Women's Rights and *Shari'a* Law in the MENA Region

Vera Lomazzi

1 Introduction

In Muslim-majority societies, women tend to face severe disadvantages and discrimination more than in other countries. As a source of the gender inequalities existing in these countries, the patriarchal tradition is generally linked to the religious roots of legislation and cultural heritage. Despite what most of the Western public opinion believes, the gender cultures that can be retrieved in the Muslim-majority countries differ across societies and the status of women varies. In this contribution, we aim at reflecting beyond the simple readings that equate gender inequality with Islam. With a focus on countries of North Africa and the Middle East (MENA) we intend to provide an overview of the different gender cultures existing in this area. Gender cultures in this region are all somehow affected by the relation between religious norms, political and legislative power, but the extent to which norms and regulations impact on women's right can be different. Similarly, people also can combine their quest for gender equality and the support for the religious influence on legislation and social life in different forms. Furthermore, gender cultures are subject to the country's specific way of coping with the post-colonialist period and implementing reforms. Despite the strong normative effect of these institutional positions, there is not a unique way of living the link between religious faith and women's rights. On the contrary, in the MENA societies some feminist positions challenge the current status quo combining the quest for women's rights with their support for the implementation of laws inspired by Islam in a variety of combinations, which range from secular to Islamist feminisms.

After providing a general overview of the gender cultures in MENA countries, the contribution offers a reflection on the different outcomes for gender equality of the Arab Uprisings occurred in the region in 2011. In order to further explore the current gender cultures in the region, we observed how people combine the quest for gender equality with their support of Shari'a law. To do so, we use data from the Arab Transformations Project, which investigated the

social, political and economic transformation after the uprisings in Egypt, Libya, Jordan, Iraq, Morocco, and Tunisia. By using typologies built on the basis of extant literature (Badran, 2001; Fox *et al.,* 2016; Mir-Hosseini, 2011), we identified differences in the distribution of Secular Feminist, Muslim Feminist, Reformist, and Islamist people living in these countries, illustrating a variety of gender cultures in line with the historical developments described by the theoretical literature.

2   Gender Cultures in the MENA Region

Pfau-Effinger (1998: 150) describes the gender culture as the "uniform normative assumptions existing in society about the proper form of gender relations and of the division of work between men and women". These norms and values guide people in their behavior about gender relations and provide gender role expectations. Societies differ in the way they define the proper role for women and men. Gender cultures are in fact situated, that means that they are subject to the characteristics of each society, which can also change over time. The different economic, political, and social historical pathways led societies to develop different gender cultures, which reflect in a variety of gender norms and related expected gender roles, who changed accordingly with the broader structural and cultural change of societies (Inglehart, Norris, 2003; Pfau-Effinger, 2004). The way gender cultures develop is a very complicated process: it refers to the intertwined relation between individual, relational and institutional levels of gender relations (Wharton, 2005). The individual values, showed for example in supporting egalitarian gender roles, cannot be explained only from an individual perspective, because they also result from the socialization process and the daily negotiations (West, Zimmerman, 1987). Therefore, they are not just a matter of individual preference. Furthermore, this ongoing process takes place in a societal context, made of laws, social norms, and institutional structures that are of course part of a society's gender culture and affect the individuals' values and behaviors.

   In a cultural context, the mainstreaming ideas about masculinity and femininity as well the prevailing family model determine what in a society can be considered an appropriate role for a man and for a woman. Such gender norms impact on people's life at individual, domestic and social level. They could refer to every aspect of personal and social life. The appropriate way of dressing for a woman or a man at each stage of life, the behaviors considered more or less adequate in private and in public contexts, the "right" roles that a woman or a man should have in society, the distinction of tasks and caring responsibilities

between husband and wife and the tasks assigned to sons and daughters, the agreement about a specific share of inheritance between daughters and sons, or the fact the women could or could not be allowed to travel alone – these are all aspects of the gender norms within a particular social context. Following different historical-cultural paths, societies have developed different gender cultures displaying different position between the maintenance of more tra-ditional-patriarchal values and progressive views, with the adoption of values and behaviors more oriented towards reciprocity than complementarity (In-glehart, Norris, 2003; Pfau-Effinger, 2004; 1998).

In the case of societies in the MENA region, it is impossible to think of gen-der cultures without including into the reflection two relevant aspects that contribute to defining the value systems of these societies as well their struc-tural organization: the intertwined relationship between religion and politics and the past Western domination.

Islam and post-colonialism are in fact essential elements of the cultural context of this region. In several countries of the MENA region, the Shariʿa law disciplines the private as well as the public life. In particular, the personal sta-tus codes concern laws and norms about marriage, divorce, custody, inheri-tance. Because of the impact of such regulation on women's lives, the personal status codes are often recognized as a central issue for women's rights in the region (Fox *et al.*, 2016; Hatem, 1994; Rahman, 2012). Western observers tend to equate Shariʿa to patriarchal laws. As Mir-Hossein points out (Mir-Hosseini, 2006, 2011), it is instead necessary to consider the distinction between Shariʿa, that refers to the revealed law of God, and *fiqh*, which is the jurisprudence based on the human interpretation of Shariʿa. The Sahriʿa is an essential source of justice for most Muslims, but its interpretation is a crucial debate in the Muslim world and different traditions exist (Carlisle, 2019; Mir-Hosseini, 2011; Rahman, 2012). As Rahman (2012) explains, regardless of the school of law, the family laws sourced by Shariʿa are built on the Quran that describes gender roles according to the natural differences between men and women. Similarly as in other religious traditions, this reflects into the specialization of tasks and responsibilities because of gender. Nevertheless, also in this case scholars' po-sitions can differ. In addition to the quest for women's rights, also reformist views that would encourage reinterpretation and legal changes are emerging (Mir-Hosseini, 2011).

