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RELIGION, THE LAW AND THE HUMAN RIGHTS OF WOMEN IN THE MIDDLE EAST: A QUANTITATIVE ANALYSIS

by

TYRA BOUHAMDAN

Under the Direction of Michael Herb

ABSTRACT

The human rights of women in The Middle East and North Africa (MENA) have been a subject of unresolved debate among sociologists, economists, and political scientists alike, as this region's gender related human rights performance remains uniquely weaker compared to other geographic regions in the world. Most notably, the human rights of women in the region have been lagging in the area of family law. The following paper assesses gender inequity in the MENA region from a legal perspective, with a focus on family law and legal pluralism, and with the intent to shed light on domestic legal institutions as means of influencing the economic and political status of women both in the Middle East and globally.

INDEX WORDS: Human rights, Women, Law, Religion, Legal pluralism, Political rights, Economic rights, social rights, Middle East, Comparative Politics, Comparative Law

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TYRA BOUHAMDAN

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Georgia State University

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May 2009

To my mother, whose life of sacrifice has driven my curiosity and determination to question the relative definitions of human rights for women in the Middle East and globally, in the wishful attempt to create a more humane world for generations to come.

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS v

LIST OF TABLES viii

LIST OF FIGURES ix

INTRODUCTION 1

CHAPTER

1. LITERATURE REVIEW: WHAT WE KNOW, WHAT WE SEEK TO UNDERSTAND 5

Why Examine Family Law? Why Legal Pluralism? 14

2. POTENTIAL RESEARCH QUESTIONS 17

3. HYPOTHESES 20

4. METHODOLOGY 22

Independent Variables 22

Main X's 22

Control Variables 25

Dependent Variable 30

Regression Model 32

5. FINDINGS AND ANALYSIS 33

Family Law and Religious Legal Pluralism 33

Predictive Probability for Women's Political and Economic Rights as a Function of Religious Legal Pluralism 39

Islam and Income 40

Colonialism, Ottoman Influence, Oil, Regime Type, Education 43

CONCLUSIONS 46

REFERENCES 49

APPENDICES

APPENDIX A: CIRI CRITERIA – THE HUMAN RIGHTS OF WOMEN 54

APPENDIX B: REGIONAL DIVISIONS PERTAINING TO FIGURE 1 57

APPENDIX C: WOMEN'S POLITICAL AND ECONOMIC RIGHTS (CIRI 2002) MOST TO LEAST FREE AND STATE RELATIONSHIP WITH RELIGION 59

APPENDIX D: LEGAL RELIGIOUS RESTRICTIONS 64

LIST OF TABLES

Table 1. Religious Legal Restrictions Across the MENA 11

Table 2. Regression Results I 34

Table 3. Regression Results II 35

Table 3. Statistical Summary of all Variables 36

LIST OF FIGURES

Figure 1. CIRI Combined Political and Economic Rights of Women by Region 2

Figure 2. Political and Economic Rights of Women Across the MENA 8

Figure 3. The Relationship between the Number of Religious Legal Restrictions in Family Law and Women's Political and Economic Rights across the MENA 12

Figure 4. State-Society Interactions through Law Influencing Women's Access to Power 18

Figure 5. Predictive Probability for Women's PER as a Function of Religious Legal Pluralism—RLP ranges from 0 to 2, with a Mean of .29, and a SD of .65; RLP Mode: 0 (frequency 137); 2 (frequency 19); 1 (frequency16); WPER Mean 3.22, and SD 1.11. 40

Figure 6. Predictive Probability for Women's PER as a Function of Percent Muslim Population (Islam measured as interval variable from 0-10 indicating 0 to100 percent of country population). Islam variable Mean: 3.36, SD: 3.47. 41

Figure 7. Predictive Probability for Women's PER as a Function of per Capita GDP. GDP Mean: 5963.74, SD: 9326.92 43

INTRODUCTION

What is the relationship between religion, the law and the human rights of women in the Middle East and North Africa region?

Compared to other regions in the world, the Middle East and North Africa (MENA) region has been a clear outlier where gender issues are concerned.[1] Based on year 2002 data compiled from the Cingranelli and Richards (CIRI) Human Rights Dataset the MENA region shows the lowest scores in the world on the combined values of political and economic rights of women.[2] In the same token, the MENA region scores highest among world regions on the Religion and the State (RAS) measures, which quantify the extent of state involvement in religion in 175 countries, making the MENA region's women's human rights and secularity levels equally lowest in the world.

As a puzzle to a myriad of scholars in a number of fields, the region is associated with a great many factors affecting its performance on respect for the human rights of women. The conundrum that this study will explore is the correlation between religion in state law and the human rights of women (defined here in terms of political and economic rights), to understand why it is that the status of women is so much lower in the MENA than in any other region in the world. Hence, the following multivariate analysis examines a number of social and legal explanations (particularly religious and legal institutions) on the domestic state level of analysis, as a means of uncovering their effect on the political and economic rights of women within states.

---

[1] Sub-Saharan Africa is another outlier in terms of gender equality and the status of women in most areas of society. An important difference to note among the MENA and Sub-Saharan African regions, however, is that the rate of female participation in both the political and economic realms in Sub-Saharan Africa remains higher than those in the MENA. For more on these differences, see CIRI scores; and World Bank c2004, especially statistics and figures on pp. 59, 61, 65, 99, 102, and 139.

[2] See Appendix A for more on definition and measurement criteria of the political economic (and social) rights of women as indicated by CIRI.

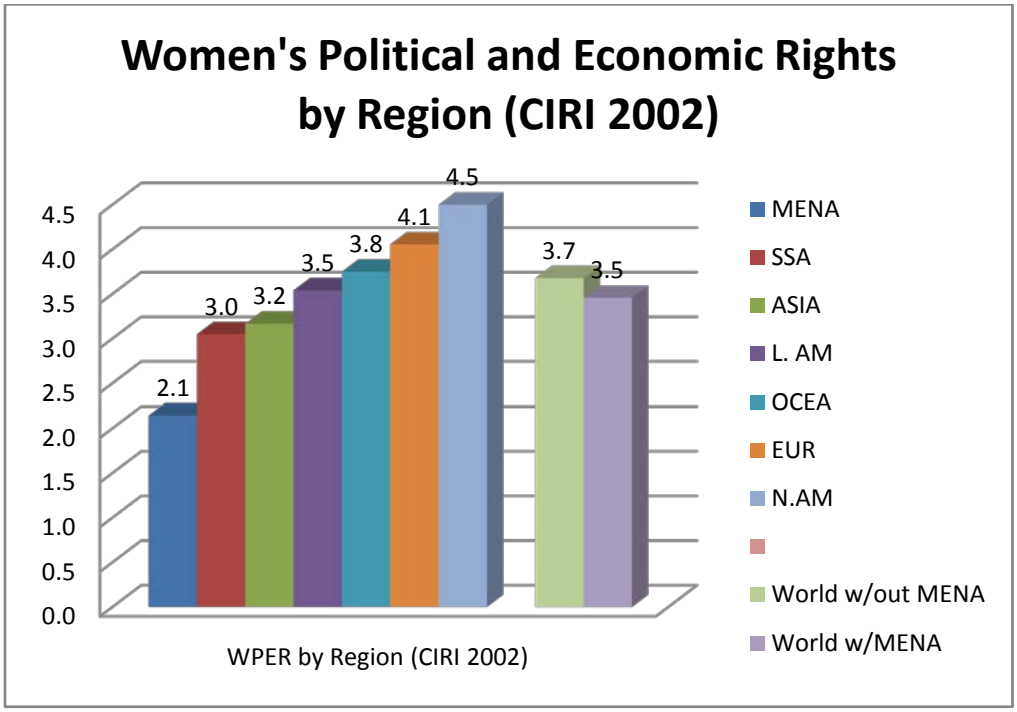

Figure 1. CIRI Combined Political and Economic Rights of Women by Region

Figure 1 is compiled using CIRI results. The combined score is scaled from 0 to 6, as the categories of a) political and b) economic scores are each scaled by CIRI from 0 to 3. Women's political rights are measured in terms of their *de jure* as well as *de facto* protection in each country, and are based on internationally recognized rights consisting of the following five criteria:

- The right to vote;
- The right to run for political office;
- The right to hold elected and appointed government positions;
- The right to join political parties; and
- The right to petition government officials.

Women's economic rights are measured in the same manner consisting of the following ten criteria:

- Equal pay for equal work;
- Free choice of profession or employment without the need to obtain a husband or male relative's consent;
- The right to gainful employment without the need to obtain a husband or male relative's consent;
- Equality in hiring and promotion practices;
- Job security (maternity leave, unemployment benefits, no arbitrary firing or layoffs, etc...);
- Non-discrimination by employers;
- The right to be free from sexual harassment in the workplace;
- The right to work at night;
- The right to work in occupations classified as dangerous;
- The right to work in the military and the police force.

According to CIRI, scores of 0 to 3 for each category consist of the following measurement criteria ranging from no rights enshrined in the law to full protection in practice:

- A score of 0 indicates that women's rights [are] not guaranteed by law;
- A score of 1 indicates that women's rights [are] guaranteed in law, but severely prohibited in practice;
- A score of 2 indicates that women's rights [are] guaranteed in law, but [are] still moderately prohibited in practice; and
- A score of 3 indicates that women's rights [are] guaranteed in both law and practice.

To make one single Women's Political and Economic Rights (WPER) variable for this study, the two variables (women's political and women's economic rights) are combined to range from 0 to 6, with 0 indicating no protection under the law for both women's political and

economic rights, and 6 indicating full protection under the law and in practice for both women's political and economic rights.[3]

Regional divisions in Figure 1 are organized in their ascending order from lowest (2.1 out of 6) to highest (4.5 out of 6) WPER scores: 1) The Middle East and North Africa (MENA), 2) Sub-Saharan Africa (SSA), 3) Asia, 4) Latin America and the Caribbean (LAC), 5) Oceania (OCEA), 6) Europe (EUR), and 7) North America (N.AM). The Countries included in each regional category are listed in Appendix B. The majority of the world, compiled for this particular study, consists of 136 countries in 2002, including the MENA region, and scores an average of 3.5 out of 6 on WPER.

The first chapter of this paper examines previous research by various social scientists addressing the intermingling issues of women's human rights, religion and the law in the MENA. The second chapter outlines potential research questions to be addressed by the study, while the third chapter presents a set of hypotheses to be tested by the regression analysis. The detailed methodology used to test these hypotheses is outlined in chapter four, which includes a list of variables and their attributes, as well as the path used to explore their relationships. Finally, the fifth chapter reports and analyzes the findings, while offering suggestions for future research.

[3] For more on definitions, criteria and measurement methods, refer to Cingranelli-Richards Data Project, available at http://ciri.binghamton.edu/. Also, refer to Appendix A below for more detail on WPER.

CHAPTER 1.

LITERATURE REVIEW: WHAT WE KNOW, WHAT WE SEEK TO UNDERSTAND

Gender related human rights advancement is initiated through various venues, some are at the grassroots levels of society; others are imposed from above. Some scholars have identified political and social revolutions as catalysts both for women's empowerment and for their oppression (Goldstone; Moghadam; Tucker; Tetreault; Chinchilla; Farhi; and Moaddel); economic development and access to resources, the first as a means of both ameliorating and worsening, the second as a means of improving, the status and economic independence of women in the MENA (Doumato; Beck and Nashat; Tohidi; World Bank). Others have pointed the finger at colonialism and imperial domination as a double-edged sword. Along with the positive effects of modernization that western influence introduced, modern development often only benefited society's elite classes, while breeding anti-imperialist resentment among indigenous societies, which became defensive of their traditional values, including those values defining women's social, economic and political roles (Philippa; Chandra; Monshipouri). Other factors discussed in recent literature are globalization and Universalist interpretations of the human rights of women (Huntington; Hatem; Kelly, Bayes, Hawkesworth and Young; Gordenker and Weiss). The first having negative effects similar to those of the previous wave of modernization, as globalization often tends to breed economic, social and/or political development, while also inducing economic and other inequalities, like urban-rural social divides, which sometimes act to further the exploitation of women in developing countries. Universalist interpretations of the human rights of women are often described as an amalgamation of western concepts imposed on the rest of the global community, many members of which prefer to define human rights relative to their culture. This also can have negative

backlashes on the status of women, as with the above-mentioned anti-imperialist retaliation, where traditions are preserved, or promoted more coercively or deliberately as a means of defending one's culture from external cultural influence or domination.

Others have associated patriarchy with religion, as an inherently traditional tool for gender inequality, as many religious texts specify differing gender roles, explicitly or implicitly defining gender roles in ways that may be contradictory to most contemporary social definitions of such roles, or that may directly subjugate women to moral oppression (Nassar; Hegland; Okkenhaug and Flaskerud; Razavi; Moghissi), while various other feminist thinkers have pointed specifically to patriarchal *interpretations* of Islam, as opposed to the religious texts themselves, as catalysts for the human rights gap for women in the MENA, in order to preserve or promote a gentler version of Islam regarding gender relations and the status of women (Lerner; Ahmed; Anwar; Doumato; Ebadi and Moaveni; Monshipouri). Some of these Islamic feminist scholars point to the original texts of the Koran to highlight powerful female figures mentioned in the Koran, who were revered for their leadership, despite the polygamous tradition enshrined in the religion (Lerner; Ahmed). They also point to the patriarchal values explicitly present in Christian, Judaic, Hindu and Buddhist texts, among others, to illustrate the importance of interpretation, since many states with some of these religious majorities managed to ease (or modernize) the traditional interpretations of gender roles to develop less patriarchal societies.

