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THE ARAB SPRING: GOOD FOR WOMEN'S RIGHTS?

## **Part I: Introduction**

On December 17, 2010, a young fruit vendor named Mohamed Bouazizi set himself on fire in front of the governor's office in Sidi Bouzid, Tunisia. This followed a violent encounter with municipal inspectors and subsequent failed attempts to get justice. Some witnesses to the encounter claim that Bouazizi was "slapped" by a female inspector when he resisted confiscation of his goods.<sup>1</sup> Though municipal investigators deny that Bouazizi was slapped, his family and other vendors "seemed to focus on the slap and Mr. Bouazizi's wounded male pride."<sup>2</sup> Outside of his inner circle, Bouazizi's ordeal and self-immolation triggered a pro-democracy revolution in Tunisia that culminated in the ousting of Ben Ali and inspired similar uprisings throughout the Middle East and North Africa.

Tunisia has long had a reputation for progressive values. Tunisian women have more formal rights than most of their counterparts in the Middle East and North Africa (MENA). Despite that reputation, Tunisia is still a traditionally patriarchal society, with entrenched notions about masculinity, as illustrated by some people's reaction to Bouazizi incident. Throughout Tunisian history, women's rights have been implemented from the top down. In Ben Ali's Tunisia, street vendors could be humiliated and denied the right to question government power; but women could participate in that power, as long as they didn't question it. The revolution that overthrew the Ben Ali regime might have liberated the common man from government tyranny, but its implications for the future of women's rights, status, and government representation are unclear.

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<sup>1</sup> Kareem Fahim, "Slap to a Man's Pride Set Off Tumult in Tunisia," New York Times, January 21, 2011, [http://www.nytimes.com/2011/01/22/world/africa/22sidi.html?\\_r=1&pagewanted=2&src=twrhp](http://www.nytimes.com/2011/01/22/world/africa/22sidi.html?_r=1&pagewanted=2&src=twrhp)

<sup>2</sup> Ibid.

Some scholars argue that gender and revolution are closely intertwined. Particularly in the Middle East and North Africa, Moghadam writes that “[W]omen and gender constitute an integral part of MENA’s histories and movements,” and debates about national identity and cultural authenticity are especially gendered.<sup>3</sup> In the Arab Spring’s aftermath, there has been much discussion about what this revolution means for the affected nations’ economies, politics, societies, and so on. This paper will explore the Arab Spring’s potential for promoting (or hindering) gender equality in MENA, focusing on Tunisia, because it was the origin of the Arab Spring, and has thus far experienced the most successful democratic transition out of the affected nations.

I define the Arab Spring as mass uprisings throughout MENA from 2010-2011 that overthrew longstanding authoritarian regimes and initiated democratic transitions. I seek to answer the following question: will the Arab Spring positively impact women’s rights, personal status, and governmental representation in Tunisia? I will compare Tunisia and Morocco to answer this question. Unlike Tunisia, Morocco did not experience regime change as a consequence of the Arab Spring, although it did see some political reforms passed to forestall the kind of mass uprising that happened in Tunisia. Out of all the countries in MENA, Morocco is the most similar to Tunisia. Thus, regime change as a consequence of the Arab Spring will be the independent factor.

I predict that the Arab Spring will have a positive impact on Tunisian women’s representation in parliament, as well as their formal rights under family law, because common sense dictates that democratization generally tends to be good for women’s rights. I want to investigate whether that common sense conclusion is correct. Fundamentally, this is about the

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<sup>3</sup> Valentine M. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East*, 3<sup>rd</sup> ed. (Boulder: Lynne Rienner Publishers, 2013), 40-41

relationship between democratization and women's rights. I am focusing on women's representation in legislatures because it has a positive correlation with "the passage of more women-friendly policies."<sup>4</sup> Women's formal rights under family law are also important because they affect women in a particularly gendered way, and are indicative of how democratic a society actually is.<sup>5</sup> In Part II, I will discuss the historical evolution of women's rights in Tunisia and Morocco. In Part III, I will provide a brief overview of current scholarship on democratization's relationship with women's rights. In Part IV, I will present the results of my own research, analyzing how the Arab Spring has affected women's representation and rights thus far to predict the future. Results indicate that the first half of my hypothesis is wrong. In Part V, I will conclude the essay by suggesting that the Arab Spring's full impact on Tunisian women's rights, status, and representation remains to be seen, but that current trends foretell a positive outcome.

