primary sources refer to the text of the Quran and the Sunna of the prophet, while the secondary sources refer to kyes (argument by analogy) and ijmaa (ulemas consensus) and maslaha ama (public interest). While the two first sources are considered sacred, the three remaining sources are indisputably human. A hierarchy is established between these different sources. At the top of the pyramid we find the Quran and the Sunna (conduct of the Prophet, as reported by his companions), then kyes (analogical reasoning), ijmaa (consensus) and, for some schools, maslaha amaa (general/ public interest). As for all legal systems, this hierarchical construction means that a lower source could not

contradict a higher one. Islamic scholars agree that the Quran is the highest source and any Islamic law based on the other sources should not contradict its teaching.

### **6.1.1. The Quran**

The Quran is considered as the words God revealed through the angel Gabriel and transmitted to the community of believers through the Prophet Muhammad. The Quran is described as a book containing rules pertaining to *ibadat* (worship) and *muamalaat* (conduct). The number of legal rules in the Quran has been variously estimated between 200 and 500 verses ([Charfi, 2005], p71). Some of these rules are more moral ones than legal ones. Others are specific enough to constitute legal ones. The most elaborated ones are those pertaining to criminal law and inheritance.

Quranic verses are subject to interpretation. Their interpretation is a human one. While the Muslim community agrees upon the five pillars of Islam referred to in Quran as *Ibadat* the rules pertaining to *muamalat* are subject to discussion. In his book *Islam and Liberty*, Charfi gives many examples where some legal verse can lead to contradiction if applied literally and without a human interpretation to create cohesion: for example, in matters of inheritance where the addition of all the parts can add up to more than 100%; as another example, the case of restriction on the consumption of wine is cited in different verses with different degrees of restriction, and where religious scholars considered the legal rule that the latest verse overrides the older verses in case of contradiction.



Polygamy constitutes also another case where the interpretation of the verse is so broad that it can be understood to allow polygamy, but can also be interpreted to prohibit it. Specifically, the verse that allows polygamy makes it conditional on the husband being perfectly fair in his dealings with his wife, and concludes: *But you cannot be perfectly fair*. One possible interpretation is: we know how difficult it is to be fair, but do your best. Another perhaps more compelling interpretation is: since you can be polygamous only if you are perfectly fair, and since you cannot be perfectly fair, you are not allowed to be polygamous.

These examples demonstrate how the general guidelines and principles in the Quran require rules of application if they are to be effective. The passage from the theoretical to the applicable can diverge from the general dictates of the Quran. Given the societal structures of the Maghreb (and elsewhere in the Muslim world), it is not surprising that the Quran has been subverted to serve the interests and phobias of the male gender, at the expense of women's rights. An objective analysis of the Quran reveals a much more even handed interpretation of gender roles and rights than has been the practice.

### **6.1.2 The Sunna**

The *Sunna* refers to the words and actions of the prophet, as recorded by his companions. There is a general agreement between the Islamic scholars that Sunna has a mandatory nature and constitutes the second source of Islamic law. However, a big controversy arose concerning the authenticity of Hadiths (teachings of the Prophet) since they started

being gathered only a century after the death of the prophet and it was very hard to verify the authenticity as well as the good memory of the chain of people who reported them. Interestingly, when Hadiths are cited, they are always accompanied by the sequence of people who reported them, leaving it to the audience to judge their authenticity according to the length of the reporting sequence and to the credibility of the individuals. Some Hadiths may have been fabricated to serve some people or some political aims. Hadiths have been classified into different categories according to their probity. They vary from *sahih* (most reliable) to *dhaif* (most doubtful). Many controversies arose between ulemas while trying to classify the Hadith and to deal with its probity. The words and actions of the prophet being sources of Islamic legislation, it is important to assess the level of credibility that we lend them.

### **6.1.3 Ijmaa and Qiyas**

*Ijmaa* (consensus) and *Qiyas* (Analogy) are the third and fourth source of legislation in Islam. Consensus has emerged as a source of Sharia law on the grounds of a quotation from the prophet to the effect that the Islamic nation will never agree upon an error. Of course, in practice the test is not that all members of the nation agree, but rather that the members of some representative body do.

Analogical reasoning, or *Qiyas*, takes existing laws formulated in the Quran (Holy Book), Hadith (Quotations from the Prophet), or Sunna (code of conduct of the Prophet) and applies them to new situations, provided some test of analogy is met. This source of law is interesting, in that it recognizes that legislation is not a static entity, and

regulates how legislation evolves to take into consideration new situations for which the original sources have made no provisions.

#### **6.1.4 Maslaha Ammaa**

The evolution of Islamic law has been hindered by two major events: the crushing of the Mutazilites and the burning of their books as early as 846 (CE) (Charfi, p 86) and the decision to end Ijtihad during the year 1258 which corresponded to the Tartar invasion and the fall of Baghdad. Mutazila refers to a school of thought that developed during the mid-eighth century and invoked reason while dealing with Islamic jurisprudence as opposed to strict letters of Quran or Hadith. This group developed very advanced legal rules, emphasizing that the sphere of the legal is a human one. This group whose approach was close to a secular one was prosecuted during the eighth century as an infidel and their writings were thoroughly destroyed.

The second event that epitomizes the downfall of rational thinking while dealing with legal matters refers to what is widely known as the closing of the gates of jihad during the year 1258. This year marks a black date in Islamic history magnified with the fall of Baghdad and the death of many Ulemas (Islamic religious scholars) and the loss of their manuscripts. As a reaction to the rise of outside threats, and the fear of “contamination”, the Ulemas decided that Islamic jurisprudence will not know more glorious days than what it was and should be “mummified” in its actual reading. No more Ijtihad will be welcomed. The closing of the gate of ijti had will remain the official position of the Ulemas, though it is widely proven that Islamic jurisprudence was greatly

updated in different matters pertaining to civil, commercial or even penal law. The practice of jurisprudence (*Ijtihad*) allowed scholars some latitude in interpreting legislation that stems from the *Quran*, *Hadith*, or *Sunna*. In particular, it allowed them the opportunity to modernize legislation by means of consensus or analogy. By putting an end to this practice, the scholars have frozen the legislation in a primitive state, and have made it increasingly anachronistic.

In what we are interested with, the vision of women despite variation in codification remains the same and constitutes the common denominator that I would like to explore in what will follow. Islam constitutes a unifying cornerstone for the people of the Maghreb through the engendering of a legal system as well as a political one. The legal system affects to this day gender roles and women's situation in almost all its aspects.

In what follows I propose to explore how Islam came to be intertwined with a legal school that has affected gender roles and a model political system that has impacted the debate on democracy in the Maghreb.

## **6.2. Islamization of the Maghreb and Gender Roles**

The Islamization of the Maghreb unified the treatment of women by making Sharia law the universal law to refer to in such matters, as well as by exporting the Caliphate rule (i.e. the rule exercised by a central power that governs all Muslim lands by virtue of being a spiritual descendant of the Prophet) to the region.

### **6.2.1. Women under Islamic law**

Gender relations were to a big extent regulated by Sharia law, which provided a “common umbrella” [Charrad, 2003] for the majority of the population in the history of the Maghreb. The term *Sharia*, which literally means *path*, has come to refer to Islamic-inspired law. Strictly speaking, Sharia does not refer to a body of legislation as much as it refers to a process of producing legislation and a process of interpreting initial legal principles. The initial legal principles on which Sharia is based are the Holy Book (Quran), directives from the Prophet (Hadith) and leadership by example (Sunna), referring to some rules of conduct that the Prophet has abided by. Sharia legislation has traditionally evolved through debate among Islamic scholars; the mechanisms by which their debate leads to new legislation is itself codified. Because there is not a codified uniform set of laws, Sharia has taken different forms according to the special setting in which it has arisen [Esposito, 1998]. Four schools of thought have developed within the dominant Sunni tradition. They present slight variations in the treatment of women. Family law occupies a special place in Sharia law [Charrad, 2003]. Family law presents as core moral beliefs the social stratification established and the roles distributed to people. It regulates aspects such as marriage, divorce, custody, the matrimonial regime, penalty for theft and for adultery, domestic punishments, and dress code. In the Maghreb, some customary laws inspired by Sharia, sometimes different (less protective for women) have co-existed with Sharia. However, they have applied to minorities in local areas (Charrad, 2003). In what follows, I expose the major stipulation of Sharia law that applies to all women of the Maghreb and which defines a gender structure and a social system. What I will discuss is how Sharia law has impacted women of the Maghreb. What follows and what interests us is the circumstantial interpretation of Sharia. I do not

intend to present ground truths about women in Islam or how Islam treats women, which is outside the scope of this dissertation. All I intend here is to take a certain practice and a very circumstantial use of some laws that come from religious sources (Quran, Hadith, Sunna) and explore how they were applied to women of the Maghreb.

**Marriage.** *Marriage, as a private agreement between the male lines of two families. No minimum age is prescribed.* In the Islamic period, up to and including the colonial period, child marriage was a common practice. Girls can be married before puberty, but usually the actual consummation of the marriage was delayed until after puberty. Different sources report how girls continue to play with other kids while already married. The bride is not required to be present when her marriage contract (usually oral) is established. However, and according to the malekite rite overwhelmingly present in the maghreb, the father or the person acting on behalf of the bride is supposed to seek her consent before transferring it. . The female has the right to *accept or reject* marriage proposals. Her consent is a prerequisite for the validity of the marital contract according to the Prophet's teaching.

It follows that if by "arranged marriage" is meant marrying the girl without her consent, then such a marriage can be annulled if she so wished. "Ibn Abbas reported that a girl came to the Messenger of God, Muhammad, and she reported that her father had forced her to marry without her consent. The Messenger of God gave her the choice ... (between accepting the marriage or invalidating it)." (Ahmad, Hadeeth no. 2469). In another version, the girl said: "Actually I accept this marriage but I wanted to let women know that parents have no right to force a husband on them." [Ibn Majah]. However,

since only the father or legal guardian can contract marriage on her behalf and since the bride is not present while marriage is contracted; her right has been many times overridden. It means that the validity of the marriage depends upon the male guardian, and in practice, the bride's consent has not had a major impact on the validity of the marriage. Since girls were wedded very young, their consent has not had any real meaning in the legal sense that I envision here. The Maliki rite has also seen the development of a legal concept called *Jabr*. *Jabr* which already existed in customary law has found its way into the Maliki rite and gives the father the right to force his daughter into marriage if he considers that it is beneficial to her (or perhaps to him). This institution of *Jabr* has in fact withdrawn any protection and any right to contest being married once her father made his choice.

*Rights and obligations of the spouses: Maintenance Right.* The husband is responsible to provide for his wife. This right is established by authority of the Qur'an and the Sunnah. It is inconsequential whether the wife is rich or poor. A component of his role as "qawam" (leader) is to bear the financial responsibility of the family. The wife's upkeep includes her right to lodging, clothing, food and general care.

*Mahr (dowry):* The wife is entitled to a marriage gift that is her own. A marriage is not valid without mahr. There is no specification in the Qur'an as to what or how much the Mahr has to be. It depends on the parties involved.

*Obedience:* The wife shall obey her husband as the head of the family in all he asks for as far as it conforms to the rules and customs. She has to follow him wherever he moves. She cannot refuse her husband sexually or she will be considered as *Nashiz* and

be disciplined for that. Her husband is allowed to have unlimited control over her whereabouts. She owes unconditional faithfulness and obedience to her husband.

*Right to discipline:* “Men are the ever upright (managers) (of the affairs) of women for what Allah has graced some of them over (some) others and for what they have expended of their riches. So righteous women are devout, preservers of the Unseen for. And the ones whom you fear their non compliance, then admonish them and forsake them in their beds, and strike them (i.e. hit them lightly), yet in the case they obey you, then do not seek inequitably any way against them; surely Allah has been Ever-Exalted, Ever-Great”.-*The English translation of chapter 4 of the Holy Qur'an (Surat Al-Nisa), verse 34 –*

This verse gives the husband the right to discipline his wife who is obligated to obey her husband. The verse provides for progressive sanctions physical as well as mental and going from warning, to forsaking them in bed, to striking. This verse has been the subject of much debate concerning whether or not Islam allows domestic violence. This debate is outside the scope of this dissertation. But it does offer interesting insights into the asymmetric relationship that the Quran clearly advocates. In practice, I believe that the ability of men to repudiate women with little accountability has led to much abuse, especially in a society such as those of the Maghreb where women are economically dependent on men for their survival. As for the other clauses, it is fair to say that their effect was primarily to dispense men from accountability towards their wives; other than that, it is difficult to imagine a husband being violent with his wife merely because the law allows. In any case, these archaic practices have disappeared, under the combined pressure of modern legislation and modern social norms.



*Sexual rights:* In matter of sexual freedom, sexual relations outside the sphere of marriage are forbidden for both male and female. Women were not imprisoned inside the house, however, their eventual movements were controlled by the husband and male relatives. They can only happen under a significant control (lieu, time, dress code, etc.) all important signifiers of women's lack of sexual autonomy and of men's control over the selection of women's sexual and marital partners. However, this sexual equality is in fact totally imbalanced by the right of men to polygamy and the widely accepted male sexual freedom while women's virginity is required.

In practice today, in all Muslim countries, male sexual freedom is a fact that is more than encouraged, while female chastity is severely guarded. Parents raise sons on the expectation that his sexual freedom is part of being a man, while they insist that women's relations outside marriage are a big sin. Virginity is what a woman should jealously keep and offer solely to her husband.

*Polygamy.* *Polygamy* is the practice observed in some societies, whereby a man can marry more than one woman. Polygamy has been widely practiced and allowed in Islam on the basis of the Verse 4:3 which provides:

"...marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice". (Chapter 4, sentence 3)

Despite the ambiguous reading of this verse, this right of polygamy has remained unchallenged to this day in almost all Muslim countries. In addition to his right to polygamy, a man can repudiate his wife any time just by saying the expression *you are divorced*. Polygamy and repudiation in fact lead to the right of men to have as many

wives as they want provided they do not have more than four at the same time. In addition to polygamy, Sharia law gives a man the right to buy as many slaves as he can afford and to have sexual relationships with them. During the first thirteen centuries of the Islamic era, and until Kamel Ataturk abolished the caliphate in 1924, all caliphs enjoyed their own harem of women.

In addition, Muslim scholars have introduced other institutions to add to the sexual freedom of men, such as the institution of *marriage of convenience* (“mutaa marriage”) by which a man (usually married and rich) may marry a woman just for sexual pleasure. Since marriage in sharia law does not require a written contract such institutions are convenient for a man who wants to enjoy a sexual relation with a woman and keep it secret and stop it whenever he wants; this is a form of legalized infidelity. Prostitution is also accepted and legalized in most Muslim countries and men are encouraged to practice sex before marriage to the opposite of the teaching of Sharia (which views such a practice as adultery).

By contrast, the right of women to have sex is severely circumscribed to the sphere of marriage. Women are supposed to preserve their virginity for their husband who has the exclusive right of access to their body. Even if such law weighs differently on women according to their age, social class or economic power, it remains widely accepted that when it comes to sexual freedom, women and men should be treated differently.

**Repudiation.** Repudiation refers to the unilateral right conferred to the husband to terminate his marital obligations at any time just by pronouncing three times the formula *you are repudiated*. This right derives according to ulema from the Quran in sura 2 verse

231, “When you have renounced your wives and they have reached the end of their waiting period, either retain them in honor or let them go with kindness”. According to ulemas who have interpreted literally this verse, it gives only men the right to end the conjugal contract. In case of repudiation, the husband must remit to his wife the remainder of her Dowry<sup>xxxvii</sup> held back at the time of marriage. It is noteworthy that according to the original texts, repudiation could not be an instantaneous decision. The formula of repudiation had in principle to be enunciated at three different times, with an interval of three to four months between the first and second times, and again between the second and third times. The intervals were meant to give the husband a chance to ponder his decision and perhaps to recall his wife. They also provided the time necessary to establish paternity, if need be. Originally then, a repudiation could become effective only after a period of six to eight months. Over time, however, a single enunciation of the triple formula of repudiation became widely accepted. (Borrmans, 1977, Ibn Abi Zayd al-Qayrawani, 1949, Khalil Ibn Ishaq, 1958–62);

The wife cannot end her marital obligations unless she goes through a legal procedure and appeals to a judge (called Cadhi) who may or may not order the dissolution of the marriage contract. Maliki law advises the judge to grant the woman a divorce if any of the following occurred. First, the husband did not reveal a problem already there at the time of marriage, such as a serious physical or mental illness or sexual impotence. Second, the husband had a prolonged absence for unknown or illegitimate reasons. Depending on the particular circumstances, the absence has to last one to four years to be considered cause for divorce. Third, the husband fails to support his wife and children while he has the financial means to do so. Fourth, the husband

abuses his wife physically. The religious judge decides whether the wife has been able to provide enough convincing evidence. If she has, the law urges him to grant her a divorce.

**Child Custody.** Islamic jurisprudence separates the institution of custody under two headings: custody (Hadhana) and guardianship (wilaya). In case of separation and according to Islamic jurisprudence, custody is given to the mother for her daughter if she is under ten years old, and her son to the age of six. Guardianship is considered as an exclusive right of the father who will dispose of this right even in case of divorce and no matter who gets custody. If the father is absent the custody is accorded to the father's male lineage as a second choice.

#### **Matrimonial regime.**

- *Right to own property and to inherit* . According to Mary Ann Fay (Journal Of Women's History) [Fay, 1998] the property rights that Muslim women enjoyed since the seven century A.D. were not granted to women in Great Britain, the United States, or Canada until the passage of married women's property acts in the mid-nineteenth century. Women's right to property is derived from the following verse: "from what is left by parents and those nearest related there is a share for men and a share for women" Quran, S.IV:7. Under the law, a woman has the right to own and manage her own property, to will it to heirs after her death , and to endow it as *waqf* (a special legal regime that places real estate property under the custody of a family lineage). The only legal restriction on women's property ownership is the same as men's: the property of the deceased is subject to division according to the law. Females are entitled to half the share of

males. The *mahr* is considered by Islamic law as the property of the woman who is entitled directly to receive it and maintain control on it, at the exclusion of her family and her husband. After marriage a woman retains possession of her property and neither spouse has a legal claim to the property of the other. A woman is not obligated to use her personal wealth or property to support her husband or her family.

- *The Waqf institution.* This institution which retraces its foundation according to Islamic tradition to Braham played an important role in gender property rights either to enforce it or to hinder it. *Greater financial security* is assured for women. They are entitled to receive marital gifts, to keep present and future properties and *income* for their own security. No married woman is required to spend a penny from her property and income on the household. She is entitled to full financial *support* during *marriage* and during the *waiting period ('iddah)* in case of divorce. She is also entitled to child support. Generally, a Muslim woman is guaranteed support in *all stages* of her life, as daughter, wife, mother, or sister. These measures of financial security are somewhat balanced by the provisions of the inheritance which allow the male, in most cases, to inherit twice as much as the female. This means that the male inherits more but is responsible financially for other females: daughters, wives, mother, and sisters. Although the female (i.e., a wife) inherits less, she is permitted to keep it all for investment and financial security without any legal obligation so spend any part of it even for her own sustenance (food, clothing, housing, medication, etc.). In the economic sphere, women have a great deal of autonomy. They are considered as legal persons and

Islamic law grants them property rights and allows them to be part of a contract. Legally empowered women are able to buy or sell property, make a will, or endow a *waqf*.

- *Right to get an education.* Education is not only a right but also a responsibility of all males and females. Prophet Muhammad said: "Seeking knowledge is mandatory for every Muslim ("Muslim" is used here in the generic meaning which includes both males and females). The rigid interpretation of Quranic verse in matters of gender and the resistance to its update in most Muslim countries was intertwined with Islam as the source of a political system. In many Muslim countries, the regime in power uses Islam as a means to legitimize its rule; and in many cases the only resistance/ opposition to unpopular regimes is mounted by Islamic parties, because these parties use the immunity that their religious status affords them. Also, these parties use religious institutions such as prayer meetings, Quranic schools, etc, to conduct political activities that strictly political parties are not allowed.

### **6.3. Islam as a political system**

*Islam and human rights.* Here too, a distinction between some general principle or guidelines concerning the teaching of Islam in matters of state policy and the history of Islamic state has to be outlined. In what follows, I consider some of the general principles formulated in the Quran and which can constitute a premise to a human rights regime.

### 6.3.1 Equality principle

Despite all the gender gaps that exist within Islamic countries, it is worthwhile to point to the general “human rights principle” that occurred within the revelation. As such the principle of equality has been announced in verse ...”there is no difference between an Arab and a non Arab, white or black, man or woman except in the worship of God”. This message conveyed to the Muslim community has as a purpose the creation of a **unity** between the believers. Prophet Muhammad was among the first in his clan to free black slaves. Muslims like to point out that the first Muezzin (caller to prayers) in the history of Islam is Bilal, a black slave that the prophet has liberated.

Both genders are *dignified* and are *trustees* of Allah on earth. “We have honored the children of Adam, provided them with transport on land and sea; Given them for sustenance things good and pure; and conferred on them special favors Above a great part of Our Creation”. (Qur'an 17:70) “Behold your Lord said to the angels: 'I will create a vicegerent on earth.' They said 'Will you place therein one who will make mischief therein and shed blood? Whilst we Do celebrate your praises and glorify your holy (name)?' He said: 'I know what you Do not.'" (Qur'an 2:30).

### 6.3.2 Equality in obligations

Males and females have the same religious and moral *duties* and responsibilities. They both face the consequences of their deeds: “*And their Lord has accepted of them and answered them: 'Never will I suffer to be losing the work of any of you be it male or female: you are members of one another ...'*”. (Qur'an 3:195) “*If any do deeds of righteousness be they male or female and have faith they will enter paradise and not the*

*least injustice will be done to them*". (Qur'an 4:124). Women and men are equal in the regard to their obligations towards Allah. The five pillars of Islamic faith, which are the declaration of faith, prayer, fasting, charity, and pilgrimage, are imposed on both genders. Men and women face the same consequences in case they disobey.

### **6.3.3 Equality in rewards and punishment**

There is no major distinction in matters of punishment based on gender. In matters of adultery for example, a man and a woman guilty of adultery face the same punishment of one hundred strokes of the lash when both partners caught in a sexual act are unmarried (verse 2 sura 24) and death by stoning for any partner in a sexual relationship who is married. The standards of evidence required to convict a person of these crimes are so high as to make the conviction virtually impossible, though this law can of course be abused by judges who ignore the standards of evidence.

### **6.3.4 Elimination of some inhuman practices**

The Quran effectively ended the cruel pre-Islamic practice of female infanticide (wa'd): "When the female (infant) buried alive is questioned for what crime she was killed". (Quran 81-8-9). The Quran goes further to condemn parents who show frustration when they hear that their child is a baby girl: "When news is brought to one of them of (the birth of) a female (child) his face darkens and he is filled with inward grief! With shame does he hide himself from his people because of the bad news he has had! Shall he retain



her on (sufferance and) contempt or bury her in the dust? Ah! what an evil (choice) they decide on!” (Quran 16:58-59)

### **6.3.5 Mercy right**

At the same time as it provides for harsh punishment for some serious crimes, the Quran always leaves the door open for the possibility of mercy. Such is the case with adultery, where verse 16 of sura 4 ends as follows:” If they repent and mend their ways, let them be. God is forgiving and merciful.” [Charfi, 2005] p58). In case of verse 5:38 that talks about cutting the hand of the thief, it has been followed by verse number 5:39 “but who ever repents after committing evil and mends his way, shall be pardoned by God. God is forgiving and merciful.” The Quran, like a human judge, is torn between two imperative of justice: punish harshly, to deter criminals; yet be lenient to criminals once they have committed their crime, to encourage repentance.

## **6.4 Conclusion**

Algeria, Morocco and Tunisia come to their post-colonial era with a religious background that, far from being a mere source of inspiration and guidance, is a comprehensive body of prescriptions pertaining to personal conduct, family law, criminal law, civil law, and constitutional law. While many of these prescriptions were revolutionary for their time (sixth and seventh century AD), they have been interpreted in a conservative way throughout history, a way that is least advantageous to women. Furthermore, the

struggle of these countries against colonialism has reinforced people's religious identity, because the French protectorate / colonization of North Africa was seen through the lens of a crusader nation invading a Muslim nation. This made it all the more difficult for reformers to advocate laws or measures that were at odds with Quranic prescriptions. The discussion of the next part has to be understood in this context.