On the issue of religion, theocracy has been directly associated with patriarchy. Women's human rights as a function of theocracy have been examined by a number of scholars interested in the effect of Islamic fundamentalism on the status of women in Post-Revolutionary Iran, which has become increasingly patriarchal since the rise of Islamic fundamentalism in the 1970s (Erzeel; Kunkler; Moghissi; Moghadam). Others have pointed to theocratic regime in

Afghanistan under the Taliban as a cause for the demise of women's rights in that country (Moghadam), as well as Bhutan's Buddhist monarchy, that lasted from the 17th to the 20th century, as a cause for women's inferior status during these centuries, despite the country's matrilineal culture (Pain and Pema). Some scholars have tapped into the effect of theocratic values in America on gender relations in marriage and the market (Kintz), and on the civil rights movement (Sawyer). On the other side of the debate, some scholars have argued that theocracy, namely that of an Islamic model, actually enhances non-Muslim minority rights (although this is does not address women) (Berween), and is the ideal state model for Islamic societies (Ates); while their intellectual adversaries predict theocracy's demise to come about in great part due to its poor performance on human rights protection (Amuzegar; Boroumand and Boroumand).

Despite the multi-sided debates on gender issues in the MENA, the reality on the ground points to the fact that, in addition to strong theocratic values, even in the most developed countries across the region, they seem to remain trapped under and misrepresented in one particular domain—the law, both written and practiced. More specifically, women are least represented by family law, which includes the areas of marriage, divorce, custody, and nationality through marriage (Hosseini; Mokbel-Wensley; Hamadeh; Connors; Howland; Buergenthal; Hawley; Raday; Foblets; and Yamani).

Women's access to policy making and their participation in the economies of relatively 'modernized' cultures within the MENA, such as those in Israel and Turkey, and to a lesser extent Morocco, Tunisia, and Syria, seems to surpass that of their regional 'traditional' neighbors, like Saudi Arabia, Kuwait, Qatar, and other Gulf states. In the same token, we find that the legal representation of women (in family law especially) is also repressive at varying degrees across the region.

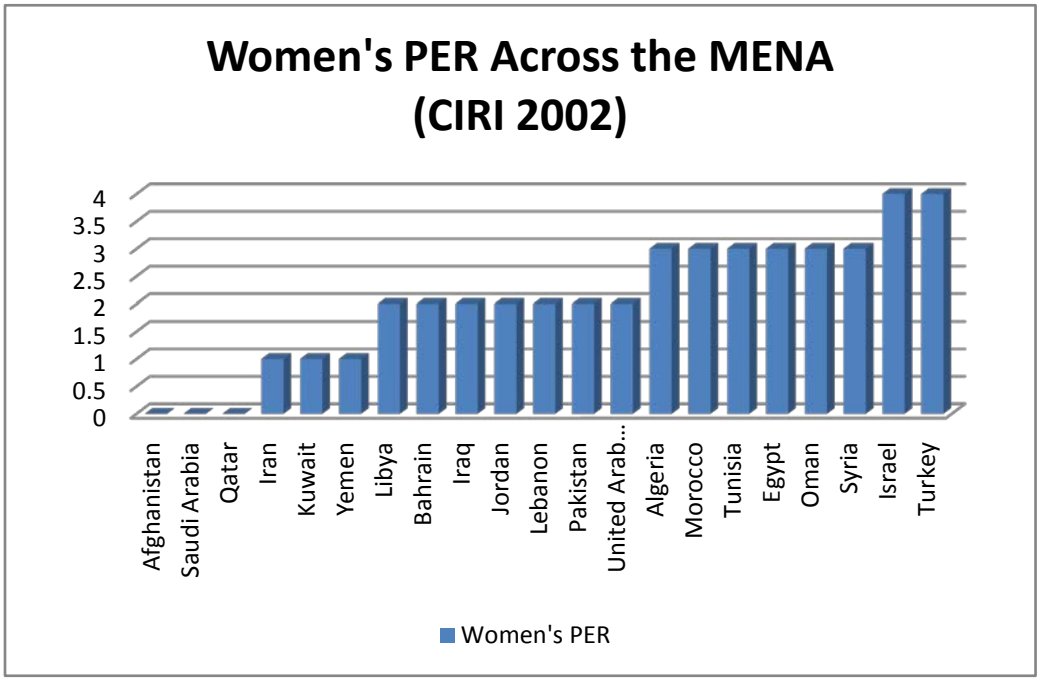

Figure 2. Political and Economic Rights of Women across the MENA

Compared to any other world regions, the MENA scores highest on all Religion and the State measures (RAS): very high on Government Involvement in Religion (GIR) and very low on the "practically non-existent" Separation of Religion and the State (SRAS) measures.[4] In practically every MENA country, with the exception of Turkey, religious legislation governs marriage laws, and non-religious marriage is banned. In most Islamic majority MENA countries, like Iran, Tunisia, Jordan, the United Arab Emirates, and others, Islam is constitutionally the state religion, and Sharia governs marriage laws, while religious minorities are governed by special religious courts. In religiously pluralistic Lebanon, the constitution of which is based on religious cooperation in a consociational political system, family law, especially marriage, is governed by one's designated religious court. Again, family matters are governed solely by

[4] See Jonathan Fox, p. 218, and entire Chapter 8 esp. Tables 8.1 to 8.4. J. Fox's dataset was recently released (2008) with dozens of measures quantifying the relationship between religion and state in over 170 countries. This data is instrumental for the present study.

one's designated religion, and no choice exists for secular and/or interfaith marriage. For women, this is often detrimental to their personal status, as in most religious laws, traditional patriarchal gender roles often apply. The Catholic Maronite Church restricts divorce, Sharia law demands a wife's obedience to her husband, and honor killings remain legal, despite the country's reputation of modernity and cultural openness. Israel, which is often associated with western ideals, harbors one official state religion, Judaism, with special religious courts governing religious minorities. All marriage must adhere to one religious court or another; and interfaith marriage is prohibited. In Saudi Arabia, an officially Islamic monarchy, religious adherence is mandatory; atheism and apostasy are both punishable by death, and traditional Islam is more fundamentally conserved than in any other country in the world by the highly orthodox *wahabi* faith.[5]

On the role of the Law, a number of qualitatively analytical scholars have pointed to the archaic nature of the legal apparatus in many MENA states, arguing that the static notions, which remain enshrined in unreformed legislation, are a major factor keeping the status of women from rising beyond its traditional levels (Hosseini; Mokbel-Wensley; Hamadeh; Connors; and Yamani). Other historical analysts have addressed religious fundamentalism enshrined in the law as a major obstacle to the amelioration of women's status in the region (Howland, Buergenthal, Hawley, Raday, Foblets); while Raday and Howland have looked specifically at religious pluralism in the legal systems, where separate courts for different religious groups have jurisdiction over some matters, most often family and personal laws, as a notable obstruction to the human rights of women in the MENA. Jewish, Muslim and Christian women alike in Israel

[5] Wahabism is an orthodox interpretation of Islam introduced in 1750 by *Muhammad ibn abd al Wahab*, the Islamic reformer and co-founder of the political entity known today as Saudi Arabia. In many ways, *wahabism* is considered a reactionary belief system as it looked to the past, namely to the early generations of Islam, before the prophet's teachings were repeatedly reinterpreted by numerous caliphs in the centuries following the prophet's death. The faith is based on *tawhid* or Unitarianism, and is most characteristic of puritanical Islamic teachings.

are notably disadvantaged by religious jurisdictions over their personal affairs. Although divorce is not prohibited in the Jewish community, it is made very difficult with a strong bias towards the husband. A Jewish woman seeking divorce is prohibited from remarrying, and a child born out of wedlock is considered illegitimate and is labeled "*mamzer*", a term meaning "bastard".[6] Family law for Christian women in Israel is governed by different courts for the 13 recognized denominations in that country, and while divorce is not illegal for them, it is also made difficult, while in marriage, the traditional duty of obedience to the husband is implemented.[7] For the Islamic community, although honor killings and polygamy are legally prohibited, they are largely ignored by the state, while custody and remarriage laws are strongly biased against women. In addition, while marital rape is criminalized by the state, the law can be overruled by an Islamic court for Muslim couples under Sharia law.[8] Hence, the Israeli example, which also compares to the Lebanese, offers a strong indicator that religious legal pluralism, with increased autonomy to religious jurisdiction, gravely increases misogyny.

Table 1 demonstrates the excessive entanglement of religion in state and court law across the MENA region and figure 3 shows the clearly inverse relationship between women's political and economic rights and the extent of religious legal restrictions. With the exception of Turkey, every Middle Eastern country prohibits interfaith marriage. Out of the 21 countries shown here, only five do not espouse religious courts. In Algeria and Libya, state family law (French-influenced in the first, and French-Italian-influenced in the latter) is based on Shari' a, and applies to Muslims and non-Muslims alike.[9] In Kuwait and Morocco, by contrast, Shari'a state

[6] Raday, p. 160.
[7] Ibid.
[8] Ibid.
[9]See Reunite International, a UK based Non Governmental Organization specializing in family law and the rights of children worldwide. For summary texts on various states beginning with Algeria, see: http://www.reunite.org/pages/algeria.asp, accessed April 2009.

law only applies to Muslims, while non-Muslims principles apply to other religions according to their following.

Table 1. Religious Legal Restrictions across the MENA[10]

Country	Restrictions on Interfaith Marriages	Presence of Religious Courts	Personal Status Defined by Clergy	Inheritance Defined by Religion	Percent of Muslim Population
MENA Region					**90**
Afghanistan	Yes	Yes		Yes	98
Algeria	Yes		Yes	Yes	99
Bahrain	Yes	Yes	Yes	Yes	98
Egypt	Yes	Yes	Yes	Yes	94
Iran	Yes	Yes	Yes	Yes	99
Iraq	Yes	Yes	Yes	Yes	97
Israel	Yes	Yes	Yes		15
Jordan	Yes	Yes	Yes	Yes	92
Kuwait	Yes		Yes	Yes	85
Lebanon	Yes	Yes	Yes	Yes	56
Libya	Yes		Yes	Yes	98
Morocco	Yes		Yes	Yes	99
Oman	Yes	Yes	Yes	Yes	87
Pakistan*	Yes	Yes	Yes		96
Qatar	Yes	Yes	Yes	Yes	95
Saudi Arabia	Yes	Yes	Yes	Yes	97
Syria	Yes	Yes	Yes	Yes	90
Tunisia	Yes	Yes	Yes	Yes	98
Turkey					100
UAE	Yes	Yes	Yes	Yes	96
Yemen	Yes	Yes	Yes	Yes	99

Restriction on interfaith marriage appears to be a special trait of the region. Only six countries outside the MENA prohibit inter-religious unions: in Africa, Djibouti and Sudan; in Asia, Brunei, India, Indonesia, and Maldives. All but India are Muslim majority states. On the other hand, 14 non-MENA countries espouse religious courts: seven in Africa (Djibouti, Kenya,

[10] Jonathan Fox's Religion and the State project for the year 2002.

Mauritania, Nigeria, Senegal, Somalia, and Sudan, six in Asia (Brunei, Indonesia, Malaysia, Maldives, Philippines, and Singapore), and one in Europe (Malta). Most of these states are demographically religious pluralities, where religious courts exist to accommodate minorities.

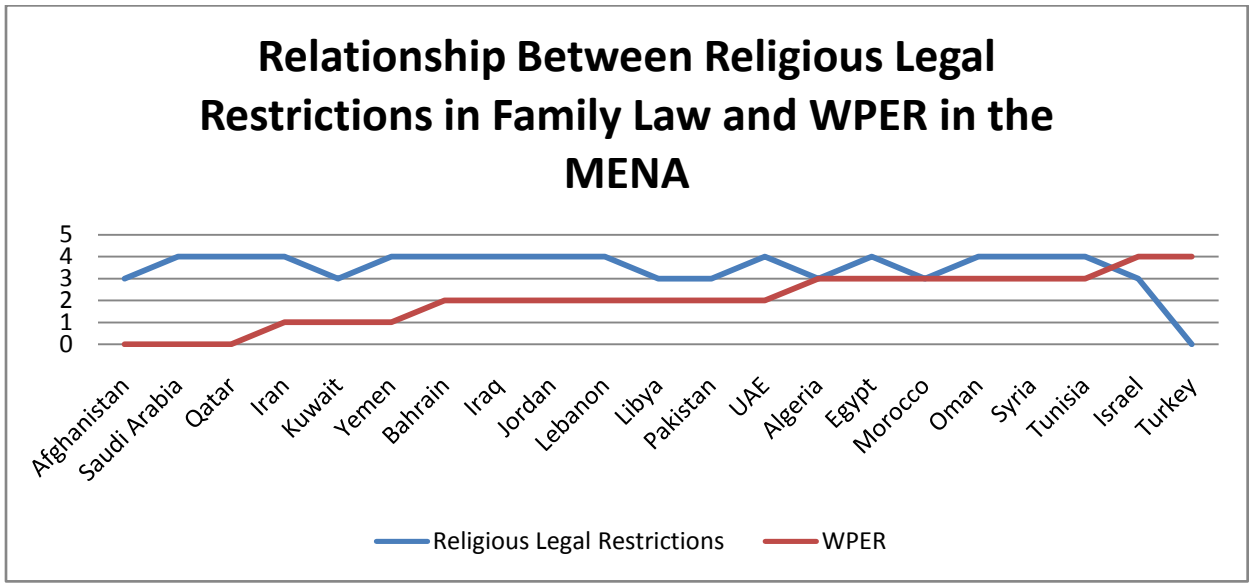

Figure 3. The Relationship between the Number of Religious Legal Restrictions in Family Law (see table 1) and Women's Political and Economic Rights across the MENA

Despite commendable endeavors by political scientists like Fearon and Laitin, as well as Norris and Inglehart, among others, to further large sample studies on religious ideology and the state, as well as important resources from the World Bank to quantify the development of women in the MENA, few regression analyses have been done to explore and address the potential effects of (religious) legal pluralism on women's human rights in the region. This is an area of the literature that remains a challenge and is still in the beginning stages of development. As defined by Yüksel Sezgin, legal pluralism is seen as "the instances of non-state normative orderings [under which category including religious courts], incorporated within a so-called 'unified' central administration under the auspices of the state", hence these normative orderings

enjoy some degree of autonomy within an overarching state apparatus in governing or adjudicating particular matters of society that pertain to their normative order.[11] Although Sezgin, invokes the case of Israel's pluralistic legal system to demonstrate the detrimental effects of religious legal pluralism on the rights of individuals, including women, his elaborate historical analysis of Israel calls for a more encompassing large sample analysis of religious legal pluralism and its effects on human rights. While he offers some quantitative analytical suggestions to the study of pluralistic legal systems, no large sample statistical analyses have examined the effects of religious legal pluralism on women's human rights.