Such a strict link between religion and legislation challenges the tradi-tional conceptualization of Western democracy, based on the separation of religious and political powers (Hashemi, 2009). By assuming this perspective, theocracy has been seen as one of the main causes of unequal rights (in the cases of women and minorities) and of the reinforcement of authoritarianism

(Altemeyer, Hunsberger, 1992; Hunsberger, 1995; Mir-Hosseini, 2006). The current process of radicalization, with the call for a rigid "return to Shari'a" also in the domain of women's rights, claimed by Islamist forces, is interpreted as an opposition to the Western model of democracy and the attempt of re-affirming an authentic identity as reaction to the colonialist era and orientalism (Fox *et al.*, 2016; Hilsdon, Rozario, 2006; Mir-Hosseini, 2011).

In this general context of complexity, countries in the MENA region developed different gender cultures, which resulted from the specific historical pathways, cultural heritage, the unique ways of coping with the post-colonialist period and of implementing reforms (Abbott, Teti, 2017b; Sarnelli, 2016).

3　　CEDAW Acceptance and Shari'a Law

To consider differences in gender cultures one may consider individual values as well as institutional aspects. To further explore the connections between gender cultures and their relation with religion, it could be interesting to consider to what extent country legislations norm gender relations and define women's right (Branisa *et al.*, 2014). While previous research already explored differences between the institutional aspects of gender cultures in the MENA region concerning issues related to gender-based violence (Kelly, Breslin, 2010), here we consider how the gender cultures can differ in this region by observing the ways countries accepted the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

The CEDAW, adopted by the United Nations in 1979, is one of the most important treaties concerning gender equality. Not only does it define the basis to achieve gender equality, but it also conceptualizes the equal access to, and equal opportunities in, political and public life as a matter of human rights. The Convention describes discrimination against women as

> any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. (Article 1)

The CEDAW is a cornerstone for gender equality legislation. Its strong relevance is due to the fact of defining the forms of gender discrimination in a treaty potentially valid worldwide.

Made of 30 articles, which cover gender equality in several domains (from personal freedom, to family rights, to social and political participation), the CEDAW has been subscribed by 189 countries. However, not all of them accepted it entirely. Some countries ratified the CEDAW with reservations on specific articles that would not be compatible with a nationally accepted interpretation of the Shariʿa provisions. The main aspects of the different degree of acceptance of the CEDAW have been already described in previous studies (El-Masri, 2012; Lomazzi, 2016). Here, a recap of the reservations to CEDAW articles in countries of the MENA region is summarized in Table 8.1.

While Morocco, Tunisia, Djibouti, and Palestine Authority accepted CEDAW without any reservations (Morocco withdrew the reservations in 2011), the other countries differ by their degree of acceptance of the convention, ranging from Yemen, that made a reservation only on article 29 concerning the administration of the convention, to Syria, that displays the highest number of reservations, including the one concerning child marriage. As shown in Table 8.1, articles concerning marriage and family life, and freedom of movement are those that more frequently are considered in contrast with the national interpretation of Shariʿa law. Such reservations are of particular relevance for the interest of this study. Laws implying a subsidiary position of women in society and in family life have a substantial impact on gender role expectations and individuals' opportunity of self-determination. Since these reservations derive from the nationally widespread interpretation of Shariʿa, one could think that gender equality in Muslim majority States is limited because of the influence of the predominant religion and that people living in MENA region are generally against women's rights.

While it is undoubted that the countries in this region display lower levels of gender equality compared to other areas of the world, the generalization of such stereotypes may be misleading.

The World Economic Forum yearly drafts the Global Gender Gap Report.[1] It provides a gender gap index aimed at measuring gender inequality in four domains: economic participation and opportunity, educational attainment, health and survival, and political empowerment. The index ranges from 0 (inequality) to 1 (lack of gender gaps, equality). According to the most recent report (WEF, 2018), countries in the MENA region have low scores and occupy the lowest part of the rank. The most egalitarian is however Tunisia (0.648), followed by United Arab Emirates (0.642); Kuwait (0.630); Qatar (0.629); Algeria (0.629); Bahrain (0.627); Egypt (0.614); Morocco (0.607); Oman (0.605); Jordan

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1   More information can be retrieved on the Global Gender Gap Report website (https://www
    .weforum.org/reports/the-global-gender-gap-report-2018).