## **Part II: Background**

### *Tunisia*

Tunisia is a predominantly Arab nation in North Africa's Maghreb region, bordered by Libya to the east and southeast, Algeria to the west and southwest, and the Mediterranean Sea along its coastline in the north. It was ruled by France from 1881 to 1956, and French is still a major language in the country, although it does not have official status.<sup>6</sup> The country's first president was Habib Bourguiba, an authoritarian ruler who established Tunisia's Code of Personal Status (CPS) in 1957, a group of laws that granted Tunisian women more rights than

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<sup>4</sup> Fallon p. 381

<sup>5</sup> Moghadam, "Modernizing Women," 220

<sup>6</sup> "World Factbook: Tunisia," Central Intelligence Agency, last modified January 12, 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ts.html>.

their counterparts in other Middle Eastern and North African nations.<sup>7</sup> In the pre-colonial era, the Maghreb region was characterized by tribalism and an overall lack of centralized government; however, Tunisia was less tribal than the other Maghreb nations, and the legacy of colonization further weakened the political autonomy of tribal communities.<sup>8</sup> The post-colonial state formation process in Tunisia saw authoritarian rulers consolidating the power of the state, in part by weakening the power of tribal communities and Islamists. The CPS was one of several tools used in this endeavor, because tribal communities sustain their kinship-based social order partly by restricting women's freedom.<sup>9</sup>

According to El-Masri, Bourguiba was "deeply influenced by" Kemal Ataturk in seeking to establish a "nationalist, secularist and modernist society, which could not materialize without the active participation of half of the population: women."<sup>10</sup> The CPS was one of several methods used to reify Bourguiba's vision. Among other things, it granted Tunisian women suffrage, the right to choose a marriage partner, and equal rights to divorce and child custody.<sup>11</sup> When Ben Ali took over in 1987, he continued the top-down approach of his predecessor to women's rights. During the Ben Ali era, women's representation in Tunisia's government "was considerable in comparison to the other Arab states."<sup>12</sup>

Despite these gains for Tunisian women, some scholars, including El-Masri, point out that Tunisian feminism was almost entirely state-crafted. Progressive policies were created and implemented by the state, which also "coopted" women's organizations, and both Bourguiba and

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<sup>7</sup> Mounira Charrad, "State and Gender in the Maghrib," *Middle East Report* no.163 (1990): 21-22, <http://www.jstor.org/stable/3012553>.

<sup>8</sup> *Ibid.*, 22-23

<sup>9</sup> *Ibid.*, 20

<sup>10</sup> Samar El-Masri, "Tunisian Women at a Crossroads: Cooptation or Autonomy?" *Middle East Policy* 22, no.2 (2015): 126.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, 128.

Ben Ali were ruthless in stifling all dissent, including feminist dissent.<sup>13</sup> El-Masri argues that the “woman card” was essentially a tool used by the state to curry Western favor and to keep Islamists in check.<sup>14</sup>

To summarize, women’s rights have historically been enforced through a top-down process in Tunisia. This process denied women agency and used women's rights as a political tool. It was essentially a form of state feminism that failed to fully emancipate women as more liberal, radical, or Muslim feminists would prefer. Since the Arab Spring, which in Tunisia is often dubbed the “Jasmine Revolution,” Tunisia has experienced democratization.<sup>15</sup> Tunisian women played an active role in the Revolution, but prior to this, women’s rights were dependent upon the very authoritarian regime that was overthrown in 2011.

### *Morocco*

Morocco is a predominantly Arab nation in Africa’s Maghreb region. It is bordered to the east and southeast by Algeria, to the southwest by the disputed Western Sahara, and to the north and northwest by the Mediterranean Sea and Atlantic Ocean. Like Tunisia, Morocco is a former French territory where French is still an important language.

Morocco is a traditionally "tribal and kin based" society, like its fellow Maghreb nations.<sup>16</sup> According to Charrad, Morocco has followed a different path than Tunisia in the formation of women's rights because of its state formation process, and the balance of power

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid., 125.

<sup>15</sup> Ibid., 134.

<sup>16</sup> Mounira M. Charrad, "States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco," (Berkeley: University of California Press, 2001), 17.

between Morocco's state and tribal groups.<sup>17</sup> The Moroccan government's approach to women's rights has been to preserve the "social and political status quo."<sup>18</sup>

After gaining independence from France in 1956, Morocco's monarchy established a ruling bargain with rural tribes. At the time of independence, Moroccan society is estimated to have been about 80 percent rural, and tribal groups dominate rural areas; this gave the tribes more political power in the state formation process than their Tunisian counterparts.<sup>19</sup> Shortly after independence, several tribes led revolts against the monarchy, which likely stemmed from "fear of being left out" of the national political order.<sup>20</sup> These revolts also put pressure on the monarchy to compromise with the tribes. In exchange for recognizing the monarchy's power, the tribes retained many of their traditional customs and laws.<sup>21</sup> This included family law, which shapes women's rights and position in society. Moroccan family law, or the Moudawana, is a blend of conservative interpretations of Islamic law and traditional tribal customs.<sup>22</sup> This family law reinforces the kin-based structure of tribal society, which is also essential to the monarchy's power.<sup>23</sup>

From the start, there were voices calling for reform of Moroccan family law. Allal al-Fasi, the leader of the Istiqlal, an urban nationalist movement that failed to supplant the monarchy's influence during the state-formation process, criticized traditional family law.<sup>24</sup> He called for reforms that would do away with the extended patrilineal kinship networks that tribal

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<sup>17</sup> Ibid., 233

<sup>18</sup> Ibid.