Indeed, while political scientists recognize "the law" as an integral part of a viable political system, they often overlook its complexities and its potential effects as a significant variable (Sezgin). When discussing the concept of state, society and human rights, the legal apparatus becomes an increasingly important factor, since "courts are increasingly given the powers to constrain, shape and dismantle government action and acts" (Cichowski). In other words, it is through the court system that human rights can be enforced, claimed and protected; or they can be undermined, ignored, and abused. The courts may be where a democracy can progress to become more responsive; or digress to become more repressive.

Different types of legal systems may potentially yield undiscovered insight on how legal code correlates to the human rights of women in a given country or region based on the power allocation between the state and various courts. As discussed with Sezgin, studying legal systems per pluralism poses particular challenges as many systems are complex combinations of different codes, and levels and degrees of state-court jurisdiction powers are particularly challenging to quantify. Hence, for this particular analysis, to probe the preliminary quantification of legal religious plurality, a number of available indicators will be examined to assess the relationship

[11] Sezgin 2004, p. 103.

between religion, the law and the economic and political rights of women in the MENA. More specifically, the study will focus on the law in personal and family matters, such as marriage, divorce, and inheritance (Hosseini; Mokbel-Wensley; Hamadeh; Connors; Yamani; Howland; Buergenthal, Hawley, Raday, Foblets; Sezgin). For instance, is family law governed by national secular courts (applicable and accessible to every individual regardless of class, race, gender, religion, etc.) or is it under the jurisdiction of religious or customary courts, over which the national government has little or no authority? Is interfaith marriage, an indicator of religious exclusion and legal plurality, allowed or prohibited, and how does this affect women's EPR? If the government is a theocracy, then how does the large degree of state religion (naturally embedded into the court system, and into family and personal laws) affect the human rights of women in that state? In addition, how does the presence of religious courts, another indicator of some degree of religious legal plurality, as courts have different degrees of autonomy in different states, play into WEPR?

Why Examine Family Law? Why Legal Pluralism?

In the larger area of the literature on women's human rights, namely in the Middle East, where religion plays a strong role in politics and in the law, family law has been identified consistently as an area of policy affecting the status of women in the region. Drastic changes in Iran's family law provisions during the transitions from a secular legal code under the reign of Mohamed Reza Shah to the strict religious code installed by the Khomeini regime have posed a constant challenge to women's human rights activists in the country since the Khomeini Revolution in 1979. In a different instance, the legal pluralistic system of Israel, where 14 different types of religious courts (one court for each religious sect existing in the country)

control family and personal matters according to their beliefs, has created obstacles for women in the domestic and personal realms, as the system allows for a less involved role for the state in defining and defending human rights on a personal or family basis. Similarly, in neighboring Lebanon, 18 religious sects attempt to peacefully coexist under a pluralistic legal system where the state offers autonomous jurisdiction to each court over its designated followers (those belonging to the religious sect of the court), creating various obstacles to women in family related matters, such as areas of inter-religious marriage, divorce, custody, and inheritance, among others.

When family law is excluded from the responsibilities of the state, and placed into the hands of religious courts, how does this affect the individual rights of women? When religious institutions are the primary decision makers in the areas of personal legal matters, how much is the state exercising its duties as a protector of its citizens' rights? Is the state, in such an instance respecting its citizen's negative rights (which require governments to refrain from acting as a means of respecting citizen rights) at the expense of their positive rights (where government is obliged to take action as a means of defending citizen rights)? In the same token, while this legal plurality presumably may allow for less friction among differing sects or lower costs for the state apparatus (by minimizing state responsibility for court management), does it not result in the protection of cultural and religious rights at the expense of individual rights, hence directly obstructing the voices of many individuals, especially social and political minorities, such as women?

As discussed thus far, we do know that a number of factors have been identified as potential causes for the different levels of freedom that women experience in various countries, however, we are not certain as to which factor or factors is or are most significant when a myriad

of variables, in a large sample of countries, are considered. Judging from the most prominent scholarly work on the issue of women's human rights in the MENA region, we have seen that the issues of law, religious fundamentalism, economics, culture, and colonial history have been prominent topics in the literature. The following study will take into consideration a number of variables with a strong focus on testing religious laws governing family matters, and religious legal plurality. This test consists of a large sample regression analysis of multiple variables potentially affecting the different rights of women in 136 countries across the globe, with the anticipation of generating relevant and parsimonious findings and probing further research in an otherwise neglected area of comparative politics.

CHAPTER 2.

POTENTIAL RESEARCH QUESTIONS

Do more religious governments tend to be more patriarchal? Does a religiously pluralistic legal code yield a more misogynistic society in terms of women's place in the economic and political spheres? In other words, are secular legal systems less patriarchal than religion-based legal systems? If so is the legal system simply reflective of a country's cultural and religious patriarchal values, or could it be playing a role in solidifying, and/or abusing those values?

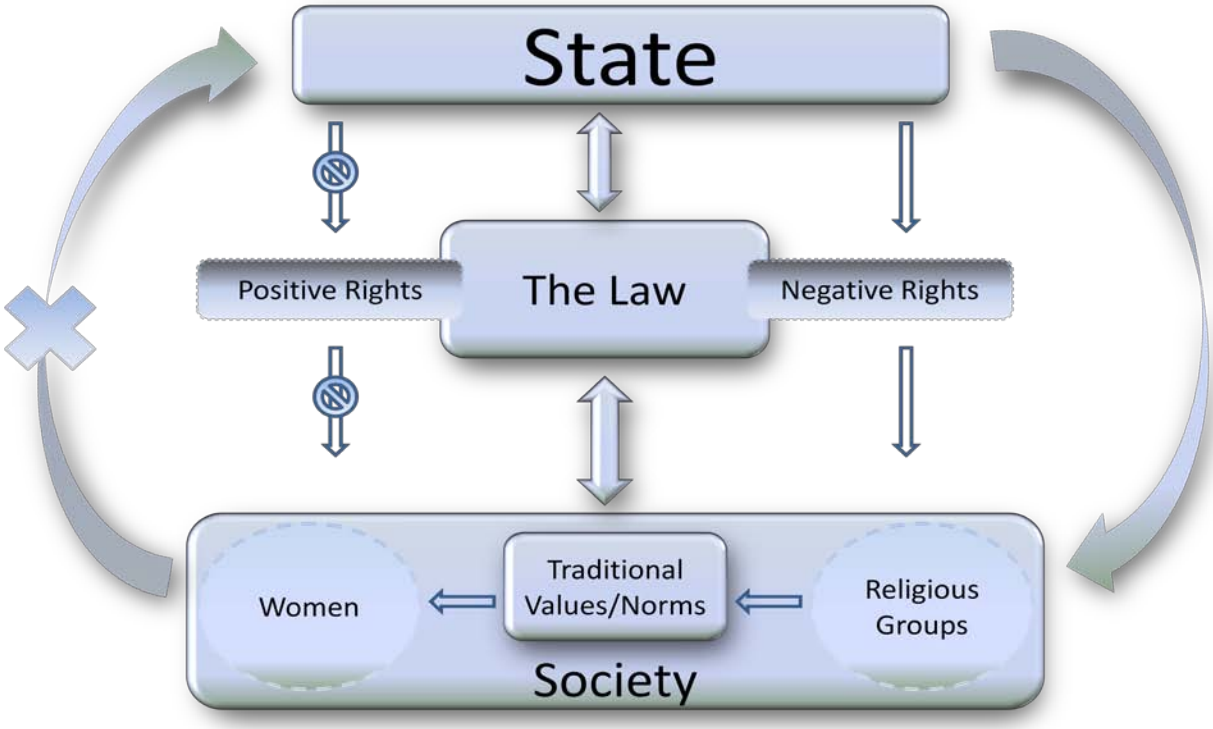

Figure 4. State-Society Interactions through Law Influencing Women's Access to Power

When state interaction with religion is so intimate, does this indirectly block women's access to policy making and to the economy? When the state offers negative rights (freedom of jurisdiction) to a religious court/s at the expense of positive rights (protection of the law) to

women in the social realm (domestic and personal matters), how does this affect women in the political and economic realms? Could too much religious authority over family matters cause too much social repression of women, which in turn causes their increased political alienation and economic dependence?

As demonstrated in figure 4, by exercising their negative rights (guaranteed by the state), religious groups in a religiously pluralistic legal system have open access to the law through religious courts, where they may institutionalize traditional values and norms. These values and norms are often contrary to gender equality within the social or domestic sphere that governs marriage, divorce, custody and other family matters. With the state offering no secular resort for women in these realms, women's most dominant avenue to the law, and to participation in the state apparatus, often becomes dependent upon their association with or adherence to religious values, which govern socially-accepted and legally enshrined norms. If a conflict exists between women's personal interests and religious legislation, the latter wins the political battle (since the state has guaranteed negative rights to religious groups in legal matters), which then results in women's limited access to power. As a woman's access to the law diminishes with this conflict of interest with religious law, how much does this affects her access to policy making, since the state deems religious and cultural rights above her individual rights? In the same token, with a social conflict of interest between her and religious laws, what becomes of her opportunities in the workforce? What becomes of her economic right to work without her husband or guardian's consent, her practical access to irregular work shifts, her control over salary earned, her stakes in earning fair pay, and so on? If a woman is interested in running for office, yet her husband or guardian refuses to allow this under a given religious decree, or when a woman is coerced to vote based on religious and social norms, how much policy can she really influence in her own

country? When she is prohibited to pass her own nationality to a husband who is a foreigner or an outsider to her native religion, how does this affect her family's access to the workforce, to legal protection, and to government policy making? How does this affect her political and economic status?

In short, when family law is governed by various religious codes, and excludes all secular options, does this create religious authority as opposed to religious freedom in the area most important to women in MENA societies? While Religious freedom offers the liberty to choose between religious or secular legal means to settle personal matters, religious authority concentrates political power in the hands of religious leaders in personal legal matters, often coercing individuals in a group to adhere to religious law and only religious law, hence suppressing their individual voices within communities. If this is what we find in MENA societies, then what other options might exist to strike what may be a very delicate balance between cultural and religious rights on one hand, and individual rights on the other hand?

CHAPTER 3.

HYPOTHESES

This study will test two main hypotheses. The first examines the relationship between family law and women's PER, and the second assesses the correlation between religious legal plurality and women's PER.

H1: As religious regulation of family law increases in a given state, women's political and economic rights decrease.

↑ Religious Regulation of Family Law (RFL)[12] → ↓ Women's PER

H2: As religious legal pluralism increases, by the presence of religious courts and the prohibition of interfaith marriages, women's political and economic rights decrease.

↑Religious Legal Pluralism (RLP)[13] → ↓ Protection of Women's PER

Therefore, if a state engenders a legal code of state religion governing family law and/or a religious pluralistic legal code, then we should expect that state to demonstrate decreased protection for the political and economic rights of women.

Indeed both religious regulation of family law and legal pluralism are derived from cultural bases. Social and religious history often drives legal traditions to evolve. As legal scholars have pointed, gender issues are often primarily dictated by culture (i.e.: traditions, customs, norms, social identifications, etc.), which in turn dictates legal system characteristics (Glenn). Certainly, there is no legal system that does not stem from moral and philosophical teachings, most of which are derived from religious texts. This is true of Eastern traditional cultures of South Asia, Islamic cultures of the MENA, as well as Christian societies of North and Latin America and Europe, among others (Peach; Feldman; Berman). All these legal systems

[12] Family law is defined as personal status law (marriage, divorce, and/or burial) and/or inheritance law.
[13] RLP is defined as a) the presence of religious courts, and/or b) restriction on interfaith marriages.

derive from religious moral discourse. The prominence of anti polygamy and polyandry, as well as anti-abortion and sodomy laws in most western states is more relate to Christian morals than to what we may call “secular” beliefs. Hence, this study is certainly not based on the assumption that “secular” versus “non-secular” legal system are easily distinguishable, as, indeed they are not. However, while many western democracies remain imperfect when assessing their women’s human rights protection scores, comparative regional analysis demonstrates a stark difference in the degrees of separation between state and religion. Jonathan Fox’s *A World Survey of Religion and the State* takes many realities into consideration, as is discussed below. In the data, we do indeed find that different societies have implemented different degrees of religiosity in the state system, which in turn affects the religiosity of legal systems.

CHAPTER 4.

METHODOLOGY

To test the above hypotheses, and answer the series of research questions, this study will consist of a large sample quantitative analysis of the international state system. This cross-national study will include 136 countries, observing the year 2002, as it is the latest year and the most complete RAS dataset on the relationship between religion and the state. The statistical analysis will present a multivariate ordered logistic regression, consisting of 14 independent variables and one dependent variable, which will include the following. Two main independent variables (Family Law and Religious Legal Pluralism); twelve control variables (State Official Religion, State Legal Discrimination against One or More Religions, British/French Colonialism, Ottoman Rule, Gender Ratio Enrollment in Tertiary Education, GDP per Capita, Demographic Islamic Presence, Demographic Non-Religious Adherents, Oil per capita production, and Regime Type); and one dependent variable (combined women's political and economic rights, or WPER). This chapter outlines the corresponding details.