**Part III:**  
**Post Colonial Experiences**

The purpose of this part is to explore the path taken by each state in post independence nation-state building and the positioning of women in this choice. We will consecutively explore the Tunisian case, the Algerian case and the Moroccan case. Despite a shared Arabic, Islamic and French colonial heritage the three countries have adopted three different policies towards women. Tunisia has vigorously challenged Islamic law particularly in matter of women's reproductive rights and public participation, and has adopted very progressive legislation. Algeria has sought a compromise between the application of French law and Islamic law then has abandoned French inspired secular principles and opted for the application of Sharia law inspired by some of the most conservative interpretation of Islamic law. Morocco has opted for a conservative approach, with the continued application of Sharia law. To fully understand and explain the similarities and differences in these choices, it is important to understand the different forces involved in state building that kept family law either unchanged or totally renewed. The review of important historical political action that has shaped the future of gender equality in each of the countries, illustrates the deep interconnection between politics and gender equality in the Maghreb.

## Chapter 7

### Tunisia: A Secular Model

#### 7.1 Legislative Achievements

At the time of its independence Tunisia was divided between two tendencies: One secular modernist movement inspired from the French and Turkish model (advocated by Habib Bourguiba, a French educated attorney often compared to Kemal Ataturk) and another religious and Arab inspired (advocated by Salah Ben Youssef). The battle between these two tendencies has focused around the state identity in the local regional and global arena. While the Ben Youssef clan has focused on Tunisia as part of the Islamic Arab world [Salem, 1984], the clan of Bourguiba has focused on the creation of a modern secular state built around a nation state. The struggle between Bourguiba and Ben Youssef for the soul of Tunisia converged very quickly to the advantage of Bourguiba and ended with the assassination of Ben Youssef in Wiesbaden Germany on August 14<sup>th</sup> 1961 and the reign of Bourguiba as sole Tunisian leader from 1956 to 1987.

The reign of Bourguiba is characterized by five distinctive phases [Martin, 2003]: Phase 1 from 1955 to 1959 where Bourguiba prevailed over the internal opposition and consolidated his power. Phase 2 from 1960 to 1963 is characterized by a transitional state that moved towards a more centralized state development policy. Phase 3, 1964 to 1969, is

characterized by the experience of centralized economy and nationalization of private lands and the quick rise and fall of Ben Salah, a champion of socialist economy, and the abrupt end of the socialist cooperative experience in 1969. Phase 4 (which spans the seventies) was known as a phase of both political and economic liberalization. Phase 5 (which spans the eighties, and ends in 1987, with the end of Bourguiba's rule) has been characterized by increase of more authoritarian regime and a greater reliance on foreign capital in form of foreign investment and encouragement of private enterprise with more disengagement of the state from the economic sphere and its former socialist goals and policies.

Bourguiba's major accomplishment was the promulgation of the family law whose purpose was to abolish ageold institutions that perpetrated gender inequality for a long time in Tunisia. The liberation of women was at the heart of Bourguiba's modernist project. Bourguiba's project is defined or considered as a "modernist" initiative built around three axes: secularization of the state (although, for political reasons, it was not advertised as such), liberation of women from age-old institutions, and democratization of education and health. The secularization of the state started with the deposition of the Bey (a Tunisian Monarch who was originally dispatched by the Ottoman empire, and was subsequently maintained as a convenient façade by Colonial France, even after the Ottoman empire went under) which symbolized the Ottoman Caliphate and was an element of continuity in Tunisian political history, and the proclamation of the republic on July 25<sup>th</sup> 1957 and the proclamation of the constitution in 1959. The second major change was embodied in the promulgation of the family code in August 1956. The *code of personal status* (as it is known in Tunisia), aside from its implications for women, meant that now all branches of law came under the purview of the Tunisian state (thereby subsuming the power of local judges).

The code became known as the major liberating act that ever happened in countries of Arab/Islamic tradition. However, addressing a Muslim audience, Bourguiba presented his choice as adaptable to the Muslim religion in a new reading. For this he has reformulated in a large part a discourse already proposed by Tahar Haddad, a Tunisian scholar who had a chance to travel around the world and who was among the first contemporary Arab men to denounce the women's condition and call for a change. Traditional norms provide that the confinement of women is a protection for her from abuses and from her own weaknesses to resist temptation and infidelity. Haddad unveiled the hypocrisy of the system and narrated stories illustrating the inhuman treatment of women by men and the abuse of the system to the interest of men so they can deprive her from her religious rights such as inheritance or the right to own property. In his book titled "*Our Women in Society and Religion*" [Haddad, 1977] Tahar Haddad presented his major ideas about women's condition and its incompatibility with Islam's teachings. Haddad narrated the ill treatment of women and how it destabilized families. Linking the private and the public, Haddad also showed how the dysfunctional family impacts the whole society. Taking a new reading of Islam, Haddad called for women's education and human rights such as the right to have dignity and to be treated well. The reaction of the society was very aggressive and the teaching of Haddad was presented as an act of apostasy. Haddad was viciously attacked, isolated and he died poor and forgotten.

Bourguiba breathed new life into Haddad's idea and justified the legal change by making a new modern reading of Islam. The legal reform aimed to dramatically change the family structure by the passage from the traditional family based on the group to the nuclear family based on the wife, husband and children. An integral part of Bourguiba's modernist project was taking women out of the home to the public space and making them participate in the global market. This also mandated the education of women, giving them more power over

their body and led to the reduction of birth rates. The transformation of the Tunisian women by the state was done through the creation in March 1956 of the first official women's organization, *The National Union of Tunisian Women*. The initial cadre of this feminist organization was made up of women who were active in the political struggle for independence, and who played a role in shaping the revolutionary legislation that Tunisia enacted shortly thereafter. Yet, this organization has never really departed from the ruling party and was an active agent in the government's policy in family matters. They paid much attention to the creation of women's sexual awareness to control birth rates and make all birth control tools available for women and for free. Abortion, which is still a very contentious issue even today in many developed countries, was legalized in Tunisia and made its execution subject to no other approval than the woman's, even if she is married. The unveiling of women was also pursued as a sign of adherence to the modernist project and through the first days of independence Tunisian women from noble families started to shed their veil, followed by the majority of educated women. The wearing of a head scarf has become a sign of weakness, lack of education, and inability to modernize. Making women visible and taking off all the signs of their confinement to the will of men became one of the most important aspects of Bourguiba's campaign to get out of underdevelopment which he calls the war against backwardness, a more fateful war than the war of independence. State feminism made women one of its important agents, and marshaled them to implement the party's policies. This link between the state and the women it protects was not severed until the early eighties, when the first independent women's organization started to appear as an emanation of a group of highly educated and westernized women who departed from the party line and also opposed its policies in many ways. The *Tunisian Association of Democratic Women* provided an independent forum, where women who feel strongly about



gender issues but not want to associate with the political party in power could organize. This organization had kept an independent agenda after Tunisia's mutation in November 1987.

Calling for all Tunisians to join in a collective effort, Bourguiba declared in a famous 1960 speech “ . . . another form of holy war is the war against underdevelopment . . . “ (Bourguiba 1978). The code of personal status was part of “the war against underdevelopment” that included, among other goals, the elimination of major impediments to development having their roots in a traditional segregationist society which is built on archaic beliefs and power structures. To understand the extent of the reform I will have to discuss first the situation of women. This exploration will be done through the legal arsenal that determined women's situation, and also through the position of the feminist movement of that time.

Why did these reforms happen, and why did they succeed in Tunisia? Many explanations have been presented: political, sociological and international. In her [Charrad, 2001] Mounira Charrad emphasizes an explanation based on a political parameter. According to Charrad, the code of personal status was not a victory of feminism. It was the victory of a government strong enough for a while to place a claim on Islam and enforce a reformist interpretation of the Islamic tradition. After freeing the political scene with the physical elimination of Ben Youssef, the leader of the Islamic opposition which would have fought for a conservative interpretation of Islam, members of the 1956 government introduced the code of personal status as a new phase in Islamic innovation, similar to earlier phases in the history of Islamic thought. Rejecting dogmatism, they emphasized instead the vitality of Islam and its adaptability to the modern world. The CPS passed with little or no resistance in 1956, because the social groups that had stakes in keeping traditional Islamic family law, by then, had lost all leverage in politics. This same explanation has been borrowed in many scholarly works, which were interested in investigating Tunisian law (Arfaoui, 67, Sherif-Stanford 1984). The new legislation was presented as conforming to the spirit and the letter of Islamic religion. A new return to the original sources of the Sharia which is the Koran, were used to illustrate how Sharia law was diverted from the original source in regards to women.

A striking example is the Quranic prescription concerning polygamy which has been used to justify polygamy in all Arab countries while in fact its terms lead to understand that polygamy is forbidden. Thus religion was utilized as a strong ideological force enhancing and accelerating the modernization of women. Another explanation stems from a sociological standpoint which shows that Tunisian society was ready for such a move. According to statistics for example polygamy was no longer practiced in Tunisia, except in some remote rural areas even if it was still allowed by law

In the international arena, the fifties and sixties were characterized by a wave of countries in the third world gaining their independence from their colonial powers, but turning back to them for inspiration and assistance in building new nation-states. Indeed, many of these countries, mostly in Africa and the Middle East, adopted state structures heavily inspired from their former colonizers.

The relationship between the state and women's condition has witnessed some fluctuation, without however any reversal or major shift. The building of the Tunisian nation state from the sixties to the nineties evolved through three phases: building, consolidation, challenge. If the building of the Tunisian nation state took a very feminist approach and a strong affirmation of modernity as a western liberal model, the relation of the state and women has witnessed some variations depending on the power struggle on the political scene without however experiencing any reversal. The state has spread its feminist policy through the creation of a women's association. This association has helped to implement the state policy in matters of gender. One of its major achievements was the implementation of the state's birth control policies; in the traditional socio-economic structure, children were an economic factor, and families had children to help them work the fields and provide for old age. Also, high rates of infant mortality meant that women had to bear more children than was actually necessary to sustain the family. As improved health care led to lower infant

mortality, the nation's economy shifted from an agrarian economy to an economy based on tourism and industry, contraceptive methods became available, and education became a legal obligation and an economic necessity, the pressure increased on women to bear fewer and fewer children. Because matters of reproductive practice were beyond the reach of the state, legislating them was not sufficient. Women's organization, who enjoyed the trust of common women, played a crucial role in effecting change on the ground.

It is noteworthy that the creation of this association put an end to any independent women's movement. Also, state feminism was part of a centralized state where all organizations belong to the party in place.

Bourguiba's legal change would hardly have led to any real change in women's situation if it were not followed by practical measures to implement the state policy and to give women the necessary tools to access their rights. One of the most important measures that was available to women was birth control means, which allowed them to control their body. This, in turn, has dramatically enhanced women's and children's health. The data I collect and analyze in Part IV illustrates the evolution of women's health in the post colonial era, as a result of these and other policies. Bourguiba also opted for the mixing of sexes. A law promulgated under his watch abolished the segregation between genders at school.

### **7.1.1 A minimum age of marriage**

The establishment of a minimum age of marriage for girls was one of the first reforms introduced by the new family law. As a rule, women used to be married around the age of puberty (9-13), which was one of the first obstacles to their physical, mental and social development. The minimum marriage age was set at eighteen for women and twenty for

men. The revisionists had in mind women's education which was held back by early marriage especially in rural areas.

### **7.1.2 The Abolition of Polygamy**

Bourguiba's political party campaigned for the abolition of polygamy which was already limited in rural areas and virtually nonexistent in urban areas. The abolition of polygamy was implemented by making marriage a solemn act that was registered with the civil authorities, and providing for heavy civil penalties for any violation of monogamy. Also, women were given equal treatment in regards to divorce, in contrast with traditional laws that gave men and women unequal privileges (a man can divorce by simple declaration, whereas a woman has a heavy burden of proof to secure divorce). In case the husband divorces his wife with no valid grounds, she might ask for indemnity which can take the form of a pension for her life time, unless she gets remarried. In case they have kids and the woman gets custody, she is entitled to keep the family home or to ask her husband to provide an equivalent home.

Political rights such as the right to vote or to run for office were guaranteed to Tunisian women as early as March 14, 1957. Despite variations in attitudes towards women and some periods of tension where women's gains seemed to be questioned, the liberation of women did not know any reversal at least on the legal side.

## **7.2 More Legislative Gains**

Bourguiba's 30-year presidency ended on November 7<sup>th</sup> 1987 when the then-Prime Minister replaced him by virtue of a clause of the Tunisian Constitution which provides for such a transfer of power when the current president is declared unable to fulfill his function.

The new government continued on the same track and introduced on August 13, 1992 new legislation that consolidated the political choice towards gender equality. The first legal change concerned article 154-155 which considers women tutors of their minor children as well as fathers (before the tutorship was the exclusive right of men, who keep it even in case the mother is the custodian of her children). The second change introduced concerned the creation of funds to guarantee that divorced women will be provided with child support. The new legislation acts as a substitute for men who do not pay child support. This right is extended to the maternal grandparents in case they have the custody of the children (only paternal grand parents used to have this right). Another major measure is the possibility for a woman to transmit her Tunisian nationality to her child even if the father is a non-Tunisian and the child is born overseas (article 6 of the Tunisian code of nationality). The former legislation forbids Tunisian women from transmitting their nationality to their children while married to a non-Tunisian man.

### **7.2.1 International Standards**

Besides national legislation, Tunisia has routinely signed many universal declarations adhered upon by the international community such as the Declaration of Human Rights of 1948 which provides for equality between sexes and freedom of religion. In July 1980 Tunisia was the first Arab and Muslim country to sign the convention on the elimination of all kinds of discrimination against women (CEDAW), which was ratified on September 20, 1985. Ratification of international conventions requires the signatory state to harmonize its internal legislation to conform with international conventions. In case of conflict between the article of an international convention ratified and a law, the first supercedes the second according to the major jurisprudence and doctrine concerning the conflict of law. Next to

these major international conventions, Tunisia ratified some other conventions such as: the international convention no. 4 on night labor for women [ILO, 1948]; international labor convention no. 118 on equality of treatment (social welfare benefits) [ILO, 1962]; international labor convention no. 112 on recruitment policy [ILO, 1959]; the international convention on the political rights of women [UN, 1953]; the international convention on eradicating all forms of racial discrimination [UNESCO, 1966]; the ILO convention on equality of remuneration for identical labor performed by male and female worker [ILO, 1952] (source, Ministry of Women, Family and Children's Affairs).

### **7.2.2 Political economy**

“ In our eyes socialism is neither a philosophical belief nor an uncompromising social doctrine. It is not an end in itself. It is a means of achieving a precise objective, namely development...By definition our socialism is distinguished from other socialisms by three fundamental aspects: (1) it rejects the class struggle, (2) government seeks to control and direct rather than eliminate private or collective property, finally, (3) we do not believe it necessary to sacrifice the present generation to guarantee the well-being of future ones. We remain firmly convinced of the need to pursue unswervingly our fight against underdevelopment.”

Bourguiba, 1971<sup>xxxviii</sup>

The economic choice of Tunisia was always (except for a very short period) based on aspects of liberalism infused with some socialism, or what is referred to as “humanized capitalism”. Different phases characterize the economic choices from 1956 until 1986. This latter was the year of the adoption of the structural plan of development, a definitive liberal choice made in concert with the directive of two major institutions of global governance: The World Bank and the international fund of development. The state has

disengaged progressively from the economic sphere leaving more space to individual enterprise.

Before 1986, Tunisia's political economy of development passed through three distinctive phases [Belkhoja, 1998]: from 1956 to 1961, the new government pursued a liberal choice with minimum intervention from the state, however the results of private investment were disappointing. National currency was backed and import export companies were created however, these first years after independence coincided with the exodus of many resources needed since the French left taking their skills and capital.

From 1960 to 1969, a centralized planned economy was developed with a strict regulation and protection of the national market. The first plan of development was written. Its objectives are described as follows: 1 decolonization, 2. reform of economic structures including industrialization, 3. human development including education, the training of cadres and the fight against illiteracy and unemployment, and 4. self-development so that investment can come from internal resources and do not depend on foreign assistance (Entelis, 1980). The most distinctive feature of this period is the imposition of a cooperative system by means of nationalization of private lands. The experience was intended to bring a solution to a range of land problems; however, this experience was quickly discontinued after its failure and by the early 1970s a liberal economy was reestablished. The years 1970 to 1975 knew a rapid rise and decline of political liberalism. In the meeting of the party held in 1971 a spirit of tolerance and free discussion was launched to avoid the mistakes of the past. Tunisia evolved towards a sophisticated political system and was on the verge of a real political liberalism, however, the experience was turned down and the power of the president reinforced. The years that

followed were marked by a political system increasingly closed but an economic choice more open. State power was deinstitutionalized and personalized in the person of the president [d'Estournelles de Constant, 2002].

### **7.2.3 Secularization by institutionalization of religion**

As its two neighbors the Tunisian state had to deal with the important question of how to deal with the Islamic religion, which emerged during colonialism as an important element of the definition of people's identity and a major referential point and legitimizing political power. Despite the fact that the first Tunisian president has been well known as a confirmed secularist, his position towards how to treat religion evolved during his 30 years as president.

### **7.2.4 Religion as a Public Institution**

During the early years of independence (1960-1970), the Tunisian state has taken a secular orientation. This secular orientation can be summarized in the creation of a presidential regime where the major powers are centralized between the hands of the president who emerges as the father figure of the new nation but never as the leader of the believers. Bourguiba abolished all clergy of Islam, and made all Imams employees of the state. Law is the emanation of the legislative body which is formed by elected representatives. The Tunisian constitution acknowledges freedom of religion and no discrimination between people on the basis of religion is allowed. The Family law and penal code which are the cornerstones for the application of Sharia law mainly emerged



as secular law even if they were presented as conforming to the spirit of Islamic law. The decrees<sup>xxxix</sup> of august 3, September 25, and October 25 1956 suppress all the religious based tribunal, be they Muslim or Israelite. The judicial power is totally unified.

Bourguiba further moved to terminate two Islamic-inspired institutions that have been in effect in Tunisia for centuries.

- The institution of *Habous* is an ownership regime whereby a family owns a property (usually real estate or agricultural property) and uses it but cannot sell it. Two attributes characterize this ownership regime: First, the asset is inherited, and cannot be sold; second, the asset is inherited exclusively through the male lineage of the family.
- The institution of *Waqf* is an ownership regime whereby a family holds the title to an asset (usually a real estate or agricultural asset) but does not exploit it. Instead, the asset is given to a religious institution that exploits it and uses its income for charitable work.

Bourguiba abolished the Habous regime by the decree of May 31 and the Waqf regime by a decree dated July 18, 1957. The decree of March 29, 1956 and October 1, 1958 introduced major reforms to the teaching of the Zitouna, a very old school with a major local and regional importance for the teaching of Islamic faith and which produced usually very conservative Islamic scholars who opposed any modern update to Islamic faith.

However, despite this secular orientation of the country, religion is not separated from public life (perhaps a strategic concession to the religious tendencies of Tunisians).

This appears in the constitution which proclaims Islam as the state religion. The constitution requires that the Tunisian president be of the Muslim faith.

Even though the reforms he introduced were decidedly secular, Bourguiba cleverly packaged them as mere interpretations of religious directives. Given how important religion is in peoples' lives, and given that the struggle of Tunisians against French colonialism had religious overtones, Bourguiba could afford to do anything that can be interpreted as hostile to religion. That he got away with it is testimony to his political skills

This first phase of the relation of the political and religious power has been described as the instrumentalization of religion for the purpose of political power [Fregosi Zeghal, 2005]. The religious power participates in the consecration of a hierarchical order where the chief of the state is sacralized. Bourguiba counts among his responsibilities as a chief of state to deal with religious matters. That is how he approached in his public discourses some religious matters such as the religious sacrifice of lamb during the religious celebration of *aid Kebir*, as well as the question of *Hajj* and the fasting of Ramadan. He went as far as to proclaim that whenever public interest and religious practice contradict it was the duty of the good Muslim to give priority to the public interest.

The relation between the state and religion evolved during the seventies with the failed economic choice of socialization and nationalization of agricultural lands and the rise of social discontent. At the same time the disaccord between the regime and the political left and the rise of the left as a competing political power made the regime readjust the political scene by giving the religious right more power. The rapprochement

between the political authorities and the religious right was clear through legal as well as de facto measures taken by the state.

In 1968, a new institution was created. Its mission was to the preservation of the dogmas of Islam. At the same time, the educational system witnessed new reforms whose purpose was to give more place for the teaching of the principle of Islamic religion to students. That's how a reform introduced in 1970 erected religious education as an independent course taught to students. Previously religious education was part of civic education. In this same period a circular from the ministry of interior banned public officers from writing any marriage contract where the woman is Tunisian if the husband is not a Muslim, overlooking the human rights convention signed by Tunisia which banned any discrimination on the basis of religion. At the same time the jurisprudence took a more conservative position in the interpretation of family code. That's how a formula such as the impeachment of Sharia law is understood by reference to Islamic law instead of Tunisian law.

At this time, a new focus was put on religious rituals such as the Friday prayers where public agencies will reorganize their schedule on Friday to allow their public servants the possibility to go pray in the mosque or will provide a locale in the work place for prayer. A special credit is provided to public servants so they can buy a lamb for the sacrifice due on the religious celebration of *aid kabir*. This change is also expressed through the architectural style where a new emphasis is put on the revival of Arabic style.

The Islamization/arabization policy was corroborated in the eighties through the nomination of a prime minister (Mohammed Mzali) known for his sympathy with religious groups and who oversaw a large Arabization policy. He acted as the

intermediary between the government and the Islamic right. However, real struggles between the government and the Islamist movements started during the eighties as the latter started gaining a large popular support. This became threatening to the government which reacted with largely repressive policies against them.

However, this wave of open conflict came to an end when Bourguiba abdicated his power in 1987 to the benefit of then-Prime Minister Zine Al Abidine Ben Ali in November 7, 1987. The new government launched a reconciliation policy with the different political powers. It started by suspending all the death penalties that were pronounced against Islamist leaders. Other measures appear through the use of Quranic verses to start and conclude presidential discourses. The call for the prayer was broadcast on state run television networks. The date for Ramadan was determined according to the sighting of the moon instead of the calendar. This gesture was aimed at appeasing the religious opposition by making symbolic concessions that may be important to them but have little political value. However, this policy did not satisfy the Islamists, whose purpose was to get recognized as a political party. They were never admitted or allowed to run as a religious party. The general argument was that Islam was the religion of all Tunisian people and couldn't be claimed by some people and used for political ends.

## **7.3 Conclusion**

It is incontestable that the direction that the new Tunisian nation state took after independence was a direct result of the strong leadership and the personality and personal choice of its leader who pushed towards a cultural evolution. Educated and trained in French schools and environments, secularist in essence with a modernist project, he was marked by a

nationalist ideology much influenced by Europe as a model for his own Tunisian project. His modernist project stressed gender equality and state secularism. His militancy for women's rights has also been explained by his proper history. Born around the beginning of the twentieth century, about twenty years after the establishment of the protectorate in Tunisia and the beginning of the struggle for independence, into a middle class family from the region of Monastir, he developed a particular sensitivity to his mother who passed away when he was five. Bourguiba claims that this early separation made him all the more attached to her memory and that he never overcome his yearning for her [Salem 1984, Bessis, 2007]. He became aware at an early age of the unfairness of women's condition and his early feminism directed his choice later on in life and politics.

Next to his feminism Bourguiba is known for his secularism. Did he secularize the Tunisian State? It is hard to confirm today that the Tunisian state is a secular one, even though family law and penal law diverted to an important extent from the teaching of Sharia law. Despite the secular orientation of the first Tunisian president, the choice has been made to acknowledge religion as a component that should be taken into account in the building of the state. The management of religion by political power had two purposes: the first one was to keep religion under political control rather than take the risk of seeing it emerge as a concurrent power to the state. The second one was to use religion as an instrument to legitimize state actions and choices. However, the rise of political Islam in the eighties put political power and Islam in an intractable conflict and created many uncertainties. Periods of apparent reconciliation were followed by periods of bitter conflict.



## Chapter 8

### Algeria: A Socialist Model

#### 8.1 Background

After carrying out the historical role of leading the armed struggle against French colonialism, the FLN (Front of National Liberation) emerged after independence as the legitimate power that would lead the country in the years that followed. The Conseil National de la Revolution Algerienne (CNRA) met in Tripoli in July 1962 and drafted a charter describing the major ideological guidelines that should highlight the building of the new Algerian state [Ageron, 1999]. Two central questions emerged during the debates of the council: Islam and Arab Culture

- ***Islam.*** From the standpoint of Algerians, the fight for Algeria's independence has taken religious overtones. The colonization is viewed as a modern form of crusade, and the liberation of Algeria is viewed as a religious duty to clear Islamic lands from alien hostile occupation. This may have been used by leaders of the independence movement as a motivating device or a recruiting tool; but once independence is secured, this Islamic identity must be redefined to serve the purposes of post-colonial development.
- ***Arab Culture.*** After 130 years of marriage (so to speak) Algerians and Frenchmen have become indispensable to each other, and have developed a fascinating love-hate relationship that endures to this day. Hence, upon independence, the Algerians had to define their identity separately from the French. Their natural reaction is to declare themselves Arabs, but they had so little contact with their Arab identity for so long

that it was a difficult proposition, because after 130 years of close contact with the French culture, they have developed many affinities with the French language, culture, and lifestyle.