<sup>19</sup> Ibid., 152

<sup>20</sup> Ibid.

<sup>21</sup> Ibid., 147

<sup>22</sup> Ibid.

<sup>23</sup> Ibid., 154

<sup>24</sup> Ibid., 159

society was based on, in favor of a more nuclear family structure befitting of "modern" society.<sup>25</sup> His suggested reforms would have improved women's rights, and in his view, promote harmony and unity in the nation.<sup>26</sup> In the end, the Moroccan government chose the conservative route.

In recent times, King Mohammed VI has proclaimed that he intends for Morocco to gradually liberalize economically, politically, and socially.<sup>27</sup> In 2004, he initiated modest reforms to the Moudawana that tried to strike a balance between conservatives' demands and the pressures of international conventions.<sup>28</sup> However, Moroccan women still have fewer and less expansive formal rights than their Tunisian counterparts.

### *Application*

Has the Arab Spring had a positive impact on Tunisian women's rights, status, and representation in government thus far? What impact, if any, will it have in the foreseeable future? Fundamentally, this is a question of whether or not democratization is good for women's rights, status, and representation. Scholars of various disciplines, from sociology to political science, have considered this fundamental question. Their arguments are presented below.

### **Part III: Democratization and Women's Rights: What's Their Relationship?**

Democratization and women's rights, or human rights more broadly, seem to be "two sides of the same coin."<sup>29</sup> Common sense dictates that democratization will naturally lead to an improvement in women's rights. However, evidence shows that the relationship is not so straightforward. In my research I have identified two main perspectives on this relationship. The

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<sup>25</sup> Ibid., 160

<sup>26</sup> Ibid.

<sup>27</sup> Katja Zvan Elliot, "Morocco and its Women's Rights Struggle: A Failure to Live up to its Progressive Image," *Journal of Middle East Women's Studies*, 10.2 (2014): 1

<sup>28</sup> Ibid., 1

<sup>29</sup> Thomas Carothers, *Critical Mission: Essays on Democracy Promotion* (Washington: Brookings Institution Press, 2010): 9.

“Big Picture” perspective looks at overall trends, and suggests that democratization tends to have a positive impact on women’s rights in the long term, though not always in the short term. The “Mobilization” perspective flips the relationship, and suggests that pre-existing women’s rights and women’s political participation/mobilization shape the trajectory of democratization and its effect on women’s rights. I find that these two perspectives are not diametrically opposed. For my purposes, the “Mobilization” perspective is more useful.

### **The “Big Picture” Perspective**

This school of thought argues that democracies are generally better for human rights, and by extension, women’s rights, than authoritarian regimes. Carothers summarizes the “democratization = human rights” argument rather elegantly. Essentially, certain human rights, such as the right to free expression, go hand-in-hand with democracy. Therefore, the more democratic a country becomes, the better it will promote and implement human rights.<sup>30</sup> Its straightforwardness makes this argument appealing.

However, many scholars qualify this position by acknowledging that *democratization* can be detrimental to human rights, especially in the short run. As Donnelly notes, even in stable democracies, a majority group can “choose to do some very nasty things” to more vulnerable groups.<sup>31</sup> Sorensen writes that democratization can cause chaos and instability, which usually leads to more human rights violations than in authoritarian regimes.<sup>32</sup> If democratization results

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<sup>30</sup> Ibid.

<sup>31</sup> Jack Donnelly, *International Human Rights*, 4<sup>th</sup> ed. (Boulder: Westview Press, 2013): 31.

