CAMBRIDGE

Cambridge University Press
978-1-108-42564-3 — Seeking Legitimacy
Aili Mari Tripp
Excerpt
More Information

Introduction

The Moroccan king Mohammed VI announced in 2018 that, in his capacity as the commander of the faithful, he was allowing women to become an *ʿadoul* (notary), a position which previously had been the domain solely of men. The *ʿadoul* draws up marriage contracts, divorce settlements, and other certificates; approves wills; and adjudicates inheritance. The Supreme Scientific Council, the highest religious authority in Morocco, said that the decision was based on legal provisions allowed by the Maliki School of Islamic jurisprudence, which is dominant in Morocco. Women and women's rights activists welcomed this reform in a country where women already serve as judges, lawyers, and expert witnesses in large numbers. Nevertheless, a spirited debate ensued in social media and the traditional media, with some opposing the decision, citing women's natural forgetfulness and other mental deficiencies, their fragility, and temperament. Others cited the Qur'an to argue that women's testimony has half the value of men's and for this reason they could not serve in such a capacity.

Debates about women's abilities were revived and for one commentator, Ihsane Elidrissi Elhassani, this brought back a sense of déjà vu over the debates regarding the Personal Status Code (PSC) reforms, the first woman member of parliament, the first woman minister, and the first women in the police force. She argued that in all these cases, women were being put on trial with the sole aim of trying to prove their inferiority. "Forgetfulness is debated as if we were still stuck in the oral tradition, and the agreement of the parties cannot be recorded in writing." One noted scholar in a TV appearance tried to explain that men had a gland in their brain which was absent in women, allowing men to be able to speak, listen, and remember information all at the same time. When questioned, the male scholar was forced to admit, without even a hint of irony, that he had forgotten the name of the gland (Elhassani 2018).

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-42564-3 — Seeking Legitimacy
Aili Mari Tripp
Excerpt
More Information

Policy reforms, like allowing women to become *ʿadoul*s, serve as carefully choreographed symbolic enactments by the authorities to signal a particular stance on gender equality, modernization, and religious authority. The message is not lost on those for whom it is intended. However, each audience receives the same message differently, some as a sign of expanding women's rights, while for others the latter are seen as a challenge to an older order and way of life.

In the Middle East and North Africa, women, their bodies, and women's rights often proxy for key positions on religion, politics, morality, and modernity. They are a line in the sand or a litmus test for rulers in Arab countries, pitting conservative Islamists of various stripes against secularists and feminists, and juxtaposing modernizers against those who wish to preserve the status quo or even take society back to the time of the Prophet Mohammed. It is a shifting line as Islamists of various orientations, particularly those represented in parliament, have come to defend certain women's rights in more recent years in countries like Morocco, where they control the government (*Aujourd'hui Le Maroc* 2017). Islamists traditionally have been associated with attitudes that support an Islamic state, the implementation of *shariʿa* (Islamic) law, preferences for religious over secular political parties, support for clerical involvement in politics, and the view that piety should be a characteristic of politicians (Gorman 2017).

Few issues are as potent as women's rights or have drawn such large crowds into the streets in the Maghreb (Morocco, Tunisia, and Algeria), both for and against. Half a million members of Islamist groups demonstrated in 2000 against the proposed PSC reforms in Morocco. In Algeria, the issue of women's rights and the Arabization of education were the two issues that galvanized the Islamists in the 1990s. Women were among the most prominent targets of violent attacks by Islamist extremists during Algeria's Black Decade of conflict (1991–2002): these were women who taught in schools, who drove cars, who worked, or who refused to veil. During the debates over a new constitution in Tunisia in 2014, thousands of Tunisian men and women protested the Islamic Ennahda party's vision of gender equality rooted in complementarity (separate but equal roles for men and women), demanding parity instead. These are but a few examples of the ways in which women's rights have taken center stage in the Maghreb and have been key to the major political and societal conflicts of the day.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE
Cambridge University Press
978-1-108-42564-3 — Seeking Legitimacy
Aili Mari Tripp
Excerpt
More Information