Independent Variables

MAIN X'S

Family Law: This is a variable constructed by combining two RAS variables with a statistically reliable Cronbach's Alpha of .79. Personal status law and inheritance law, which both measure common indicators of family law, are in binary codes (0/1). *Personal status law* is defined as "marriage, divorce, and/or burial, where 0 indicates that personal status is not defined by the clergy and 1 indicates that it is. With respect to *Inheritance law*, 0 indicates that inheritance is not defined by religion; 1 indicates that it is. When combined, they are ordinally

coded from 0-2, 0 indicating total secularity in family law, and 2 indicating stronger religious jurisdiction.

It is important to mention here that while this indicator is useful, it poses the disadvantage of poor definition, especially in the first sub-indicator, personal status. The fact that personal status is defined as "marriage, divorce, *and/or* burial" does not capture the entire story for women's issues, as this definition may include any one, two or three of marriage, divorce, or burial, hence, while it is used as a first step in this study to capture some form of quantification for family law, a more precise indicator is needed for future studies, where it can be tested more accurately.[14]

Religious Legal Pluralism: This is also a variable constructed by combining two RAS variables, with a statistically reliable Cronbach's Alpha of .92— Restrictions on Interfaith Marriages (RIFM) and Presence of Religious Courts (PRC). Each indicator is binary, respectively, 0 indicating no RIFM, no PRC, and 1 indicating respectively RIFM or PRC. The combined variable ranges from 0 to 2, 0 indicating no religious legal pluralism in marriage, 1 indicating either religious legal pluralism (in terms of separate courts or restrictions on interfaith marriage) and 2 indicating religious legal pluralism and restrictions on interfaith marriage.

While this is a primitive and simplistic measure of the complex notion of legal pluralism, it does offer a first step into probing more quantification of pluralism. For the purpose of the study, combining the two variables is theoretically sound, as the presence of religious courts is

[14] For additional sources on religion and family law cross-national studies, see: Emory Law, Legal Profiles at: http://www.law.emory.edu/ifl/legal/, accessed November 2008; GlobaLex see: Marylin Johnson Raisch, 'Religious Legal Systems: A Brief Guide to Research and its Role in Comparative Law', Hauser Global Law School Program, New York University School of Law, February 2006, available at: http://www.nyulawglobal.org/Globalex/Religious_Legal_Systems.htm, accessed December 2008; and the University of Ottawa Law Library, Alphabetical Index of Legal Jurisdictions available at: http://www.droitcivil.uottawa.ca/world-legal-systems/eng-tableau.php, accessed November 2008. For the CIA World Factbook, see Field Listing – Legal System, available at: https://www.cia.gov/library/publications/the-world-factbook/fields/2100.html, accessed December 2008. For the Library of Congress, see Guide to Law Online, Nations of the World, available at: http://www.loc.gov/law/help/guide/nations.php, accessed December 2008.

evidently an indication that some religious legal plurality exists, hence some degree of religious legal autonomy exists over some jurisdictions. It is important as an added indicator that family law is more profoundly governed by religion, as religious courts are most commonly given jurisdiction over personal and family matters in many religiously pluralistic societies.

The addition of restrictions on interfaith marriages is especially relevant for the study as it offers an added precision to the combined variable. It indicates the lack of civil marriage or the lack of a choice to not convert to a spouse's religion before marriage. This is especially pertinent for women, as in most societies, both in the MENA and in other parts of Africa and Asia, this leads to double standards where men are not expected to convert, while women are, and/or where honor killings are accepted or excused. India is a prime example of this exclusive arrangement, where in 2001 the already patriarchal state marriage legislation was amended through the Indian Divorce Act to place greater restrictions on interfaith marriage, with 10 year imprisonment penalties to religious leaders who contradict this law.[15] Women in rural and urban India continue to suffer from both written law and traditional practices. Pakistan, Djibouti and Sudan offer similar cases.

Within the MENA, extreme cases are most prevalent in Iran, where religious courts exist and where interfaith marriage is banned, as well as in Saudi Arabia, where Islam is the only religious and legal resort, and where interfaith marriage is criminalized. Indeed, prohibition on interfaith marriage emphasizes inter-religious segregation and deems religion the only resort for family and personal matters, where tribal customs often supersede, severely damaging the social, political and economic well-being of women.

[15] India: Country Reports on Human Rights Practices (2002), US Department of State. Available at: http://www.state.gov/g/drl/rls/hrrpt/2002/18311.htm, last visited March 2009.

CONTROL VARIABLES

State Official Religion: an ordinal variable (RAS dataset) ranging from 0 to 8 measuring official state relationships with religions, with 0 indicating a country being hostile towards religion, and 8 indicating that the state has one official religion enshrined in its constitution or equivalent.[16]

State Legal Discrimination against One or More Religions: an ordinal variable ranging from 0 to 4 indicating the level of official state discrimination against one or more religions. This is an important control variable as it refines the data to distinguish between countries like Iran, Saudi Arabia and the UK, all of which have official religions, but the first two have "actual preferences given to certain religions" and criminalize other religions.[17]

British/French Colonialism: a binary variable coded from 0 to 1, assesses recent or post-Ottoman colonial history. A value of 0 indicates neither French nor British colonial history, and a value of 1 indicates either French or British colonial rule. French and British colonial history are the only two considered here, as they are the last two that spanned the MENA after the Ottoman Empire dissipated. The institutions in place in the region today, especially legal and political ones, are most strongly influenced by the British or French ones. Since the body of social sciences literature covering 19th and 20th Century colonialism in the region is so extensive, the inclusion of this variable in the model is essential.

Ottoman Rule: a continuous variable ranging from 0 to 542 years. This will measure the duration of Ottoman Rule in each country. Scholars studying the MENA have identified Ottoman colonial rule as a strong factor influencing both culture and the legal apparatus. Given that remnants of the Ottoman millet system, designed and implemented by the Turkish authority in

[16] See Appendix C for more detail and comparative country list.
[17] Fox, p. 40.

religiously pluralistic societies, in which the "*millah*" (Arabic term for religious sect) or "*millal*" (religious sects) are protected by a pluralistic legal structure (Glenn), remain firmly in place in most MENA and other countries, this factor ought not to be ignored.

Education - Gender Parity Index for Tertiary Education: an ordinal variable, ranging from 0.15 to 3.42 measuring female to male parity in tertiary enrollment. The lower values indicate a less favorable enrolment ratio for women and a more favorable ratio for men; the higher the value, the more favorable the ratio for women to men. A Value of 1 indicates complete gender parity in tertiary enrolment. The data is retrieved from the UNESCO Institute for Statistics 2002 Gender Parity Index for Gross Enrollment Ratio – Tertiary.[18] Although numerous data is available pertaining to gross enrollment ratios for all levels of education (pre-primary, primary, secondary, and tertiary education), exclusively focusing on gender ratios for enrollment in tertiary education seems most relevant for this study as this particular dataset represents the level of education where women would presumably have reached a level of maturity and independence as to be more aware of their rights, and hence be more capable of addressing social, political, and economic issues more effectively. Evidence pertaining to this assumption is to be discovered in the findings of the study.

GDP per Capita: a continuous variable retrieved from the International Monetary Fund, The World Economic Outlook (WEO) Database April 2002.[19] As a fundamental variable when discussing human rights and quality of life in any given country, GDP per capita is evidently considered a basic valid control variable in the present statistical study. As per recent work on the political and economic rights of women in the MENA, a squared measure of GDP will also

[18] UNESCO Institute for Statistics 2002 Gender Parity Index for Gross Enrollment Ratio – Tertiary is available at UNESCO Data Centre: http://stats.uis.unesco.org/unesco/tableviewer/document.aspx?ReportId=143, accessed March 2009.
[19] IMF WEO Database April 2002 available at: http://www.imf.org/external/pubs/ft/weo/2002/01/data/, accessed March 2009.

be considered to address the possibility that as income increases the effect on WEPR may, but if it rises above a certain level, it may have negative effects, as with oil rich countries of the Gulf for instance, where too high an income may leave women comfortably out of the workforce, with no incentive to participate in politics or the economy (Ross). Indeed, this theory may not represent the majority in the MENA, as women across many parts of the region have demonstrated economic strides (World Bank 2004) and development at given instances. However, to take into consideration the possibility that an important elite minority may still adhere to the social norm of not having an obligation/incentive to participate in the workforce due to an established wealthy family at least allows for the testing of an existing theory in the literature and avoids omitting what may be a significant variable.

Islamic Presence (As a Percentage of Total Population)[20]: a ten-level internal variable, ranging from 1 to 10, with 1 indicating 0-10%; 2 indicating 11-20%; 3 indicating 21-30%; 4 indicating 31-40%; and 5 indicating 41-50%, and so on until 100%. Although this study is examining state, religion and legal pluralism with regards to the rights of women without a specific focus on any particular religion, the regional focus of the project begs a consideration of the most prominent religion in the MENA—Islam. Indeed, Islam has been subject of lengthy feminist discourse in the region. It is clear that this discourse is far from monolithic, ranging from secularists to Islamic feminists, to 'hybrid' feminists. Secular feminists hold the view that secularism, democracy and modernization are central potential solutions to misogyny in the region (Moghadam; Moghissi; Shahidian; Jalal; Jilani); while Islamic feminists, ranging from fundamentalists to moderates, advocate the Koran as a primary source of law, or as a source for the re-interpretation of the religion as a means of improving the treatment of women in many Islamic countries (Yamani; Tohidi, Najmabadi; Wadud, Webb 2000, Engineer, Ali, Mir-

[20] Source: RAS dataset, which includes Islamic presence as percent of population by year.

Hosseini, Mernissi; Karmi). Hybrid feminists see that democracy and modernization can complement Islam to various degrees in different counties, in an effort to ameliorate the status of Muslim women (Afshar; Povey; Ahmed). In any case, as a central variable to the issue of women's rights in the MENA, the exclusion of a measurement of Islamic prominence from the study would be more absurd than its inclusion.

Non-Religious Adherents as Percent of Population: Retrieved from the Association of Religion Data Archive 2005 list of "Most Non-Religious Nations", this is an interval variable ranging from 0 to 10, in the same order as variable measuring Islam. The purpose of including this variable in the model is to take into consideration some measure of non-religiosity, since the most encompassing cross-national religiosity data, by Norris and Inglehart (2004), is only available for 70 of so countries.[21] Intuitively, one would expect the variable used in the present study to have either a negative or a positive effect at different levels. In some cases, North Korea and China come to mind as cases that may demonstrate negative effects on WPER, while states like Norway and Switzerland may have positive ones. As with personal status law indicators, this variable is only slightly sufficient as a proxy measure of religiosity, until future data is available.

Oil Production per Capita: This is a continuous variable measuring oil production in billions of barrels per day per million people, retrieved from Nation Master, Oil production statistics for year 2001.[22]

Although oil as a variable may not be directly linked to legal systems, it certainly has been linked to patriarchal and or authoritarian states by a number of scholars examining the potential and existing tendency of oil rich states to correlate with the concentration of wealth in the hands of an elite (Herb; Fisch; Giacomo; Haber and Menaldo); the typical employment of

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[21] See Fox, p. 36-39.

[22] Data available at: http://www.nationmaster.com/red/graph/ene_oil_pro_percap-energy-oil-production-per-capita&date=2001&b_printable=1.

more men than women in the oil industry; the decreased need for women in the workforce due to the lucrative nature of the resource for each family (if a husband is employed in the oil industry, presumably the need for a wife to work diminishes), and so on (Ross 2001, 2008). While no particular view of the above mentioned is assumed prior to examining the findings in the present study, due to its importance in the literature, and as a means of minimizing omitted variable bias, oil is included as a control variable. As with income, oil has been shown to have different effects at very high levels of production per capita, on democracy and on the economic participation of women. Hence, oil-squared will also be considered in the model to take such possible issues into consideration.

Regime Type: an ordinal variable, retrieved from Polity IV scores, consisting of a 21-point scale ranging from values of -10, indicating a hereditary monarchy, to +10, indicating a consolidated democracy. The body of literature addressing regime type is most notable in political science, namely comparative politics, as a means of assessing and prescribing system qualities in various countries. Social scientists frequently correlate liberal democracy with political rights and civil liberties, social democracy with social and economic equality, and authoritarianism with state repression. Scholars may also view less democratic systems as forbearers of order and stability, traditional values and social cohesion, cultural and religious conservation, referring, in some instances to a notion of human rights advocating less individualistic and more community based values. Modern human rights discourse has become charged with notions of democracy. Indeed, a recent statistical analysis by Steven C. Poe and Neal C. Tate (1999) has shown that democracy has a statistically significant inverse relationship with state repression of human rights to personal integrity. On either side of the debate, the type

of regime governing those within its borders is indeed a fundamental factor in a cross-national study of legal systems and political and economic rights.

Dependent Variable

The dependent variable is retrieved from the 2002 CIRI dataset. CIRI's categorization of the human rights of women is divided into three areas: 1) Women's economic rights, 2) Women's political rights, and 3) Women's social rights. This study will examine only the first two, as the third right would create serious endogeneity issues given the independent variables addressed in this model. Each category of the rights of women in the CIRI data is scaled from 0 to 3, with 0 indicating little or no protection for the rights of women in that domain, and 3 indicating that most or all of the rights of women are guaranteed.[23] The combined variable "Women's Political and Economic Rights" (WPER) is hence measured from 0 to 6.