<sup>32</sup> Georg Sorensen, *Democracy and Democratization: Processes and Prospects in a Changing World*, 3<sup>rd</sup> ed. (Boulder: Westview Press, 2008): 130.

in a “stable and consolidated democracy,” then it is good for human rights, and by extension, women’s rights.<sup>33</sup>

Focusing specifically on the relationship between democratization and women’s representation in government, which has an effect on women’s rights, some scholars note that there appears to be a “paradox.”<sup>34</sup> Fallon et al. cite studies which suggest that democratization seems to have little effect on women’s representation in legislatures, and when it *does* have a perceptible effect, it’s often negative.<sup>35</sup> To explain this paradox, Fallon et al. conducted an exhaustive survey of countries that went through democratic transitions between 1975 and 2009. In their analysis, they conclude that certain factors in the democratization process affect women’s representation in legislatures.<sup>36</sup> Among these factors are: “a nation's pre-democratic regime type, the global context of its democratic transition, its historical experiences with elections, and its changing levels of democratic freedoms over time.”<sup>37</sup> For example, countries that are recovering from violent internal conflicts tend to see higher representation of women in legislatures.<sup>38</sup> Overall, Fallon et al. find that democratization’s effect on women’s representation is “curvilinear”: women’s representation drops in the short term, but gradually increases in the long term.<sup>39</sup> As a country experiences more elections, and adjusts to having a democratic system, women become increasingly better equipped to navigate electoral politics.<sup>40</sup> Higher representation of women in legislatures correlates positively with “women-friendly” laws.<sup>41</sup> This

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<sup>33</sup> Ibid.

<sup>34</sup> Katherine M. Fallon, Liam Swiss, and Jocelyn Viterna, “Resolving the Democracy Paradox: Women’s Representation in Developing Nations, 1975 to 2009,” *American Sociological Review* 77, no. 3 (2012): 381, DOI: 10.1177/0003122412443365.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid., 391

<sup>39</sup> Ibid., 395

<sup>40</sup> Ibid., 391

<sup>41</sup> Ibid., 381

ties in to Sorensen's argument that democratic consolidation is important to the success of democratization and its effect on human rights.

In summary, the "Big Picture" school looks at overall trends. It argues that democratization can negatively affect women's rights in the short run, especially if it's not done properly. But in the long run, democratization tends to be more conducive to women's rights than authoritarian regimes. So, this school of thought would answer "yes" to my research question.

### **The "Mobilization" Perspective**

Some scholars argue that it is women's political mobilization that has a positive impact on democratization, and subsequently, on women's rights. The more active women are in the "public sphere," the stronger civil society becomes, which translates into consolidating democracy, and the more favorable the democratization process becomes to women's rights.<sup>42</sup> This is because women's activism is usually inclusive and democratic.<sup>43</sup> Women must be actively involved in the process from the start if democratization is to have a positive effect on women's rights and representation in government. Applying this to the Arab Spring in North Africa, Moghadam argues that the level of women's involvement in civil society, along with their pre-existing legal status (and other factors), "helps to explain the divergent outcomes" between the North African nations.<sup>44</sup> Thus, progressive Tunisia saw a more successful outcome than conservative Egypt.

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<sup>42</sup> Valentine M. Moghadam, "What is democracy? Promises and perils of the Arab Spring," *Current Sociology* 61, no. 4 (2013): 396, DOI: 10.1177/0011392113479739.

<sup>43</sup> Ibid.

<sup>44</sup> Valentine M. Moghadam, "Democratization and Women's Political Leadership in North Africa," *Journal of International Affairs* 68, no. 1 (2014): 74.

However, women's movements are not always unified. Focusing specifically on Tunisia's civil society after the Jasmine Revolution, Debuysere observes that there is a divide between secular women's rights activists and their Islamist counterparts. The split is over what paradigm should be used to frame women's issues – the liberal paradigm favored by secularists, or the religious paradigm favored by Islamists.<sup>45</sup> This ideological divide reflects a deeper socio-economic and geographic divide between Tunisian women; secular activists tend to be affluent and urban, whereas Islamist activists tend to be working-class/poor and rural.<sup>46</sup> Although Tunisian women have relatively more rights than their counterparts in other Arab nations, not all Tunisian women approve of the CPS. This fragmentation is not necessarily an obstacle to change, and it may even strengthen Tunisia's democratic transition.<sup>47</sup> Nonetheless, as Williams explains, the political efficacy of feminism relies on, among other things, inclusiveness and intersectionality.<sup>48</sup> For Tunisian women to maintain the gains they have acquired, they need to strike a balance between stifling uniformity and ineffective plurality.

In summary, the "Mobilization" school examines how women's political participation, and women's rights, shapes the democratization process. It flips the relationship between these two variables. Generally, democratization succeeds where women already have some rights and are politically and socially active. The nature of women's political mobilization also matters – it must embody democratic values. This school of thought's answer to my research question is a resounding "maybe."

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<sup>45</sup> Loes Debuysere, "Tunisian Women at the Crossroads: Antagonism and Agonism between Secular and Islamist Women's Rights Movements in Tunisia," *Mediterranean Politics* 21, no. 2 (2016): 229, DOI: 10.1080/13629395.2015.1092292.