One indication of the centrality of women's rights is the intense interest shown by men in discussing these topics. I myself was curious why, in North Africa, conferences and workshops on women's rights consistently involved large numbers of men of all ages, sometimes even half of the participants. Men were as engaged as women in these topics, and their discourses were earnest, probing, and thoughtful. This is very different than what one finds in the United States, where such conferences have primarily been the domain of women, especially academic events. Perhaps this difference can be explained by the intense interest women's rights holds for both women and men alike in the Maghreb. The symbolism they hold extends well beyond the actual rights themselves and they proxy for a range of ideas from modernity to progress, nationalism, democracy, and secularism.

For societies in which women have been historically excluded from public space by being enclosed in their homes and courtyards, by being veiled, or by being excluded from certain occupations, sports, and leisure activities, the advancement of women's rights can be dramatic, explosive, and transformative at so many levels. Women's rights reflect the contours of key debates in the Maghreb today about the political future of the region. As much as these are issues that pit people against one another, they are also points of convergence, of curiosity, and of dialogue. And that is what makes the subject of women's rights in North Africa so critical to understanding politics in the region, especially at a time when these rights are gaining ground.

Women's rights are also sometimes linked to a growing trend of Amazigh (Berber) activism in the Maghreb that is pushing back against conservative and especially extremist elements, in what some are calling a post-Islamist era in the Maghreb (Charef 2017). Because of the negative connotations associated with the term "Berber" in the Maghreb, I use the terms Amazigh (singular) and Imazighen (plural) as well as Tamazight (the language grouping) associated with the people, who encompass many diverse tribes and peoples. Post-Islamist sentiment seeks to combine religion with rights, liberty, and dogmatism. It recognizes pluralism of thought and secular approaches or what some call Islamic liberalism. Perhaps one might consider it a form of pragmatism (El Haitami 2012).

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE
Cambridge University Press
978-1-108-42564-3 — Seeking Legitimacy
Aili Mari Tripp
Excerpt
More Information

Central Questions

The expansion of democracy and women's rights has historically been linked, as evident in cross-national studies (Inglehart and Norris 2003, Htun and Weldon 2018, Tripp 2013). However, many of the dynamics that hold globally become less salient when regional factors are taken into account and when one looks at a variety of women's rights measures. For example, democracy falls out of the models when one looks at the factors that have advanced female legislative representation in Africa (Hughes and Tripp 2015, Tripp and Kang 2008). In Africa, democratic countries are as likely as nondemocratic countries to adopt gender quotas, and they are as likely to have higher rates of women in parliament. In the Middle East and North Africa (MENA) region, various women's rights have been adopted in some authoritarian countries and less so in others. This book examines why this is the case by comparing the Maghreb with the Middle East.

The adoption of women's rights provisions in nondemocratic countries, when looked at from a regional perspective, challenges numerous assumptions developed with respect to Western countries about how and why women's rights are adopted. This is because the mechanisms that explain women's representation in terms of labor force participation and the expansion of the welfare state, which are linked to the spread of democracy and cultural change in Europe, simply are not as important in countries where women are primarily engaged in agricultural production, in the informal economy, or working in the home. Instead, the role of women's movements and top-down institutional reforms driven by the political elite feature as more significant factors in shaping policy in parts of the world like the Maghreb.

Scholars sometimes dismiss such reforms in authoritarian or nondemocratic countries, perhaps regarding them as window dressing, or as carrots to appease women's rights activists, adopted by autocrats who do not have any intention or capacity to enforce women's rights legal reforms. To be sure, these policies often arise out of such cynical motivations. But often there are other considerations involved. If they were of no import, there would be little debate over them. Yet, one finds some of the fiercest struggles over the content of such reforms. This study takes a closer look at the motivations of authoritarian leaders in making these legal reforms.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-42564-3 — Seeking Legitimacy
Aili Mari Tripp
Excerpt
More Information

These observations lead us to some key questions explored in this book: Why do authoritarian or semi-authoritarian states adopt women's rights policies, even when there may not be popular pressures to do so? Which laws are they more likely to adopt? Why are political and economic laws relating to women easier to reform than family law? Why do leaders adopt women's rights legislation when it would be easier to ignore it? What are the consequences for feminists and women's rights activists when authoritarian states take the initiative to advance women's rights? Does it help or hurt activists' causes, especially when women's own interests are not reflected as central to the policy change? What are the consequences for women's rights and for women themselves? When does the advancement of women's rights represent genuine change in authoritarian contexts and when does it serve to perpetuate and legitimize existing authoritarian regimes? Why do some Arab and Muslim societies adopt more women's rights legal reforms than others?