The advantage of using this dataset is the fact that its takes into consideration *de jure* as well as *de facto* assessments. For instance, a score of 0 for the economic rights of women indicates that "there [are] no economic rights for women in law and that systematic discrimination based on sex may have been built into law"—*de jure assessment*. A score of 1 indicates that "women [have] some economic rights under law, but these rights [are] not effectively enforced"— *de facto consideration*. A score of 2 indicates that "women [have] some economic rights under law, and the government effectively [enforces] these rights in practice while still allowing a low level of discrimination against women in economic matters"— *de jure* and *de facto considerations*. A score of 3 indicates "that all or nearly all of women's economic rights [are] guaranteed by law and the government fully and vigorously enforces these laws in

[23] For more on CIRI coding and measurement, see http://ciri.binghamton.edu/faq.asp#4. Also refer to Appendix A.

practice"— *de jure* and *de facto assessments.*[24] Political (and Social rights) are assessed in the same manner.

For the purpose of this study and to simplify the results, I have transformed these two categories (political and economic rights) into one dependent variable, as opposed to two human rights measures. Instead of a scaled measured from 0 to 3, the scores of all countries were aggregated to form a scale of 0 to 6 (see figure 1 on page 2), which allows us to assess a combined human rights variable for women, regressed against the various aforementioned independent variables that this study will test.

Regression Model

The statistical method used in this study is the ordered logistic regression model, the most efficient and appropriate statistical model to examine an ordinal dependent variable. The model is executed eight times with the same regressand, Women's PER, and with interchanging independent variables. The first version of the model includes the uncombined indicators of family law (personal status and inheritance), the uncombined indicators of religious legal plurality (restrictions on interfaith marriages and presence of religious courts) to assess their individual effect, while excluding Islam, Non-religious adherents and oil. The second model includes those used in the first, while adding oil and oil-squared. The third model includes personal status (excludes inheritance, as inheritance may have a less detrimental effect on women than do marriage and divorce laws), and includes all other uncombined variables. The fourth model includes the combined variables and all other variables, while excluding Islam and non-religious adherents. The fifth model includes the combined variables and all other variables

[24] ibid.

with the exception of income-squared. The sixth model teases out the significance of restrictions on interfaith marriages and the presence of religious courts by including all variables except RIFM. In the seventh model, which further assesses these two religious legal plurality variables, the presence of religious courts is excluded, while all other variables are included. Finally, in the eighth and last model, all variables are present, including the combined variable Family Law (personal status and inheritance law) and the combined variable Religious Legal Pluralism (presence of religious courts and restrictions on interfaith marriages).

CHAPTER 5.

FINDINGS AND ANALYSIS

Family Law and Religious Legal Pluralism

When all variables are considered, a number of important finding arise. The first two variables pertaining to the main hypotheses in this study are Religious Regulation of Family Law (RFL) and Religious Legal Pluralism. First, we find that RFL does not yield significant results, most logically due to the fact that, as explained in chapter four, the only variable available at the time of writing for measuring "personal status" is highly vague, and does not specify which component of personal status (marriage, divorce, or burial) is governed by the clergy and which is not, leaving open the grounds for more specific inquiry in future research on personal status law as a quantified variable in family law and human rights. Indeed, theoretical reasoning, as well as case studies in the MENA, has shown family law to be a strong factor affecting the socio-economic (and political) status of women, hence, more research and definition precision in future data may very likely show significant results.

Second, we do find that Religious Legal Pluralism (RLP), whether in its combined or separate component form, is highly significant in every single model. In fact, when combined (Restrictions on Interfaith Marriages + Presence of Religious Courts), we find that religious legal pluralism is consistently significant at $P<.01$, and is inversely correlated with WPER. The presence of religious courts may well be a positive institutional construct in that it offers minority rights in religious pluralities. However, when religious courts exist and they are the *only* recourse to family law, whereby one *must* adhere to her/his court of birth religion and no other, individual rights in general and women's right in particular tend to suffer.

Table 2. Regression Results I

Dependent Variable: Women's Political and Economic Rights (CIRI 2002)				
	(1)	(2)	(3)	(4)
Personal Status	1.374 (1.020)	1.440 (1.024)	1.545 (.899)*	--
Inheritance	-1.480 (.885)*	-1.121 (.9120)	--	--
Family Law (PS+ Inherit. C-Alpha: .92)	--	--	--	.048 (.432)
RIFM	**-2.564 (1.021)****	**-2.527 (1.017)****	**-2.232(1.019)****	--
Rel. Courts	-.594 (.714)	-.934 (.697)	-.912 (.697)	--
Rel. Leg. Pluralism: Crts+RIFM (C-Alpha: .79)	--	--	--	**-1.432 (.505)*****
State Official Religion	-.068 (.103)	-.061 (.105)	-.085 (.111)	-.071 (.103)
State Disc. of Rel.	.098 (.214)	.098 (.220)	.077 (.218)	.060 (.218)
Colonial	-.214 (.407)	-.111 (.416)	-.243 (.429)	-.081 (.413)
Ottoman	.001 (.001)	.000 (.001)	.001 (.002)	.000 (.001)
Educ. Enrol. Ratio	.240 (.416)	**.944 (.470)****	.841 (.493)	.902 (.464)*
GDP	**.0002 (.0001)****	**.0002 (.0001)****	**.0002 (.0001)****	**.0002 (.0001)****
GDP Squared	-3.12e-09 (2.15e-09)	-2.99e-09 (2.43e-09)	-2.62e-09 (2.44e-09)	-3.00e-09 (2.45e-09)
Islam	--	--	**-.228 (.097)****	--
Non-Religious	--	--	-.007 (.295)	--
Oil	--	-1.56e-06 (4.18e-06)	-2.10e-06 (4.11e-06)	-2.31e-06 (4.17e-06)
Oil Squared	--	-3.40e-12 (3.98e-12)	-2.84e-12 (3.86e-12)	-2.91e-12 (4.09e-12)
Polity IV	**.113 (.039)*****	.074 (.042)*	.045 (.045)	**.085 (.042)****
Cut 1	-4.08 (.87)	-3.75 (.91)	-4.82 (1.15)	-3.71 (.88)
Cut 2	-3.71 (.84)	-3.30 (.86)	-4.35 (1.10)	-3.27 (.84)
Cut 3	-2.09 (.73)	-1.48(.75)	-2.47(.99)	-1.53 (.73)
Cut 4	1.41 (.70)	2.09 (.75)	1.26 (.94)	1.98 (.74)
Cut 5	4.00 (.80)	4.85 (.87)	4.01 (1.04)	4.75 (.86)
Cut 6	6.90 (1.27)	7.82 (1.32)	6.97 (1.43)	7.71 (1.32)
Observations	136	136	136	136
Pseudo R-squared	.25	.28	.29	.27

***P < .10**
****P < .05**
***** P < .01**

Table 3. Regression Results II

Dependent Variable: Women's Political and Economic Rights (CIRI 2002)				
	(5)	(6)	(7)	(8)
Personal Status	--	--	--	--
Inheritance	--	--	--	--
Family Law (Personal Status + Inheritance. C-Alpha: .92)	.606 (.490)	.204 (.445)	.387 (.468)	.572 (.490)
RIFM	--	--	**-2.095 (.899)****	--
Rel. Courts	--	**-1.281 (.668)***	--	--
RLP: Courts + InterFaith (C-Alpha: .79)	**-1.291 (.502)****	--	--	**-1.320 (.502)*****
State Official Religion	-.096 (.108)	-.110 (.107)	-.083 (.109)	-.086 (.109)
State Disc. of a Rel.	.070 (.218)	.055 (.219)	.046 (.218)	.063 (.219)
Colonial	-.244 (.427)	-.178 (.429)	-.224 (.425)	-.198 (.428)
Ottoman	.001 (.002)	.0001 (.002)	.001 (.002)	.001 (.002)
Edu. Enrol. Ratio	**.942 (.466)****	.699 (.483)	.744 (.486)	.797 (.489)
GDP	**.0001 (.000)*****	**.0002 (.0001)****	**.0002 (.0001)****	**.0002 (.0001)****
GDP Squared	--	-2.30e-09 (2.45e-09)	-2.75e-09 (2.40e-09)	-2.64e-09 (2.44e-09)
Islam	**-.232 (.097)****	**-.229 (.098)****	**-.221 (.098)****	**-.226 (.098)****
Non-Religious	-.005 (.294)	.004 (.294)	.024 (.293)	-.005 (.295)
Oil	-1.65e-06 (3.93e-06)	-2.74e-06 (4.15e-06)	-1.40e-06 (3.90e-06)	-2.38e-06 (4.19e-06)
Oil Squared	-3.18e-12 (3.81e-12)	-2.26e-12 (3.94e-12)	-3.01e-12 (3.58e-12)	-2.64e-12 (4.02e-12)
Polity IV	.060 (.044)	.067 (.044)	.0518 (.045)	.055 (.045)
Cut 1	-4.81 (1.13)	-4.82 (1.11)	-4.71 (1.13)	-4.76 (1.13)
Cut 2	-4.34(1.09)	-4.38 (1.07)	-4.26 (1.09)	-4.29 (1.09)
Cut 3	-2.52(.98)	-2.65 (.97)	-2.45 (.98)	-2.48 (.98)
Cut 4	1.18 (.92)	1.01 (.91)	1.24 (.93)	1.22 (.93)
Cut 5	3.89 (1.02)	3.74 (1.01)	3.96 (1.03)	3.98 (1.03)
Cut 6	6.83 (1.42)	6.68 (1.41)	6.90 (1.43)	6.93 (1.43)
Observations	136	136	136	136
Pseudo R-squared	.28	.28	.28	.28
***P < .10** ****P < .05** ***** P < .01**				

Table 4. Statistical Summary of all Variables

Variable	Mean	Std. Dev.	Min	Max
WPER	3.220588	1.106822	0	6
Family Law	0.375	0.7496913	0	2
Religious Legal Pluralism	0.294118	0.6454128	0	2
State Religion	5.110294	2.145358	0	8
State Discrim. of Rel's	1.198529	0.9949491	0	4
Colonial Rule	0.426471	0.4963922	0	1
Ottoman Rule	41.53676	120.7627	0	542
Education	1.041397	0.5265656	0.15	3.42
GDP/cap	5963.743	9326.923	95.3	39805
GDP/cap squared	1.22E+08	2.92E+08	9082.09	1.60E+09
Islam	3.264706	3.468878	1	10
Non Religious Adherents	1.308824	0.6832895	1	5
Oil	47839.49	174399.5	0	1.30E+06
Oil-Squared	3.25E+10	1.84E+11	0	1.80E+12
Polity	3.514706	6.642161	-10	10

Restrictions on interfaith marriages in addition to the presence of religious courts, indicates a degree of plurality in the legal system that adds stringent exclusivity among religions and particularly in the most important component of family law, which confirms strict recourse to religion of birth. This means that personal choices in family law (particularly in marriage) decrease substantially.

Indeed, RLP demonstrates the most prominent negative influence on Women's human rights. When the two components of RLP are assessed separately, RIFM is far more significant than the presence of religious courts (although the latter does come out slightly significant at $P<.10$ in model six). The consistent significance of RIFM at $P<.05$ does lead to a plausible inference that when interfaith marriage is prohibited, individual human rights (of women and men) may be infringed upon. Whether or not this is a direct causal relationship will require more detailed analysis in future studies. However, we do find that a correlation is indeed present. One

may certainly inquire on the indirect effect of RIFM as a proxy for other repressive factors in society. Given the present study, we may begin to speculate or test the idea that as marriage is governed by religious legislation, and marriage between two consenting adults of different religious beliefs is banned, this creates institutionalized religious segregation. This may consist of forced conversions for those who do wish to marry someone outside of their birth religion, in which case, the converting party is obligated to follow legislation of which s/he is not convinced, and laws that s/he would not otherwise follow. For instance, in Sudan, where interfaith marriage is prohibited and religious courts are present, if a Muslim man wanted to marry a Christian woman, the woman would have to convert to Islam and adhere to shari'a law, as she takes on her husband's religion (in most instances and in most countries, as discussed in chapter four, the woman is expected or obliged to convert). If she refused to give up her religious beliefs, she would then have to give up her partner/fiancé. If she refuses to give him up, then she must adhere to laws of a religion that may not be to her preference. The issue here is not that conversion is morally right or wrong. The serious problem is that, while in legal settings that offer secular, non-secular, inter-religious and intra-religious options, a couple's freedom of choice to convert or to coexist is present and their right to chose their religious following in familial unions is protected. A Christian and a Muslim can marry in Canada and have dual ceremonies (one in a church and one in a mosque) and register their marriage in a civil court without any one of them having to sacrifice their equal right to their belief, be that of any religious or non-religious adherence. In the Philippines and in Malta, where religious courts exist to accommodate religious minorities, interfaith marriage is not prohibited, and family law is not governed by the clergy, which offers religious freedom to group minorities, and promotes religious tolerance,

while protecting individuals by easing the limitations on one's personal and family related choices.

However, in most MENA countries (and other states in SSA and Asia) the options for individuals to choose and to coexist are simply not there. How this affects women particularly is: a) in the obligatory recourse to religious legislation, which is consistently less egalitarian than secular legislation, and certainly more favorable to men (the list is generous here: nationality through marriage laws, custody laws, adultery punishment for women compared to those of men, honor killing laws, dowry laws, obedience laws, witness laws that deem a woman's court statement equivalent to half that of a man's, etc, etc, etc.); b) in the coercion to choose between a loved one and her faith, in which case, she often must lose one or the other; c) if the marriage she does enter into by giving up her faith to her husband happens to fail, her rights are completely subject to a religion that belongs to her husband and is not of her own conviction; and d) if she wished to inquire on state court options for alternative non-religious legal codes, she finds none.