The text of the declaration refers to giving back to Algeria its Arab culture which was marginalized and demonized by the colonizer. The declaration acknowledges Algeria as belonging to an Islamic culture. However, no definition of the meaning of culture was given. The reference to the Islamic identity was followed by a focus on the necessity of restituting to the Algerian people their language and culture purified from the occidental infiltration and cosmopolitanism.

The Draft of the major political lines to follow in the building of Algeria reveals the same concern that emerged in the first meeting of the FLN in November 1954 concerning the place of Islam and Arab culture in the quest for independence. The major guidelines adopted in 1954 were defined as follows:

- The restoration of the Algerian state as a sovereign, democratic and socialist state, in the framework of Islamic principles.
- The respect of all basic freedoms, without ethnic based or religious based segregation.

The Tripoli program, which was inspired from these principles, delineated the ideological orientation of independent Algeria: “The armed struggle must be followed by the ideological combat, and the struggle for national independence must be followed by the people’s democratic revolution...which is the conscious construction of the country within the framework of socialist principles and with the power in the hands of the people.” The Tripoli program focused on the unity of Algerian people as one against the colonizer. The predominance of Algerian nationalist feeling supersedes race, gender or religion. It is



important to notice that the FLN was separated from the Ulema, which was an important religious group that emerged as a response to the French attempt of assimilation of Algerian identity. The FLN committed itself to the respect of the Universal declaration of Human Rights, although it lobbied, alongside other Muslim states in favor of an Islamic version of the declaration, arguing that as written, the UDHR has a Judeo-Christian bias. It also integrated gender equality in its plan for the rebuilding of the Algerian state. The Tripoli declaration and platform provides that gender equality is part of its program. However, during the eight years of armed struggle, the FLN sought Arab recognition as the legitimate representative of the Algerian struggle. At the independence, the question of the place of Islam in the building of the state was put on the agenda, and the prospects of a secular state were dropped. The Algerian constitution promulgated September 10, 1963 stipulates in its preamble that Algeria would be an Islamic state and Islam would be the official religion of the country. The president of the state must be of religious faith and has to take his oath of allegiance in Arabic. The constitution is silent on the issue of women.

During the Algerian war, women played an important role in the struggle for independence, be it in supporting roles or sometimes in battlefield roles alongside men. Women participated more actively in Algeria's struggle for independence than in Tunisia and Morocco. This is perhaps related to the fact that the war of independence of Algeria was far more ferocious than it ever was in Tunisia and Morocco, hence required the active participation of women in Algeria, when such a participation was not necessary in the other countries. This difference in resistance was, in turn, due to the difference in stakes that France had in the three countries of the Maghreb. France had colonized Algeria for much longer (130 years) than Tunisia (70 years) and Morocco (40 years); also, it had a much bigger settler population, a much bigger investment in infrastructure, and much bigger economic

stakes (most notably with oil wells in the south of Algeria). In exchange for their bigger role in the war of independence, women were promised a more favorable situation upon independence. But these promises were not fulfilled.

In Algeria, gender awareness arose in parallel with political awareness relative to Algerian independence. This has taken place concurrently with an active participation of women in the struggle for independence. Juggling the imperatives of the struggle for independence with the imperatives of being faithful to religious rules, the Algerian independence movement had to concede that Islamic law, as it pertains to gender relations, had to be reinterpreted. This has made it possible to enact liberal laws on gender relations without appearing to violate Islamic law.

While Tunisia made the deliberate choice of keeping the French language in use next to the Arabic language, Algeria paid special attention to the situation of Arabic as the only language. To realize this objective Algerian leaders turned to Egypt to help them realize this objective. Teachers who had just graduated from Al Azhar University in Cairo were sent to teach Arabic in Algeria. The arrival of these teachers with their Islamic background had a long term effect on the political future of Algeria.

The Algerian constitution proclaims Islam as the state religion. However, at the same time this same constitution proclaims freedom of belief and non-discrimination between people on the basis of race, religion or gender. Also, the choices made in the Tripoli program are inherently contradictory, because they pledge adherence to two incompatible doctrines, namely Islam and socialism (which is notoriously secular).

Once the war for independence was won, all the forces that accommodated with the FLN were unleashed. Competing factions to get the power emerged. At stake were ideology, ethnic and clan ties, loyalties to specific individuals and competing perspectives on the nature

of post-independence and on the political ideology that should be set to govern Algerian society. The FLN faced the hard task to find a unifying ground for all these different factions to emerge as the legitimate ruling party. Despite the fact that the FLN leaders were mostly secular, they were under the constraint to deal with the question of culture and identity in Arabic/Islamic terms to gain a large popular support and to drive down the popularity of the religious reformist group led by the Ulema (under the leadership of Sheikh Ibn Badis), inspired by the Egyptian model, and hostile to anything that reminded them of the alien French colonization.

In 1962 Ben Balla was elected as head of the FLN. Along with the hostile political environment, he faced a dramatic economic situation after the sudden French massive exodus to France with factories closed, farms abandoned and 70% of the population left without jobs (Entelis, 1980). A self-management system was proclaimed making the farm workers head of many abandoned farms and responsible for their revitalization under state official supervision. This system referred to as self management was conceived as setting the stage for a socialist economic system.

On women's day in 1966, President Houari Boumedienne announced that women had already gained their freedom and should be content with the fulfillment of their "natural duties". He warned that "women's emancipation must not be made at the expense of morals and tradition" [Marshall, 1984a]. The family code of 1970 re-established the husband's right of repudiation and reaffirmed his right to be polygamous. The penal code of 1966 provided a maximum penalty of one year in jail for male adulterers and two years jail for females convicted of the same offence.

Family planning services are available at a limited number of clinics in the major urban centers but available only to married women with four living children and their husband's permission. Abortion is a criminal offence and can be performed only to save the mother's life. In 1975 The National Charter proclaimed the equality of women and men. French civil law is emphasized until 1983, the date of the proclamation of a new family law that deemphasized French civil laws in favor of regressive conservative concepts found in the Egyptian personal status. The subservience of women to men is institutionalized in the 1984 family code, and is explicitly proclaimed and embodied through the different articles of the code. The code explicitly states that a woman's duty is to obey her husband in return for support. The code provides that women's work outside the house has to be stated in the marriage contract if it is to be granted. The man is appointed the head of his family whom his wife must obey and to whom she must defer. The code clearly discriminates against women and declares them minors in education, work, marriage, divorce, and inheritance, meaning that they must defer to the decisions of their father or husband. Whereas men can divorce unilaterally and evict their wives from their homes, women can sue for divorce on only a limited number of grounds. Generally, women are given custody of daughters and of sons under the age of ten, but men are not required to pay child support (in combination, the lack of residential security and the lack of financial support mean that divorced women can find themselves homeless and penniless; this prospect places great pressure on women to remain in abusive situations). The code allows for polygamy and even if plural marriages are rare this provision is used as a threat to keep women in line. In matters of inheritance, and following the precepts of Sharia law women are entitled to half of what men are entitled to.

The code arose in the particular context of the erosion of popular support for the FLN and the increasing popularity and political preeminence of the Islamic Salvation Front. The rise of fundamentalism in Egypt, Sudan and Algeria pushed towards a more legislative

homogenization that questioned directly some of women's gains in Algeria such as the right to work and the dress code.

The dynamics of the emergence of the Islamic Salvation Front can be traced to the 1905 French law on separation of religion and state, a law only reluctantly applied to Islam in Algeria [McDougall, 2006]. This movement failed in the task of creating an open, tolerant, civil society, but was nevertheless co-opted by the FLN to gain legitimacy with the religious segments of Algerian society. The failure of this movement can also be blamed on the French colonial authorities in Algeria, who opted for confrontation with Algerians rather than to prepare a controlled, orderly transition to post colonial rule

It is important to distinguish between Islam when it first invaded north Africa, how Islam came into interplay between the ruling colonizer and the "native" colonized, and how the war for independence crystallized differently around Islam, women and identity in the three countries according to a big extent to the colonial project in the place.

France developed different aspirations concerning her existence in North Africa. While her existence in Tunisia came through *Ahd El Aman*, a legal act that declared the country in financial bankruptcy and gave the French power the right to put the country under foreign financial supervision, the French conquest of Algeria came in different terms, and comported the dream of the recuperation of Algeria its annexing to France and the assimilation of the "native". The Moroccan case will be somewhere in between.

Islam will come in interplay in a strong way between France and Algeria and the war for independence will take the shape of a crusade between the colonizer and the colonized. As expressed by Lazreg [Lazreg, 1990], page 755, "French authorities obsessive preoccupation with Islam politicized the Algerian people's Islamic identity. Prior

to the French invasion, Algerians had broadly perceived themselves as Muslims in the same sense that the French thought of themselves as Christians. They took their Islamic identity for granted, perceiving themselves, more importantly, in regional, tribal, and family terms. After 1830, however, Islam emerged as the most salient aspect of their identity.” The crystallization of the war around Islam had an impact on the gender question and the way to approach it.

## **8.2 Economic Choices**

Prior to independence, the Algerian economic system was described as an agrarian one based on the exploitation of land. However, while 2% of the colonial rural population owned 25% percent of the arable land including 40% of all land under cultivation amounting to 123 acres per colonist, 8.5% of the Algerian rural native population owned 68% of the land amounting to eleven hectares per farmer [Lazreg 1990]. The post-independence state goal was to achieve rapid economic independence through industrialization and the transformation of the economy from an agrarian one to an industrial one. Economic independence echoed national independence.

Industrialization was perceived as a way to produce economic independence and produce development. The government engaged in a heavy industrialization to manufacture the machinery necessary to transform the raw material into manufactured goods. Investment in steel and petrochemicals was done. The new industries were owned by the government which engaged in a socialist centralized economy and proceeded to nationalize all major foreign business interests as well as many private Algerian companies. Nationalization gave the state a complete take over of the economy which was totally government-controlled with

the central government entirely responsible for the planning, development and administration.

The heavy industrialization was paralleled by a policy of higher education and technical training to staff industries with the needed human capital. The priority given to the industrialization at the expense of agriculture was seen as a temporary necessity since the government reinvested some of the of industrialization profits in the agricultural sector by providing machineries and fertilizers. Industrialization was also seen as a potential remedy to the chronic problem of unemployment. The heavy centralized industrialization was paralleled by different cooperative system for the exploitation of the land. The agrarian region came under the control of State.

	<b>1967-1969</b>	<b>Four Year Plan (1970- 1973) Estimates</b>	<b>Four Year Plan Realization</b>	<b>Second Four Year Plan (1974- 1977) Estimates</b>
<b>Agriculture</b>	<b>1606</b>	<b>4140</b>	<b>4990.5</b>	<b>12005</b>
<b>Industry</b>	<b>4750</b>	<b>12500</b>	<b>17653.4</b>	<b>48000</b>
<b>Transport</b>		<b>800</b>	<b>793.4</b>	
<b>Tourism</b>	<b>177</b>	<b>700</b>	<b>700.0</b>	<b>1200</b>
<b>Infrastructure</b>	<b>855</b>	<b>2307</b>	<b>2024.3</b>	<b>15521</b>
<b>Education and Training</b>	<b>870</b>	<b>3307</b>	<b>2982.3</b>	<b>9947</b>
<b>Housing</b>	<b>249</b>	<b>1520</b>	<b>1614.9</b>	<b>15600</b>
<b>Public Service and Administration</b>	<b>533</b>	<b>2566</b>	<b>2564.0</b>	

**Table 9: Algerian General Investment Structure, 1967-1977 [Entelis, 1980]**

## **8.3 Conclusion**

Algeria made three crucial decisions as it emerged as an independent nation:

- It chose socialism as an economic avenue,
- It chose Arabization as a social/ political option.
- It chose Islam as a state religion, that is enshrined in the constitution.

At the same time, France was so deeply involved in Algeria, for so long, that Algerians had also to deal with a distinct French identity, that was deeply ingrained in their language, their lifestyle, etc. These four factors are mutually contradictory, and have created a situation where political forces have struggled for the identity of the country and its orientations, and have caused the country's policies to swing from one extreme to another.

Overall, the impact of these national choices has been fairly unfavorable to Algerian women, for the following reasons:

- The selection of socialism as an economic model meant that Algeria was a tightly controlled country, where all decisions were centralized at the top. In theory and in practice, this type of political structure is not prone to grant individual freedoms.
- The selection of an Arabic identity as a socio-cultural model has led to exposure of the population to backwards influences, which have been detrimental to women's rights.
- The selection of Islamic identity, while it is legitimate, has taken place in the context of a power struggle with Islamist parties, and has given these parties considerable leverage in dictating unfavorable conditions pertaining to gender equality and women's rights.



Another important factor that has led Algeria in a different direction from Tunisia, is that in Tunisia women's cause was championed by a charismatic leader at the top, who invested a great deal of political capital to achieve gender equality..

## Chapter 9

### Morocco: A Traditional Model

#### 9.1 Background

The struggle for independence in Morocco was concluded with the withdrawal of the French and the access of Morocco to independence in 1956 [Pennel, 2001]. Despite the presence of different political forces who contributed to the war for independence, the king emerged as the legitimate ruler of the country. His place is expressed in article 19 of the constitution promulgated in 1962 which states: “The King, commander of the Believers, supreme representative of the Nation, symbol of its unity, guarantor of the durability and continuity of the State, watches over the respect of Islam and the constitution. He is the protector of the rights and liberties of citizens, social groups, and collectivities”. The link between politics and Islam is clearly established through the person of the monarch who is not only the guarantor of the respect of the constitution and civil and public rights of the people of the Morocco but also represents the believers.

As was true of its neighboring countries in the Maghreb, the monarchy was faced with the delicate question of state identity and how to deal with the status of women. Of all the subjects of political debate that political parties discussed, the status of women was perhaps the question that produced the most controversy and produced the sharpest differences; one possible reason is that this question touches at the heart of important matters such as identity, social norms, family structures, gender roles, etc. The king who sought the support of religious leaders to consolidate the monarchy delegated to ten *Ulemas*

(religious scholars) the power to write the family law according to the *Maliki* rite. The *Maliki* rite is named after an Islamic scholar named *Malik Ibn Anas*, and is the most common rite in North Africa; it defines a specific interpretation of the Prophet's quotations and behavior, and forms a school of jurisprudence. Family law<sup>xi</sup> was written in the spirit of consolidation of what has started since the Islamic invasion in the seventeenth century and a strict space dichotomy wherein males relate to the public space and women to the private space (Sadiqi 2003) and was heavily based on the *Maliki* tradition. This law was presented as a sacred text. Even though, the place of women can be determined by different factors, and different local and global considerations, it remains important to see how women are treated on the legal side since it is the first step towards gender equality and non-discrimination.

Family law, the major legal framework which determines women's place in Muslim society, was represented by the *Mudawana*<sup>xli</sup> in Morocco [Mudawana 2004]. This text governed different aspects of Moroccan family from marriage to divorce to inheritance. In what follows, I propose to review some of the major dispositions of the *Mudawana* (family law) and review its evolution from 1958 to recently. While describing the choice made by the government in the matter, I will signal the major forces that were at play while women's place was to be circumscribed.

## 9.2 Codification of family law in the *Mudawana*

Family law is codified by the *Ulemas*, all men appointed by the king for this purpose and instructed to write a family law that is consistent with the teaching of Islamic law and

more precisely the Maliki tradition. The Ulema were led by the national figure of Allal al Fassi who proclaimed Islamic law as a basis for a unified nation and the emergence as Arabic /Islamic identity as the sole one for all Moroccan people, denying and ending the dichotomy and rivalry between regions dominated by Berbers and customary law and regions dominated by Arab and thus Islamic law. However, Islamic law in Morocco was only applied to matters of family law and never was extended to other legal areas such commercial law. The family law was promulgated in 1958 without any parliamentary debate.

*Sharia* law was the source and the general frame under which the *Mudawana* operates (art82). In any case of shortcoming in the law, *Sharia* law will apply (art 82). A separation in right and obligations based on gender is much inspired by the idea that a woman needs to be taken care of by a male, and in counterpart, she has to be chaste and obedient to him. The obligation of obedience has as a corollary the right to maintenance. If a woman becomes disobedient such as she leaves the house without her husband's consent, or recalcitrant such as refuses sexual relations, she might lose her right to male support (art 123). The wife must also respect her husband's parents and relatives (art 36). *Nasab*, filiation refers to the father's lineage who gives his name to his children and is under the obligation to provide for them.

Women are not allowed to contract marriage by themselves. They need the intermediary of a male guardian. The institution of *Jabr*, is maintained. *Jabr* is the right of the father to force his daughter into marriage (art 12). However, this right is restricted to the authorization of the judge. The minimum age of marriage is fixed to fifteen for the bride and eighteen for the groom (arts 8).

Polygamy is considered legal. However, it might be a source of harm for the actual spouse who is then allowed to seek a judicial divorce (art. 30 Mud). The institution of repudiation is preserved. The husband has the right to end the marriage at any time just by telling his wife that she is repudiated. The wife has the right to seek compensation. Whereas the husband can get out of all his marital obligations at anytime, women cannot divorce except under limitative circumstances when she can show a serious grievance, and then only through the court. In case of divorce, the guardianship of the children always belongs to the father, while custody can be awarded to either one of the parents. Guardianship concerns all decisions pertaining to the life of the child from the choice of the school where he goes to, who he marries, etc belongs to the father and the male lineage in the family, while custody, which concerns the every day care such as cleaning the child and cooking for him belong to the mother. Even in cases of separation or divorce the father never loses his right to guardianship. In case he dies, the guardianship passes over to his male lineage. In case of remarriage a woman loses her right to custody while the father gains even more credit for this right in case he remarries.

### **9.3 The Mudawana, version 2.0**

The matrimonial regime was based on the separation between the goods belonging to the wife and those belonging to the spouse. Only in case of death would the spouses be able to inherit from each other, in unequal proportions however, as stated by Islamic law. The *Mudawana* is proclaimed as a universal family law applicable to all Moroccan people regardless of their ethnic or religious origins. Attempts to reform some aspects of the *Mudawana* considered as deviant from the spirit of the Malekite schools

started as early as 1965. Many commissions were set for this purpose. However, the first reform did not appear until 1993 when the king convened a commission to examine the *Mudawana*. At that point the modernist discourse which took place around women's rights took the aspect of human rights debate linked to the wider debate that was taking place in Moroccan intellectual circles concerning human rights and the political situation. An agreement was quickly reached between Islamic scholars and feminist organizations and some articles of the *Mudawana* were reexamined. The scope of the reform was limited to the abolition of the *Jabr*<sup>xlii</sup> right (art.5, par. 1 and art.12 Mud 1993; cf.art.12, pars. 1 and 4 Mud 1958). The explicit consent of the woman to her marriage is made a requirement for the validity of marriage contract. The intervention of a male guardian to contract marriage was no longer a requirement in cases where the woman had reached the majority age. A woman was made the legal guardian (Wali) of her child in cases where her husband was absent. More warranties were taken to make sure that women enjoyed their maintenance right. The reform was approved by the king at a time when the parliament was dissolved in preparation for up-coming elections.

The reforms introduced in 1993 were limited in their scope since they preserved most male prerogatives such as his right to repudiation and to polygamy. However, these reforms had the merit to set some limits to male power and more important they had the merit of lifting the "sacredness" from the Family Law. Modernist factions and feminists continued their call for the introduction of new reforms in the family law and a radical change in women's situation. The access of socialists to power in 1998 and the formation of a new government headed by the socialist Abderrahman Youssoufi of the Union Socialist Des Forces Populaires (USFP, a socialist leaning party) constituted a new

turning point for women in Morocco. The coalition for Moroccan women came together to ask for the amendment of 42 article of the Mudawana. They asked first of all to declare gender equality as the principle that should guide relations between women and men. They argued that gender equality should find its source in international conventions ratified by Morocco and dealing with universal human rights. They argued for the abolition of the two major institutions that symbolized women's domination: polygamy and repudiation.

## 9.4 The Mudawana, version 3.0

The king once again asked his government to look at the *Mudawana* and present a review for it. On March 19, 1999 the government presented a project entitled *Projet plan d'action pour l'integration de la femme au developpement* (project plan to integrate women into development). The project touched to domains such as literacy, reproductive health, empowerment of women and their integration in economic development. The abolition of polygamy and repudiation was also proposed. The matrimonial regime concerning the property acquired during marriage should be equally divided in case of divorce. This proposition is a clear obstacle to the classical legal regime based on the separation of property within marriage. The project encountered a vigorous opposition from the religious group who accused his writers and feminist militants of apostasy. They see the project as a denial of Arabic/Islamic culture and presenting a real threat to one of the last bastions of Islam, the family. The Islamists were further emboldened by the fact that the report was prepared with help from the World Bank, which gave them an opportunity to

paint it as a Western-made project. Despite early tentative support by the King, this project was stalled in the Moroccan parliament.

## **9.5 The Mudawana in the Context of Moroccan Politics**

Different explanations have been presented to explain the conservative choices made in gender matters. While some focused on the social make-up of the country others searched more the political arena and the elite competition to power access in the post colonial period. As in both neighboring countries, the religious groups did not emerge as the governing groups, nonetheless their importance in the political arena could not be dismissed.

- According to Charrad who supports the claim that tribal societies are fundamentally different from class-based societies, the persistence of a tribal structure in Morocco is at the heart of the political choice in matter of gender policies Tribal structure prevailed in the majority of Moroccan society<sup>xliii</sup> ( and the king needed their allegiance to impose his power). In this context family law and the situation of women was decided on the basis of the coalition the king sought at the independence. In the same way that the monarchy pursued policies that preserved kin-based solidarities in politics, administration, and agricultural production, it also preserved Islamic family law. Since Islamic family law sanctions the extended patrilineage that is the foundation of the tribal system, this should be seen as part of an overall strategy that avoided disturbing the tribal order and at times actively sought to protect it. (Charrad, 2004)



- Another explanation is related to the division of the political class and competition at the time of access to independence. Like its neighboring countries modernist forces as well as conservative ones rallied in the war against colonialism and absorbed their antagonism. Once the country gained its independence the conflict and rivalry between different factions resurfaced again. The king who had the support of the tribes during the war for independence and sought their allegiance, dismissed modernists and gave religious authorities the mission to write the Moroccan family law according to the Malekite rite conform to tribal customs in matter of family status.

- A different explanation based on the interplay between religion and politics has been advanced to explain the choice made in Morocco in matters of gender relations. According to [Zeghal, 2005) colonialism has definitely shaped the future relation between politics and religion as it will emerge after independence. Colonialism contributed to the emergence of the king as the sole legitimate representative of the believers. Before the French intervention, at the beginning of the 19<sup>th</sup> Century, three groups were disputing the religious power: The Sultan, the Ulemas and the confreries [Zeghal, 2005]. However, the struggle for independence ended-up with the emergence of the king as the sole legitimate commander of the believers. Mohammed V, first king to lead the country, was aware of the potential power of religious groups even though, they did not accede to power. He used his prerogatives to serve two purposes: being above the fray, and being in good terms with all of them, and maneuvering so the different religious groups competed and never united together.

For this the king gave up on women's status to the Ulemas (Allal Al Fasi) who wrote the Mudawana, translating a very conservative and repressivex status for women. At the same time, the king reestablish the balance of power to the profit of the modernist tendency by letting them compete with the Ulema concerning the choice of educational systems and programs that should

be offered. However, under the rise of religious fundamentalism in the seventies, the king adopted even a more conservative state policy to consolidate his power and status as representing the believers. At the same time under pressure from religious groups who grew increasingly powerful and knew how to organize and reach the masses,. 1969 saw the birth of the first islamist group Al chabiba Al Islamyia, led by abdelkarim mouti. This group was dismantled in 1976 after the assassination of the Socialist leader Omar Ben Jelloun. However, the violent tendency of the first Islamist group led to its dismantling in 1976. Some of the leaders of this party tried to recognize the monarchy as the general legal sphere to work with.

A third explanation could be found in the symbolic role of the monarch who is not only the guarantor of the respect of the constitution and civil and public right of the people of the Maghreb but also the representative of the believers and a descendent of the prophet. The Moroccan monarch owed his legitimacy to being a descendent of the prophet's family and refers to himself as Amir al mu'minin (commanders of the believers). Which constitutes the legitimate background for the monarch's reign.

## 9.6 Concluding Remarks

Tunisia, Algeria and Morocco have followed distinct paths upon gaining their independence, and have, consequently, taken different approaches to gender politics. To some extent, their post colonial political choices were the result of their colonial experiences:

- In Tunisia, the post colonial period was cast as the second battle, the battle for development; the first battle being the battle for independence. As a clever concession to religious sentiments, Bourguiba cast the battle for independence as a religious struggle against non Muslims. By defining the battle for development

as the second battle, Bourguiba was attempting to give it the same cloak of Holy war that the first battle had. Bourguiba was heavily inspired by the universal secular principles that he learned from France, and was driven by these principles in making his choices for Tunisia. His philosophy was resolutely western, making little or no concession to the religious tendencies, except in form.