TABLE 8.1   CEDAW Convention acceptance

Country	Year of acceptance	Reservations to articles and main topics (the numbers in parenthesis indicate a specific paragraph of the article)
Algeria	1996	2 (policy measures i.e. intention to enshrine gender equality into domestic legislation)15(4) (equal rights to legal capacity and freedom of movement) 16 (equal rights in marriage and family life) 29 (an article related to the administration of the convention; i.e. arbitration in the event of a dispute)
Bahrain	2002	2 (policy measures i.e. intention to enshrine gender equality into domestic legislation)9 (2) (equal rights with men to acquire, change or retain their nationality; equal rights with regard to the nationality of children) 15 (4) (equal rights to legal capacity and freedom of movement) 16 (equal rights in marriage and family life) 29 (1) (an article related to the administration of the convention; i.e. arbitration in the event of a dispute)
Djibouti	1998	No reservation
Egypt	1981	2 (policy measures i.e. intention to enshrine gender equality into domestic legislation)16 (equal rights in marriage and family life) 29 (an article related to the administration of the convention; i.e. arbitration in the event of a dispute)
Iran	-	Even if in 2003, the Iranian parliament ratified the CEDAW, it is still awaiting consideration by the Expediency Council.
Iraq	1986	2 (f) (g) (policy measures i.e. intention to enshrine gender equality into domestic legislation)16 (equal rights in marriage and family life) 29 (1) (an article related to the administration of the convention; i.e. arbitration in the event of a dispute)
Jordan	1992	9 (2) (equal rights with men to acquire, change or retain their nationality; equal rights with regard to the nationality of children)16 Paragraph 1 (c) (same rights and responsibilities during marriage and at its dissolution), (d) (same rights and responsibilities as parents) and (g) (same personal rights, including the right to choose a family name, a profession and an occupation)

Country	Year of acceptance	Reservations to articles and main topics (the numbers in parenthesis indicate a specific paragraph of the article)
Kuwait	1994	9(2) (equal rights with men to acquire, change or retain their nationality; equal rights with regard to the nationality of children)16(f) (equal rights in marriage and family life)
		29(1) (an article related to the administration of the convention; i.e. arbitration in the event of a dispute)
Libya	1989	2 (policy measures i.e. intention to enshrine gender equality into domestic legislation)16 (equal rights in marriage and family life)
Lebanon	1997	9 (2) (equal rights with men to acquire, change or retain their nationality; equal rights with regard to the nationality of children)16 (1) (c) (d) (f) (g) (equal rights in marriage and family life)
		29 (1) (related to the administration of the convention; arbitration in the event of a dispute)
Morocco	1993	2 (policy measures i.e. intention to enshrine gender equality into domestic legislation)15(4) (equal rights to legal capacity and freedom of movement)
		29 (an article related to the administration of the convention; i.e. arbitration in the event of a dispute)
		The reservations were formally withdrawn in 2011.
Oman	2006	9(2) (equal rights with men to acquire, change or retain their nationality; equal rights with regard to the nationality of children)15 (4) (equal rights to legal capacity and freedom of movement)
		16 (1a,c,f) (equal rights in marriage and family life)
		29 (1) (an article related to the administration of the convention; i.e. arbitration in the event of a dispute)
Palestine Authority		Ratification without any reservations as a non-member State
Qatar	2009	2(a) (policy measures i.e. intention to enshrine gender equality into domestic legislation)9(2) (equal rights with men to acquire, change or retain their nationality; equal rights with regard to the nationality of children)
		15(1) (4) (equal rights to legal capacity and freedom of movement)
		16(1a) (equal rights in marriage and family life)

TABLE 8.1   CEDAW Convention acceptance (*cont.*)

Country	Year of acceptance	Reservations to articles and main topics (the numbers in parenthesis indicate a specific paragraph of the article)
Saudi Arabia	2000	9(2) (equal rights with men to acquire, change or retain their nationality; equal rights with regard to the nationality of children)29(1) (an article related to the administration of the convention; i.e. arbitration in the event of a dispute)
Syria	2003	2 (policy measures i.e. intention to enshrine gender equality into domestic legislation)9 (2) (equal rights with men to acquire, change or retain their nationality; equal rights with regard to the nationality of children) 15 (4) (equal rights to legal capacity and freedom of movement) 16 1 (c), (d), (f) and (g) (equality in marriage and family life) 16 (2) (child marriage) 29 (1) (an article related to the administration of the convention; i.e. arbitration in the event of a dispute)
Tunisia	2008	No reservations
United Arab Emirates	2004	2(f) (policy measures i.e. intention to enshrine gender equality into domestic legislation)9 (equal rights with men to acquire, change or retain their nationality; equal rights with regard to the nationality of children) 15(2) (equal rights to legal capacity and freedom of movement) 16 (equal rights in marriage and family life) 29(1) (an article related to the administration of the convention; i.e. arbitration in the event of a dispute)
Yemen	1984	29(1) (an article related to the administration of the convention; i.e. arbitration in the event of a dispute)

SOURCE: OECD/CAWTAR, 2014

(0.605); Lebanon (0.595); Saudi Arabia (0.590); Iran (0.589); Syria (0.568); Iraq (0.551); Yemen (0.499).[2] These situations can be considered as the result of this

2   Data on Palestine, Libya, Djibouti are not available.

variety of gender cultures, produced by the intertwined relationship of historical, cultural, political, economic and social processes. Despite the common fact of being a Muslim-majority country, countries in the MENA region differ in several ways. The historical heritages flow into new and different pathways that distinguish political systems and regimes. The degree of influence of religious power on the political processes can profoundly differ and the institutional positions towards human rights, and more specifically towards minorities and women rights, vary as well. In the context of such different cultural and structural frameworks, women's movements developed their action accordingly (Moghadam, 2018; Parashar, 2016). Consequently, also their influence on social change did not impact in the same way in all the countries.