Indeed, women are not the only disadvantaged group in such instances, especially in scenarios c) and d), however, women are most often more disadvantaged than men as the laws in most religiously exclusive legal systems (namely in the MENA) tend to offer more control and rights protection to men than to women in family laws. What we establish with this important variable (RLP) is that the state-society interactions through the law (demonstrated in Figure 4), are indeed worth examining. As a woman's social sphere is governed by religious norms, which are also enshrined in the legal apparatus, her access to power is limited to the avenues available to her by these very social norms in the workforce and in politics. For instance, the fact that Saudi women participate well in the workforce does not supersede the fact that they are prohibited from driving a car. It also does not diminish the fact that they cannot run for office (or

rule the monarchy), specifically because it is culturally (or by decree of religious authority) unacceptable to do so. Conversely, while Iranian women run for and win seats in parliament, they remain barred from political-religious positions reserved strictly for men. Furthermore, if a woman's husband wished his wife to leave the workplace and/or a political position, under Iranian family law, she must obey. Religion permeates the law in the family, which permeates the lives of women in the workplace, be that a factory, a coffee shop, a clinic, or even parliament. The point is that when religion and *only* religion is the law, then women's social, economic and political lives become inevitably affected. Even in Lebanon, the so-called "Switzerland of the Middle East", where women have more opportunities than men do in the workforce, where modernity is the constant social trend, the country is yet to usher in a female political leader or Member of Parliament who is not the wife, the sister, the daughter or the mother of a prominent political martyr. Without blood ties to a male political icon, a woman's political career remains gravely limited by social, cultural and religious norms.

Predictive Probability for WPER as a Function of RLP

If we were to predict the probability of a given country's score on WPER as a function of its level of Religious Legal Pluralism, we find some significant measures. RLP is a measure that ranges from 0 to 2, with 0 indicating no presence of religious courts and no restrictions on interfaith marriages; 1 indicating either PRC or RIFM; and 2 indicating both PRC and RIFM. When Religious Legal Pluralism is at its median level of .29, a given country's most likely WPER score will be between 4 and 3, with 4 being more likely. When RLP is increased to a level 1, the most likely scores will be between 3 and 4 with 3 more likely; and when RLP increases to its maximum value 2, the most likely WPER scores will be between 2 and 3.

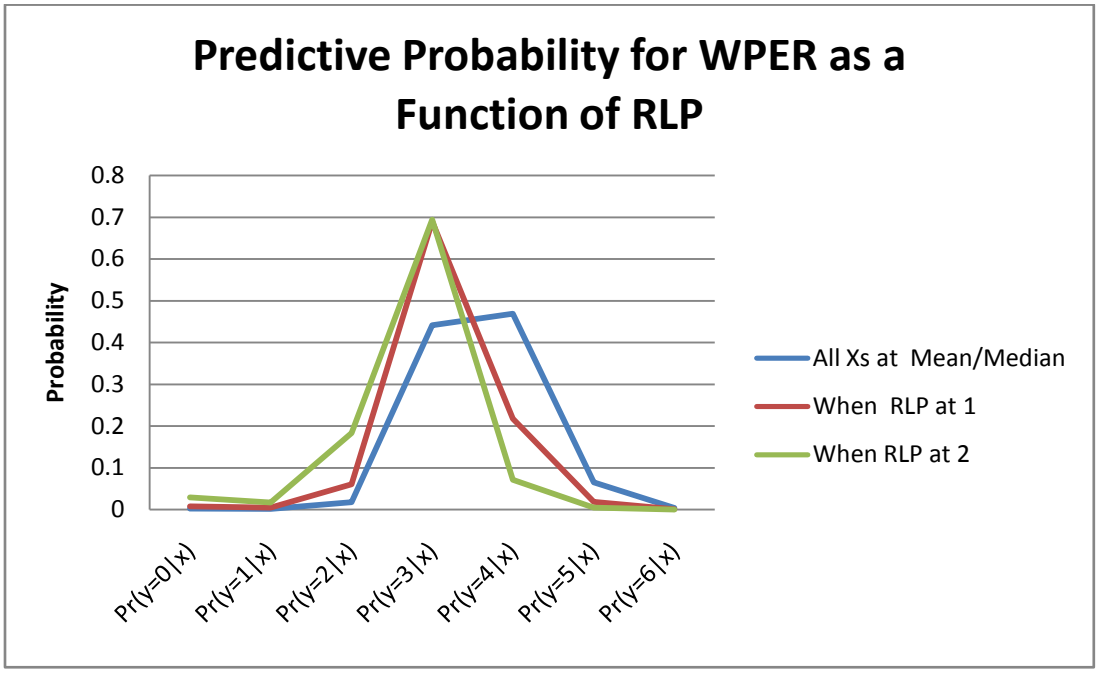

Figure 5. Predictive Probability for Women's PER as a Function of Religious Legal Pluralism—RLP ranges from 0 to 2, with a Mean of .29, and a SD of .65; RLP Mode: 0 (frequency 137); 2 (frequency 19); 1 (frequency16); WPER Mean 3.22 and SD of 1.11.

This means that as a country endorses greater levels of religious legal pluralism, lower levels of women's human rights are continuously more likely.

Islam and Income

The third and fourth findings concern Islam and income, which are constantly significant at P<.05 or P<.01. We find that as the percentage of Muslim population increases in a given country, the political and economic rights of women decrease. To understand the extent of the effect, Figure 6 demonstrates the predictive probability for WPER as a function of Islam as a percent of country population.

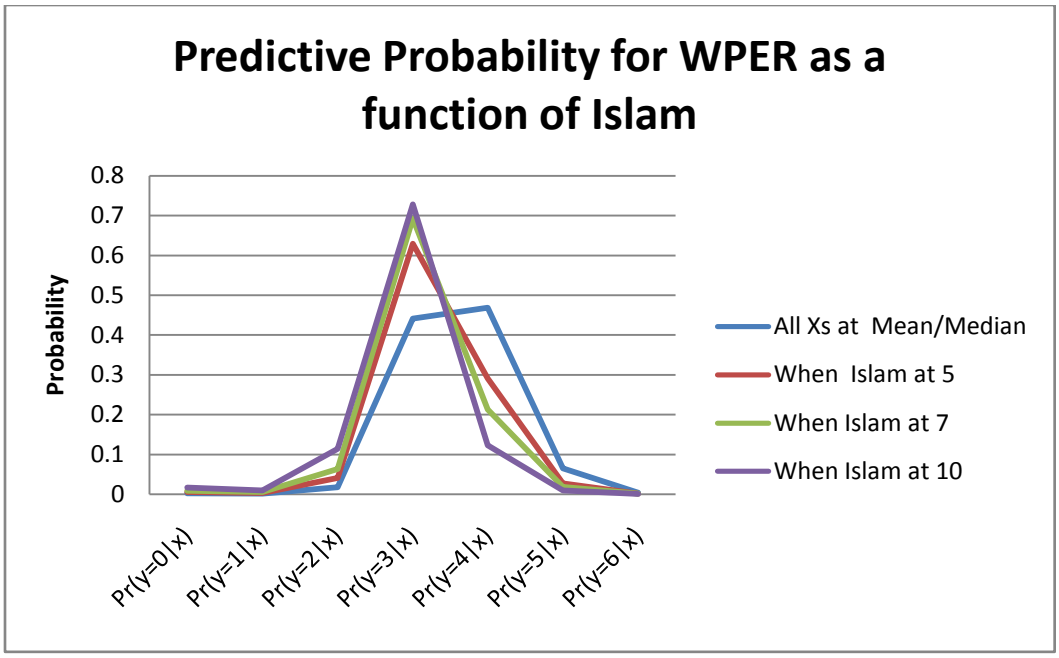

Figure 6. Predictive Probability for Women's PER as a Function of Percent Muslim Population (Islam measured as interval variable from 0-10 indicating 0 to100 percent of country population). Islam variable Mean: 3.36, SD: 3.47.

When Islam is at its mean level of 3.36, which is equivalent to roughly 34 percent of country population, the most likely WPER score to expect in a given country is between 3 and 4, with 4 more likely than 3. When the Muslim population increases to 51-60 percent (interval level 5) the most likely WPER score drops to 3 at a probability of just over 0.6 (60% chance). As the Muslim population increases to 71-80 percent the probability of a country scoring 3 on WPER increase to 0.69 (69% chance), and the probabilities of scoring lower WPER all increase as the green line is pushed further left on the x axis from its previous positions shown in red and blue. As the Muslim population increases to 91-100 percent the likelihood of a country scoring 3 on WPER increases to 0.7 (70% chance), and the probability of scoring 2 increases to over 0.1 (10% chance). Theoretically, a number of possible explanations arise. First, Islam is not a monolithic religion, as discussed in chapter 4, as definitional divisions on various topics within differing

schools of thought in Islam do indeed exist and must be explored in future studies. The inverse relationship between this particular religious presence and the human rights of women may be less due to moral definitions of human rights by the faith itself and more due to the political definitions of human rights in the various authoritarian regimes that happen to have high Muslim populations. Whether Islam itself is compatible with human rights generally or women's human rights particularly is a discussion for other endeavors, as a more detailed analysis of the intra-religious divisions are necessary in order to accurately assess this complex variable.

Indeed, rigorous investigation of the tendency of Islamic majority countries to have such a strong and exclusive relationship with the state is a field of study that may yield useful insight into the discussion of human rights generally and women's human rights particularly. As listed in appendix C, and as mentioned in the Introduction, the Middle East and North Africa is a part of the world that scores highest on all Government Involvement in Religion. Appendix C lists the relationship (score and nominal description) between state and religion in 136 countries, and they are listed in ascending order from highest WPER scores to lowest WPER scores. We find that many of the lowest scores in WPER happen to be countries that are also most entangled with religion, and most of these countries also happen to have a Muslim majority. More rigorous investigation into state-religion entanglement and its correlation with human rights would likely be enlightening on the discourse of human rights in traditional societies.

As for per capita income, we find a positive relationship with the human rights of women. As demonstrated in Figure 7, as GDP per capita increases, so do WPER. When per capita GDP is at its mean value of $5963.74, we would expect a given country to score between and 3 and 4 on WPER (probability 0.45 and 0.47 respectively). As we increase income by one standard deviation at $15290.66 per capita, the likelihood of scoring 4 on WPER in a given

country increases to nearly 0.6. As we increase income to two standard deviations, at $24617.58 per capita, the likelihood of a country with that income to score 5 increases from nearly 0.06 at mean GDP and 0.22 at 1 SD to 0.35. When income is increased to 4 standard deviations, at

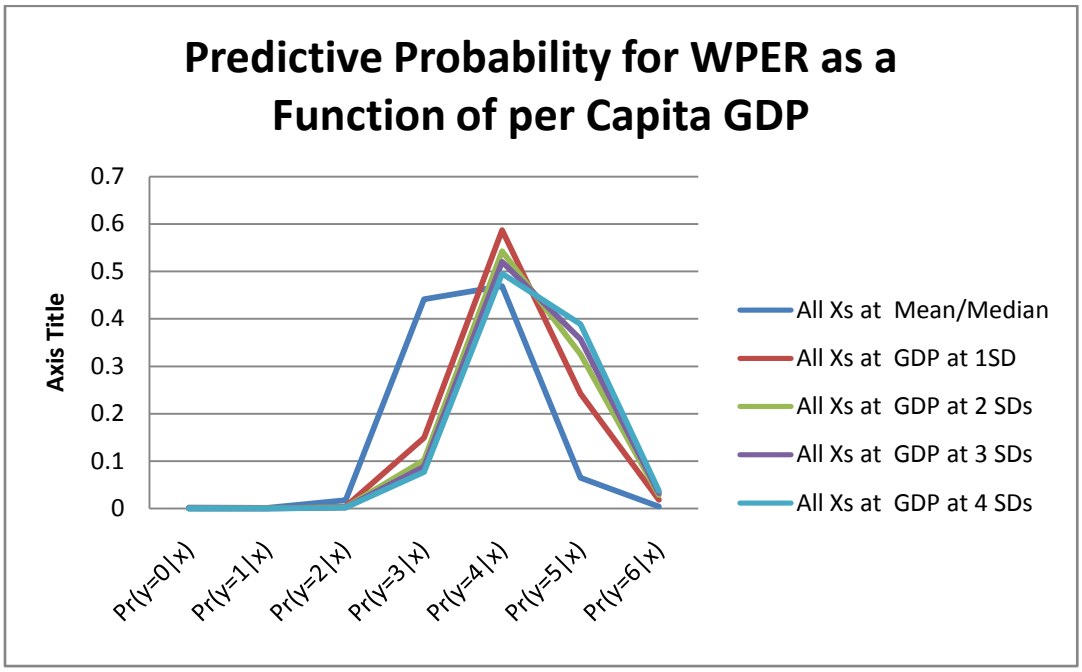

Figure 7. Predictive Probability for Women's PER as a Function of per Capita GDP. GDP Mean: 5963.74, SD: 9326.92.

$33944.50, the odds of a given country scoring 4 or 5 on WPER respectively increase to 0.5 and 0.4 (50% and 40% chances). This means that there is a 90% chance that countries will score between 4 and 5 on WPER. In short, one can infer that economic development in a given country is a strong emancipating factor for women's political and economic status.

Colonialism, Ottoman Influence, Oil, Regime Type and Education

Historical French and British colonial rule seems to have no effect on the current status of women, which may confirm the large body of literature that demonstrates a double-edge effect of positive and negative influence on different portions of society in terms of economic and regime

development. Indeed, this may be indicative of the fact that colonial rule did not have a monolithic effect on women, hence resulting as insignificant when more important variable are at stake.