- In Algeria, France stayed longer, was more involved, had more settlers, and generally more stakes, than in any other country of the Maghreb. This meant that by the time of independence, Algerians were more French-like than anyone else in the Maghreb. At the same time, for these same reasons, France put up a more vigorous fight than anywhere in the Maghreb, thereby creating stronger anti-French sentiment than it has created anywhere else in the Maghreb. The combination of French cultural penetration and strong anti-French sentiment created a paradoxical situation which led to erratic choices after independence. First, the profound cultural penetration of the French made it much harder for Algerians to forge an authentic national identity upon independence. The absence of national identity, with its cultural and social norms, made it possible for Algeria to swing wildly in making its decisions.
- In Morocco, religion played an important role in defining the political structure of the country, and also played an important role in motivating the struggle for independence. The nation-state in Morocco has not changed drastically before and after independence: it remained a loosely aggregated set of tribes, whose main unifying theme is their loyalty to the King and (before independence) their

resentment of the colonial power. Consequently, gender choices were driven primarily by religious criteria.

Overall, the diversity of political strategies has produced a wide variety gender standards across the three countries of interest, but also in terms of time periods. We explore this diversity in the following chapters.

## **Part IV: Empirical Study**

In this part I consider measures of gender equality and measures of democratic standards in the three countries of interest at different time periods after independence, and analyze possible statistical relationships between them.

## Chapter 10

### Quantification and Data Collection

In this chapter I set the stage for the empirical study, by quantifying the two dimensions of interest to us, i.e. gender equality and democratization, and exploring means to analyze their statistical relationships in the context of the Maghreb, over the recent past.

#### 10.1 Gender Equality Variables

Though I would like to think that we have some latitude in choosing what variables to use to quantify gender equality, I am in fact severely limited by what data is available. My first source of information is the United Nation's *WISTAT* database, which records data on Women's Indicators and Statistics, by country, and by year. For many of its measures, WISTAT has data for years 1970, 1980, 1990 and the latest available year; for others, WISTAT has data for 1970, 1980, 1990, 1995, and predictions for 2000, 2005, and 2010 (these measures were taken prior to 2000); for yet others, WISTAT gives values for 1980, 1985, 1990 and 1995; for evolutionary variables, such as the rate of population growth, WISTAT has measures for two successive periods, 1970-1975, then estimates for 2005-2010. I have found that the most common time scale is 1970, 1980, 1990, 2000, and have resolved to adopt this as the calendar on which I collect data.

Given that I am considering three countries, this produces a set of twelve data points for each variable that is selected.

Looking at the WISTAT database, I have selected eight variables of gender equality, on the basis of the following criteria:

- They are meaningful in the context of the Maghreb,
- They are relevant to this study, in the sense that they may have some impact on democratization.
- WISTAT has data for them for all three countries of interest (Algeria, Morocco, Tunisia) and for all dates of interest (1970, 1980, 1990, 2000).

These variables are:

- *Percentage of Female Illiteracy.*
- *Percentage of Females enrolled in Primary Education.*
- *Percentage of Females enrolled in Secondary Education.*
- *Percentage of Economic Activity Traceable to Females.*
- *Percentage of Economically Active Females.*
- *Singulate Mean Age at Marriage for Females.*
- *Female Fertility Rate.*
- *Percentage of Females in National Legislatures.*

Further to these variables, I have chosen to include the United Nations' GDI variable (Gender-related Development Index). Because this variable has only recently been used, I could not find values for it prior to 1990. Hence I have resolved to compute it



independently for prior years, 1970 and 1980; to this effect, I had to collect data on the following gender related variables:

- *Life Expectancy for Females.*
- *Life Expectancy for Males.*
- *Rate of Literacy for Females.*
- *Rate of Literacy for Males.*
- *Combined Enrollment in Primary and Secondary Education for Females.*
- *Combined Enrollment in Primary and Secondary Education for Males.*
- *Female Income Ratio.*
- *Gross Domestic Product per Capita (in Dollars).*

The Male related variables and per Capita GDP are not part of the statistical study, but they are used in the calculation of the GDI. It has taken a lot of effort to find data for these variables for the three countries of interest (Algeria, Morocco, Tunisia) and the four dates of interest (1970, 1980, 1990, 2000). To this effect, I had to look up several references, including: [Bollen, 2001]; [UNDP, 2005]; [Bleas, 2005]; [Globalis, 2005]; [HDR, 1998]; [HDR, 2006]; [IDEA, 2006]; [Kaidbey, 2003]; [Rubin, 2007]; [CEDAW, 2004]; [Nabli, 2004]; [Ross, 2000]; [POGAR, 2005]; [UNSECO, 2005]; [Ourzik, 2005].

Because this data comes from so many different sources, it is not totally coherent: for examples, in the absence of data for a specific year (say, 1970) I use data from the closest year I find (1972). Also, if I find data from 1975 and from 1985, I can infer 1980 data by taking the average of the data values I find. All the data values I have collected for gender equality is captured in Appendix A, in table 32.

As we remember, the calculation of the Gender related Development Index requires that we also use data related to males, and data related to the per capita GDP of each country for each year of interest. This data is recorded in the following table; for some fields I record only data for 1970 and 1980 because recent data is not needed, since the GDI is available from other sources.

Country	Year	Male life expectancy	Male literacy rate	Male Enrollment rate	Per capita GDP
Algeria	1970	50.4	16.5	59.1	1760
Morocco	1970	49	32.1	49.01	890
Tunisia	1970	51.6	34.9	60.8	1280
Algeria	1980	56.5	49.5	63.6	2960
Morocco	1980	54.1	42.1	50	1500
Tunisia	1980	59.8	58.4	64	2190
Algeria	1990			66.72	4420
Morocco	1990			50.72	2730
Tunisia	1990			67.32	3690
Algeria	2000			70	5430
Morocco	2000			52	3480
Tunisia	2000			80	6270

**Table 10: GDI Relevant Variables, 1970-2000**

## 10.2 Computing the Gender related Development Index

Because the Gender related Development Index (GDI) is a recent measure, I have found no GDI values for the years 1970 and 1980. To fill the missing values, I have resolved to find the data that is used in the GDI index, for years 1970 and 1980, and compute the GDI from it. In this section I discuss how to compute the GDI from this data.

The GDI is a value between 0 and 1 that reflects the degree of equality of genders in a society. It considers three dimensions of gender equality:

- Variance in life expectancy,
- Variance in access to education,
- Variance in earned income.

The formula that we use in this chapter for GDI was developed by UNDP as an extension of the HDI (Human Development Index), and was presented in UNDP's *1998 Human Development Report* [HDR 1998].

### 10.2.1 Variance in Life Expectancy

The female life expectancy index is computed according to the following formula:

$$FemaleLifExpectIndex = \frac{FemaleLifeExpectancy - 27.5}{87.5 - 27.5}.$$

Likewise, the male life expectancy index is computed according to the following formula:

$$MaleLifExpectIndex = \frac{MaleLifeExpectancy - 22.5}{82.5 - 22.5}.$$

### 10.2.2 Variance in Educational Level

Two aspects of educational level are taken into account: the percentage of male and female literacy; and the percentage of male and female enrollment in primary and secondary education.

The female educational index is calculated according to the following formula:

$$FemaleEducationIndex = \frac{2 \times FemaleLiteracyRate + FemaleEnrollmentRate}{300}.$$

Likewise, the male educational index is calculated according to the following formula:

$$MaleEducationIndex = \frac{2 \times MaleLiteracyRate + MaleEnrollmentRate}{300}.$$

The female literacy rate, male literacy rate, female enrollment rate, and male enrollment rate, are all available in the data table for all countries and all years.

### 10.2.3 Variance in Earned Income

The female earned income index is computed according to the following formula:

$$FemaleEarnedIncomeIndex = \frac{\log(FemaleEarnedIncome) - \log(100)}{\log(40000) - \log(100)}.$$

Likewise, the male earned income index is computed according to the following formula:

$$MaleEarnedIncomeIndex = \frac{\log(MaleEarnedIncome) - \log(100)}{\log(40000) - \log(100)}.$$

The female earned income index is derived from the per capita GDP and the female income ratio according to the following formula:

$$FemaleEarnedIncome = 2 \times perCapGDP \times \frac{FemaleIncomeRatio}{100}.$$

The male earned income index is derived from the per capita GDP and the female income ratio according to the following formula:

$$MaleEarnedIncome = 2 \times perCapGDP \times \frac{100 - FemaleIncomeRatio}{100}.$$

The female income ratio and the per capita GDP are both available in the data that I have collected.

#### 10.2. 4 Gender Related Development Index

For each of the three dimensions of equality, we define an index, called the *equally distributed index*, or *EDI* for short.

The life expectancy EDI is computed by the following formula:

$$LifeExpectEDI = \frac{100}{\frac{FemaleShare}{FemaleLifeExpectIndex} + \frac{MaleShare}{MaleLifeExpectIndex}}.$$

Likewise, the education equally distributed index is computed by the following formula:

$$EducationEDI = \frac{100}{\frac{FemaleShare}{FemaleEducationIndex} + \frac{MaleShare}{MaleEducationIndex}}.$$

Finally, the earned income equally distributed index is computed by the following formula:

$$EarnedIncomeEDI = \frac{100}{\frac{FemaleShare}{FemaleEarnedIncomeIndex} + \frac{MaleShare}{MaleEarnedIncomeIndex}}.$$

In all these equations, the *Female Share* and *Male Share* represent, respectively, the percentage of females and males in the population of the country. For all three countries and all four dates, we take the following default values:

$$\begin{aligned} FemaleShare &= 51, \\ MaleShare &= 49. \end{aligned}$$

Finally, the GDI is calculated as the un-weighted average of the three equally distributed indices:

$$GDI = \frac{LifeExpectEDI + EducationEDI + EarnedIncomeEDI}{3}.$$

Using this formula, and the data stored in the tables above, I calculate the GDI for the three countries and four dates of interest, and find the following results:

Country	Year	GDI
Algeria	1970	0.421
Morocco	1970	0.387
Tunisia	1970	0.448
Algeria	1980	0.587
Morocco	1980	0.496
Tunisia	1980	0.616
Algeria	1990	0.627
Morocco	1990	0.511
Tunisia	1990	0.670
Algeria	2000	0.706

Morocco	2000	0.616
Tunisia	2000	0.743

**Table 11: GDI Values Sorted by Year, 1970-2000**

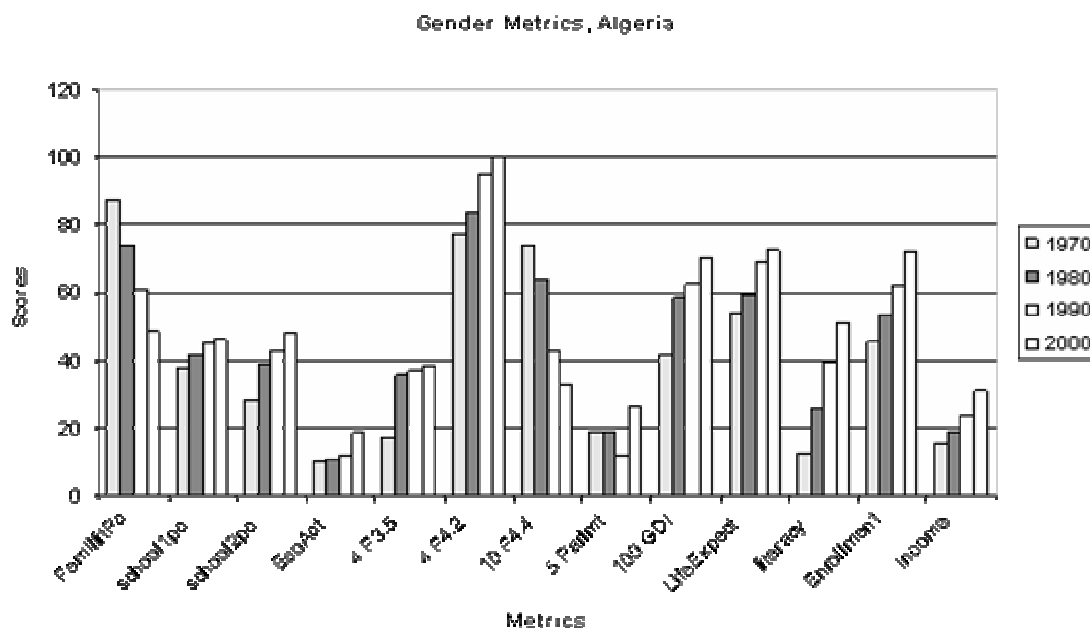
To illustrate of the evolution of the GDI for each country, I rearrange this table by country, which yields the following table:

<b>Country</b>	<b>Year</b>	<b>GDI</b>
Algeria	1970	0.421
Algeria	1980	0.587
Algeria	1990	0.627
Algeria	2000	0.706
Morocco	1970	0.387
Morocco	1980	0.496
Morocco	1990	0.511
Morocco	2000	0.616
Tunisia	1970	0.448
Tunisia	1980	0.616
Tunisia	1990	0.670
Tunisia	2000	0.743

**Table 12: GDI Values Sorted by Country, 1970-2000**

### 10.3 Histograms

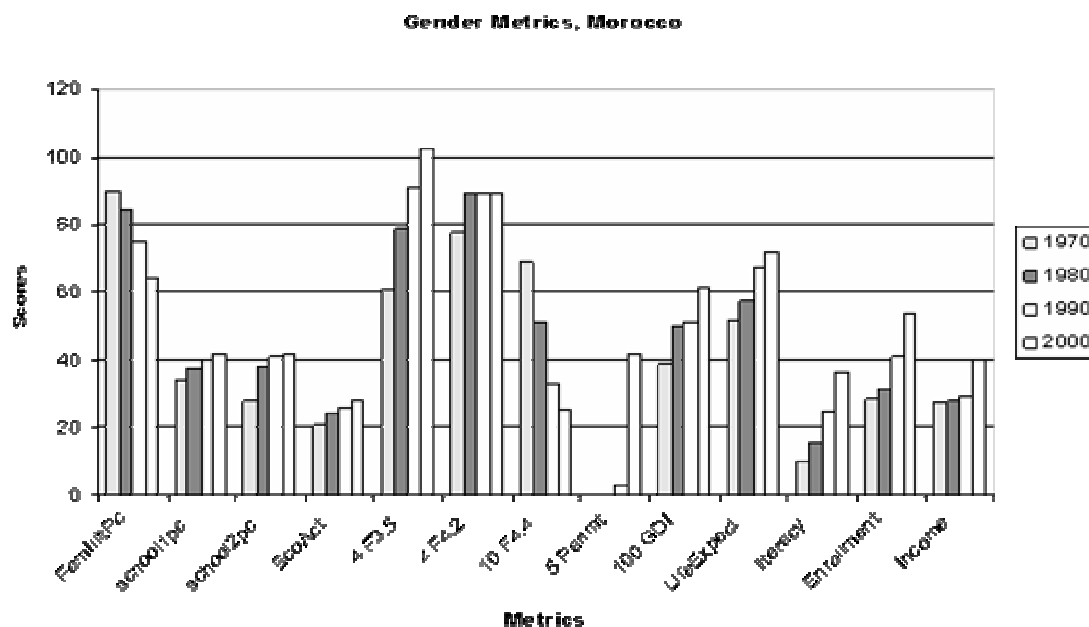
In this section I briefly review the data I have collected and present it in histogram format, using Microsoft's Excel program. In order to enhance the appearance of the histogram, I have adjusted the scale of many variables. For example, GDI has been multiplied by 100 to bring it to a scale of 0 to 100. Hence these histograms reflect the evolution of gender variables, more than their actual values. I will consider, in turn, Algeria, Morocco, then Tunisia.



**Figure 6: Histogram of Gender Variables, Algeria 1970-2000**

Most variables have evolved uniformly from 1970 to 2000. An interesting variable that has not evolved uniformly is female representation in parliament. It seems to have dropped in 1990, the year the Islamists were about to win legislative elections.





**Figure 7: Histogram of Gender Variables, Morocco 1970-2000**

Most variables appear to evolve uniformly, with the year 2000 showing the greatest advance, perhaps due to the ascent to the throne of young Mohamed VI, in 1999.

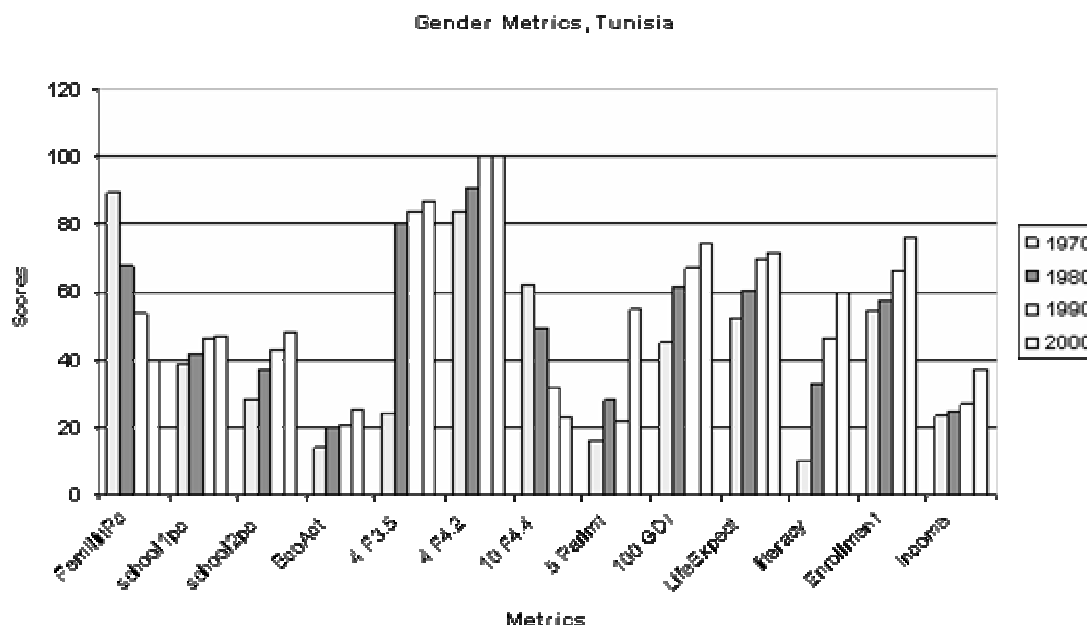


Figure 8: Histogram of gender Variables, Tunisia 1970-2000

Most variables show a uniform evolution between 1970, and many show the evolution accelerating in the recent past. This is the case in particular of all the variables that are used in the calculation of the GDI.

## 10.4 Democracy Indicators

To reflect the level of democratization of each country at each year, I have tentatively selected the three main variables of Freedom House, which are: PR (Political Rights), CL (Civil Liberties) and ST (Status). Because status (ST) is derived from PR and CL (it takes its value according to the sum PR+CL), I do not record it as a separate measure.

The results are given in the following table:

Country	Year	PR	CL
Algeria	1970	6	6
Morocco	1970	5	4
Tunisia	1970	6	5
Algeria	1980	6	6
Morocco	1980	4	4
Tunisia	1980	6	5
Algeria	1990	4	4
Morocco	1990	4	4
Tunisia	1990	5	4
Algeria	2000	6	5
Morocco	2000	5	4
Tunisia	2000	6	5

**Table 13: Freedom House Scores, 1970-2000**

I have recorded all this data, for gender equality and for democracy indicators, in an excel file, which is available online at the following address:

<http://www.themilis.net/amel/stats/gendervsdemocracy.xls>

To highlight the evolution of the democracy indicators for each country, we rearrange the table above by country, then by date. This yields:

Country	Year	PR	CL
Algeria	1970	6	6
Algeria	1980	6	6
Algeria	1990	4	4
Algeria	2000	6	5
Morocco	1970	5	4
Morocco	1980	4	4
Morocco	1990	4	4
Morocco	2000	5	4
Tunisia	1970	6	5
Tunisia	1980	6	5
Tunisia	1990	5	4
Tunisia	2000	6	5

**Table 14: Freedom House Scores, Sorted by Country, 1970-2000**

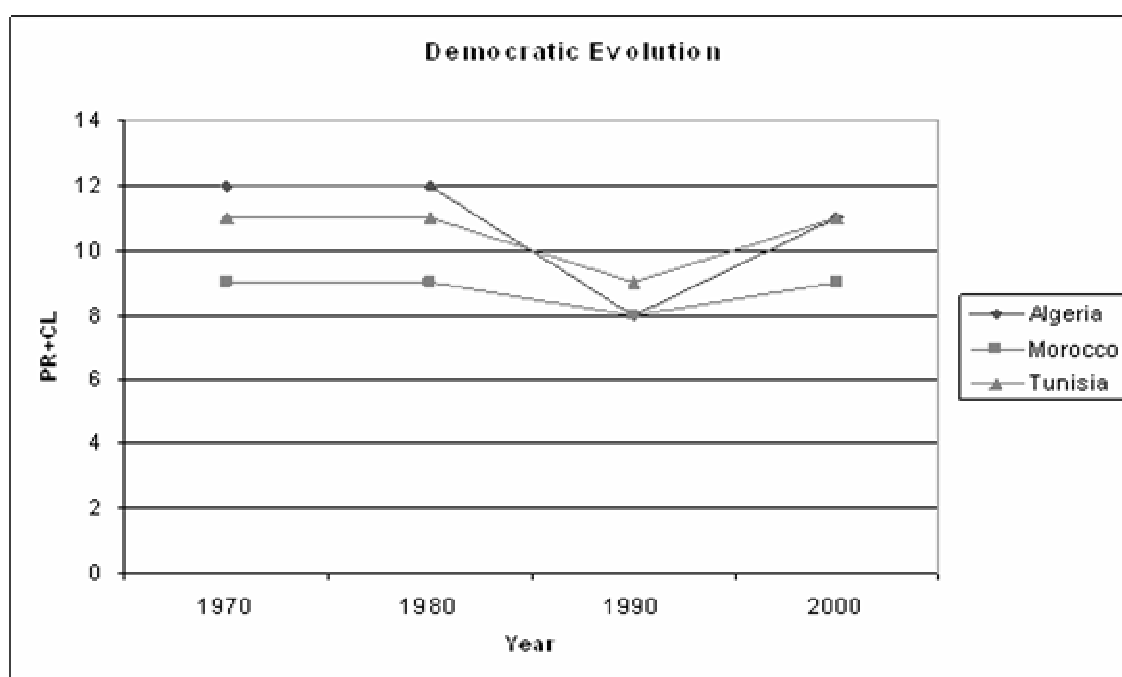
Note that the scores in this table are inverted, in the sense that the lower the score, the better. If, for the sake of argument, we define a composite score that is the sum of the two existing scores, we find the table 33, given in Appendix A.

We can make two immediate observations: the first is that while the GDI increases with time for each country, the composite democracy index does not. The second observation is that the score  $PR+CL$  is not commensurate with the gender equality indicators: The democracy index ranks the countries in the following order: Morocco, then Tunisia, then Algeria. By contrast, the gender equality indices consistently rank the countries in the following order: Tunisia, then Algeria, then Morocco. We can see this on the following table:

<b>Country</b>	<b>Year</b>	<b><math>PR+CL</math></b>
Algeria	1970	12
Algeria	1980	12
Algeria	1990	8
Algeria	2000	11
Morocco	1970	9
Morocco	1980	8
Morocco	1990	8
Morocco	2000	9
Tunisia	1970	11
Tunisia	1980	11
Tunisia	1990	9
Tunisia	2000	11

**Table 15: Composite Democracy Index, 1970-2000**

To represent this data graphically, I use the Graphical function of Microsoft Excel, and represent on the same chart the evolution of (PR+CL) for all three countries, from 1970 to 2000. This yields the following chart:



**Figure 9: Histogram of Democratic Index, 1970-2000**

It is important to note that the freedom house variables are inverted: the higher the value the less democratic the country. All three countries seem to have reached their greatest level of democracy in 1990, though it seems that they have also evolved favorably since the year 2000, for different reasons.

The statistical relations between gender equality indicators and democratic indicators will be analyzed and discussed in more detail in the next chapter.

## Chapter 11

### Statistical Analysis

I have selected a total of 13 gender equality variables and 2 democratic attribute variables. Before I proceed with the statistical analysis, I resolve to recode the variables, for the sake of readability. Specifically, I redefine variables so that they are all increasing with the attributes of interest (gender equality, democratic standards), and I rename them to reflect their meaning (where applicable).

#### 11.1 Recoding and Renaming Variables

I review in turn, gender variables then democratic standard variables.