The relation between religion and gender equality is however a central issue (Razavi, Jenichen, 2010), especially in this region. Most of the religions tend to support a traditional and patriarchal view of gender roles (Alexander, Welzel, 2015; Forman-Rabinovici, Sommer, 2018; Inglehart, Norris, 2003; Klingorová, Havlíček, 2015). When religious and political powers are not distinct, their reciprocal influence can establish a strong barrier to gender equality, especially when strictly confessional views are embraced in policy-making processes. On the other hand, the support for patriarchal values is not only due to religion and cultural aspects. In the case of the MENA region, for example, authors also take into account structural factors that contribute to explaining gender inequality in the region (Moghadam, 2003; Rahman, 2012; Ross, 2008), such as oils and gas rent: "Oil production reduces the number of women in the labor force, which in turn reduces their political influence. As a result, oil-producing States are left with atypically strong patriarchal norms, laws, and political institutions" (Ross, 2008: 117).

Investigating gender equality in Muslim-majority countries is not easy because of the degree of complexity that needs to be taken into account (Alexander, Welzel, 2015). For example, as seen earlier, countries in the MENA region display a variety of institutional position towards conservative views. Furthermore, people's opinions in the domain of women's right and of the relation between religious and political powers can deeply differ. Moreover, such individual positions need to be considered in the frame of the historical pathways of gender cultures that, in these countries, have been affected also by the colonialist domination – which, in the long term, may have generated a backlash to traditional values (Fox *et al.*, 2016; Hilsdon, Rozario, 2006). Alongside a dynamic and longstanding scenario of feminist movements quite vivid in some of the MENA countries (Al-Ali, 2003; Moghadam, 2003, 2008), people nowadays combine the support for women's rights with the support for the implementation

of laws inspired by Islam in a variety of formulations ranging from secular feminism to Islamist positions.

4   Islam and Feminisms

According to extant literature (Azam, 2018; Badran, 2001; Halverson, Way, 2011; Mir-Hosseini, 2006), four possible ways to combine the support for the religious source of personal status codes and women's rights can be identified.

Based on the idea that only the separation between religious and political power can guarantee the establishment and the development of women's right, the secular feminism follows the Western idea of a division between Mosque and State. According to this view, women's rights should not have their roots in the religious tradition.

People who see this conceptualization as the fruit of the Western colonialist era and refuse the idea of a Westernization of the Arab world tend to criticize the secular position. Two main perspectives can be then assumed according to the degree of support towards gender equality and to what extent people link women's rights to Islam.

The Muslim feminism (Halverson, Way, 2011; Mir-Hosseini, 2011) is a global movement that affirms that gender equality is reconcilable with Islam. "Justice and equality are intrinsic values and cardinal principles in Islam and the Shariʿa" (Mir-Hosseini, 2006: 629), and the traditional patriarchal interpretation of the Quran needs to be questioned. This perspective keeps the centrality and authority of the Quran uncontested. Furthermore, the supporters of the Muslim feminism argue that the promotion of women's rights in the Arab world can be effectively pursued only by Islam-centered feminism (el-Husseini, 2016).

Pursuing the centrality of Islam in social and political life, but with a radical twist, Islamists favor a stronger role of religious norms in personal status law. In contrast to Muslim feminism, who asks for a reinterpretation of the patriarchal reading of Shariʿa, Islamism views do not challenge the traditional perspective but call instead for a stricter observation of the religious provisions concerning also gender roles. Halverson and Way (2011) define Islamism as the result of the anti-colonial feeling that was widespread in the early twentieth century and that was particularly remarkable in British ex-colonies such as Egypt and India. Such fervor against the dominators led to the establishment in the city of Cairo of the Society of Muslim Brotherhood in 1931. Since its birth, the Muslim Brothers aimed to defend and reinforce the Islamic identity in contrast to Western influence. This intention reflected in the reinforcement of

traditional Islamic morality. In more recent times, and not only in Egypt, Islamist forces start opposing the reform processes of law secularization calling for a return to the Shariʿa. As reported by Mir-Hosseini (2011), this implied consequences also in the domain of gender equality with the return to patriarchal norms and gender segregation. In the long term, the events connected with the Arab uprising have in some cases exacerbated this return to conservative views and resulted in radicalization.

The case of Islamic Reformism is a fourth theoretically possible combination of the concerns for gender equality and Shariʿa. This typology represents the position of those people who refuse the religious source of legislation and norms, but at the same time do not support gender equality. Their possible quest of reforms of Shariʿa provisions, considered necessary to deal with social change (when it is not meant for an entirely secular interpretation), is then not related to the support for women's rights.