Similarly, we find that Ottoman rule, which was instrumental in the introduction of the millet system in many heterogeneous societies, such as those found in MENA region, is not necessarily of any significance to either legal plurality or WPER. This is quite possibly due to the fact that the presence of stronger attachment to religion and religious fractionalization in the MENA may be higher than in other parts of the world. Further research into the relationship between Ottoman rule, religious legal pluralism, and women's human rights in the MENA would be illuminating.

Oil, which has been strongly associated with patriarchy in the MENA, seems to lose significance when legal plurality and state-religion intermingling increase. This is an especially insightful finding as much recent literature has placed a great deal of onus primarily on oil, when in reality, the picture is much more complex.

Surprisingly, regime type and education, which are often consistently significant in human rights studies, lose some of their primacy when additional variables (namely those concerning religion, the law and the state) are considered. Polity scores are only significant in models 1 and 4 which exclude religious populations, Muslim and non-religious adherents, indicating that religiosity or religious population percentages are more central than regime type when assessing gender disparities in traditional societies such as those in the MENA. It may also mean that more religious societies perhaps tend to be less democratic. Indeed, more democratic societies are often more sensitive to human rights; however, we find here an added argument that

human rights of some minorities over other (i.e. religious minorities over gender minorities) may be favored. This is to be studied in further detail in the future.

As for education, it is only significant in Model 2, which excludes religious and non-religious populations, also indicating that although education is an emancipating tool for women's economic and political development, increased religious presence or high religious adherence levels may continue to overshadow the development of gender equality in these domains. Again, more research on these variables is reserved for future endeavors.

CONCLUSIONS

Religion, the law and the human rights of women are indeed interrelated, and a circular relationship between these three concepts appears to be playing a role in maintaining a comparatively lower status for women in MENA countries. Social aspects surrounding cultural and religious norms affecting the domestic lives of women, in marriage, especially, are indeed strongly influencing and/or influenced by the socio-political realms in a given country. The causal relationship between social and religious norms, their institutionalization in state law, and their effects on the domestic sphere, which then permeates the political and economic realms, is a spiral of power allocation that must be examined more closely in order for the right policies to be implemented in developing societies. In this study, we find that a strong inverse relationship exists between the human rights of women and a) restrictions on interfaith marriage, b) the presence of religious courts, and c) percent of a country's Muslim population. We also find that a positive relationship exists between a) per capita income, b) higher female gender ratio of enrollment in tertiary level education (only when religion is excluded from consideration in the model), and c) democracy (also only when religion is excluded from the model).

In short, we can claim that the human rights of women in terms of gender equality in the MENA are indeed strongly correlated with the religious, legal and social aspects of that region. More specifically, we find that an area which remains quite neglected in the political science field, religious legal pluralism, presents much significance in its correlation with the human rights of women. Whether this is a proxy variable acting as a clue that may lead to more important findings in the future is yet to be determined by future analyses. In the meantime, this probes our search for related clues through further precision of terms and more encompassing

data in order to explore the institutions, namely the frameworks of law, that govern the implementation and protection of human rights in a given country.

The next steps will include, first, a religious legal plurality dataset, essential and yet to be constructed, to assess institutional effects on the Human Rights of women and other minorities in a given state. Second, refinement and precision in defining and measuring personal status law is highly needed before current results may be accepted as true. Statistical analysis in the areas of family and personal law (more appropriately defined) in conjunction with legal pluralism (also more precisely measured in the future) may yield important and useful findings for future policy makers and institution builders in democratizing societies especially for the emancipation of women.

Third, while Non-Governmental organizations in the development, human rights and legal fields have made commendable strides to emancipate and educate women from the grassroots levels of society, complementary strides remain needed in terms of judicial development in many developing societies. Although bottom-up approaches to social, economic and political development are indispensable for the emancipation of women in developing countries, without institutional flexibility, and without access to power, long-term changes become increasingly difficult. Democratic development is indeed important in order for venues of access to appear, yet when traditional judicial systems remain archaic and closed off to women, access points decrease to the political and economic spheres and hope for a more truly pluralistic institutional system that substantively addresses the individual human rights of women, not only of religious and traditional communities, diminish substantially.

Fourth, institutional solutions do exist and they are not far from possible to implement. In order to strike a balance between cultural rights and women’s human rights, which can

sometimes conflict in traditional societies, the presence of religious courts is perfectly just in providing religious plurality under two important conditions: 1) that options outside of religious courts, in non-religious ones, are available and citizens have equal right of access to them regardless of identity, and, as an added tolerance mechanism, 2) that inter-faith unions be allowed to provide freedom from coerced conversion if one wishes to marry outside of her/his religion of birth but remain interested in multiple spiritual ceremonies.

Granted, different governments and different societies may find one more feasible than the other or may not find these solutions feasible at all, given their social and religious fractionalization, religiosity and/or regime type. However, change is possible, as provided enough actors are involved to promote it. These solutions will need commitment and cooperation among international, supranational and transnational actors as well as domestic ones, all of whom may pressure various governments to ameliorate their human rights performance by building more tolerant legal systems with higher religious and cultural group freedoms as well as individual liberties. By incorporating civil family codes in otherwise exclusively religious legal systems, and by easing legal divisions among religious courts, the state would offer secular as well as spiritual means, and a more flexible pluralistic system, to settle personal legal matters, hence accommodating the religious majority or pluralities, while protecting the individual human rights of women in marriage law through religious freedom and secular options.

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APPENDIX A: CIRI CRITERIA – THE HUMAN RIGHTS OF WOMEN

Women's Political Rights

Women's political rights include a number of internationally recognized rights. These rights include:

The right to vote

The right to run for political office

The right to hold elected and appointed government positions

The right to join political parties

The right to petition government officials

A score of 0 indicates that women's political rights were not guaranteed by law during a given year. A score of 1 indicates that women's political rights were guaranteed in law, but severely prohibited in practice. A score of 2 indicates that women's political rights were guaranteed in law, but were still moderately prohibited in practice. Finally, a score of 3 indicates that women's political rights were guaranteed in both law and practice.

Women's Economic Rights

Women's economic rights include a number of internationally recognized rights. These rights include:

Equal pay for equal work

Free choice of profession or employment without the need to obtain a husband or male relative's consent

The right to gainful employment without the need to obtain a husband or male relative's consent

Equality in hiring and promotion practices

Job security (maternity leave, unemployment benefits, no arbitrary firing or layoffs, etc...)

Non-discrimination by employers

The right to be free from sexual harassment in the workplace

The right to work at night

The right to work in occupations classified as dangerous

The right to work in the military and the police force

A score of 0 indicates that there were no economic rights for women in law and that systematic discrimination based on sex may have been built into law. A score of 1 indicates that women had some economic rights under law, but these rights were not effectively enforced. A score of 2 indicates that women had some economic rights under law, and the government effectively enforced these rights in practice while still allowing a low level of discrimination against women in economic matters. Finally, a score of 3 indicates that all or nearly all of women's economic rights were guaranteed by law and the government fully and vigorously enforces these laws in practice.

Women's Social Rights[25]

Women's social rights include a number of internationally recognized rights. These rights include:

The right to equal inheritance

The right to enter into marriage on a basis of equality with men

The right to travel abroad

The right to obtain a passport

The right to confer citizenship to children or a husband

The right to initiate a divorce

The right to own, acquire, manage, and retain property brought into marriage

The right to participate in social, cultural, and community activities

The right to an education

The freedom to choose a residence/domicile

Freedom from female genital mutilation of children and of adults without their consent

Freedom from forced sterilization

A score of 0 indicates that there were no social rights for women in law and that systematic discrimination based on sex may have been built into law. A score of 1 indicates that women had some social rights under law, but these rights were not effectively enforced. A score of 2 indicates that women had some social rights under law, and the government effectively enforced these rights in practice while still allowing a low level of discrimination against women in

[25] The social rights of women are not included as a variable in the present study as its parameters would cause endogeneity problems, given the fact that the independent variables tested in the statistical regression are measuring social aspects which are also included in the social rights parameter measured by CIRI. Hence the Political and Economic Rights of women from the CIRI data are the ones chosen for this study so as to minimize bias in the final results.

economic matters. Finally, a score of 3 indicates that all or nearly all of women's social rights were guaranteed by law and the government fully and vigorously enforced these laws in practice.

APPENDIX B: REGIONAL DIVISIONS PERTAINING TO FIGURE 1

(WPER BY REGION CIRI 2002)

MENA	SSA	L.AM	OCEA	ASIA	EUR	N.AM
Algeria	Angola	Argentina	Australia	Armenia	Albania	Canada
Libya	Benin	Belize	Fiji	Azerbaijan	Austria	United States of America
Morocco	Botswana	Bolivia	New Zealand	Bangladesh	Belarus	
Tunisia	Burkina Faso	Brazil	Papua New Guinea	Bhutan	Belgium	
Afghanistan	Burundi	Chile		Brunei	Bosnia Herzegovenia	
Bahrain	Cameroon	Colombia		Burma	Bulgaria	
Egypt	Central African Rep	Costa Rica		Cambodia	Croatia	
Iran	Chad	Cuba		China	Czech Rep.	
Iraq	Congo, DR of	Dominican Republic		Cyprus	Denmark	
Israel	Congo, R of	Ecuador		Georgia	Estonia	
Jordan	Cote d'Ivoire	El Salvador		India	Finland	
Kuwait	Eritrea	Guatemala		Indonesia	France	
Lebanon	Ethiopia	Guyana		Japan	Germany	
Oman	Gabon	Haiti		Kazakhstan	Greece	
Pakistan	Gambia	Honduras		Korea, North	Hungary	
Saudi Arabia	Ghana	Jamaica		Korea, South	Iceland	
Syria	Guinea	Mexico		Kyrgyztan	Ireland	
Turkey	Guinea-Bissau	Nicaragua		Laos	Italy	
Qatar	Kenya	Panama		Malaysia	Latvia	
United Arab Emirates	Lesotho	Paraguay		Mongolia	Lithuania	
Yemen	Liberia	Peru		Nepal	Luxembourg	
	Madagascar	Trinidad and Tobago		Philippines	Macedonia	
	Malawi	Uruguay		Singapore	Moldova	
	Mali	Venezuela		Sri Lanka	Netherlands	
	Mauritania			Taiwan	Norway	

	Mauritius	Tajikistan	Poland
	Mozambique	Thailand	Portugal
	Namibia	Turkmenistan	Romania
	Niger	Uzbekistan	Russia
	Nigeria	Vietnam	Slovak Rep.
	Rwanda		Slovenia
	Senegal		Spain
	Sierra Leone		Sweden
	South Africa		Switzerland
	Sudan		Ukraine
	Swaziland		United Kingdom
	Tanzania		
	Togo		
	Uganda		
	Zambia		
	Zimbabwe		

APPENDIX C: WOMEN'S POLITICAL AND ECONOMIC RIGHTS (CIRI 2002) MOST TO LEAST FREE AND STATE RELATIONSHIP WITH RELIGION

Country	WEPR	State Religion	Score	Illegal Religions	Score
Sweden	6	Cooperation	5	No Minority Rel Illegal	0
Austria	5	Cooperation	5	Legal limitations	2
Canada	5	Accommodation	3	No Minority Rel Illegal	0
Costa Rica	5	One State Religion	8	No illeg, some limitations	1
Cuba	5	Inadvertent Insensitivity	1	Legal limitations	2
Denmark	5	One State Religion	8	No Minority Rel Illegal	1
Finland	5	State multiple established Rel's	7	Legal limitations	2
France	5	Separationist	2	Legal limitations	2
Germany	5	Cooperation	5	No illeg, some limitations	1
Hungary	5	Cooperation	5	Legal limitations	2
Iceland	5	One State Religion	8	No illeg, some limitations	1
Namibia	5	Accommodation	3	No Minority Rel Illegal	0
New Zealand	5	Cooperation	5	No Minority Rel Illegal	0
Norway	5	One State Religion	8	No Minority Rel Illegal	0
South Africa	5	Accommodation	3	No Minority Rel Illegal	0
Argentina	4	One State Religion	8	No illeg, some limitations	1
Australia	4	Accommodation	3	No Minority Rel Illegal	0
Belgium	4	Cooperation	5	Legal limitations	2
Belize	4	Civil Religion	6	No illeg, some limitations	1
Bosnia Herzegovina	4	Cooperation	5	No illeg, some limitations	1
Croatia	4	Civil Religion	6	No illeg, some limitations	1
Cyprus	4	Inadvertent Insensitivity	1	No illeg, some limitations	1
Czech Rep	4	Cooperation	5	No illeg, some limitations	1
Estonia	4	Accommodation	3	No Minority Rel Illegal	0
Fiji	4	Civil Religion	6	No Minority Rel Illegal	0
Ghana	4	Accommodation	3	No Minority Rel Illegal	0
Greece	4	One State Religion	8	No illeg, some limitations	1
Guinea	4	Civil Religion	3	No illeg, some limitations	2
Guyana	4	Accommodation	3	No Minority Rel Illegal	0
Ireland	4	Civil Religion	6	No Minority Rel Illegal	0
Israel	4	One State Religion	8	No illeg, some limitations	1
Italy	4	Cooperation	5	No Minority Rel Illegal	0
Ivory Coast	4	Cooperation	5	No illeg, some limitations	1