This book explores some of the possible reasons women's rights policies have been adopted in the Maghreb and Middle East: the intention of improving the quality of life for women and men and children; as a means of strengthening the economy and modernizing society; as a way to promote an image of their societies to the world as modernizing, while maintaining Islamic values; as a way of distinguishing themselves from the Islamist opposition, particularly extremists; as a way of garnering the political support and votes of women; as a response to popular pressures from women's rights and civil society activists; to keep up with the requirements of international treaties like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and sometimes to appease donors. In some autocratic countries, leaders have sought to promote women's rights as a way of extending patronage to women to foster loyalty and in some leftist-led countries they have promoted women's rights as an expression of ideological commitment to egalitarianism.

This book looks at the consequences of the adoption of policies under authoritarian rule. Are they, for example, deployed to divert attention from other undemocratic goals? After the 1994 genocide in Rwanda, the country's president, Paul Kagame, encouraged women to enter public office. Women also fought hard for their rights. The number of female legislators jumped from 4 percent in November of 1994 to 61 percent in 2018. Numerous pro-women's rights laws were

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-42564-3 — Seeking Legitimacy
Aili Mari Tripp
Excerpt
More Information

passed and other measures were taken to advance the status of women. However, these and other policies allowed the Kagame regime to hide behind the smokescreen of women's rights to win positive international acclaim and visibility at a time when their human rights violations and the politicization of ethnicity were increasingly being called into question.

Sometimes, if women's rights are implemented in an authoritarian manner by decree and without a mandate of popular support, they may not be sustained or they may become a part of a ping-pong game, adopted and rejected as part of a tussle between successive leaders. This happened in Egypt under Nasser, Sadat, Mubarak, and Sisi. Women's rights activists may find their reputations tarnished if they are seen to ally themselves too closely with an autocratic regime, even when they themselves have suffered as targets of the regime, as was the case under Ben Ali's rule in Tunisia. Leaders may respond to competing pressures, as the Algerian leaders did in 1984 when they adopted a regressive Family Code to appease the Islamists. This devastated women's rights leaders, who had been pressing for a more progressive code. Authorities use women's rights for their own purposes, but that does not mean women's rights activists have no influence; nor does it mean that women cannot benefit from these rights, even in limited ways. This book shows how there are multiple and often competing agendas involved in the struggles over women's rights.

There are some ways in which the adoption of women's rights appears to be similar in democratic and nondemocratic contexts. As in democracies, the laws in autocratic countries can be the product of societal pressure and negotiations between various societal coalitions (Kang 2015). The adoption of women's rights can serve utilitarian purposes that have little to do with women themselves in both contexts. The policies in democracies and autocracies may be adopted without much societal pressure, or they may be products of massive protest movements. As one finds in democracies, policies in autocracies are uneven, with progress in some areas and not in others. There can also be huge inconsistencies between the constitution and laws, between laws themselves, between areas of legislation and between laws and their enforcement. Within both types of regime, conservative parties may adopt women's rights as it becomes a useful way to gain votes.

Women's rights can also serve nationalist goals in democracies to promote a nation as an exemplar to others. Improving the conditions

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-42564-3 — Seeking Legitimacy
Aili Mari Tripp
Excerpt
More Information

under which women work – through better day care, parental leave, women's training, and other such provisions – makes it possible to expand the workforce to "narrow future age dependency rates and reduce associated financial pressures" (Esping-Anderson et al. 2002, 24). According to such utilitarian arguments, the employment of women taps into the talent of a useful and educated workforce and helps curb social exclusion and poverty.