<sup>46</sup> *Ibid.*, 227

<sup>47</sup> *Ibid.*, 240

<sup>48</sup> Susan H. Williams, "A Feminist Reassessment of Civil Society," *Indiana Law Journal* 72, no. 2 (1997): 428, <http://www.repository.law.indiana.edu/ilj/vol72/iss2/5>.

## **Evaluation**

These two schools of thought are not diametrically opposed. There is some overlap. Both perspectives agree that simply changing an authoritarian regime to a democratic one is not enough to improve women's rights. They concur that there are many variables that shape democratization's effect on women's rights. To account for these variables, I have decided to conduct my research by doing a comparative analysis of Tunisia and Morocco. While these two countries have many differences, they are also similar enough to control for some factors like international intervention and demographics.

Overall, I find the "Mobilization" perspective more useful than the "Big Picture" perspective. This is mainly because the "Mobilization" perspective gives me a better idea of how to frame my analysis. It would be easy for me to conclude, if I find that Tunisian women's representation in parliament increased by a higher change in percentage after the Revolution than before the Revolution, that the Arab Spring has had a positive impact on women's rights. With the "Mobilization" perspective, I will keep in mind that the opposite could be true – it could be that women's rights had a positive impact on the Arab Spring in Tunisia. By anticipating alternative explanations to the data, I will be able to strengthen my thesis.

## **Part IV: Research and Analysis**

For this section, I will compare and contrast Tunisia and Morocco. This is to control for the Arab Spring factor; while Tunisia experienced regime change as a result of the Arab Spring, Morocco didn't. These countries have several similarities. They are both Maghreb countries that were formerly ruled by France, and retain French as a major language. Their median ages are in

the same ballpark: 28.9 years for Morocco<sup>49</sup> and 32.4 years for Tunisia.<sup>50</sup> Their respective populations are also highly urbanized: Morocco's urban population makes up 60.2% of its total population,<sup>51</sup> and Tunisia's urban population is 66.8% of its total population.<sup>52</sup> The most important difference to keep in mind is that Morocco is a constitutional monarchy,<sup>53</sup> whereas Tunisia is a republic.<sup>54</sup>

Some might argue that differences in levels of religiosity and modernization are as equally important as governmental structure in determining the trajectory of women's rights; that the less religious and more "modern" a country is, the friendlier it is to women. With regard to religiosity, it may or may not be true that Moroccan society is more religious than Tunisian society – though I don't know how or if this could be measured. It's worth noting that, according to Moghadam, "Islam is neither more nor less patriarchal than other major religions," and like other religions, it is "fundamentally 'plastic.'"<sup>55</sup> Whether Islam is used to justify oppressing women or empowering them depends on various contextual factors. Furthermore, the extent to which religion influences Moroccan or Tunisian politics is heavily dependent on the state formation process. As explained in Part II, religious conservatives had more political influence in Morocco during the state formation process than in Tunisia. As for modernization, this too is largely shaped by government policies and structure.

I will use quantitative and qualitative analysis. For my quantitative analysis, I will measure trends in the percentage of women in the national parliaments of Tunisia and Morocco. I

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<sup>49</sup> "The World Factbook: Morocco," Central Intelligence Agency, last modified January 12, 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/mo.html>

<sup>50</sup> "The World Factbook: Tunisia," Central Intelligence Agency, last modified January 12, 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ts.html>

<sup>51</sup> CIA, "World Factbook: Morocco"

<sup>52</sup> CIA, "World Factbook: Tunisia"

<sup>53</sup> Ibid.

<sup>54</sup> CIA, "World Factbook: Tunisia"

<sup>55</sup> Moghadam, "Modernizing Women," 6-9

will calculate the change in percentage of women in each country's national parliament before and after the Arab Spring. If I find that Tunisia sees a relatively higher change in percentage of women in parliament after the Arab Spring than Morocco does, I will take this as confirmation of the Arab Spring's positive impact. If Tunisia has a lower change in percentage, or its change in percentage is roughly equal to Morocco's, this will demonstrate that the Arab Spring has *not* had a positive impact.

For my qualitative analysis, I will examine family laws in both Morocco and Tunisia. The reason I am focusing on family laws is because these laws are uniquely gendered, and shape women's status in society. I will also consider other legal instruments that affect women's rights/status, such as constitutions. If I find that there are comparatively greater improvements made in Tunisia than in Morocco after the revolution, this will confirm my hypothesis. If there have been no improvements or changes at all, this will reject my hypothesis.

I am investigating how the Arab Spring has affected Tunisia and Morocco thus far to predict how it will affect them in the future. My analysis is based on the assumption that current trends will hold. After examining the evidence, I will attempt to explain why the revolution did or did not positively impact women's rights. For my explanation, I will draw upon the "Mobilization" perspective.