5 Women's Rights and the Arab Uprisings

The events that developed into the Arab Uprisings made the relationship between gender equality, democracy, and religion even more complex. While initially the public opinion thought that such events would have triggered the quest for democratic values and gender equality, the effective impact of such uprisings on gender equality in the region is still unclear (Fox *et al.*, 2016). This uncertainty in finding a common pattern is due to the fact that the impact of the uprisings cannot be evaluated without considering the particular situation of each country and the women's status before the uprisings and the eventual pre-existing feminist movements. Countries have their own history and expecting similar pathways is a false pre-assumption. Furthermore, while many authors argue that the quest for gender equality should be considered as a relevant part of social change, also wished by the Arab Uprising, which included the challenge to systems characterized by corruption, political and economic marginalization, this did not always meet the expectations (Teti, Abbott, 2017b).

The outcomes of the Arab Uprisings have been deeply different (Abbott, Teti, 2017b; Moghadam, 2018). In some countries, such as Syria, Yemen, and Libya the protests turned into violent civil conflicts, which are still causing a severe humanitarian crisis. Tunisia and Morocco embraced democratic transitions. Protests in Morocco, for example, were very soon followed by promised reforms and amendments. Other countries reverted to authoritarianism. Egypt, which initially approached a democratic transition, turned instead into military authoritarianism. With regard to the impact of the uprisings on gender

equality, Moghadam (2018) points out that it is necessary to consider women's status before the rise of the protests because these prior conditions, that differed across the region, help to explain the different outcomes. Compared to other countries in the region, in Morocco and Tunisia women's rights have a longer tradition (Moghadam, 2018). Institutional changes concerning for example the withdrawal of the reservations to CEDAW started quite earlier than the uprisings. Tunisia is considered to be one of the most gender-egalitarian country in the Arab world and the achievement obtained soon after the 2011 protests are considered as part of a long-term process (Charrad, Zarrugh, 2014; Khalil, 2014). As Moghadam (2018) reports, Tunisia's figures concerning female labor market participation, education, literacy and women in the judiciary and politics have been better than elsewhere already in the past. Furthermore, it was the only country with a political party led by a woman (Maya Jribi, leader of the Progressive Democratic Party). After the 2011 protests, the transitional government declared an equal opportunity law. Women largely participated in the public debate that deeply influenced the political processes. The role of women's associations has been particularly relevant in the quest for women's rights and secular law (Charrad, Zarrugh, 2014; Gray, 2012; Khalil, 2014; Moghadam, 2018).

As in the Tunisian case, even in Morocco the achievements in the formal recognition of gender equality rights are part of a gradual process, which started with the acceptance of CEDAW in 1993. In 2004, King Mohammed VI made essential amendments to the Family Code, giving women broader access to family and personal rights. In 2008, he lifted the reservations on CEDAW. Enabled also by the structural changes who favored women participation in public life, women's movements played an important role in addressing issues and assert women into this relevant debate (Moghadam, 2018). In 2011, the mass protest February 20th Movement brought to the adoption of a new constitution, which additionally increased women's rights (Prettitore, 2015), prohibits any form of discrimination and defines the supremacy of the international human rights conventions over domestic law.

In Egypt, the situation took a different pathway. In the first decades of the 20th century, women activism focused against colonial practices and protested alongside men for the liberation of Egypt (Magdy, 2017). As Sorbera describes (2014), this participation did not result in a formal recognition of political rights and women organized themselves in informal networks and later structured through those civil society organizations that led to achieve the right to vote in 1956. However, the patriarchal system remains unchanged and women's rights groups were slowly marginalized (Magdy, 2017; Moghadam, 2018). Nevertheless, the long history of the Egyptian resistance to patriarchy exploded in the protests of 2011 (Sorbera, 2016).

During the protests of 2011, women who participated in the rallies were subject to harassment and sexual abuse. When they were arrested during the protests that they were forced to undergo virginity tests (Hafez, 2014; Moghadam, 2018). Such repression limited even more the potential participation of women. As Magdy (2017) reports, women's quest for equal rights is still generally perceived as an attempt at Westernization and as a threat to traditional family values. Since after the revolution, the Muslim Brotherhood have tried to replace the women's rights agenda with a "family agenda", reinforcing the opposition to a secular perspective on gender roles and gender equality. Under Al Sisi's regime, women's status did not improve. On the contrary, sexual violence and harassment increased and, in general, human rights were considered under threat. Sorbera (2016) reports that only in the first months of 2015 almost 400 Non-Governmental Organizations were obliged to closure, supporters of Muslim Brotherhood were sentenced to death, and activists in favor of human and labor rights were prosecuted. The risk of persecution, torture and death increased also for scholars, as in the terrible case of Giulio Regeni as well as in the recent one of Patrick George Zaki, demonstrating to the international observers the progressive turn of the Egyptian regime into a violent authoritarianism (Gonzales, 2016; Ryzova, 2017; Teti *et al.*, 2017).

Moghadam's overview of female mobilization in the MENA region (2018) also reports the situation of Libya, Syria and Yemen. In Libya, since 1969, many laws have been implemented to grant women personal rights and to make secondary education compulsory for both men and women. These norms gave formal equality in the public sphere, but family law still relies on the unequal relationship between men and women and put women under the supervision of a male kin. At the same time, the country did not experience any formal women's activism.