In Europe today, far-right extremist parties, like Marine Le Pen's National Rally, are increasingly attacking liberals for not being sufficiently concerned about women's rights. Le Pen argues they have ignored the patriarchal spread of Islam by supporting immigrants. She claims: "I am scared that the migrant crisis signals the beginning of the end of women's rights" (Sengupta 2017). The European far right has long seized on the *hijab* (head covering) as a symbol of patriarchy. More recently, many of them have said that attacks on gays and women in Muslim enclaves in Europe are evidence of the Islamic threat to European values. In a book focusing on contemporary France, Italy, and the Netherlands, Sara R. Farris (2017) labels this exploitation and co-optation of feminist themes by anti-Islamic and xenophobic campaigns as "femonationalism." She shows how right-wing nationalist parties use gender equality to justify their racism by characterizing Muslim men as dangerous to Western societies and as oppressors of women. Thus, even within democracies, women's rights are used for diverse political and policy purposes that extend beyond women's rights themselves.

This book explores the overarching question of why authoritarian regimes adopt women's rights with the recognition that both the question and the answer can only be context-specific. To that end, I ask why Morocco, Tunisia, and Algeria have converged in their adoption of women's rights legal reforms? Why do they differ from most of their neighbors in the Arab Middle East, with whom they share a religion, language, and historical rulers, adopting more women's rights reforms earlier and at a faster pace? The book hypothesizes that authoritarian leaders in the Maghreb have used women's rights to push back against the expansion of Salafi and other religious conservative tendencies internally. They also have used women's rights to serve other instrumental purposes, such as creating a modernizing image of their societies. At certain critical junctures of changes in power or social upheaval, women's movements have been able to push for reform or resist

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-42564-3 — Seeking Legitimacy
Aili Mari Tripp
Excerpt
More Information

backsliding and thus they have been able to effect change. To understand how this happened and why women's rights have been so central to the major developments in the region, I argue that one has to also take into consideration not only the events that occurred, regional dynamics, but also the symbolic dimensions of politics, which is the battlefield upon which many of the struggles were enacted.

Region Matters

To date, most studies in the Maghreb, with some important exceptions, have primarily looked at developments within individual countries around specific gender-related issues. They have tended not to ask broad comparative questions relating to women's rights. Important individual-country studies have dealt with various aspects of the themes touched on in this book. They have, for example, focused on the adoption of quotas in Morocco (Darhour and Dahlerup 2013, Sater 2012), Tunisia (Voorhoeven 2013), and Algeria (Benzenine 2013). They have also examined the PSC in Morocco (Cavatorta and Dalmasso 2009, Sadiqi and Ennaji 2006) and in Algeria (Bras 2007), and constitutional changes in Tunisia (Mersch 2014). Others have focused on the relationship between secular feminists and Islamists (Salime 2011, Gray 2013), and on women's movements in Morocco (Belarbi 2012, Salime 2011), Algeria (Allalou 2009), and Tunisia (Labidi 2017). While these studies are invaluable and I rely heavily on them, they are not situated in a comparative perspective that looks at commonalities and differences across cases in the context of regional dynamics, nor do they look at the overall patterns in legislative and constitutional reforms that would allow for greater generalizability, as this book seeks to do.

Cross-national studies on a global scale, on the other hand, have also provided important insights, but they tend to overgeneralize and do not allow for the kind of regional specificity that would help explain variance within the MENA region. Studies of this type have often focused on explaining female legislative representation globally but overlook the context of regional dynamics. For example, in Western Europe, the adoption of gender quotas is not always correlated with increased female representation as it is in Africa or the Middle East. Where quotas have been introduced in Western Europe, this has often happened after women have already attained 20–30 percent of

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-42564-3 — Seeking Legitimacy
Aili Mari Tripp
Excerpt
More Information

parliamentary seats (Dahlerup 2006, Rosen 2012). According to the Inter-Parliamentary Union data, women in European countries with quotas hold, on average, 33 percent of the legislative seats, which is the same rate as women in countries without quotas. However, in Africa, countries with quotas have on average 30 percent women in legislative seats compared to 15.7 percent in countries without quotas. The gap is even larger in the MENA region: women hold 20 percent of the legislative seats in MENA countries with quotas and 5 percent in countries without.