##### 11.1.1 Gender Variables

In the previous chapter, I had introduced thirteen variables, which are listed below:

1. FemIllitPc: Percentage of Female Illiteracy.
2. School1pc: Percentage of Females attending primary school.
3. School2pc: Percentage of Females attending secondary school.
4. EcoAct: Percentage of Females who are economically active.
5. F3.5: Percentage of Economically active people who are female.

6. F4.2: Singulate mean age at marriage for females.
7. F4.4: Total fertility rate.
8. Parlmt: Percentage of females in national legislatures.
9. GDI: Gender Related Development Index.
10. LifeExpect: Female life expectancy.
11. Literacy: Female literacy rate.
12. Enrollment: Combined enrollment in primary and secondary school.
13. Income: Income percentage due to female.

In the table below, I review all the variables of interest, identify those that must be recoded or renamed, and represent their new name or new definition.

<b>Variable</b>	<b>Resolution</b>	<b>Remark</b>
FemIllitPc	Deleted	Complementary to Literacy
School1pc	Maintained	
School2pc	Maintained	
EcoAct	Maintained	
F3.5	Renamed	EcoFem
F4.2	Renamed	MarAge
F4.4	Renamed, Recoded	Renamed: FertRate. Recoded: 12 – F4.4
Parlmt	Maintained	
GDI	Maintained	
LifeExpect	Maintained	
Literacy	Maintained	
Enrollment	Maintained	
Income	Maintained	

**Table 16: Redefining Variables**

The resulting data table is given in Appendix A, under number 34.



Before I analyze the statistical relations between gender variables on one hand and democracy variables on the other hand, I want to consider relationships between variables of each category.

### 11.1.2 Democratic Standards Variables

The variables of democratic standards that I have adopted are reversed, in the sense that they decrease as the standards of a country increase. I recode them by taking their difference to 7. This yields the following table:

<b>Country</b>	<b>Year</b>	<b>PR</b>	<b>CL</b>
Algeria	1970	1	1
Morocco	1970	2	3
Tunisia	1970	1	2
Algeria	1980	1	1
Morocco	1980	3	3
Tunisia	1980	1	2
Algeria	1990	3	3
Morocco	1990	3	3
Tunisia	1990	2	3
Algeria	2000	1	2
Morocco	2000	2	3
Tunisia	2000	1	2

**Table 17: Freedom House Variables, Recoded**

## 11.2 Representative Variables

### 11.2.1 Statistical Relations Between Gender Variables

Because I have twelve gender variables, it may be difficult to analyze their relation to variables of democratic standards, as their correlation to democratic standards may vary from variable to variable. To simplify the discussion, I will analyze the correlations among gender variables to see if some are good representatives of the whole class. To this effect, I use a statistical analysis package called *XLSTAT*, © Addinsoft (New York, NY, <http://www.xlstat.com/>). I find the following correlations matrix:

Correlation matrix  
(Pearson):

Variables	school1pc	school2pc	EcoAct	EcoFem	MarAge	FertRate	Parlmt	GDI	LifeExpec <sub>t</sub>	Literacy	Enrollmen <sub>t</sub>	Income
school1pc	<b>1</b>	0.099	0.249	0.068	0.496	0.163	0.061	0.506	0.371	0.421	0.420	0.212
school2pc	0.099	<b>1</b>	0.200	0.121	<b>0.606</b>	<b>0.726</b>	0.421	<b>0.584</b>	<b>0.799</b>	<b>0.711</b>	<b>0.624</b>	0.520
EcoAct	0.249	0.200	<b>1</b>	<b>0.922</b>	0.356	<b>0.599</b>	0.167	0.254	0.447	0.304	0.067	<b>0.861</b>
EcoFem	0.068	0.121	<b>0.922</b>	<b>1</b>	0.384	<b>0.600</b>	0.197	0.339	0.484	0.354	0.020	<b>0.743</b>
MarAge	0.496	<b>0.606</b>	0.356	0.384	<b>1</b>	<b>0.781</b>	0.510	<b>0.909</b>	<b>0.852</b>	<b>0.911</b>	<b>0.771</b>	0.535
FertRate	0.163	<b>0.726</b>	<b>0.599</b>	<b>0.600</b>	<b>0.781</b>	<b>1</b>	<b>0.583</b>	<b>0.752</b>	<b>0.919</b>	<b>0.813</b>	<b>0.604</b>	<b>0.721</b>
Parlmt	0.061	0.421	0.167	0.197	0.510	<b>0.583</b>	<b>1</b>	<b>0.729</b>	0.515	<b>0.741</b>	<b>0.810</b>	0.447
GDI	0.506	<b>0.584</b>	0.254	0.339	<b>0.909</b>	<b>0.752</b>	<b>0.729</b>	<b>1</b>	<b>0.864</b>	<b>0.971</b>	<b>0.871</b>	0.516
LifeExpect	0.371	<b>0.799</b>	0.447	0.484	<b>0.852</b>	<b>0.919</b>	0.515	<b>0.864</b>	<b>1</b>	<b>0.894</b>	<b>0.684</b>	<b>0.663</b>
literacy	0.421	<b>0.711</b>	0.304	0.354	<b>0.911</b>	<b>0.813</b>	<b>0.741</b>	<b>0.971</b>	<b>0.894</b>	<b>1</b>	<b>0.868</b>	0.567
Enrollment	0.420	<b>0.624</b>	0.067	0.020	<b>0.771</b>	<b>0.604</b>	<b>0.810</b>	<b>0.871</b>	<b>0.684</b>	<b>0.868</b>	<b>1</b>	0.283
Income	0.212	0.520	<b>0.861</b>	<b>0.743</b>	0.535	<b>0.721</b>	0.447	0.516	<b>0.663</b>	0.567	0.283	<b>1</b>
<b>Importance</b>	<b>1</b>	<b>7</b>	<b>4</b>	<b>3</b>	<b>7</b>	<b>11</b>	<b>5</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>5</b>

---

Values in bold are significantly different from 0 with a significance level  $\alpha=0.05$

Summary statistics:

---

Variable	Observations	Obs. With missing data	Without missing data	Minimum	Maximum	Mean	Std. deviation
school1	12	0	12	34.000	90.700	55.075	19.552
school2	12	0	12	15.700	48.000	33.917	11.806
ecoact	12	0	12	10.200	27.770	19.267	6.103
ecofem	12	0	12	4.260	25.510	15.313	7.340
marage	12	0	12	19.300	25.000	22.383	2.021
fertrate	12	0	12	5.110	9.700	7.520	1.557
parlmt	12	0	12	0.000	11.000	3.869	3.101
gdi	12	0	12	0.387	0.743	0.569	0.115
lifeexp	12	0	12	51.800	72.400	63.007	8.146
literacy	12	0	12	9.800	60.100	30.388	16.744
enrollment	12	0	12	28.200	76.000	53.371	15.006
income	12	0	12	15.290	39.900	27.088	6.855

---

**Table 18: Correlations, Representative Gender Variables**

In the row labeled *importance*, I record the number of variables that XLSTAT finds highly correlated with the current (column) variable. Interestingly, this table shows that the single most representative variable is the fertility rate. Other highly representative variables include the Life Expectancy, Enrollment Percentage, Literacy Rate, and (not surprisingly) GDI.

### 11.2.2 Statistical Relations Between Democratic Variables

For completeness, I also briefly review the correlation between variables of democratic standards, even though the identification of a representative variable is not important. Not surprisingly, PR and CL are very highly correlated.

Variables	PR	CL
PR	<b>1</b>	<b>0.810</b>
CL	<b>0.810</b>	<b>1</b>

Values in bold are significantly different from 0 with a significance level  $\alpha = 0.05$

Summary statistics:

Variable	Observations	Obs. With missing data	Obs. Without missing data	Minimum	Maximum	Mean	Std. deviation
pr	12	0	12	1.000	3.000	1.750	0.866
cl	12	0	12	1.000	3.000	2.333	0.778

**Table 19: Correlations, Representative Democracy Variables**

The high correlation between them suggests that political rights and civil liberties go hand in hand, for my sample.

## 11.3 Gender Equality versus Democratic Standards

### 11.3.1 Correlations

In this section I review and analyze the correlations between variables of gender equality and variables of democratic standards. Using the Pearson Correlation function of XLSTAT, I compute the correlations between these two sets of variables, and find the following table.

Variables	PR	CL
school1pc	0.185	0.116
school2pc	0.111	0.254
EcoAct	0.347	<b>0.633</b>
EcoFem	0.386	<b>0.618</b>
MarAge	0.081	0.287
FertRate	0.154	0.326
Parlmt	<b>-0.614</b>	-0.355
GDI	-0.164	0.023
LifeExpect	0.187	0.332
literacy	-0.138	0.082
Enrollment	-0.450	-0.232
Income	0.172	0.540

Values in bold are significantly different from 0 with a significance level  $\alpha = 0.05$

Summary statistics:

Variable	Observations	Obs. With missing data	Obs. Without missing data	Minimum	Maximum	Mean	Std. deviation
school1	12	0	12	34.000	90.700	55.075	19.552
school2	12	0	12	15.700	48.000	33.917	11.806
ecoact	12	0	12	10.200	27.770	19.267	6.103
ecofem	12	0	12	4.260	25.510	15.313	7.340
marage	12	0	12	19.300	25.000	22.383	2.021
fertrate	12	0	12	5.110	9.700	7.520	1.557
parlmt	12	0	12	0.000	11.000	3.869	3.101
gdi	12	0	12	0.387	0.743	0.569	0.115
lifeexp	12	0	12	51.800	72.400	63.007	8.146
literacy	12	0	12	9.800	60.100	30.388	16.744
enrollment	12	0	12	28.200	76.000	53.371	15.006

income	12	0	12	15.290	39.900	27.088	6.855
pr	12	0	12	1.000	3.000	1.750	0.866
cl	12	0	12	1.000	3.000	2.333	0.778

**Table 20: Correlations, Gender versus Democracy**

The first column of this correlation table allows us to dismiss completely any notion that political rights have any meaningful correlation with gender equality. Indeed, many of the entries in this column are negative, and most of those that are positive have small to negligible absolute values. The only value that has a relatively high absolute value (Parlmnt vs PR) seems to be saying that the higher the percentage of women in national legislatures, the less political rights people have. The second column (gender equality vs CL) is only marginally better, providing small or negative correlation values, except for two variables, EcoAct and EcoFem. Yet, as table 18 shows, these two variables are very unimportant gender equality variables, as they are very poorly correlated with other gender variables.

I had found, in table 18 that the most representative variable among the gender equality variables is FertRate, followed by GDI, LifeExpect, Literacy, and Enrollment. In table 21, I consider the correlations between these representative variables and the variables of democratic standards.

Variables	PR	CL
FertRate	0.154	0.326
GDI	-0.164	0.023
LifeExpect	0.187	0.332
literacy	-0.138	0.082
Enrollment	-0.450	-0.232

**Table 21: Correlations, Representative Gender Variables versus Democracy**

This table clearly shows that one has no basis for claiming that democratic standards raise with gender equality standards. Not only are some of these variables negative (paradoxically), but even those that are positive have on average very small values, the largest being 0.332.

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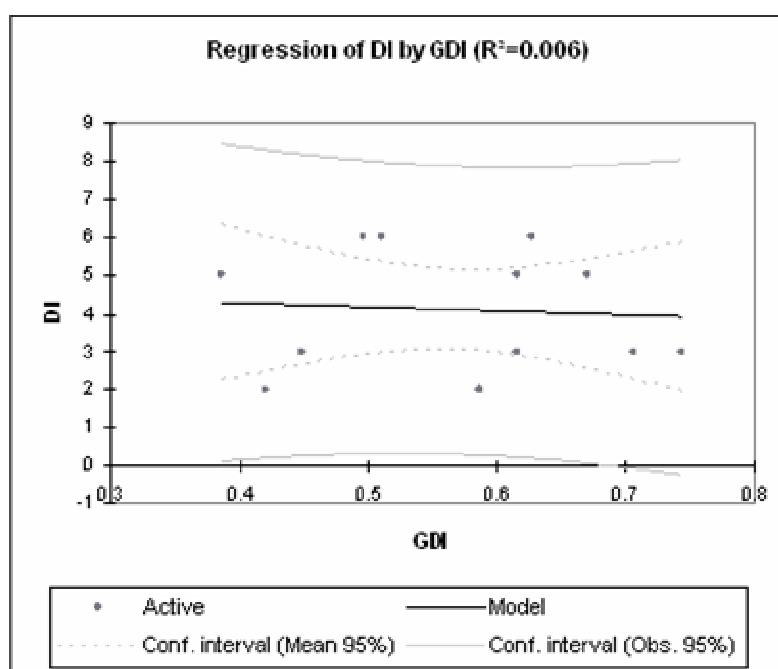
### 11.3.2 Linear Regressions

To reinforce the impression I get from the correlation analysis, I consider linear regressions between the selected gender equality variables (GDI, FertRate, LifeExpect, Literacy, Enrollment) and the democratic variables. To simplify the study, and because I have observed a high correlation between PR and CL, I represent democratic standards by the sum PR+CL (I represent this quantity by DI, for democratic index). This leads to three regressions, which I consider in turn.

DI as a function of GDI. I derive a linear regression using DI for the Y variable and GDI for the X variable. I obtain the following plot (Figure 10), which shows that the predicted value of DI is different from the actual values. Interestingly, the modeled value of DI is almost independent of GDI, as it barely varies at all for GDI going from 0.4 to 0.8. The R-square of a regression varies between 0 and 1.0, and reflects the goodness of the fit (according to [Abelson, 1995]). The R-square value given by XLSTAT running on Microsoft Excel for this regression is: 0.006. This is a very low value, suggesting that DI is not a linear function of GDI. This conclusion is further supported by the table of

standardized residuals, which I do not show here (for the sake of space); this table is visible in the Excel file that is posted at:

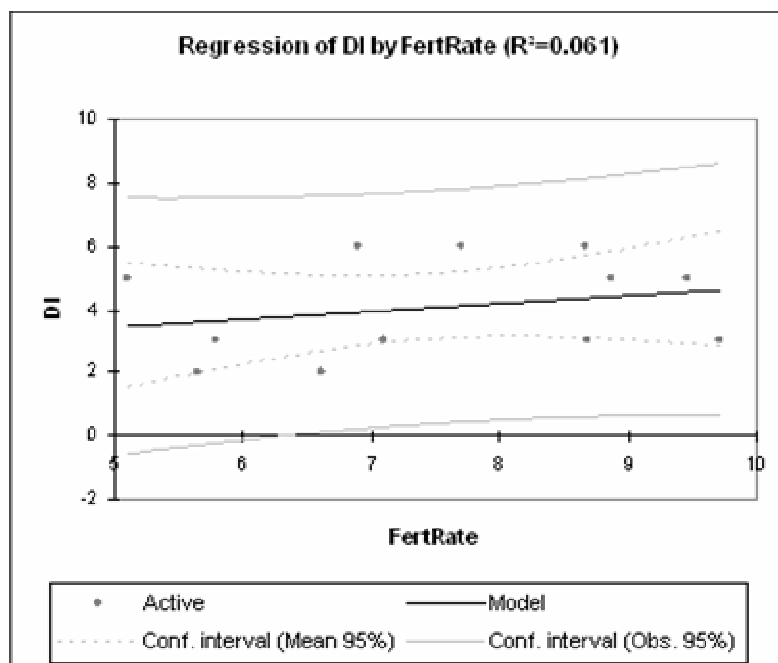
<http://www.themilis.net/amel/gendervsdemocracy08.xl>



**Figure 10: Linear Regression,  $DI=f(GDI)$**

DI as a function of the Female Fertility Rate. I repeat the same experiment, using FertRate rather than GDI as a measure of gender equality. The regression gives the following graph (Figure 11.2). The R-square of this regression is: 0.061. This is a very low value, suggesting again that DI is not a linear function of FertRate (though it is higher than the value found for GDI). Note that the confidence interval is so broad that it almost covers the whole range of 0 to 10, suggesting again that DI is not a linear function of FertRate.





**Figure 11: Linear Regression,  $DI=f(\text{FertRate})$**

DI as a function of Female Life Expectancy. I repeat the same experiment, using Female Life Expectancy as a measure of gender equality. The regression gives the following graph (Figure 12). The value of the R-square for this regression is 0.072. Note that the confidence interval is very broad. The standard residual table (not included here, but available online) shows standard residuals ranging from -1.3 to 1.5; these are very high values, suggesting that DI is not really dependent on female life expectancy.

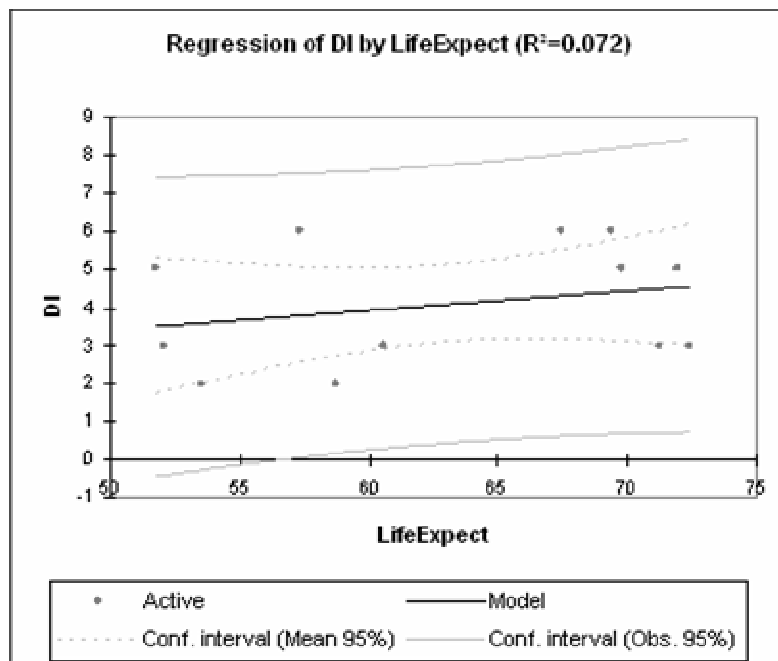
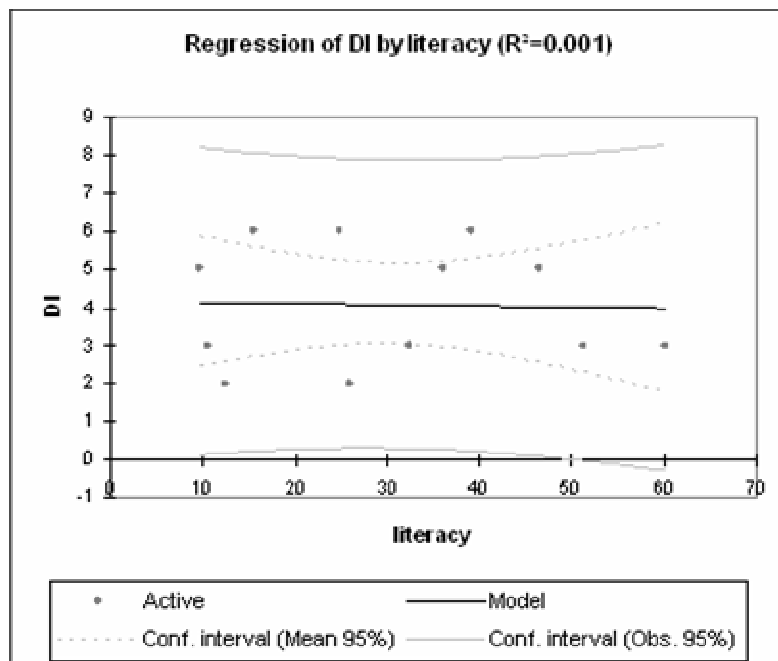


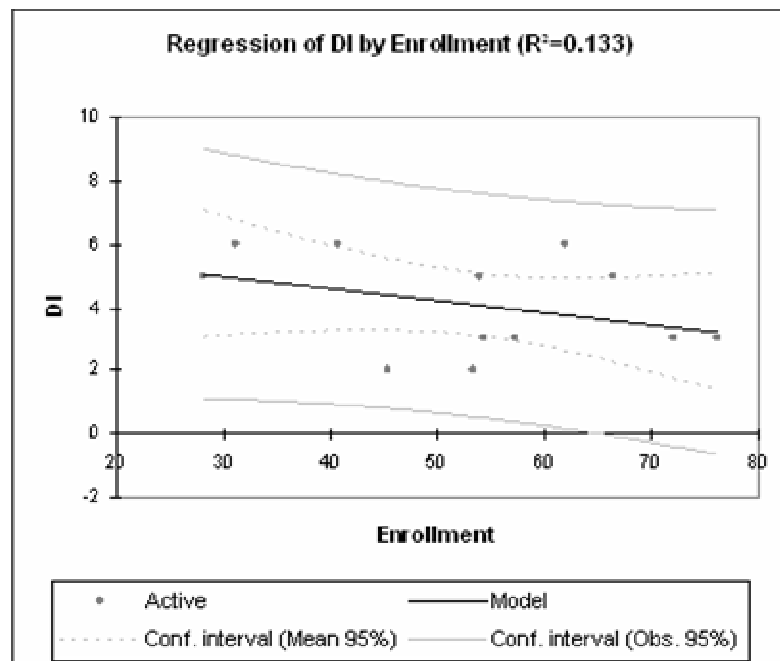
Figure 12: Linear Regression,  $DI=f(\text{LifeExpect})$

DI as a function of Female Literacy Rate. I repeat the same experiment, using Female Literacy Rate as a measure of gender equality. The regression gives the following graph (Figure 13). The value of the R-square for this regression is 0.001. Note that the confidence interval is very broad (ranging from less than 0 to more than 8). The standard residual table (not included here, but available online) shows standard residuals ranging from -1.4 to 1.5; these are very high values, suggesting that DI is not really dependent on female literacy rate.

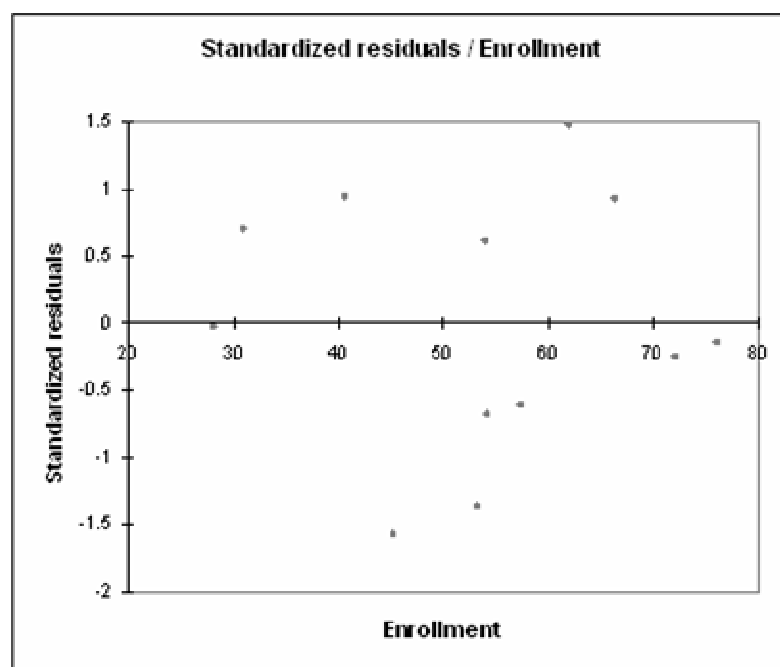


**Figure 13: Linear Regression,  $DI=f(\text{Literacy})$**

DI as a function of Female Enrollment Rate. I repeat the same experiment, using Female Enrollment Rate as a measure of gender equality. The regression gives the following graph (Figure 14). The value of the R-square for this regression is 0.133. Note that the confidence interval is very broad (ranging from less than 0 to more than 8). The standard residual table (Figure 15) shows standard residuals ranging from -1.6 to 1.5; these are very high values, suggesting that DI is not really dependent on female enrollment rate.



**Figure 14: Linear Regression,  $DI=f(\text{Enrollment})$**



**Figure 15: Standard Residuals: Enrollment**

My data shows that all five gender variables, GDI (gender related development index), FertRate (female fertility rate), LifeExpect (female life expectancy), Literacy (female literacy rate) and Enrollment (female enrollment rate in primary and secondary education) have no meaningful statistical relation to DI (the democracy index,  $DI=13-(PR+CL)$ ).

## 11.4 Human Development Index

Because I failed to find a meaningful statistical correlation between gender equality and democratic standards, I have resolved to consider the Human Development Index (HDI) to see if it is or is not correlated to democratic standards. In other words, if there is no correlation between (for example) GDI and DI, is it because GDI is not correlated to HDI or because HDI is not correlated to DI? To this effect, I have collected information about the HDI value for the three countries of interest for the four years of interest (1970, 1980, 1990, 2000). I find the following table for the HDI index, where I have used the value of 1975 to fill the 1970 entry.