Jamaica	4	Cooperation	5	No illeg, some limitations	1
Kyrgyzstan	4	Separationist	2	No illeg, some limitations	1
Laos	4	Inadvertent Insensitivity	1	Legal limitations	2
Latvia	4	Cooperation	5	No illeg, some limitations	1
Lithuania	4	Cooperation	5	No illeg, some limitations	1
Luxembourg	4	Cooperation	5	No Minority Rel Illegal	0
Madagascar	4	Cooperation	5	No illeg, some limitations	1
Malaysia	4	One State Religion	8	Some Rel's illegal	3
Mexico	4	Separationist	2	No Minority Rel Illegal	0
Moldova	4	Civil Religion	6	Legal limitations	2
Mongolia	4	Accommodation	3	No Minority Rel Illegal	0
Mozambique	4	Accommodation	3	No Minority Rel Illegal	0
Netherlands	4	Accommodation	3	No Minority Rel Illegal	0
Panama	4	Civil Religion	6	No illeg, some limitations	1
Peru	4	Civil Religion	6	No illeg, some limitations	1
Poland	4	Civil Religion	6	No illeg, some limitations	1
Portugal	4	Civil Religion	6	No illeg, some limitations	1
Singapore	4	Separationist	2	Some Rel's illegal	3
Slovenia	4	Cooperation	5	No Minority Rel Illegal	0
Spain	4	Civil Religion	6	Legal limitations	2
Switzerland	4	Cooperation	5	No illeg, some limitations	1
Taiwan	4	Accommodation	3	No Minority Rel Illegal	0
Thailand	4	Cooperation	5	No illeg, some limitations	1
Trinidad & Tobago	4	Accommodation	3	No Minority Rel Illegal	0
Turkey	4	Civil Religion	6	Some Rel's illegal	3
UK	4	State multiple established Rel's	7	No illeg, some limitations	1
United States	4	Accommodation	3	No Minority Rel Illegal	0
Venezuela	4	Civil Religion	6	No illeg, some limitations	1
Albania	3	Accommodation	3	No illeg, some limitations	1
Algeria	3	One State Religion	8	Legal limitations	2
Angola	3	Accommodation	3	No Minority Rel Illegal	0
Armenia	3	One State Religion	8	Legal limitations	2
Azerbaijan	3	Separationist	2	Legal limitations	2
Bangladesh	3	One State Religion	8	No illeg, some limitations	1
Belarus	3	Civil Religion	6	Legal limitations	2
Benin	3	Accommodation	3	No Minority Rel Illegal	0
Bhutan	3	One State Religion	8	Legal limitations	2
Bolivia	3	One State Religion	8	No illeg, some limitations	1
Botswana	3	Accommodation	3	No illeg, some limitations	1
Brazil	3	Accommodation	3	No Minority Rel Illegal	0

Bulgaria	3	Civil Religion	6	Legal limitations	2
Burundi	3	Accommodation	3	No Minority Rel Illegal	0
Cambodia	3	One State Religion	8	No illeg, some limitations	1
Cameroon	3	Accommodation	3	Some Rel's illegal	3
Cent. African Rep.	3	Accommodation	3	Some Rel's illegal	3
Chad	3	Cooperation	5	Some Rel's illegal	3
Chile	3	Civil Religion	6	No illeg, some limitations	1
China	3	Inadvertent Insensitivity	1	Some Rel's illegal	3
Columbia	3	Civil Religion	6	No illeg, some limitations	1
Congo Brazzaville	3	Accommodation	3	No Minority Rel Illegal	0
Dominican Republic	3	One State Religion	3	No illeg, some limitations	0
Ecuador	3	Accommodation	3	No Minority Rel Illegal	0
Egypt	3	One State Religion	8	Some Rel's illegal	3
El Salvador	3	Civil Religion	6	No illeg, some limitations	1
Eritrea	3	Separationist	2	Legal limitations	2
Ethiopia	3	Cooperation	5	No illeg, some limitations	1
Gabon	3	Accommodation	3	Legal limitations	2
Gambia	3	Accommodation	3	No Minority Rel Illegal	0
Georgia	3	Civil Religion	6	Legal limitations	2
Guatemala	3	Civil Religion	6	No Minority Rel Illegal	0
Guinea-Bissau	3	Accommodation	6	Legal limitations	1
Haiti	3	Civil Religion	6	No illeg, some limitations	1
Honduras	3	Civil Religion	6	No illeg, some limitations	1
India	3	Cooperation	5	No illeg, some limitations	1
Indonesia	3	Civil Religion	6	Some Rel's illegal	3
Japan	3	Accommodation	3	No illeg, some limitations	1
Kazakhstan	3	Cooperation	5	Legal limitations	2
Kenya	3	Cooperation	5	Legal limitations	2
Liberia	3	Accommodation	3	No Minority Rel Illegal	0
Macedonia	3	Civil Religion	6	Legal limitations	2
Malawi	3	Accommodation	3	No Minority Rel Illegal	0
Mali	3	Accommodation	3	Legal limitations	2
Mauritania	3	One State Religion	8	Legal limitations	2
Morocco	3	One State Religion	8	Legal limitations	2
Nepal	3	Civil Religion	6	Legal limitations	2
Nicaragua	3	Civil Religion	6	No illeg, some limitations	1
North Korea	3	Inadvertent Insensitivity	1	Some Rel's illegal	3
Oman	3	One State Religion	8	Legal limitations	2
Paraguay	3	Civil Religion	6	No illeg, some limitations	1

Philippines	3	Supportive	4	No Minority Rel Illegal	0
Romania	3	Civil Religion	6	No illeg, some limitations	1
Russia	3	Civil Religion	6	Legal limitations	2
Rwanda	3	Accommodation	3	No illeg, some limitations	1
Senegal	3	Accommodation	3	No Minority Rel Illegal	0
Sierra Leone	3	Cooperation	5	No Minority Rel Illegal	0
Slovakia	3	Cooperation	5	No illeg, some limitations	1
South Korea	3	Accommodation	3	No Minority Rel Illegal	0
Sri Lanka	3	One State Religion	8	No illeg, some limitations	1
Swaziland	3	Accommodation	3	No Minority Rel Illegal	0
Syria	3	Civil Religion	6	Some Rel's illegal	3
Tanzania	3	Cooperation	5	No Minority Rel Illegal	0
Togo	3	Cooperation	5	No illeg, some limitations	1
Tunisia	3	One State Religion	8	Legal limitations	2
Turkmenistan	3	Civil Religion	6	Legal limitations	2
Uganda	3	Accommodation	3	Some Rel's illegal	3
Ukraine	3	Cooperation	5	No illeg, some limitations	1
Uruguay	3	Separationist	2	No Minority Rel Illegal	0
Uzbekistan	3	Civil Religion	6	Legal limitations	2
Vietnam	3	Hostile	0	Some Rel's illegal	3
Zambia	3	One State Religion	8	No illeg, some limitations	1
Zimbabwe	3	Accommodation	3	Some Rel's illegal	3
Bahrain	2	One State Religion	8	No illeg, some limitations	1
Brunei	2	One State Religion	8	Legal limitations	2
Burkina Faso	2	Accommodation	3	No Minority Rel Illegal	0
Burma	2	Civil Religion	6	Legal limitations	2
DRC	2	Accommodation	8	No Minority Rel Illegal	0
Iraq	2	One State Religion	8	Legal limitations	2
Jordan	2	One State Religion	8	Some Rel's illegal	3
Lebanon	2	Cooperation	5	No illeg, some limitations	1
Lesotho	2	Accommodation	3	No Minority Rel Illegal	0
Libya	2	One State Religion	8	Legal limitations	2
Mauritius	2	Cooperation	5	No Minority Rel Illegal	0
Niger	2	Separationist	2	No illeg, some limitations	1
Nigeria	2	Cooperation	5	No illeg, some limitations	1
Pakistan	2	One State Religion	8	Legal limitations	2
Papua New Guinea	2	Civil Religion	6	No Minority Rel Illegal	0
Sudan	2	One State Religion	8	Legal limitations	2
Tajikistan	2	Separationist	2	No Minority Rel Illegal	0
UAE	2	One State Religion	8	Legal limitations	2
Iran	1	One State Religion	8	Some Rel's illegal	3
Kuwait	1	One State Religion	8	Legal limitations	2

Yemen	1	One State Religion	8	Legal limitations	2
Somalia	0	One State Religion	8	Legal limitations	2
Afghanistan	0	One State Religion	8	Some Rel's illegal	3
Andorra	0	One State Religion	8	No Minority Rel Illegal	0
Bahamas	0	Accommodation	3	No Minority Rel Illegal	0
Barbados	0	Accommodation	3	No Minority Rel Illegal	0
Cape Verde	0	Civil Religion	6	No Minority Rel Illegal	0
Comoros	0	One State Religion	8	Legal limitations	2
Djibouti	0	One State Religion	8	No illeg, some limitations	1
Equatorial Guinea	0	Civil Religion	6	No illeg, some limitations	1
Liechtenstein	0	One State Religion	8	No illeg, some limitations	1
Maldives	0	One State Religion	8	All Min Rel Illegal	4
Malta	0	One State Religion	8	No Minority Rel Illegal	0
Qatar	0	One State Religion	8	Legal limitations	2
Saudi Arabia	0	One State Religion	8	All Min Rel Illegal	4
Solomon Islands	0	Supportive	4	No Minority Rel Illegal	0
Suriname	0	Supportive	4	No Minority Rel Illegal	0
Vanuatu	0	Cooperation	5	No illeg, some limitations	1

APPENDIX D: LEGAL RELIGIOUS RESTRICTIONS (RAS DATA)

Country	Restrictions on Interfaith Marriages	Presence of Religious Courts	Personal Status Defined by Clergy	Inheritance Defined by Religion	Percent of Population Islam
MENA					**90**
Afghanistan	Yes	Yes		Yes	98
Algeria	Yes		Yes	Yes	99
Bahrain	Yes	Yes	Yes	Yes	98
Egypt	Yes	Yes	Yes	Yes	94
Iran	Yes	Yes	Yes	Yes	99
Iraq	Yes	Yes	Yes	Yes	97
Israel	Yes	Yes	Yes		15
Jordan	Yes	Yes	Yes	Yes	92
Kuwait	Yes		Yes	Yes	85
Lebanon	Yes	Yes	Yes	Yes	56
Libya	Yes		Yes	Yes	98
Morocco	Yes		Yes	Yes	99
Oman	Yes	Yes	Yes	Yes	87
Pakistan*	Yes	Yes	Yes		96
Qatar	Yes	Yes	Yes	Yes	95
Saudi Arabia	Yes	Yes	Yes	Yes	97
Syria	Yes	Yes	Yes	Yes	90
Tunisia	Yes	Yes	Yes	Yes	98
Turkey					100
UAE	Yes	Yes	Yes	Yes	96
Yemen	Yes	Yes	Yes	Yes	99
OCEA					**2**
Australia					1
Fiji					8
New Zealand					0
P. New Guinea					0
Solomon Islands					0
Vanuatu					0
SSA					**33**
Angola					0
Benin					12
Botswana					0
Burkina Faso					50
Burundi					10
Cameroon					20
Cape Verde					1

Cent. African Rep.					15
Chad					51
Comoros					98
Congo Brazzaville					2
Djibouti	Yes	Yes	Yes		94
DR Congo					10
Equatorial Guinea					1
Eritrea					49
Ethiopia					45
Gabon					1
Gambia					87
Ghana					18
Guinea					42
Guinea-Bissau					77
Ivory Coast					39
Kenya		Yes		Yes	10
Lesotho					0
Liberia					18
Madagascar					5
Malawi					20
Mali			Yes	Yes	82
Mauritania		Yes	Yes	Yes	99
Mauritius					17
Mozambique					19
Namibia					0
Niger			Yes	Yes	84
Nigeria		Yes	Yes	Yes	50
Rwanda					8
Senegal		Yes			91
Sierra Leone					55
Somalia		Yes	Yes	Yes	99
South Africa					2
Sudan	Yes	Yes	Yes	Yes	70
Swaziland					10
Tanzania			Yes	Yes	32
Togo					19
Uganda					14
Zambia					3
Zimbabwe					1
ASIA					**30**

Armenia					0
Azerbaijan					95
Bangladesh			Yes	Yes	86
Bhutan					1
Brunei	Yes	Yes	Yes	Yes	64
Burma					4
Cambodia					6
China					2
Cyprus					18
Georgia					11
India	Yes		Yes		12
Indonesia	Yes	Yes	Yes	Yes	73
Japan					0
Kazakhstan					47
Kyrgyzstan					75
Laos					0
Malaysia		Yes	Yes	Yes	55
Maldives	Yes	Yes	Yes	Yes	99
Mongolia					5
Nepal					4
North Korea					0
Philippines		Yes			5
Singapore*		Yes			15
South Korea					0
Sri Lanka			Yes		9
Taiwan					0
Tajikistan					85
Thailand					10
Turkmenistan					89
LAC					**2**
Argentina					0
Bahamas					0
Barbados					1
Belize					1
Bolivia					0
Brazil					0
Chile					0
Columbia					0
Costa Rica			Yes		0
Cuba					0
Dominican Republic					0
Ecuador					0

El Salvador		0
Guatemala		0
Guyana		10
Haiti		0
Honduras		0
Jamaica		0
Mexico		0
Nicaragua		0
Panama		4
Paraguay		0
Peru		0
Suriname		20
Trinidad & Tobago		7
EUR		**6**
Albania		65
Andorra		4
Austria		2
Belarus		0
Belgium		3
Bosnia Herzegovina		44
Bulgaria		13
Croatia*		2
Czech Rep		0
Denmark		2
Estonia		0
Finland		0
France		7
Germany		4
Greece		0
Hungary		0
Iceland		0
Ireland		0
Italy		2
Latvia		0
Liechtenstein		5
Lithuania		0
Luxembourg		2
Macedonia		28
Malta	Yes	0
Moldova		7
Netherlands		4

Norway	1
Poland	0
Portugal	0
Romania	1
Russia	8
Slovakia	0
Slovenia	1
Spain	3
Sweden*	3
Switzerland	2
UK	2
Ukraine	4
N.AM	**1**
Canada	1
United States	2