Some cross-national studies have argued that religious attitudes influence gender equality, but at a level of generality that does not attempt to explain differences within regions (for example, Inglehart and Norris 2003, Kenworthy and Malami 1999, Alexander and Welzel 2011). In fact, it is not uncommon to find that Muslim countries, from Morocco to Somalia, Albania, Syria, Iran, and Indonesia, are treated as a monolithic entity in some of the literature. I am of the view that generally it is not possible to speak meaningfully about "the Muslim world" any more than it makes sense to speak of a "Christian world." Regardless of different political systems, cultures, languages, economies, and ideologies, 2 billion people in dozens of countries spanning the globe from the Americas to China become swallowed into an entity called the "Muslim world." This is not to say that there are no commonalities or shared global experiences (such as the spread of conservative Islam); nor should one deny the idea of the Muslim *ummah* (community). Rather, it appears that such categories prevent us from making meaningful social scientific comparisons and developing middle-range theories that help untangle complex realities.

When it comes to women's rights, one finds enormous variation among predominantly Muslim countries. For example, Senegal, which is overwhelmingly Muslim, has some of the highest rates of female legislative representation in the world with women holding 43 percent of the parliamentary seats, while Yemen has 0 percent, Oman 1.2 percent, and Kuwait 3.1 percent, among the lowest in the world. Muslim countries were among the first in Africa to adopt gender quotas to increase women's political representation. They were also among the first in Africa to adopt constitutional reforms regarding women's rights.

Much also depends on the issues at stake. In Egypt, for example, Muslims are more likely than Copts (who make up 10–20 percent of

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE
Cambridge University Press
978-1-108-42564-3 — Seeking Legitimacy
Aili Mari Tripp
Excerpt
More Information

the population) to say that ensuring gender equality in the constitution is very important and to strongly agree that women should be allowed to work outside the home (Arab Barometer 2013). On other measures, like support for women in politics, Muslims are less supportive than Copts. In Lebanon, where Christians make up 40 percent of the population and Muslims constitute up to 54 percent, fifteen separate personal status laws regulate family law for Christian, Muslim, Druze, and Jewish confessional communities, all of which are administered by separate religious courts. In all sects, women are treated worse than men when it comes to divorce and child custody (Fakih and Braunschweiger 2015). This has led many gender scholars in the region to focus on patriarchy rather than religion, while at the same time recognizing the centrality of religion in shaping women's rights (Sadiqi and Ennaji 2011). Thus, the very fact that there is so much variance within the region, as well as change, suggests that we need to interrogate more carefully the many political factors that account for female subordination and the ways in which they interact with one another.

By focusing on regions and subregions, this book attempts to disabuse the reader of easily made generalizations about women's rights in the predominantly Muslim and Arab MENA region that suggest that there is something intrinsic about Islam that prevents progress in women's rights. This is not to deny that religion or, more specifically, religiosity is irrelevant to women's rights, but rather to argue for more contextualized explanations that account for political contestation.

In fact, my interest in variance between countries with large or majority Muslim populations started south of the Sahara in Tanzania, where I lived for fourteen years and where I carried out fieldwork for my dissertation and later for other projects. In Tanzania, where the Muslim and Christian populations are evenly divided, the backbone of the independence movement was led by Bibi Titi and a large number of other Muslim women, who went door-to-door to recruit people into the Tanganyika African National Union. Bibi Titi toured the country, giving fiery speeches demanding independence. She was as important a figure in the nationalist movement as Julius Nyerere, the country's first president (Geiger 1987). Muslim women supported independence because they wanted, among other things, more educational opportunities. The coastal Muslim women who helped galvanize the independence movement were largely from matrilineal societies, where they had relatively more freedom than others.

© in this web service Cambridge University Press www.cambridge.org