Country	Year	HDI
Algeria	1970	0.5
Morocco	1970	0.44
Tunisia	1970	0.52
Algeria	1980	0.56
Morocco	1980	0.48
Tunisia	1980	0.57
Algeria	1990	0.65
Morocco	1990	0.55
Tunisia	1990	0.67
Algeria	2000	0.71
Morocco	2000	0.62
Tunisia	2000	0.73

**Table 22: HDI for the Maghreb, 1970-2000**

Then I combine this information with the information pertaining to GDI (for gender equality) and to DI (for democratic standards), which produces the following table.

Country	Year	GDI	HDI	DI
Algeria	1970	0.421	0.5	2
Morocco	1970	0.387	0.44	5
Tunisia	1970	0.448	0.52	3
Algeria	1980	0.587	0.56	2
Morocco	1980	0.496	0.48	6
Tunisia	1980	0.616	0.57	3
Algeria	1990	0.627	0.65	6
Morocco	1990	0.511	0.55	6
Tunisia	1990	0.67	0.67	5
Algeria	2000	0.706	0.71	3
Morocco	2000	0.616	0.62	5
Tunisia	2000	0.743	0.73	3

**Table 23: GDI, HDI and DI for the Maghreb, 1970-2000**

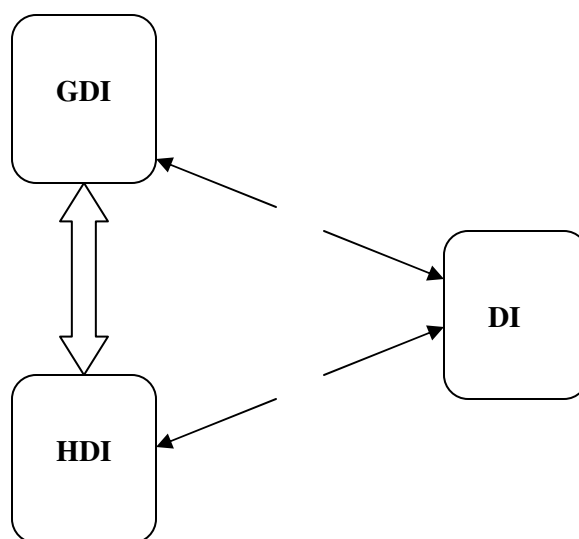
I use the correlation function of XLSTAT running on Microsoft Excel to compute the correlation matrix of variables GDI, HDI, and DI, and I find the following table.

Variables	GDI	DI	HDI
GDI	<b>1</b>	-0.079	<b>0.950</b>
DI	-0.079	<b>1</b>	-0.090
HDI	<b>0.950</b>	-0.090	<b>1</b>

**Table 24: Correlation Matrix for GDI, HDI and DI for the Maghreb, 1970-2000**

It is clear from this matrix that GDI and HDI are highly correlated (0.950), hence it is unlikely that HDI gives a different outcome from GDI. This analysis suggests that GDI and HDI are highly correlated to each other, and have little or no correlation to indices of democracy; we represent this by the following figure. In other words, if there is an

analytical explanation to the lack of correlation between GDI and DI, it is unlikely to be a gendered explanation. Instead, because GDI and HDI appear to be evolving in step, the explanation must be found in the fact that a people may have a high human development index but a low democratic index. This will be discussed further in Chapter 13.



**Figure 16: Both HDI and GDI are weakly correlated to DI**

## 11.5 Alternative Variables of Gender Equality

In section 11.1, I had shown that variables FertRate, LifeExpect, Literacy and Enrollment are good representative variables for gender equality, in the sense that they are highly correlated to almost all the other gender variables. In this section, I consider the same question as the previous section, while using these as variables of gender equality, rather than GDI. I consider the table of gender equality indices (FertRate, LifeExpect,

Literacy, Enrollment), democracy indices (DI), and human development index (HDI); this table is presented in Appendix A.

Taking the correlations between FertRate, LifeExpect, Literacy, Enrollment, HDI and DI, I find the following matrix:

Variables	FertRate	LifeExpect	literacy	Enrollment	DI	HDI
FertRate	<b>1</b>	<b>0.919</b>	<b>0.813</b>	<b>0.604</b>	0.248	<b>0.799</b>
LifeExpect	<b>0.919</b>	<b>1</b>	<b>0.894</b>	<b>0.684</b>	0.269	<b>0.887</b>
literacy	<b>0.813</b>	<b>0.894</b>	<b>1</b>	<b>0.868</b>	-0.036	<b>0.973</b>
Enrollment	<b>0.604</b>	<b>0.684</b>	<b>0.868</b>	<b>1</b>	-0.364	<b>0.933</b>
DI	0.248	0.269	-0.036	-0.364	<b>1</b>	-0.090
HDI	<b>0.799</b>	<b>0.887</b>	<b>0.973</b>	<b>0.933</b>	-0.090	<b>1</b>

**Table 25: Correlations between FertRate, LifeExpect, Literacy, Enrollment, HDI and DI**

This table supports the following observations:

- Not surprisingly, HDI is highly correlated to the gender variables, in the same way as it was highly correlated to GDI.
- DI has very low correlations with HDI and with gender equality variables, and in fact has a negative correlation with half of them.

Hence regardless of how we measure gender equality, we find it un-correlated with DI, that reflects democratic standards.



## 11.6 Gender Equality versus Democracy Index Abroad

In order to further elucidate the relationship between gender equality variables and democracy index variables, I resolve to analyze the correlation between GDI and DI in the general case, worldwide; also, to prepare the analytical study of Chapter 13, I also include in the discussion the human development index, HDI. To this effect, I collect data on HDI and GDI from the UNDP statistics database, and I use the democracy index of *The Economist*. This produces a table of HDI and GDI for the year 2005, and a table of DI for the year 2007, each containing about 170 entries (there is a two year gap between the year HDI and GDI are taken and the year DI is taken, but I will assume that these values do not change drastically over the two year period). I put these tables side by side to eliminate any possible mismatch in the names of the countries or in their alphabetical orders. The resulting table (which covers a total of 162 countries) is given in appendix A. Some countries have been eliminated when I did not have complete up to date information for them.

I use XLSTAT running on Microsoft Excel to compute the Pearson correlations between HDI, GDI and DI. Because some values of GDI are missing, the correlations involving GDI will be run on the rows where values are available. The correlations are given in the table below.

Correlation matrix (Pearson):			
Variables	HDI	GDI	DI
HDI	<b>1</b>	<b>0.999</b>	<b>0.645</b>
GDI	<b>0.999</b>	<b>1</b>	<b>0.651</b>
DI	<b>0.645</b>	<b>0.651</b>	<b>1</b>

**Table 26: Correlation Matrix for HDI, GDI and DI, for all 162 countries**

This correlation matrix is very revealing.

- First, it shows a very highly correlation between HDI and GDI, and puts into question why we need two variables.
- Second, it shows a significant correlation between GDI and DI, meaning that the lack of correlation between these two variables in the Maghreb requires a specific explanation.

To further analyze the relation between GDI and DI, I consider linear regression, taking GDI as variable X and DI as variable Y. This yields the following graph, shown in Figure 17. Note that R square of this regression is 0.424, higher than anything we have found before for the Maghreb.

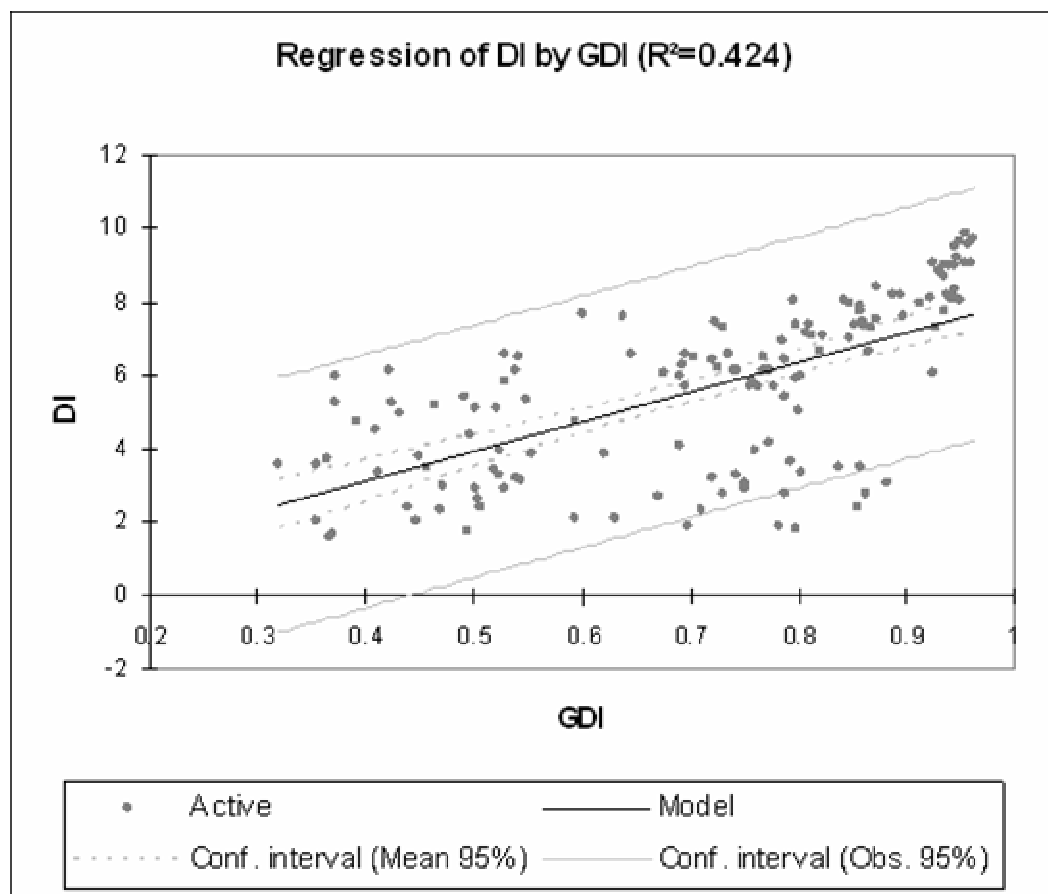


Figure 17: DI as a function of GDI, for 162 countries

To summarize the empirical results of this chapter, I observe that unlike other countries worldwide, gender equality and democratic standards are not correlated in the Maghreb. Furthermore, this discrepancy is not a gendered issue but rather a human development issue. In other words, the question I must answer in the analytical study is not: why do we observe low democratic standards despite high human development standards.

## 11.7 Dimensions of Identity

Because GDI and DI have a significant correlation worldwide but not for the Maghreb, I ask the question: what aspect of the Maghreb's identity accounts for this discrepancy.

As I have discussed in Chapter 4, the Maghreb can be seen to have four overlapping identities:

- Arab,
- Muslim,
- African,
- Mediterranean.

I consider correlations between GDI, HDI and DI for all four sets of countries, extracted from the list of countries used in the previous section.

### 11.7.1 Islamic Countries

As shown in the table below (obtained from winStat), the correlation between GDI and DI is 0.0292; this is a very small value, suggesting these quantities are nearly independent.

#### Pearson Correlation

	HDI	GDI	DI
<b>HDI</b>			
Correlation coefficient	1	0.998611346	-
valid cases	43	38	43
one-sided significance	0	6.31131E-48	0.490329746
<b>GDI</b>			
Correlation coefficient	0.998611346	1	-
valid cases	38	38	38
one-sided significance	6.31131E-48	0	0.430884991
<b>DI</b>			
Correlation coefficient	-	-	1

	0.003809121	0.029216201	
valid cases	43	38	43
one-sided significance	0.490329746	0.430884991	0

	-
<b>Cronbach's Alpha</b>	0.017603714
<b>Scott's Homogeneity-Quotient</b>	-
	0.029174862

**Table 27: Correlations HDI, GDI versus DI, Muslim Countries**

### 11.7.2 African Countries

The correlation between GDI and DI for African countries is very low at 0.0364, suggesting only the slightest statistical link.

#### Pearson Correlation

	HDI	GDI	DI
<b>HDI</b>			
Correlation coefficient	1	0.998834442	0.019191069
valid cases	47	46	47
one-sided significance	0	7.21174E-60	0.449060144
<b>GDI</b>			
Correlation coefficient	0.998834442	1	0.036468465
valid cases	46	46	46
one-sided significance	7.21174E-60	0	0.404927082
<b>DI</b>			
Correlation coefficient	0.019191069	0.036468465	1
valid cases	47	46	47
one-sided significance	0.449060144	0.404927082	0

<b>Cronbach's Alpha</b>	0.063859735
<b>Scott's Homogeneity-Quotient</b>	0.129578759

**Table 28: HDI, GDI versus DI, African Countries**

### 11.7.3 Arab Countries

The correlation between GDI and DI for Arab countries is -0.3038, which is fairly significant but not very high.

#### Pearson Correlation

	HDI	GDI	DI
<b>HDI</b>			
Correlation coefficient	1	0.998106105	-
valid cases	18	16	18
one-sided significance	0	1.16584E-18	0.115689674
<b>GDI</b>			
Correlation coefficient	0.998106105	1	-0.30382703
valid cases	16	16	16
one-sided significance	1.16584E-18	0	0.12630569
<b>DI</b>			
Correlation coefficient	-	-0.30382703	1
valid cases	0.296992581	16	18
one-sided significance	0.115689674	0.12630569	0
<b>Cronbach's Alpha</b>	-	0.661557177	
<b>Scott's Homogeneity-Quotient</b>	-	0.673947627	

Table 29: HDI, GDI versus DI, Arab Countries

### 11.7.4 Mediterranean Countries

The correlation between GDI and DI for Mediterranean countries (North Africa, the Middle East, Southern Europe) is very significant, at 0.7126.

**Pearson Correlation**

	HDI	GDI	DI
<b>HDI</b>			
Correlation coefficient	1	0.999112741	0.700286932
valid cases	18	16	18
one-sided significance	0	5.78958E-21	0.000605573
<b>GDI</b>			
Correlation coefficient	0.999112741	1	0.712588123
valid cases	16	16	16
one-sided significance	5.78958E-21	0	0.000974728
<b>DI</b>			
Correlation coefficient	0.700286932	0.712588123	1
valid cases	18	16	18
one-sided significance	0.000605573	0.000974728	0
<b>Cronbach's Alpha</b>	0.243136977		
<b>Scott's Homogeneity-Quotient</b>	1.007236775		

Table 30: HDI, GDI versus DI, Mediterranean Countries

**11.7.5 Conclusion and Assessment**

We can easily dismiss the discussion of HDI and GDI, as they appear to be virtually identical, worldwide. Hence I focus exclusively on the discussion of statistical relations between GDI and DI, which I summarize below:

Country Set	Sample Size	Correlation GDI vs DI
Maghreb	12 (3 countries, 4 dates)	-0.079
Muslim countries	43	0.0038
African countries	46	0.0364

Arab countries	16	0.3038
Mediterranean countries	16	0.7126
Worldwide	162	0.645

**Table 31: Summary of Correlations**

The value of the correlation between GDI and DI is closer to the values of Muslim countries and African countries than to the values of Arab countries and European countries.



## **Part V: Analytical Study**

In the previous part, I have found that gender equality measures and democratic standards measures are not statistically correlated. In this part, I review some of the theories that purport the existence of this statistical correlation and discuss why these theories are not applicable to countries of the Maghreb.

## **Chapter 12**

### **Theories of Gender and Democracy**

The purpose of this chapter is to review writings and theories on gender equality and the state. In the previous part, I had made the observation that although gender equality and democratic standards are usually correlated (re: an analysis of all the countries), they are not correlated when it comes to countries of the Maghreb. To complement this empirical observation, I must provide an analytical argument that explains why this correlation holds for countries in general but not for the Maghreb. To do so, I review the theories that are typically used to justify these correlations; in the next section, I discuss to what extent these theories apply or do not apply to the Maghreb.

Modernization or development theory establishes a link between gender equality and economic development. Modernization theory goes through different phases and stretches from a focus on industrialization to economic and social development to democratization. Elements explored in development theory and modernization can be classified under three headings: some gave first place to economic development, others looked at the political system and finally new studies turn their attention to the cultural factors.

#### **12.1 Economic Development**

Modernization theory suggests that industrialization precipitates comprehensive structural and ideological transformations that liberate women from their traditional bondage. According to this theory the adoption of machine technology imposes the norms of rationality and universalism on its users, promoting flexibility, open-mindedness, and independence in the individual personality and political democracy, class fluidity, and gender equality in the modern social structure contrasting traditional and modern society. This perspective generally hypothesizes a positive relationship between level of industrialization (or economic development) and female status. According to Inglehart and Norris, changes in gender roles can be observed on two levels:

- Industrialization brings women into the paid workforce and dramatically reduces fertility rates. During this stage, women make substantial gains in educational opportunities and literacy. Women are enfranchised and begin to participate in representative government, but they still have far less power than men.
- The second, postindustrial phase brings a shift toward greater gender equality, as women move into higher-status economic roles and gain greater political influence within elected and appointed bodies [Norris and Inglehart, 2001]

Gender equality is understood and accessed by reference to variables such as women's literacy, the proportion of women enrolled in secondary education, fertility rate, female shared income, female economic activity rate, gender role values (traditional or egalitarian); Gross Domestic Product per capita; the level of poverty, the ratio of female to male earned income; the female economic (see for example the HDI), activity rate as a

percentage of the male rate; the percentage of all professional and technician workers who are female; the urban population as a percentage of the whole; and the level of public expenditure on education and health. Historical analyses are put forth to demonstrate how the industrial revolution facilitates the access of women to the work place and helps reshape the family by limiting its size and provides women with new possibilities that take women to the market place and thus end their confinement to the house and child bearing and give them new opportunities . Countries of the Maghreb have experienced local versions of industrial and post industrial phases, and women have in general reaped the benefits associated with these experiences. Even though these phases happened much faster for the Maghreb than for Europe and North America (for which these theories are tailored), they were accompanied by social modernization movements that consolidated their gains for women.

## **12.2 Political System**

Institutional accounts of modernization theory emphasize the type of political system and some of its specific features, as the primary explanation for women's situation in society and argue that changing the political system can be an effective way to promote gender equality. Among institutional variables, the *level of democratization* has the broadest effects. In general, the transition and consolidation of democratic societies can be expected to promote widespread political and civil liberties, including the right of women to vote and to stand for elected office.

It is a matter of common wisdom that democratic governance promotes gender equality. Liberal democracy is usually promoted as the most favorable regime for gender equality [Hollenbaugh, 2006; Norris, 1987]. Liberal democracy is defined as “a political system marked not only by free and fair elections, but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion and property” [Zakaria 1997]. Liberal democracy is also defined as a type of government characterized by a set of mechanisms, a set of rights as well as the attainment of a culture to underpin and consolidate these rights and the belief that human beings have certain inalienable rights and that the government mission is to protect these rights are all important to liberal democracies.

However, feminists are divided regarding the role of the state in promoting gender equality. As far as the role of the state in affecting gender equality, we adopt a classification proposed by political theorists, which divides state organizations into three categories [Spender 1985], [Charvet 1982], [Eisenstein, 1984].:

- Marxist/Classical liberal,
- Social Democratic
- Radical Feminists.

We review these in turn, below.

### **12.2.1 Classical liberal**

In his seminal book “*Subjection of Women*”, John Stuart Mill [Mill, 1869] argues that women are equal to men in terms of, abilities; Mill can be credited as an early advocate of what would become the classical liberal viewpoint. Even though Mill did not envision an active role for married women outside the home, current thinking in classical liberalism provides that the state should remove barriers to individual achievement through the creation of legal equality, preventing employment discrimination and supporting the conditions for female work such as facilitating child care. However, in the liberal tradition, the division public/private is kept. The state is not expected to intervene in private affairs and its action is restricted to guaranteeing individual rights.

Contemporary liberal feminists have used this set of claims to argue for changes in laws and in workplace opportunities for women; through the removal of legal barriers women are expected to gain the opportunity to compete with men. Once women’s contribution to public and professional life is demonstrated then stereotypes and segregation will diminish. Kids will be raised in new beliefs and the image of women will definitely be reevaluated. A variation of liberal theory claims that the state should give a special focus to the abolition of gender segregation of occupational roles for the achievement of women’s equality. Segregational roles, will at one point hinder women’s access to economic and political power no matter how well they perform in their jobs [Agassi 1977, Bergmann 1974, 1986, Epstein 1981, Reskin 1988]. In the same line of this theory some anthropological work demonstrated that in preliterate society, the more work activities are carried out by both genders indiscriminately, the higher the status of women [backdayan, 1977, Rosaldo and lamphere 1974, Sacks 1974].

### 12.2.2 Social Democrats

In the social democrat theory of the world, women oppression is a form of social oppression, and is intended to serve the same goal, that of furthering the interests of capitalists. By contrast with liberals, who argue for a total formal equality as the best way to promote gender equality, social democrats think that formal equality will not cut into the deep roots of domination and will not reverse or deeply affect gender inequality [Martin, 1976]. They believe that the roots of male domination can be found in the social relation of production which subjugates women to the profit of the capital accumulation, and makes a large proportion of women work unacknowledged and/ or un-rewarded (this includes work such as housework, or women's work in farming). Formal equality can benefit some women who will access education and paid work but will still be in lower paid work and support the burden of the household.

The philosophy of social democrats, which encompasses diverse trends from socialists, democrats, Leninists, and Trotskyists, takes origins in the work of Karl Marx and Frederic Engels, August Bebel and Alexandra Kollontai [Charvet 1982, Elshtain 1981,], who believe that the problem faced by women are faced by them as a class being exploited for the purpose of the capital.

In his book *Origins of the Family, Private Property and the State* (1884), Engels illustrates how gender relations have undergone a deep reorganization with the emergence of private property and ownership. Reasoning in terms of infrastructure and superstructure, Engels shows how religion, morality, sexuality (exclusivity of women and



confinement of women to the private sphere to serve the purpose of the family, capital transmission) have been reshaped to serve the purpose of the capital.

This is an original viewpoint, in the sense that it shows gender relations to be an economic phenomenon, rather than a social/ cultural phenomenon [Holmstrom, 2003].

Socialist feminist will thus combat the patriarchy. In this regard, social feminist will be tying women's situation to structural change that needs to come about through the change in the relations of production and the destruction of the bourgeois family and the bourgeois state.

### **12.2.3 Radical Feminist**

Radical feminists believe that sexism is the first and oldest form of domination which all humanity . They believe that it is the source of many other forms of social ills, including racism, class hatred, ageism, competition, ecological disaster, and economic exploitation [ Morgan, 1977]. The source of women's domination is linked to biological differences between male and female and the gendered nature of child. As such the reproductive mission of women is seen as the major handicap to their social productive mission. Consequently, the family is seen as the major handicap to women's liberation and becomes the favorite target of their criticism. The liberalization of sexual rights is seen as a major step towards the destruction of the family. Radical feminists give an important place to science as a tool to be used to promote gender equality. The development of scientific knowledge can help alter the biological divide between women and men. One radical feminist theory of gender equality condemns marriage and any long term

heterosexual liaison as detrimental to women's equality because of the resulting emotional dependence of women on men that results [Firestone, 1971].

Radical feminists views the actual state system as a patriarchal one, controlled by men for their own interest and this is true for both capitalist and socialist countries. [Eisenstein, 1984; Millet, 1971]. A political revolution might end capitalism but still women's domination which lays in all state institutions especially the family and the school remains. In this regard family has to be destroyed in order to end women's and children's oppression and state institutions abolished and sexual roles changed. For radical feminists there should be no separation between the private and public domains, and women should change how they perceive politics if they have to understand how male power operates at all levels and thus be able to see it in their personal life and start the change from there.

### **12.3. Cultural Factors**

In the 1990s, under the influence of the global shifts in political power as a consequence of the disappearance of the former communist 'Eastern Bloc', a fundamental rediscovery and acknowledgment of culture and tradition (in particular national, ethnic and religious traditions) as central dimensions of 'society' could be observed. Culture has become the new buzzword, according to [Wehler, 1975]. This applied likewise to the discipline of social science where the interest in cultural aspects to predict and explain social trends in gender equality has been formulated as a critique to the shortcomings of institutional and

economic variables to give a satisfactory explanation to the variations in women's situations in countries having similar economic development and institutions.

A cross country survey done by Pippa Norris and Ronald Inglehart in 2003 [Inglehart and Norris, 2003] showed that the proportion of women in national parliament seemed not to be related to the economic wealth of the countries and their degree development. Countries that are relatively similar such as Canada (where 20 percent of parliamentarians are women) and the United States (13 percent) or the Netherlands (36 percent) and Italy (11 percent), have different percentage in women access to legislature. At the same time countries that are poorer have sometimes greater representation in their national bodies than more affluent countries. Mozambique ranks 9 in the world, South Africa 10<sup>th</sup>, and Venezuela 11<sup>th</sup> while the United States ranks 50<sup>th</sup> France 59<sup>th</sup> and Japan 94<sup>th</sup> (Inglehart, Norris, 2003). The authors concluded that structural and institutional explanations need to be supplemented by accounts emphasizing the importance of political culture.