Soon after obtaining the right to vote in 1949, women were involved in public life in Syria. However, the personal status law remained mainly uncontested. The country accepted the CEDAW with a long list of reservation that made it impossible to implement any improvement for the women's legal rights in the domain of family, marriage, divorce, child custody, and protection from gender-based violence (Kelly, Breslin, 2010). In Yemen, one of the poorest countries of the region, women's status worsened after the unification in 1990, which brought the country to stronger Islamism. The constitution declares Shari'a as a source of legislation. In addition, Article 31 affirms that women's rights and duties are assigned by Shari'a and established by the law (Moghadam, 2018). As reported also by the Human Rights Watch (2015), women in Yemen face restriction in their freedom of movement, discrimination with regard to access to resources, and they are marginalized in political processes. Gender-based violence is widespread and early marriage is a socially legitimized practice. After

the revolts, Libyan Islamist groups start promoting a stricter interpretation of the Islamic personal law as well as gender segregation in the public spaces. Meanwhile, Libya become an unsafe country and a central point for the ISIS activity (Engel, 2015; Moghadam, 2018). The group of Syrian women "Syrian women for the Syrian revolt", emerged during the uprising, has been suppressed by the rising Islamist groups. Women were marginalized by the political life, patriarchal views and gender-based violence, included child marriage, exacerbated during the Syrian war and refugee crisis (Lomazzi, 2016).

So far, the situation of women in Jordan and Iraq after the uprising has not been studied in depth as in the case of the other countries. Among the few studies of this kind, Ferguson reports (2017) that in Jordan women's organization were not able to effectively improve the status of women during and after the uprising, also because of the depoliticization of such organizations.

This brief overview of women's rights in the MENA region suggests that people living in such different societies would express their support to gender equality and Shari'a provisions in a variety of forms, especially in the aftermath of the uprisings. In the next paragraph, we will explore how people combine these two aspects.

6   Islamism, Reformism, Secular and Muslim Feminism in Six Countries

While previous studies mainly focused on the theoretical description of the forms of feminism in the MENA region (Badran, 2001; Halverson, Way, 2011; Mir-Hosseini, 2011; Moghadam, 2001; Parashar, 2016; Winter, 2001), the current contribution aims at empirically identifying the existence of such typologies. To our knowledge, only Fox *et al.* (2016) dealt with this issue by using survey data. They mainly focused on the change of support for women's right in the aftermath of the Arab uprising, but not much information about the different distribution of the forms of supports across countries is provided. Here, we slightly revise their conceptualization of feminism and use a combination of support for Shari'a law and attitudes towards gender roles to describe the distribution of Secular Feminism, Muslim Feminism, Islamic Reformism, and Islamism by using the most recent data available on this issue collected by the Arab Transformations Project in 2014 in Egypt, Iraq, Jordan, Libya, Morocco and Tunisia.

6.1   *Data Description*
To illustrate the forms of feminisms supported by people, we use data collected by the Arab Transformations Project (AT2014).

TABLE 8.2   Sample sizes by country and survey

	Sample size	Fieldwork period
Egypt	1525	05 – 24/11/2014
Iraq	1613	4/05 – 22/06/2014
Jordan	2139	7–18/06/2014
Libya	1540	25/05 – 31/08/2014
Morocco	1777	15/07 – 30/10/2014
Tunisia	1215	01– 31/08/2014

SOURCE: AT2014

The Arab Transformations Project is a European Commission funded project (2013–2016) investigating the root causes of the Arab Uprisings in seven Arab MENA countries. The project carried out also a survey in late 2014 to explore people's attitudes and behaviors. Data collected among representative samples of the population are available for Egypt, Iraq, Jordan, Libya, Morocco and Tunisia.[3] The dataset is freely accessible to users (Abbott, Teti, 2017a). Table 8.2 shows the sample sizes and the fieldwork period for each country.

6.2   *Measurements*

To be able to detect different forms of feminism, we built a typology based on the theoretical literature (el-Husseini, 2016; Halverson, Way, 2011; Mir-Hosseini, 2006, 2011) as well on the empirical work proposed by Fox *et al.* (2016). According to such perspectives, it is necessary to consider, on the one hand, the support for women's rights and, on the other, the support for Shariʿa law. In particular, the authors stressed the important connection with the support for Islam being the source of legislation of family and personal status laws. We therefore computed two measurements, indicating the support for gender equality and the support for legislation inspired by Shariʿa and combined them to define four distinct typologies: secular feminists, Muslim feminists, Islam Reformist, and Islamist.

The support for gender equality is grasped by the agreement of the respondents with the following statements:

a.   A university education is more important for a boy than for a girl*
b.   Women can work outside the home
c.   On the whole, men make better political leaders than women do*

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3   For more information about the project and survey methodology applied, please consult the project website: https://www.arabtrans.eu/.

These items specifically cover the public dimension of gender ideologies (Davis, Greenstein, 2009) and help understand the degree of support for women's rights in contrast with patriarchal values. The index is obtained by computing the mean of the scores of each item and it goes from 1 (lowest support for gender equality) to 4 (highest support for gender equality). The scores of items indicated with * were reversed in order to achieve the same direction.