Of course, my research into this matter is far from conclusive. Women's representation in parliament does not guarantee that ordinary women will see real changes in their lives. The same applies to legal rights, which must be enforced for women to actually benefit from them. Indeed, in Tunisia, urban women benefit most from the rights enshrined in the CPS, whereas rural

women frequently don't have access to them.<sup>56</sup> However, women's representation and family/personal status laws can be useful for determining the overall trajectory of women's rights.

### Women in Parliament

Drawing upon statistics provided by the International Parliamentary Union's "Women in National Parliaments" database, which covers the years 1997 to 2017, I have constructed the figures below.<sup>57</sup> The numbers in Figure 1.1 represent the percentage of women in parliament in January of each year.<sup>58</sup> Figure 1.2 represents this data visually. Overall, Tunisia maintains higher levels of women's representation in its parliament.

*Figure 1.1*

Year	Morocco	Tunisia
1997	0.6	6.7
1998	0.6	6.7
1999	0.6	7.4
2000	0.6	11.5
2001	0.6	11.5
2002	0.6	11.5
2003	10.8	11.5
2004	10.8	11.5
2005	10.8	22.8
2006	10.8	22.8
2007	10.8	22.8
2008	10.5	22.8
2009	10.5	22.8
2010	10.5	27.6
2011	10.5	27.6

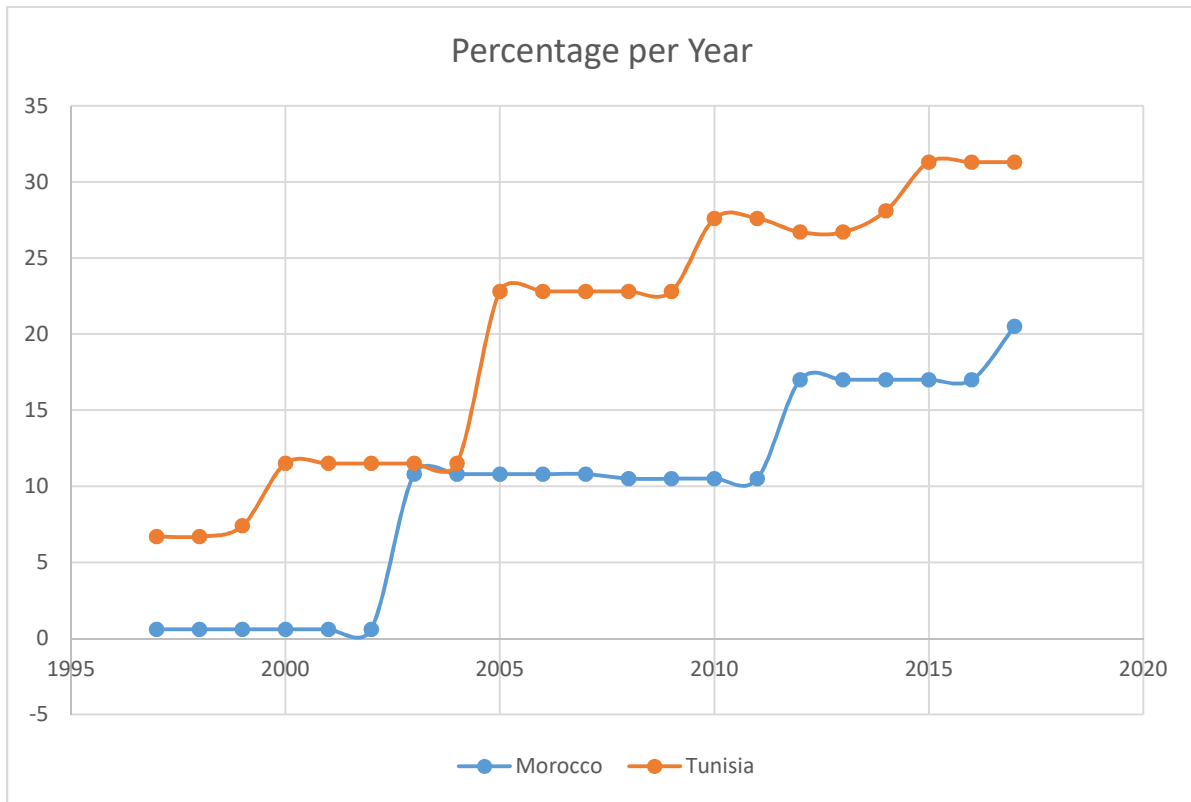
<sup>56</sup> Sanja Breslin Kelly and Julia Breslin, *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, (Lanham: Rowman & Littlefield Publishers, 2010), ProQuest edition, 381

<sup>57</sup> Women in National Parliaments Statistical Archive, International Parliamentary Union, <http://www.ipu.org/wmn-e/classif-arc.htm>

<sup>58</sup> For 2002, I'm using February's data because January's isn't available for that year.