### **12.3.1. Evaluation of Modernization Theory**

The major flaws and appraisal addressed to modernization theory has been deeply explored by Hans Ulrich Wehler in his book *Modernisierungstheorie und Geschichte* published in 1975 and listed as follow [Lorenz, 2006].

1. Modernization theories take Western, and especially US society, as the implicit model for 'modern' societies in general.

2. Theories of modernization presuppose a unilinear developmental logic from tradition to the US type of modernity. They therefore presuppose one unified premodern tradition and the superiority of the West over the non-West.
3. Theories of modernization dichotomize world history into a phase of tradition and a phase of modernity, reducing world history to a transformation process from tradition to modernity (i.e. modernization).
4. Theories of modernization presuppose a unified development of an integrated system without consideration of regressive developments of subsystems. This was important because the 'Bielefeld School' interpreted fascism in terms of the 'uneven development' of the economic and political subsystems of Germany and Japan.
5. Theories of modernization presuppose that social systems are in a state of equilibrium which entails focusing on structures instead of processes.
6. Theories of modernization implicitly identify the social system with the nation-state.
7. Theories of modernization are characterized by an underestimation of the role of politics.
8. Theories of modernization do not conceptualize power, conflict and interests in adequate ways. However, and despite its flaws Walter will contend that modernization theory is still the most accurate theory to account, explain and compare historical processes of social change and argued for its superiority to the Marxist approach which he considers just as a variation of modernization theory. He summarizes his arguments as follow<sup>xlvi</sup>:

1. Theories of modernization represent the most differentiated conceptual instrument for comprehending the ‘dynamic of the singular evolutionary process’ the world is going through since the Industrial and the French Revolution (Wehler 1975, p. 59).
2. No superior alternative to theories of modernization exists, including Marxism. Marxian theory only represented one variant of the theory of modernization according to Wehler.
3. Theories of modernization allow for clearly specifying the normative elements of the modernization concept, that is: the liberal and democratic values, which can be used as the normative foundation of a societal critique.
4. Theories of modernization offer typologies by which historians can identify the similarities and the differences in concrete historical processes of modernization.

Modernization theory presupposes a path to modernity where economic modernization (capitalism) and political modernization (democratization) proceeded more or less parallel as the example of England, France and the USA. Theory of modernization has been described as a theory that operates with a “blind spot” that never questions modernity itself or the enlightenment believe even if some aspects of modernity can be criticized. It has been criticized as failing to account for the horrors that occurred such as wars and genocides.

### **12.3.2 Dependency Theory**

A more recent development perspective based on Marxist and conflict theories challenges the optimistic assertions of modernization theory by hypothesizing that female status deteriorates as capitalist development proceeds. Dependency theory hypothesizes a negative relationship between capitalist development, foreign investment, and female status.

On the Maghrebine side the dependency discourse developed in the seventies and eighties when intellectual Arab feminists from leftist parties approached gender inequality from a developmental international perspective. Basically their argument is the following: gender equality is not possible as far as the international global economic system creates a center and a periphery. The center will use and abuse the periphery for its needs. This system of exploitation is most likely to be reproduced at the state level where authoritarian regimes will rise creating the same scheme and at the family level between women and men.

The dependency discourse subordinates Arab women's issues to their colonial and postcolonial situation and links their problems to poverty and political repression facing them as third world countries. It corresponds to the rise of the first non governmental feminist organizations such as Nisa'a Dimuqratiyat (Women Democrats) formed in 1989, which "works to integrate women in society and to build up a new society based on men and women working together" (Mervat Hatem, 1993), and the *Tunisian Association of Women Researchers* created to "...highlight the role of women in development...and create favorable gender focus development." In Morocco two leftist newspapers were published in 1983, *Lam Alif* (The Two Arabic characters which make up the word: No) and *Thamaniya Mars* (Mars, 8). They question gender roles and stress women's struggles. In 1974 the institute of

women's studies in the Arab world was formed as part of the Beirut university college in Beirut, Lebanon.

This discourse was criticized for serious flaws [Mervat Hatem, 1993] Its focus on underdevelopment ignores that Arab women's problems preceded colonization and development questions that were raised afterward. Gender inequality and patriarchal domination existed in pre-capitalistic societies.

## **Chapter 13**

### **Analytical Study**

In chapter 11, I have found that the statistical analysis does not support the claim that gender equality is correlated with democratic standards. Furthermore, a closer analysis yields that gender equality is highly correlated to overall (gender-neutral) human development and they are both weakly correlated to democratic standards. In this chapter I attempt to elucidate this finding by reviewing the general theories of modernization that are surveyed in Chapter 12 and discussing their limitations as they apply to the Maghreb.

#### **13.1 Modernization Theory**

According to the modernization theory (discussed in chapter 12), the process of industrialization brings about social and economic changes that empower women and give them a more egalitarian role in society. This theory argues that with the increasing economic role, women acquire a bigger social / societal role that allows them to outgrow their traditional function as the partner who bears and raises children. This theory appears to be relevant for my study, where (as can be seen in Chapter 11) fertility rate



and singulate age of marriage (two variables which are directly affected by women's participation in the economic sector) are two important gender equality variables.

But there are ample reasons why this theory does not apply to countries in the Maghreb. It is possible to distinguish between two broad phases in the economic and social evolution of post-colonial Maghreb.

- ***Industrial Revolution.*** The three countries have embarked upon industrialization programs shortly after their independence, on the premise that such programs are essential to building modern economies. Algeria focused on heavy industries, which it could afford, thanks to its oil wealth; also, it adopted a soviet style/ state driven centralized industrialization process, consistent with its socialist policies. By contrast, Tunisia and Morocco focused primarily on light industries, geared towards export (mostly to Europe), and staking low-tech industrial sectors that First World countries were abandoning (such as clothing). This industrialization was accompanied by typical social transformations, including evolution from an agrarian, rural society to an industrial, urban society. It was also accompanied by societal transformations, where women started gaining a bigger role in economic activity, and a bigger share of family income/ wealth. However, the pace of the economic change and that of the cultural change were very different. Despite bigger economic participation, women's status in Algeria and Morocco remained very discriminatory. This underscores a criticism frequently leveled at modernization theory that its view of social change incorrectly equates

industrialization with modernization [Portes, 1974]. Social change was not only slow but also sometimes contentious, as it took place in societies which have long been constrained by deeply anchored social norms and cultural traditions and who experienced modernism through colonialism. Because this social change came through colonialism, it was perceived as alien, and as part of a broader project of cultural domination. The presence of women on the labor market next to men in the Maghreb was far from bringing gender equality. Women and men occupied different sectors of the labor market: women were employed in service industries and in public sector jobs (education, public service, social work) while men were employed in manufacturing industries; consequently, it was possible to maintain large disparities of compensation and large differences in career prospects without appearing un-egalitarian.

- ***Information Revolution.*** Starting in the early to mid eighties, the Maghreb has witnessed a slow shift from industry-based economies to information based economies. This shift was driven by two factors: First, disillusionment with socialist ideals, most notably in Algeria, but also in Tunisia and Morocco, and the recognition of the role of the private sector. Second, an attempt to capitalize on information technology, which (unlike traditional industries) requires little infrastructure (roads, railways, energy, etc), little overhead (environmental impact), and little investment (building factories, distribution channels, etc). The information revolution is completely distinct from the industrial revolution, most notably in its impact on social/ gender/ family relations. The jobs that it offers are for the most part gender neutral; also, the advent of the internet is redefining the

workplace, and blurring the line between the home (traditionally the woman's domain) and the workplace. This, in turn, affects the gender roles in the family.

Modernization theory is based on a European / North American model of industrialization, which has historically spanned almost a century (late nineteenth century to late twentieth century), whereas countries of the Maghreb have followed a completely different evolution path: while they started their (version of) industrial revolution six to seven decades after Europe, they started their information revolution at about the same time as Europe. Clearly, modernization theory, as it is formulated, does not apply to the Maghreb's *Industrial Revolution* phase (because it was a short transitional phase), nor to the *Information Revolution* phase (because it has totally different characteristics).

### **13.2 Women and the Nation state**

While modernization theory built around the nation state holds the premise that women are not an element of the nation-state, but a category, the case of post colonial states in the Maghreb shows that women's rights were a by-product of a larger project to build a modern nation-state. Occurring in Tunisia in the absence of a feminist movement, the expansion of women's rights through the new family law can be understood only as the outcome of a top down reform by a reformist leadership intent on encouraging social change and modernization and the creation of strong centralized government.

When Tunisia and Algeria were colonized by France in the 19<sup>th</sup> century, they were provinces of the Ottoman empire; in particular, they had a solid state apparatus, on

which France superposed its own administrative structures. Hence when Tunisia and Algeria gained their independence, they had a state apparatus to revert to; by contrast, Morocco did not, because when it was colonized by France it was not a coherent administrative unit, but rather a collection of tribes, cities, regions, etc. In this context, the king of Morocco emerged as the legitimate political figure by making concessions to tribal leaders, most notably pertaining to women's. . The relation between women and the nation state is defined through the family law and subsequent legal measures. In the case of Tunisia it was clear that the emerging nation-state defined its borders through a very aggressive birth control policy that aimed to control gender relations by regulating the reproductive function of women through different policies and incentives. Birth control means were offered to women free of charge, abortion was made legal and largely offered to women. No consent of the husband was required and almost no restrictions were set to this absolute right. The state that offered a compensation to the parents to help with the expenses of the new born children limited its compensation to the third child to discourage parents from having more than that number. The state determined its gender policy as part of its international policy. Tunisia who made the choice to turn towards Europe not only as a model but also as an economic partner opted for a secular Western style of gender relations (by reinterpreting religious directives), while Algeria who turned more towards Egypt and the Arab region eager to highlight its Arab identity confirmed a conservative gender policy. The case of Morocco which was concerned by the affirmation of a kinship type of relation made a conservative choice – a choice that is consistent with monarchy.

### **13.3 Classical Liberal Theory**

*Classical Liberal Theory* provides that the promotion of gender equality is the responsibility of the state. This theory does not argue for or against a statistical link between gender equality and democracy, since it can be applied whether the state has democratic institutions or does not. In the Maghreb, all three countries have enacted laws that promote gender equality, though they have followed different policies to achieve this goal. Also, all three countries have formulated and enacted their gender policies in a top down manner. In all three countries, the enactment of the gender equality legislation was insufficient to effect change; it had to be accompanied by a campaign to change mentalities and to reverse long-standing social taboos.

As one can see from the statistical data in Chapters 10 and 11, Tunisia has achieved the greatest levels of gender equality, followed by Algeria then Morocco. Tunisia was the first to enact such laws (1957), its laws were by far the most advanced, and were not influenced by religious restrictions (though, for political reasons, the reforms were presented as reinterpretations of religious directives). Also, generally, Tunisians are more open to the outside world and more prone to change, thanks perhaps to their long history as mediators of exchange between Africa, the Middle East, the Mediterranean basin, and Europe.

### **13.4 Social Democrats**

Whereas classical liberal theory argues that gender equality can be legislated, *Social Democrat* theory argues that gender equality can be brought about by focusing on family structures. In this theory, social structures and social traditions override legislative

measures in effecting change in women's conditions. There seems to be some evidence to the effect that this theory provides an adequate model for the Maghreb:

- The legislation that was enacted in the Maghreb in the post colonial period defied (to varying degrees) long held religious and cultural traditions, and would not have been implemented if they were not accompanied by an effort to evolve mentalities and raise social norms.
- In personal testimony [Jelassi, 2007], Dr Sanaa Jelassi, the director of Oxfam in North Africa, has cited many examples where economic empowerment of women without simultaneous social / societal empowerment has failed to produce tangible results. For example, she has observed in Morocco that when women secure micro loans and start to earn income from economic activity, this exposes them to increased domestic violence by their partner (husband), who wants to grab their money. Also, women who earn income through home-based businesses (e.g. carpet making) are still dependent on male acquaintances (husband, brother, father, son) to take the carpet to the market, which limits their ability to manage their wealth.

Yet, the social democrat theory is not an adequate model for studying gender relations in the Maghreb, because of its politically inspired claim that the condition of women results from their status as a class being exploited for the sake of capital. Social democratic theory argues that religion, morality and sexual norms have been reshaped to serve the purpose of capital. While this claim may be valid for 19<sup>th</sup> century

Europe, it does not apply to post colonial Maghreb countries. Religion, morality and sexual norms in the Maghreb result from a historical, cultural and political background that is unique to this region.

### 13.5 Radical Feminist

*Radical Feminist Theory* argues that the condition of women in society is predetermined by biology, and the woman's role in child bearing, and by extension in child rearing. As such, this theory is radical in the sense that it links women's situation to a condition that can neither be legislated away nor altered by militancy. This theory argues that the best way, in fact the only way, to achieve gender equality is to challenge the family structure that assigns to the woman the roles of child bearing and child rearing.

While such theories may have some appeal in radical political movements in the sixties and seventies in Europe (where Socialism, Communism, Marxism, and other leftist ideals still had some credibility) and North America (where the emergence of feminism allowed such ideas to be tolerated, if not widely supported), they have very little relevance in the Maghreb of the post-colonial era. By European and North American standards, Maghrebian societies are traditional patriarchal societies, where the family occupies a central, sacred role, and is perceived as the crucial building block of society.

**The shortcoming of formal democracy.** Liberal democracy which came to be seen globally as the most adequate form of government, is accessed by the presence of

institutions such as: freedom to form and join organizations; freedom of expression; the right to vote in elections and to stand for public office; the right of political leaders to compete for support and votes; freedom of information and availability of alternative sources of information; free and fair elections; This definition of democracy does not deal with structural conditions that allow people to access and enjoy their right. In our case for example we wonder how will free election profit women if by law they are made subservient to their husbands? How can they participate in public life if they are confined inside their houses, or need authorization to leave the house? How can they be full citizens if they are considered minor by law? And mostly how can they develop an interest in public life if they are illiterate, married at a very young age, having many children and no control over their life? Therefore an initial conclusion would be that the indicators of democracy should encompass a range of practical realities that deal with the content of politics not only its form. These indicators should include and not be limited to socio-economic conditions, such as access to education and health, wealth distribution, and the treatment of women in law (secular law/Islamic law). A second conclusion is that we should refrain from uniformly applying indicators to all countries, whose realities are different. It would be valuable to refine the indicators used to be more sensitive to the cultural, socio-economic, and political factors prevalent in these countries. Aspects of gender equality should be included as significant numerical indicators for the assessment of democratization. Looking at the ranking of freedom house, we notice that Algeria has been ranked as partially democratic in one of its darkest periods with regards women. Looking at Table 14 (Chapter 10), we notice that Algeria attains its best score, historically, in 1990, at a time when religious parties, using a combination of democratic



means as well as less legitimate means (intimidation), forced a rigorous set of restrictions on women freedoms.,

**The Limits of Universalism.** Modernization theory is based on the assumption of the universality of the Western experience. This theory assumes that all human beings aspire to live in a liberal democracy, characterized by free market economy, democratic political institutions, freedom of speech, freedom of the press, and a solid separation of religion and state. This model was refined in the West through several centuries of thought (Philosophers Rousseau, Voltaire, Diderot), constitutional debate (Rousseau, the framers of the US constitution), revolution (French revolution, American revolution), counter-revolution, in the form of repeated return to monarchy (imperial rules in France by Napoleon I, then later Napoleon III), wars (The French invading European countries to promote their republican ideals), a gradual challenge to the domination of the Church (starting with a substitute to the Gregorian calendar by the French revolution), etc.

It is naïve to expect Arab/ Muslim countries to embrace the end result of this tortuous process while they did not participate in any of these important transformations. Not only did they not participate, they have ample reason not to agree with many of its premises: Because the Muslim Holy Book includes many principles of constitutional law, it discourages/ shortcuts any discussion of revolutionary constitutional ideas. For the same reason, the separation of state and church is foreign to Islamic thinking precisely because religion dictates a model of a state. While Catholicism has a rigid hierarchy that has long controlled the lives of its citizenry, reports only upwards (to the Pope), and is not accountable to the people whose life it controls, Islam has a very flat hierarchy (assuming

that all people have the same access to their Creator), has no reporting structure, no confessional structure, etc. Hence Muslims did not feel the same urge to emancipate from the religious hierarchy as Christians/ Catholics did. If one adds to this the consideration that for many Muslims, the West is equated with recent colonialist ventures and neo-colonialist projects, one can understand the reluctance that Muslims may feel to adhere to a Western-inspired state model.

**A New Geography.** Probably one of the biggest challenges facing modernization theory and its different variations (post-modernism,) is the new geographical decoupage of the world that maps the world based on new lines of geography not anymore underpinned in territory. The assumption of homogeneity that maps people and puts them in homogenous categories of culture, countries, politics, identities to compare them is not anymore accurate in the era of globalization. The competition is borderless and the cleavage is more and more local. The north and south is more and more a local reality than a global one.

### **13.6 Concluding Remarks**

The analysis of democratic standards and gender equality standards of countries in the Maghreb does not support the claim that they are statistically correlated. In this chapter I have reviewed some of the theories of gender equality that are used to make this claim, and discussed, for each theory, why I feel that it does not apply to the Maghreb. But dismissing existing theories is not sufficient; it is nevertheless necessary to propose

alternative theories that are applicable to the Maghreb. I submit the following observations:

- The weak correlation between gender equality standards and democratic standards stems not from a weak link between gender equality (GDI) and human development (HDI) but rather from a weak link between human development (HDI) and democratic standards (CL, PR).
- The weak link between human development (HDI) and democratic standards (CL, PR) stems perhaps from political/ social choices made by peoples of the Maghreb, who favor economic prosperity and security over political rights and freedom of expression. As a result, they have tolerated limited political rights for the sake of prosperity.
- Part of the lack of correlation has to do not with what I am measuring, but how I am measuring it. I believe that the UN's variables of gender equality (GDI) and human development (HDI) are incomplete with respect to Maghreb countries, because they fail to take into account cultural / societal attributes (pertaining to family structure) that nearly cancel out the aspects they are measuring.

It appears that the existence of a strong correlation between gender standards and democratic standards, which chapter 11 confirms quantitatively, can be understood by the hierarchy of human needs: human beings do not seek to fulfill a human need unless needs of higher priority have been fulfilled. I suppose that economic well being (the ability to feed and shelter one's family) comes first, followed by social progress (dealing with quality of life issues inside the home), followed by political

rights (dealing with issues of freedom of speech, freedom of expression, justice and the rule of law, transparency in public policy, etc). Hence if we find these variables to be statistically correlated, it is in part because they are logically related (some imply others). While this explains the correlation between democratic standards and gender standards in general, it does not explain why this correlation does not hold for the Maghreb.

What seems to have happened in the Maghreb is, broadly, that instead of securing economic prosperity to then ask for political freedoms, people have renounced political freedoms in exchange for economic prosperity, on the assumption that the chaos brought about by political freedoms may lead to instability, and hence jeopardize economic progress. This is further complicated by some specific local circumstances. In Algeria, their experiment with democracy in the early nineties did not produce encouraging results, as the government had to intervene in the middle of an election cycle to prevent Islamist parties, which were expected to win, from gaining power. This has led to a decade-long cycle of violence that has claimed thousands of lives, and was accompanied by a major setback in gender equality as the laws imposed by some Islamist movements and the fear generated by their threats prevented women from exercising their rights. In Morocco, the death of King Hassan II and his succession by his son Mohamed VI was accompanied by some progress in political rights, to the point that there is genuine political diversity, opposition parties, and reasonably open and fair elections; but as shown in the data presented in Chapter 10, Moroccan women lagged consistently behind their Tunisian and Algerian counterparts in terms of gender standards (due primarily to the weakness of state

institutions, in favor of tribal institutions). Tunisia has witnessed great advances in social and economic standards, and women have made great strides in terms of gender equality and women's rights; but political standards have followed an independent evolution.

In all three countries, gender standards and democratic standards have evolved independently of each other, leading to the absence of correlation that I have observed in Chapter 11.

## **PART VI**

### **Conclusion**

## **Chapter 14**

### **Summary, Assessment and Prospects**

#### **14.1 Summary**

In this thesis, I have explored the relation between gender equality and democratic standards, as it applies to countries of the Maghreb, namely Tunisia, Algeria, and Morocco.

In Part I, I have discussed the issues of gender equality and democratic standards, first as general concepts, then as they apply in North Africa, and have presented my research methodology as a combination of analytical and empirical methods. In Part II, I have considered the three countries of interest (Tunisia, Algeria and Morocco) and have discussed what they have in common, in terms of history, geography, culture, religion, social structure, etc. In Part III, I explore what distinguishes between these three countries, specifically in terms of their policy choices vis a vis gender equality. These have enough in common to make their joint study cohesive; and they differ sufficiently to provide us with a relatively rich data set; hence together they form a unique case study in the relation between gender equality and democratic standards. In Part IV, I discuss the empirical step of my study, by collecting some data about gender equality and democratic standards in these three countries, in the post independence era, then applying statistical analysis methods. The statistical analysis reveals the absence of meaningful correlations between gender standards and democratic standards. In Part V, I revisit the main theories that were put forth to support the correlation between gender equality and

democratization, and discuss why and to what extent these theories do not apply in the Maghreb.

## 14.2 Assessment

Despite all their commonalities, Tunisia, Algeria and Morocco have experienced different evolutions with respect to post-colonial gender policies.

- Tunisia's experience can be characterized as being *Top Down*. I call it *Liberalization by Decree*, or perhaps to highlight its paradoxical nature, *Revolution by Decree*. Women have achieved significant gains by virtue of the laws enacted in Tunisia in the late fifties, yet had little input into the legislative process that produced these laws. Furthermore, these laws were not enacted under pressure from women organizations (re: suffragettes in the UK, for example), but rather as a strategic choice by the political class. In addition, these laws emerged in a society where the gender identity is ill defined at best, possibly nonexistent. In other words, society in general and women in particular did not perceive a division between men and women the way feminist movements in western societies saw them; rather they saw divisions between families, tribes, regions, social classes, etc. So that the laws were drawing battle line on a battlefield that, in most women's minds, did not exist; worse, some of these laws were received with suspicion as they challenged long held social norms. Where these laws were understood, and their potential rightly appreciated, they were received with a profound sense of indebtedness and loyalty for the political class, which created an allegiance between Tunisian feminist women and the political



party at that time. As a result, at the same time that they enhanced the gender equality standards of Tunisia, these laws also created a political feminist class totally loyal to the party. The first Tunisian feminist organization stipulated in its chart that the organization is a cell of the political party.

- Algeria's experience provides an example of conflict between democratization and gender equality. In the late eighties, Algeria has attempted an experiment in western-style democratization that included a decidedly non-western feature, which is the recognition of explicitly Islamic parties. The clout of these parties enabled them through political bargain negotiations to enact laws pertaining to the status of women that were very detrimental from the standpoint of gender equality. Discontent from decades of Socialist mismanagement by the party in power has led to a sweeping victory of the Islamic party in municipal elections, and in the first round of legislative elections. In a bid to preclude the emergence of an Islamic government, the army intervened in January 1992 to depose President Chedly Ben Jedid and call off the elections. This has led to a ten year civil war, in which an estimated 60 000 people, mostly civilians, died. This civil war targeted groups such as women, intellectuals, and artists, generally everybody who is considered as coming from an occidental background. In the case of Algeria, women lost ground in the democratization / liberalization phase (via detrimental legislation) as well as in the backlash that followed it (for being targeted).
- In the case of Morocco, the policies of successive governments have been deliberately traditional, due to the power structure of the country. The successive

Kings (Mohamed V, Hassan II, Mohamed VI) owed their legitimacy to the acceptance of tribal leaders. In exchange for their support, the King has to make concessions on issues that matter to them, including the status of women. Tribal leaders are the custodians of long held customs and social norms that are very male oriented, and very disadvantageous to women. As a result of this power structure, gender related legislation in Morocco was always very traditional, inspired by a conservative interpretation of the Quran and archaic norms. Democratic experiments that were put in place in Morocco through the years, most notably under Mohamed VI, have not translated to meaningful changes in gender related legislation.

This brief discussion shows how, each in its own way, Tunisia, Algeria, and Morocco have followed historical paths where gender equality and democratic standards were evolving in opposite or rather independent directions.

### 14.3 Lessons Learned

While the discussion above explains why, in the case of the Maghreb, gender equality and democratic standards are not correlated, it does not answer all my questions. In this section, I try to discuss what lessons this study teaches us about the correlation between gender equality and democratic standards.