As pointed out by Fair *et al.* (2018), the support for Shariʿa can be operationalized in several ways. It is a complex and multi-dimensional concept and scholars have used measurements based on different conceptualizations focused on general or specific aspects of Shariʿa. While Fox *et al.* (2016), focused on the dimension of family and inheritance laws, alongside other religious provisions concerning gender mixed education and women's dress code, in our measurement we substitute the dimension related to inheritance issues with the support for Shariʿa in all aspects of the legislation. In this way we can cover a broader belief concerning the role of Shariʿa in regulating social, political, and economic life. The respondents were asked to express their agreement to the statements:

d.   The government should implement only the laws derived from Shariʿa
e.   The government and the parliament should make personal status/family law according to Shariʿa
f.   It is acceptable in Islam for male and female university students to attend class together*
g.   In Islam women should dress modestly, but Islam does not require that they wear a hijab*

Also in this case, the index is obtained by computing the mean of the scores of each item and it goes from 1 (lowest support for Shariʿa) to 4 (highest support for Shariʿa). The scores of items indicated with * were reversed in order to achieve the same direction.

Fox *et al.* (2016) were particularly interested in studying the support for Muslim feminism and according to the goal of their study; they operate distinctions only between secular and religious forms of support for gender equality. Here, we wish to explore differences in the distribution of different possible forms of combination of the support for gender equality and support for Shariʿa as described in the literature. The scores of both measurements have been then dichotomized and four typologies result from their possible combinations:

– *Muslim Feminists*: people supporting both gender equality and Shariʿa. Those belonging to this typology, support women's right but refuse a secular interpretation of gender roles. Gender equality, according to this view, may be achieved through Islam.

- *Secular Feminists*: this typology refers to those respondents who consider theocracy a limit for gender equality. Their support for gender equality goes together with the quest for secular codes ruling family laws, dress code, gender segregation etc.
- *Islamists*: people belonging to this group display conservative views concerning both gender equality and the source of legislation. They support Shari'a as the primary source of regulations and support a traditional separation of roles between men and women.
- *Reformists*: this fourth typology, resulted from the combination of low support for gender equality and low support for Shari'a law, comprises the respondents who have a traditional view of gender roles and, at the same time, may express a secular view concerning the source of legislation and would support reforms in this perspective.

By using such operative definitions, the graph in Figure 8.1 displays their distribution in Egypt, Iraq, Jordan, Libya, and Tunisia.

While in all the countries the different typologies coexist, their distribution profoundly differs. Compared to the other five countries here considered, Egypt displays the lowest share of people supporting gender equality (46.3%). Tunisia and Morocco, instead, show the highest rate of people questing for women's rights (respectively 78.1% and 76.8% of the population sample). However, in all the countries except Tunisia, Muslim feminists are the biggest share of the gender egalitarian supporters. This means that most of the people advocating for women's rights see the roots of women's rights in Islam and challenge the patriarchal reading of Shari'a. About half of the people living in Jordan, Iraq, Libya and Morocco belong to this group.
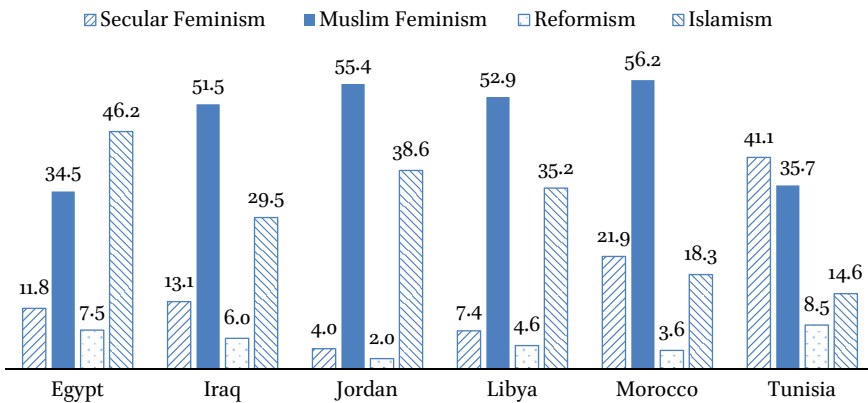

FIGURE 8.1   Feminism typologies by country
SOURCE: AT2014

In all the countries, only a small amount of people question Shari'a without supporting gender equality. The share of pure Reformists is very small (from 3.6% in Morocco to 8.5% in Tunisia). Islamists, who consider Shari'a as the essential source for legislation in all aspects of social and personal life and argue that gender roles are defined by Shari'a, are the biggest group in Egypt (46.2% of the sample). Islamist perspective is assumed by one-third of the Iraqi and by a bit less than 2 people in 5 in Jordan and Libya. In Morocco and Tunisia, people expressing Islamist view are far less 20%.

These distributions result in line with the country characteristics emerged by the literature review (§5), especially in the case of Egypt, Morocco and Tunisia. After the uprising, Egypt reversed into an authoritarian regime with a strong Islamist component and anti-Western feelings. Considering these aspects, it does not surprise that the country displays the lowest support for gender equality, with particular regard to the secular (Western) view, and the highest share of Islamist. Tunisia and Morocco both implemented reforms that increased women's rights as part of a pathway towards gender equality rooted in the past history of women's movements, with Tunisia developing a stronger secular component.