2012	17	26.7
2013	17	26.7
2014	17	28.1
2015	17	31.3
2016	17	31.3
2017	20.5	31.3

**Figure 1.2**



Interestingly, both Morocco and Tunisia see periods of stagnation, where the percentage of women remains the same for two or more years before seeing an increase or decrease. This is especially apparent in Morocco’s data. This is because of their different election cycles. Prior to the Revolution, Tunisia had parliamentary elections every five or six years. Morocco had parliamentary elections in 1997, 2002, 2007, 2011, and 2016, which matches the years in Figure 1.1 where the percentage changes.

In Tunisia's data, there is a slight dip after the removal of Ben Ali: Tunisia goes from 27.6 in 2011 to 26.7 in 2012 and 2013, but picks back up starting in 2014. This matches Fallon et. al's findings that democratization tends to have a short-term negative impact on women's representation in national legislatures, but a positive impact in the long run. Overall, both countries see a steady increase in women's representation, although they have both used quota systems.

The data points for 2011, which were taken in January that year, are the last data points before the Arab Spring (regime change in Tunisia). Using the equation below to calculate the average change in percentage of women in Tunisia's parliament from 1997-2011, the result is the following:

$$(((27.6-6.7)/6.7)/(2011-1997)) * 100\% = 22.28\%$$

For the average change in percentage from 2011-2017, it's:

$$(((31.3-27.6)/27.6)/(2017-2011)) * 100\% = 2.23\%$$

2.23 is about 10% of 22.28, so after the ouster of Ben Ali, Tunisia has seen a growth in women's representation that is 10% of what it used to be.

Calculating the average change in percentage of women in Morocco's parliament from 1997-2011, the result is the following:

$$(((10.5-0.6)/0.6)/(2011-1997)) * 100\% = 117.86\%$$

For the average change in percentage from 2011-2017, it's:

$$(((20.5-10.5)/10.5)/(2017-2011)) * 100\% = 15.87\%$$

15.87 is about 13.47% of 117.86, so Morocco has seen a growth in women's representation that is 13.47% of what it used to be.

Granted, the post-Arab Spring data set is smaller than the pre-Arab Spring data set. I've accounted for this by dividing the change in percentages by the number of years. According to these calculations, growth in women's representation has slowed down considerably in both countries in recent years. However, Morocco, which has not been affected by the Arab Spring as I define it (regime change), has retained a higher rate of growth compared to its previous rate than Tunisia has. This means that the Arab Spring has *not* had a positive impact on women's representation in Tunisia's parliament thus far.

### **Family Law and Personal Status**

Morocco's family law, also known as the Moudawana, is codified. The Moudawana was most recently updated in 2004, in response to popular demands for reform.<sup>59</sup> Freedom House, which releases a report every five years on women's rights and freedoms around the world, gives Morocco a rating of 2.9 in "Social and Cultural Rights," with 1 being the lowest possible score and 5 being the highest.<sup>60</sup> Under the Moudawana, women must be "of sound mind and have completed eighteen full Gregorian years of age," though there are some exceptions for minors.<sup>61</sup> While the 2004 Moudawana improves upon the original in several ways, it's still fairly conservative.

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<sup>59</sup> Sanja Breslin Kelly and Julia Breslin, *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, (Lanham: Rowman & Littlefield Publishers, 2010), ProQuest edition, 243

<sup>60</sup> *Ibid.*, 242.

<sup>61</sup> The Moroccan Family Code (Moudawana) of February 5, 2004: An unofficial English translation of the original Arabic text, Human Rights Education Associates, <http://www.hrea.org/programs/gender-equality-and-womens-empowerment/moudawana/>

In Tunisia, family law and other areas of the law that uniquely impact women are codified through the Code of Personal Status (CPS). Freedom House gives Tunisia a rating of 3.3 in “Social and Cultural Rights.”<sup>62</sup> Under the original CPS, women have the right to divorce (with restrictions), own property, child custody, and various other rights.<sup>63</sup> The CPS grants Tunisian women more rights than their Moroccan counterparts.

Aside from family law, the rules affecting personal status are important. In post-Arab Spring Tunisia, there was a political “firestorm” over the issue of women’s role in society as defined in their new constitution.<sup>64</sup> Ennahda (or al-Nahda), the prominent Islamist party in Tunisia, released a draft of the new constitution that seemed to define women’s personal status as “complementary” to men in 2012.<sup>65</sup> In response to backlash, the constitution was revised to unambiguously define women’s role as “equal” to men.<sup>66</sup> This incident reveals a couple of things. Firstly, as Tunisian politics and government has become more pluralistic, conservatives and progressives have to compromise. Secondly, conservatives like Ennahda are *willing* to compromise. Thirdly, even in the absence of government coercion, Tunisian society values gender equality to the extent that many Tunisians are willing to fight for them. Progress in women’s rights is no longer enforced from the top down; it now must come from political consensus. This is likely better for women’s rights because consensus makes progress more legitimate in the eyes of the public. Legitimacy may grant progress more stability than if it were forced upon the people.