- ***Decisions made by the political elite matter the most.*** Even though progress in gender equality has usually been driven bottom up, by demands from the base, the

situation in Tunisia was determined exclusively by policy decisions taken at the top of the political hierarchy. What has made it possible for Tunisia to achieve great advances in gender equality is the small scale of the country, and its social cohesion; this has made it possible for a central power in Tunis to control the whole country, and to effect concrete change. I argue that a major difference between Tunisia and Morocco, for example, is the geographic and social cohesion. While the power structure of Tunisia has been centralized, the power structure of Morocco has been decentralized, leading the King to govern by cutting deals with tribal chiefs, and thereby ceding part of his influence.

- ***Affirmative Action as Model of Development.*** I argued above that in Tunisia gender liberalization came in part at the expense of democratization, by creating a sense of loyalty and dependence in half the population. I argue that this sense of indebtedness is temporary, but the effect of the gender policies is permanent. The loyalty that this policy has engendered is bound to be temporary, as it vanishes with the passage of time, an increasing sense of entitlement, a change of generations, a change in political leadership, etc. But the gains achieved by the policy are permanent, and in fact increase with time; if these gains make it possible for women to occupy positions of power and influence, then they can use these positions to further their gender related goals and make it easier for successive generations of women/ girls. In other words, if on a first analysis women find that gender policies came at the cost of political autonomy, they need to remember that gender policies have long term benefits while political autonomy are short term burdens.

- ***Human Development as a Substitute for Political Development.*** My statistical analysis shows that the weakness of correlation between gender equality and democratic standards is not a gendered feature --- in the sense that what is weak in the case of the Maghreb is the correlation between human development (HDI) and democratic standards (Freedom House). Indeed, because I find that gender equality (GDI) and human development (HDI) are highly correlated between them and poorly correlated to democratic standards, the issue is not that we can have high standards of gender equality but low democratic standards; rather the issue is that we can have high human development standards but low democratic standards. My field observations support the following explanation: whereas people used to get involved in politics as an intellectual/ political exercise (debate of ideas), nowadays (perhaps due to the collapse of communism and the Soviet Union, or to globalization) political activity centers primarily on economic grievances. Hence as long as the economy is going well, people tend to stay away from politics, and even get uninterested in politics. What defines citizenship as the right to vote is moving away from politics to economics. Is it a direct effect of globalization? Is-it related to the emergence of a new citizenship? A displacement of the public sphere? An internationalization of the political question? Future investigations will probably be needed to answer these questions. For now, we can observe that an increase in human development (HDI) due to economic advances is paralleled by a decline in democratic standards in the Maghreb. This is completely at odds with the traditional common wisdom, which provides that human development is linked to political freedoms.

- ***GDI: a Western Standard of Gender Equality.*** The finding of my empirical study calls into question the premise that gender equality and democratic standards are correlated; I argue that it may also call into question how gender equality and democratic standards are measured. Formal democracy has many shortcomings and democratization needs to be approached from structural prospects. The mere right to vote does not equate to democracy. An extension of this research may consist of exploring cultural dimensions of measures of gender equality and democratic standards.

## **Appendix A**

### **Raw Data**

In this chapter we collect some tables of raw data that I use in Chapters 10 and 11.

Country	Year	Femllit Pc	school1 pc	school2 pc	% EcoAct	% femal active	Age at marriag	Fertility Rate	Parlmnt	LifeExp ect	literacy	Enrollm ent	Income
Algeria	1970	87.4	38	28	10.2	4.26	19.3	7.38	3.83	53.56	12.6	45.3	15.29
Morocco	1970	90.2	34	28	20.9	15.2	19.4	6.89	0	51.8	9.8	28.2	27.2
Tunisia	1970	89.4	39	28	14.1	6.07	20.9	6.21	3.17	52.1	10.6	54.25	23.2
Algeria	1980	74.1	70.7	24.2	11.1	8.89	21	6.35	3.83	58.72	25.95	53.28	19.2
Morocco	1980	84.5	47.4	15.7	24.1	19.66	22.3	5.1	0	57.3	15.6	31.09	27.9
Tunisia	1980	67.7	71.8	17.3	20.1	20.08	22.6	4.9	5.6	60.6	32.4	57.33	24.64
Algeria	1990	60.9	86.5	47.5	12.1	9.21	23.7	4.3	2.4	69.35	39.1	62	23.85
Morocco	1990	75.1	47.8	41	25.9	22.73	22.2	3.33	0.6	67.4	24.9	40.63	28.74
Tunisia	1990	53.6	90.7	39.3	20.7	20.93	25	3.13	4.3	69.75	46.4	66.37	26.93
Algeria	2000	48.8	46	48	18.84	9.52	25	3.32	5.3	72.4	51.2	72	31.1
Morocco	2000	64	42	42	27.77	25.51	22.2	2.55	6.4	71.9	36	54	39.9
Tunisia	2000	39.9	47	48	25.39	21.7	25	2.3	11	71.2	60.1	76	37.1

Table 32: Gender Equality Variables, 1970-2000

Country	Year	PR	CL	PR+CL
Algeria	1970	6	6	12
Algeria	1980	6	6	12
Algeria	1990	4	4	8
Algeria	2000	6	5	11
Morocco	1970	5	4	9
Morocco	1980	4	4	8
Morocco	1990	4	4	8
Morocco	2000	5	4	9
Tunisia	1970	6	5	11
Tunisia	1980	6	5	11
Tunisia	1990	5	4	9
Tunisia	2000	6	5	11

Table 33: Combined Democracy Indices, 1970-2000

school1pc	school2pc	EcoAct	EcoFem	MarAge	FertRate	Parlmnt	GDI	LifeExpect	literacy	Enrollment	Income
38	28	10.2	4.26	19.3	6.62	3.83	0.421	53.56	12.6	45.3	15.29
34	28	20.9	15.2	19.4	5.11	0	0.387	51.8	9.8	28.2	27.2
39	28	14.1	6.07	20.9	5.79	3.17	0.448	52.1	10.6	54.25	23.2
70.7	24.2	11.1	8.89	21	5.65	3.83	0.587	58.72	25.95	53.28	19.2
47.4	15.7	24.1	19.66	22.3	6.9	0	0.496	57.3	15.6	31.09	27.9



71.8	17.3	20.1	20.08	22.6	7.1	5.6	0.616	60.6	32.4	57.33	24.64
86.5	47.5	12.1	9.21	23.7	7.7	2.4	0.627	69.35	39.1	62	23.85
47.8	41	25.9	22.73	22.2	8.67	0.6	0.511	67.4	24.9	40.63	28.74
90.7	39.3	20.7	20.93	25	8.87	4.3	0.670	69.75	46.4	66.37	26.93
46	48	18.84	9.52	25	8.68	5.3	0.706	72.4	51.2	72	31.1
42	42	27.77	25.51	22.2	9.45	6.4	0.616	71.9	36	54	39.9
47	48	25.39	21.7	25	9.7	11	0.743	71.2	60.1	76	37.1

Table 34: Raw Data, Redefined Gender Variables

FertRate	LifeExpect	literacy	Enrollment	DI	HDI
6.62	53.56	12.6	45.3	2	0.5
5.11	51.8	9.8	28.2	5	0.44
5.79	52.1	10.6	54.25	3	0.52
5.65	58.72	25.95	53.28	2	0.56
6.9	57.3	15.6	31.09	6	0.48
7.1	60.6	32.4	57.33	3	0.57
7.7	69.35	39.1	62	6	0.65
8.67	67.4	24.9	40.63	6	0.55
8.87	69.75	46.4	66.37	5	0.67
8.68	72.4	51.2	72	3	0.71
9.45	71.9	36	54	5	0.62
9.7	71.2	60.1	76	3	0.73

Table 35: FertRate, LifeExpect, Literacy, Enrollment, HDI and DI for the Maghreb, 1970-2000

Country	HDI	GDI	Country	DI
Albania	0.801	0.797	<u>Albania</u>	5.91
Algeria	0.733	0.72	<u>Algeria</u>	3.17
Angola	0.446	0.439	<u>Angola</u>	2.41
Argentina	0.869	0.865	<u>Argentina</u>	6.63
Armenia	0.775	0.772	<u>Armenia</u>	4.15
Australia	0.962	0.96	<u>Australia</u>	9.09
Austria	0.948	0.934	<u>Austria</u>	8.69
Azerbaijan	0.746	0.743	<u>Azerbaijan</u>	3.31
Bahrain	0.866	0.857	<u>Bahrain</u>	3.53
Bangladesh	0.547	0.539	<u>Bangladesh</u>	6.11
Belarus	0.804	0.803	<u>Belarus</u>	3.34
Belgium	0.946	0.94	<u>Belgium</u>	8.15
Benin	0.437	0.422	<u>Benin</u>	6.16
Bhutan	0.579	..	<u>Bhutan</u>	2.62
Bolivia	0.695	0.691	<u>Bolivia</u>	5.98
Bosnia and Herzegovina	0.803	..	<u>Bosnia and Herzegovina</u>	5.78
Botswana	0.654	0.639	<u>Botswana</u>	7.60
Brazil	0.8	0.798	<u>Brazil</u>	7.38
Bulgaria	0.824	0.823	<u>Bulgaria</u>	7.10
Burkina Faso	0.37	0.364	<u>Burkina Faso</u>	3.72
Burundi	0.413	0.409	<u>Burundi</u>	4.51
Cambodia	0.598	0.594	<u>Cambodia</u>	4.77
Cameroon	0.532	0.524	<u>Cameroon</u>	3.27
Canada	0.961	0.956	<u>Canada</u>	9.07
Cape Verde	0.736	0.723	<u>Cape Verde</u>	7.43
Central African Republic	0.384	0.368	<u>Central African Republic</u>	1.61
Chad	0.388	0.37	<u>Chad</u>	1.65
Chile	0.867	0.859	<u>Chile</u>	7.89
Colombia	0.791	0.789	<u>Colombia</u>	6.40
Comoros	0.561	0.554	<u>Comoros</u>	3.90
Congo	0.548	0.54	<u>Congo</u>	3.19
Costa Rica	0.846	0.842	<u>Costa Rica</u>	8.04
Côte d'Ivoire	0.432	0.413	<u>Cote d'Ivoire</u>	3.38
Croatia	0.85	0.848	<u>Croatia</u>	7.04
Cuba	0.838	0.839	<u>Cuba</u>	3.52
Cyprus	0.903	0.899	<u>Cyprus</u>	7.60
Czech Republic	0.891	0.887	<u>Czech Republic</u>	8.17
Denmark	0.949	0.944	<u>Denmark</u>	9.52
Djibouti	0.516	0.507	<u>Djibouti</u>	2.37

Dominican Republic	0.779	0.773	<u>Dominican Republic</u>	6.13
Ecuador	0.772	..	<u>Ecuador</u>	5.64
Egypt	0.708	..	<u>Egypt</u>	3.90
El Salvador	0.735	0.726	<u>El Salvador</u>	6.22
Equatorial Guinea	0.642	0.631	<u>Equatorial Guinea</u>	2.09
Eritrea	0.483	0.469	<u>Eritrea</u>	2.31
Estonia	0.86	0.858	<u>Estonia</u>	7.74
Ethiopia	0.406	0.393	<u>Ethiopia</u>	4.72
Fiji	0.762	0.757	<u>Fiji</u>	5.66
Finland	0.952	0.947	<u>Finland</u>	9.25
France	0.952	0.95	<u>France</u>	8.07
Gabon	0.677	0.67	<u>Gabon</u>	2.72
Gambia	0.502	0.496	<u>Gambia</u>	4.39
Georgia	0.754	..	<u>Georgia</u>	4.90
Germany	0.935	0.931	<u>Germany</u>	8.82
Ghana	0.553	0.549	<u>Ghana</u>	5.35
Greece	0.926	0.922	<u>Greece</u>	8.13
Guatemala	0.689	0.675	<u>Guatemala</u>	6.07
Guinea	0.456	0.446	<u>Guinea</u>	2.02
Guinea-Bissau	0.374	0.355	<u>Guinea-Bissau</u>	2.00
Guyana	0.75	0.742	<u>Guyana</u>	6.15
Haiti	0.529	..	<u>Haiti</u>	4.19
Honduras	0.7	0.694	<u>Honduras</u>	6.25
Hong Kong, China (SAR)	0.937	0.926	<u>Hong Kong</u>	6.03
Hungary	0.874	0.872	<u>Hungary</u>	7.53
Iceland	0.968	0.962	<u>Iceland</u>	9.71
India	0.619	0.6	<u>India</u>	7.68
Indonesia	0.728	0.721	<u>Indonesia</u>	6.41
Iran (Islamic Republic of)	0.759	0.75	<u>Iran</u>	2.93
Ireland	0.959	0.94	<u>Ireland</u>	9.01
Israel	0.932	0.927	<u>Israel</u>	7.28
Italy	0.941	0.936	<u>Italy</u>	7.73
Jamaica	0.736	0.732	<u>Jamaica</u>	7.34
Japan	0.953	0.942	<u>Japan</u>	8.15
Jordan	0.773	0.76	<u>Jordan</u>	3.92
Kazakhstan	0.794	0.792	<u>Kazakhstan</u>	3.62
Kenya	0.521	0.521	<u>Kenya</u>	5.08
Kuwait	0.891	0.884	<u>Kuwait</u>	3.09
Kyrgyzstan	0.696	0.692	<u>Kyrgyzstan</u>	4.08
Lao People's Democratic Republic	0.601	0.593	<u>Laos</u>	2.10

Latvia	0.855	0.853	<u>Latvia</u>	7.37
Lebanon	0.772	0.759	<u>Lebanon</u>	5.82
Lesotho	0.549	0.541	<u>Lesotho</u>	6.48
Libyan Arab Jamahiriya	0.818	0.797	<u>Libya</u>	1.84
Lithuania	0.862	0.861	<u>Lithuania</u>	7.43
Luxembourg	0.944	0.924	<u>Luxembourg</u>	9.10
Madagascar	0.533	0.53	<u>Madagascar</u>	5.82
Malawi	0.437	0.432	<u>Malawi</u>	4.97
Malaysia	0.811	0.802	<u>Malaysia</u>	5.98
Mali	0.38	0.371	<u>Mali</u>	5.99
Malta	0.878	0.873	<u>Malta</u>	8.39
Mauritania	0.55	0.543	<u>Mauritania</u>	3.12
Mauritius	0.804	0.796	<u>Mauritius</u>	8.04
Mexico	0.829	0.82	<u>Mexico</u>	6.67
Moldova	0.708	0.704	<u>Moldova</u>	6.50
Mongolia	0.7	0.695	<u>Mongolia</u>	6.60
Morocco	0.646	0.621	<u>Morocco</u>	3.90
Mozambique	0.384	0.373	<u>Mozambique</u>	5.28
Myanmar	0.583	..	<u>Myanmar</u>	1.77
Namibia	0.65	0.645	<u>Namibia</u>	6.54
Nepal	0.534	0.52	<u>Nepal</u>	3.42
Netherlands	0.953	0.951	<u>Netherlands</u>	9.66
New Zealand	0.943	0.935	<u>New Zealand</u>	9.01
Nicaragua	0.71	0.696	<u>Nicaragua</u>	5.68
Niger	0.374	0.355	<u>Niger</u>	3.54
Nigeria	0.47	0.456	<u>Nigeria</u>	3.52
Norway	0.968	0.957	<u>Norway</u>	9.55
Occupied Palestinian Territories	0.731	..	<u>Palestine</u>	6.01
Oman	0.814	0.788	<u>Oman</u>	2.77
Pakistan	0.551	0.525	<u>Pakistan</u>	3.92
Panama	0.812	0.81	<u>Panama</u>	7.35
Papua New Guinea	0.53	0.529	<u>Papua New Guinea</u>	6.54
Paraguay	0.755	0.744	<u>Paraguay</u>	6.16
Peru	0.773	0.769	<u>Peru</u>	6.11
Philippines	0.771	0.768	<u>Philippines</u>	6.48
Poland	0.87	0.867	<u>Poland</u>	7.30
Portugal	0.897	0.895	<u>Portugal</u>	8.16
Qatar	0.875	0.863	<u>Qatar</u>	2.78
Romania	0.813	0.812	<u>Romania</u>	7.06
Russian Federation	0.802	0.801	<u>Russia</u>	5.02
Rwanda	0.452	0.45	<u>Rwanda</u>	3.82

Saudi Arabia	0.812	0.783	<u>Saudi Arabia</u>	1.92
Senegal	0.499	0.492	<u>Senegal</u>	5.37
Sierra Leone	0.336	0.32	<u>Sierra Leone</u>	3.57
Singapore	0.922	..	<u>Singapore</u>	5.89
Slovakia	0.863	0.86	<u>Slovakia</u>	7.40
Slovenia	0.917	0.914	<u>Slovenia</u>	7.96
Spain	0.949	0.944	<u>Spain</u>	8.34
Sri Lanka	0.743	0.735	<u>Sri Lanka</u>	6.58
Sudan	0.526	0.502	<u>Sudan</u>	2.90
Suriname	0.774	0.767	<u>Suriname</u>	6.52
Swaziland	0.547	0.529	<u>Swaziland</u>	2.93
Sweden	0.956	0.955	<u>Sweden</u>	9.88
Switzerland	0.955	0.946	<u>Switzerland</u>	9.02
Syrian Arab Republic	0.724	0.71	<u>Syria</u>	2.36
Tanzania (United Republic of)	0.467	0.464	<u>Tanzania</u>	5.18
Thailand	0.781	0.779	<u>Thailand</u>	5.67
Timor-Leste	0.514	..	<u>Timor-Leste</u>	6.41
Togo	0.512	0.494	<u>Togo</u>	1.75
Trinidad and Tobago	0.814	0.808	<u>Trinidad and Tobago</u>	7.18
Tunisia	0.766	0.75	<u>Tunisia</u>	3.06
Turkey	0.775	0.763	<u>Turkey</u>	5.70
Turkmenistan	0.713	..	<u>Turkmenistan</u>	1.83
Uganda	0.505	0.501	<u>Uganda</u>	5.14
Ukraine	0.788	0.785	<u>Ukraine</u>	6.94
United Arab Emirates	0.868	0.855	<u>United Arab Emirates</u>	2.42
United Kingdom	0.946	0.944	<u>United Kingdom</u>	8.08
United States	0.951	0.937	<u>United States</u>	8.22
Uruguay	0.852	0.849	<u>Uruguay</u>	7.96
Uzbekistan	0.702	0.699	<u>Uzbekistan</u>	1.85
Venezuela (Bolivarian Republic of)	0.792	0.787	<u>Venezuela</u>	5.42
Viet Nam	0.733	0.732	<u>Vietnam</u>	2.75
Yemen	0.508	0.472	<u>Yemen</u>	2.98
Zambia	0.434	0.425	<u>Zambia</u>	5.25
Zimbabwe	0.513	0.505	<u>Zimbabwe</u>	2.62

Table 36: HDI, GDI and DI for all a62 countries



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## Curriculum Vitae

**Birth date:** April 5<sup>th</sup>, 1962.      **Birth place:** Tunis, Tunisia.

### Education:

- **January 2004 to May 2009:** *PhD in Global Affairs, Rutgers University*, Newark, NJ. Advisor: **Professor Jyl Josephson**.
- **August 2001 to December 2003:** *Master in Global Affairs, Rutgers University*, Newark, NJ.
- **January 2001 to May 2001:** Public Administration Graduate program. *West Virginia University*, Morgantown, WV. GPA: 4.0/4.0.
- **April 1988 to April 1991:** Master of Science in Public Administration. *Ecole Nationale d'Administration de Tunis*, Tunis, Tunisia.
- **October 1982 to October 1987:** Bachelor of Law, specialty: private law. *School of Law, University of Tunis*. Tunis, Tunisia.

### Professional Experience:

- **Spring 2006.** *Teaching Assistant, Rutgers University*. Course: Islamic Jurisprudence, Department of Political Science.
- **June 2004 to May 2005.** *Tutor, Rutgers University's The Learning Center*, Newark, NJ. Served as tutor for classes in French and Arabic.
- **September 2003 to May 2004:** *Diplomatic Intern, United Nations Headquarters*, New York, NY. Worked for the Tunisian Mission to the UN.
- **April 1998 to December 2000.** *Counselor, Administrative Tribunal of Tunis*, Tunis, Tunisie. Serving as legal advisor to the State and a judge in cases opposing the State and citizens.
- **September 1996 to March 1998.** *State Counselor, Administrative Tribunal of Tunis*, Tunis, Tunisie. Serving as legal advisor to the State and a judge in cases opposing the State and citizens.
- **September 1991 to August 1996.** *Adjunct Counselor, Administrative Tribunal of Tunis*, Tunis, Tunisie. Serving as legal advisor to the State and a judge in cases opposing the State and citizens.

### Publications (partial list):

- A. Mili. *Gender Standards v. Democratic Standards: Examples and Counter Examples*. Submitted, April 2009.

## End Notes

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<sup>i</sup> democratization will be understood in a more general way than mere political elective indicators as I will explain later

<sup>ii</sup> The expression “democratic deficit” was coined in the beginning of the 1970s by David Marquand, a British political scientist and Labour Party member, who scrutinized the functioning of the European Community institutions and came across to visible weakness of their democratic components [Meny, 2002].

<sup>ix</sup> Ronald Inglehart, Pippa Norris and Christian Welzel: *Gender Equality And Democracy*, comparative sociology, v1, n 3-4 2002

<sup>x</sup> Carole Pateman. *The Sexual Contract*. Stanford University press 1988

<sup>xix</sup> In Arabic, **Maghrib** means the time when the sun sets or the place where the sun sets; as such, it has been used to refer to the West. Arabs use the term Maghrib Al Arabi (i.e. Arabic West) to refer to North Africa, which is the western part of the Arab world. The term Maghrib has also come to refer to Morocco, which is the westmost country of North Africa. In this dissertation, we use it to refer to the three countries of North Africa, namely Algeria, Morocco and Tunisia. Also, we use the French transcription of the Arabic word, which is spelled Maghreb.

<sup>xx</sup> Feminism is understood here as discourse that raised to question women’s place inside the family and in the public realm.

<sup>xxvi</sup> ) Gender Mainstreaming has been defined by the UN Economic and Social Council as follows : Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality. [ UN document, 1997 ]

<sup>xxvii</sup> CEDAW is a human rights treaty for women. The UN General Assembly adopted the CEDAW Convention on 19th December 1979. It came into force as a treaty on 3rd September 1981. . IWRAP, international women’s action [www.iwraw-ap.org/convention.htm](http://www.iwraw-ap.org/convention.htm)

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<sup>xxviii</sup> we use this adjective to talk about feminist who oppose Islam as a framework for feminist action

<sup>xxix</sup> according to one of the officials of the committee for the defense of women's rights, "the struggle of women cannot take place separately from the struggle for democracy, and it is democracy which permits different approaches for the management of such an issue as independence." Citation?

<sup>xxxiv</sup> Christians and Jews have a special status under Muslim rule, in that they are known as *Ahl Al Kitab* (People of the Book); as such, they did not have to convert to Islam. Hence one often finds Christian and Jewish communities in the midst of traditional Islamic centers.

<sup>xxxv</sup> As a consolation prize, Italy took Libya instead.

<sup>xxxvi</sup> Although authors are careful to distinguish between the English word Barbaric and the name Berber, they really come from the same Greek word *barbaros*, which means foreign. Arabs, who have borrowed a great deal from Greek, used it to refer to the original inhabitants of North Africa, who looked foreign to them. In Arabic, there are only three vowels, hence a and e are mapped to the same vowel in Arabic (Hamza), whence the word Berber, with an e.

<sup>xxxvii</sup> Dowry: a price paid by the husband to his wife at the time of the marriage and which becomes the property exclusive of the wife.

<sup>xxxviii</sup> Bourguiba speech at the eighth PSD congress held at Monastir in October 1971

<sup>xxxix</sup> decret is a president act by which the president exercises his executive power.

<sup>xl</sup> The Family Law (or the *Mudawana*) is the body of rules, practices, and beliefs that govern the home. Its policies govern all aspects of family life, from courtship and child rearing to spousal violence, divorce, and inheritance. Because of its centrality not only in the socio-cultural fabric of Morocco but also in the overall Moroccan judicial system (most other laws depend on it), the Family Law has always constituted a pool for women's struggle for more rights. The first Family Law in Morocco was promulgated in 1957–58 and was called Statut du Code Personnel (Statute of Personal Code)

<sup>xli</sup> Mudawana: is the Moroccan Legal Code that administers all aspects of the personal individual status and family laws.

<sup>xlii</sup> Jabr: The possibility of a father compelling his daughter to marry

<sup>xliii</sup> The first national census of independent Morocco indicated a total population of 11,626,000 in 1960. Rémy Leveau estimates that Morocco in the aftermath of independence counted approximately six hundred tribes, each with an average of ten thousand to fifteen thousand members. This suggests that 6 million to 9 million people out of 11,626,000, or 51 to 77 percent of the total population in Morocco were members of tribes (Charrad, 2004)

<sup>xlvi</sup> See Lorenz, p 17