7   Conclusive Remarks

Too often Western observers risk considering countries belonging to the MENA region, and in general, Muslim-majority countries, as similar social contexts characterized by the common denominator of patriarchal gender norms. According to these views, Muslim women are thought in need of being saved (Abu-Lughod, 2013), assuming that they are not able to empower themselves and that the Western way to democracy and gender equality is the only way possible.

In this chapter, we tried to go beyond these perspectives and offered some elements to be taken into account for a more profound study of gender equality in these social and cultural contexts. In particular, we tried to stress the importance of considering the history of the country, with a specific reference to the colonialism and post-colonial framework, as well as the political, economic, and social processes related to the Arab Uprisings that may have accelerated or suppressed the quest for democratic values and gender equality. Furthermore, gender norms and the support for gender equality need to be studied in the context of the relationship with religion, in particular with the Shari'a provisions concerning family rights and personal status.

We introduced the variety of gender cultures existing in the MENA region by providing an overview of the country's acceptance of the CEDAW, the most important international treaty on gender equality. The topics, as well as the amount, of reservations that each country made to the CEDAW provide valuable insights to start understanding how deeply different the status of women between the countries of this region is. Women cannot access, at least formally, the same rights in all the countries. In most of the countries, women do not have the same rights as men in family matters, such as marriage, divorce, and inheritance. Algeria, Bahrein, Egypt, Iraq, Libya, Qatar, United Arab Emirates, and Syria made reservations to the article requiring countries to include gender equality in the domestic legislation. In addition to these restrictions, women have limited freedom of movement in Oman, Qatar, Syria, Bahrein, United Arab Emirates. Iran never accepted the CEDAW. Saudi Arabia made a reservation only to rights concerning the nationality of children. Djibouti, Palestine, and Tunisia have accepted the CEDAW entirely. Morocco removed all the reservation after the revolts of 2011.

Most of these reservations are due to a strict institutional observation of the Shariʿa personal status law. Institutions have an important role in defining gender cultures. They provide the opportunity structure that enables men and women to enact their personal preferences and values. In addition, they contribute to legitimizing gender roles. Despite the strong importance of religion in Muslim-majority countries, people may conceive the influence that religion should have in politics and legislation in different ways. Alongside a secular perspective that considers theocracy as a limit for gender equality, forms of feminisms combining the quest for women's right with the support for the Shariʿa law are possible. So far, the different typologies have been discussed in the literature mainly from a theoretical perspective, while in this chapter we attempted an empirical exploration aimed at retrieving four typologies of the combination of support for gender equality and support for Shariʿa among representative samples of the population living in Egypt, Tunisia, Morocco, Libya, Iraq, and Jordan in 2014. The distribution of the forms of feminisms differs among societies and reflects the historical pathways of these countries and the different outcomes of the Arab Uprisings. Tunisia, for example, has embraced an explicitly secular perspective since the acceptance of the CEDAW in 2008. But this formal position reflected an already existing social context where the levels of female economic and political participation were higher than in other countries of the region, as well as education and literacy. During the uprising, women had a crucial role in the quest for women's right and secular law (Charrad, Zarrugh, 2014; Gray, 2012; Khalil, 2014; Moghadam, 2018). In the

aftermath of the uprising, Tunisians showed the highest share of support for secular feminism among the countries here considered. Also in Morocco, women's organizations were particularly active before the uprisings that, however, pushed for reforms that increased women's rights. Here the religious component is particularly strong and most of the supporters for women's rights also believe that gender equality can be achieved in the respect of Islam and challenge the current interpretation of Shariʿa. Such "inspiration from Sharʿa" to achieve gender equality must not be confused with the wish of a "return to Shariʿa" called out by Islamist groups, which advocate for a stricter observation of Shariʿa provisions also concerning gender roles. In this respect, Egyptian society is a special case. According to our typologies, Egypt displays the highest share of Islamists: about 46% of the sample support Shariʿa as a source of legislation for personal status law and express conservative attitudes towards gender roles. Looking back to the history of Egypt, where anti-Western feelings have always been particularly strong, the refusal of a secular approach to gender roles can be read as a reaction to Western colonialism. The events following the turmoil led the country into violent authoritarianism that strongly supports Islamic radicalization. Taken into account that Muslim feminism challenges the patriarchal approach to Shariʿa, the political processes in Egypt could explain why even the different forms of Muslim feminism, which is quite high in all the other countries, encounter less favor in Egypt.

Rooted in the historical pathways of each country, the question of whether the Arab Uprisings that occurred in several countries of the MENA region in 2011 resulted in democratization processes, and improved gender equality or, on the contrary, led to radicalization cannot therefore have a unique answer.

This chapter provided an introductory exploration of the form of feminism that can be developed in more complex interpretative analyses. A latent class approach, for example, may be particularly helpful to investigate the patterns concerning religiosity, the support of Shariʿa as a source of legislation, and the quest for women's right. In addition, future research may employ time series data to consider the change over time and, therefore, assess better the impact of the Arab Uprisings on social change.