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<sup>62</sup> Ibid., 380

<sup>63</sup> George N. Sfeir, “The Tunisian Code of Personal Status,” *Middle East Journal* 11, no. 3 (1957): 310-312

<sup>64</sup> Monica L. Marks, “Convince, Coerce, or Compromise? Ennahda’s Approach to Tunisia’s Constitution,” *Brookings Doha Center*, no. 10 (2014): 22

<sup>65</sup> Ibid.

<sup>66</sup> Ibid., 23

As of writing, neither the Moudawana nor the CPS has been changed significantly since the Arab Spring, although this is likely because it's only been six years since Ben Ali was overthrown. This means that the Arab Spring has not impacted Tunisian women's rights under family law thus far, even though they still fare better than their counterparts in most of the region. However, the events surrounding the drafting of the new Tunisian constitution indicate that there are strong political forces pulling in the direction of progress. It is likely that the CPS will change for the better. Thus, my hypothesis has been confirmed.

## **Discussion**

As shown above, my hypothesis that the Arab Spring has had a positive impact on Tunisian women's representation in parliament and their formal rights has been half rejected and half confirmed. My hypothesis is far from perfect, of course. To interpret this information, I will now turn to the "Mobilization" school of thought.

Applying the "Mobilization" perspective as explained by Moghadam, "those countries that saw advances in women's participation and rights prior to the Arab Spring are the ones most likely to transition successfully beyond mere democracies to more women-friendly ones."<sup>67</sup>

Tunisia did see improvements in women's representation in parliament shortly before the Arab Spring, and women have been very politically active during the democratization process.<sup>68</sup>

Tunisian attitudes toward gender are more liberal than in other MENA countries.<sup>69</sup> Indeed, several pre-existing factors increased the likelihood of a "women-friendly outcome":

comparatively high female economic participation, longstanding secular/liberal traditions, and

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<sup>67</sup> Moghadam, "Democratization and Women's Political Leadership in North Africa," 60

<sup>68</sup> Ibid., 71

<sup>69</sup> Ibid., 66

higher-than-average share in parliament.<sup>70</sup> One could argue that the Arab Spring has had little impact on women's rights because Tunisian women were already politically active and had substantial rights.

However, the Arab Spring opened up Tunisia's political system. Removing Ben Ali from power enabled other political forces to mobilize more freely, including women's rights groups and women in general; so, the Arab Spring led to an increase in women's political mobilization. According to the "Mobilization" perspective, this should lead to both a more successful democratic transition and to improvements in women's rights/status/representation. Although time will ultimately tell what the revolution has done for Tunisian women, based on current trends, I predict that the Arab Spring will probably have a positive impact on Tunisian women's rights, status, and representation in government.

### **V: Conclusion**

I have sought to predict whether the Arab Spring will have a positive impact on Tunisian women's rights, status, and representation in government. I have discussed the historical evolution of Tunisian women's rights, the role of Tunisia's authoritarian regimes in promoting women's rights, and what scholars have to say on the relationship between democratization and women's rights in general. I have conducted my own research on the matter, comparing Tunisia to Morocco to control for the Arab Spring factor. With regard to women's representation in parliament, the Arab Spring does not seem to have had a positive impact yet; as for women's legal rights/status, there has been a positive impact, as illustrated by the controversy over Tunisia's new constitution. If current trends hold, and as the Arab Spring has opened up Tunisia's political system, enabling women's rights groups and women in general to mobilize

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<sup>70</sup> Valentine M. Moghadam, "Modernizing Women," 230.

more freely, I predict that the Arab Spring will have a positive impact on Tunisian women's rights, status, and representation in the long run.

This does not mean that Tunisia will become a feminist paradise. The Mohamed Bouazizi incident mentioned in Part I, and his relatives' reaction to it, indicates that Tunisia (like most societies) is traditionally patriarchal. Even in post-industrial Western nations, women face obstacles to full equality. What my research suggests is that the Arab Spring will have a positive impact, but the extent of this impact is beyond the scope of this paper. Additionally, what this paper suggests for the relationship between democratization and women's rights can be summed up as: "It's complicated." There are numerous factors that shape democratization's effect on women's rights, and vice versa. Ultimately, what the Arab Spring truly means for women's rights remains to be seen.

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