

UNIVERSITY OF PENNSYLVANIA
The Wharton School
Fall 2010
LG ST 229 – Dr. Ann Mayer

Women, Law, and Politics in the MENA Region

Course description:

This experimental course will encourage students to reach informed assessments of how the particularities of the political systems and laws prevalent in the Middle East and North Africa (the MENA region) play into the situation of women in the region. There is general agreement that limitations on Arab women's participation in state and society have constituted a drag on development. Problems of human development in several Arab countries will be examined, as will comparable problems in Afghanistan and Iran, with Turkey coming in for comparisons. The role of law in human development will be emphasized. Topics will include the legal legacies of European Imperialism; the Islamic legal heritage and governmental reform programs; changing ideological and political trends in post-independence states; rare and short-lived experiments with imposing secular socialist development models; dimensions of discrimination affecting women and obstacles in the way of women's empowerment; gender and citizenship; US interventions in the region as these pertain to gender issues; the rise of Islamist forces and countervailing Islamic feminist currents in the late 20th century; the growth of women's NGOs and women's human rights activism; and critiques of contemporary state policy affecting women, including the 2005 UNDP Arab Human Development Report.

Potential deviations from/additions to syllabus assignments:

The current list of assignments should be regarded as preliminary and tentative. We may want to add new topics and new materials during the semester. Students will be told in advance if new readings will be added or substituted for those currently on the syllabus.

Once the syllabus is finalized, depending on the level class interest in individual topics and the length of class discussions, we could fall behind in covering the assignments and might not cover all the materials listed.

Course prerequisites:

Previous training in law or familiarity with Islam or the MENA region is not required. However, students will need to possess the intellectual maturity to grapple in an objective

manner with complex and often controversial political and legal issues. Students will be expected to demonstrate an ability to handle problems on the basis of informed and reasoned assessments of the relevant literature and data. Excellent verbal skills and the ability to read a variety of materials critically and with good comprehension are essential!! Taking this course is definitely NOT advisable for students whose general language ability and English skills are not strong!!

Format:

Both lectures and discussions will be used. Students will be expected to come to class prepared for discussing issues raised in the assignments and ready to handle problems that will be assigned to be discussed in class or to be written up. Quality of class participation will be counted in the course grades.

Grading:

Grades will be calculated with the midterm counting 40% and the final 50%. Class participation will count 10%. If the majority of the class prefers take home exams, this preference may be accommodated.

Optional project:

With advance approval by the instructor, students may write papers concerning a problem directly related to the course. To get a project approved, by the end of the fourth week of the semester, students wanting to do papers must submit well-organized, complete outlines of their proposed papers with a specific listing of the sources that they intend to utilize.

The paper must investigate a problem and present informed, reasoned conclusions. Mere description of material available in the literature will not suffice. The paper must be completed in accordance with Penn's code of academic integrity. It must be documented with appropriate citations to the sources relied on, including footnotes and a bibliography. The footnotes/endnotes must be done according to standard styles like those of the University of Chicago or the MLA. The completed paper must be submitted in hard copy double spaced by the last day of class. Although quality of research and analysis will ultimately be more important than quantity of pages, students should aim for a paper of at least 16 pages in a normal-sized font (approximately 4,000 words). The 16 pages refer to the text of the paper and exclude tables, bibliography, and the footnotes/endnotes.

Grading will be based on an adjusted version of the normal scheme, with the paper project counting for 30% of the course grade, the midterm 30%, and the final exam 30%, with the remainder being the participation grade.

Students are urged to consult the professor about any questions pertaining to the project and/or for more details about the format.

Course pack and other assignments:

Most of the assigned readings will be handled by Wharton Reprographics using study.net. Handouts will also be distributed in class, including updates reflecting new developments. In addition, students will be asked to consult various Internet websites.

Students will be expected to buy the following books or to consult them in Lippincott Library, where they will be placed on reserve:

Lina Abirafeh, *Gender and International Aid in Afghanistan, The Politics and Effects of Intervention* (Jefferson, NC: McFarland, 2009).

Noushin Ahmadi Khorasani, *Iranian Women's One Million Signatures Campaign for Equality: The Inside Story* (Women's Learning Partnership Translation Series, 2009).

Valentine Moghadam, *Modernizing Women: Gender and Social Change in the Middle East*, 2nd Edition (Boulder: Lynne Rienner, 2003).

The importance of student input:

Students' ideas for enhancing the learning experience and inputs are encouraged; feedback from class members will be welcomed at all stages. If class members decide that a topic or current development not on the present syllabus deserves attention, this can be taken into account. Among other things, when students identify informative source materials, websites, and speakers, they are invited to bring these to the attention of the class and the professor. Students who have relevant experience are likewise urged to share what they have learned.

General assessments and background documentation that will be referred to often during the course:

World Economic Forum, *Global Gender Gap Report 2009*
<http://www.weforum.org/pdf/gendergap/report2009.pdf>

United Nations Development Program. *Arab States*.
<http://arabstates.undp.org/>

United Nations Development Program, *Arab Human Development Report 2004. Towards Freedom in the Arab World*.

<http://hdr.undp.org/en/reports/regionalreports/arabstates/name,3278,en.html>

United Nations Development Program, Arab Human Development Report 2005.

Towards the Rise of Women in the Arab World.

<http://hdr.undp.org/en/reports/regionalreports/arabstates/name,3403,en.html>

Indices for MENA countries taken from World Bank: Governance -- Countries

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/0,,pagePK:180619~theSitePK:136917,00.html>

Convention on the Elimination of All Forms of Discrimination against Women

Among the sections that will be often referred to are the text, reservations, and country reports.

<http://www.un.org/womenwatch/daw/cedaw/>

Transparency International

Among the sections that will be often referred to are the surveys and indices.

<http://www.transparency.org/>

Freedom House, Women's rights in the Middle East and North Africa 2010

<http://freedomhouse.org/template.cfm?page=383&report=86>

PROPOSED SYLLABUS -- Current outline of topics and materials. (Please note that the sessions in the following syllabus may turn out to comprise from one to several class meetings.)

SESSION 1: The variety of factors shaping women's situations in MENA countries; comparative perspectives on gender gaps and human development; issues in women's empowerment

Valentine Moghadam, Modernizing Women: Gender and Social Change in the Middle East, 2nd Edition (Boulder: Lynne Rienner, 2003), 1-77.

Aili Mari Tripp, Creating Collective Capabilities: Women, Agency and the Politics of Representation, 19 Columbia Journal of Gender & Law 219 (2010).

Students are encouraged to sample the the information available on a variety of countries in the World Economic Forum, Global Gender Gap Report 2009

<http://www.weforum.org/pdf/gendergap/report2009.pdf>

Students are encouraged to skim the table of contents and the executive summary in the United Nations Development Program, Arab Human Development Report 2005.

Towards the Rise of Women in the Arab World.

<http://hdr.undp.org/en/reports/regionalreports/arabstates/name,3403,en.html>

SESSION 2: An early experiment with revolutionary change in women's status via the imposition of Marxism/secularism in Soviet Central Asia and the unexpected blowback

Gregory Massell, Law as an instrument of revolutionary change, Law & Society Review 2 1968, 179

<http://www.jstor.org/pss/3052781>

Alternative link <http://hdl.library.upenn.edu/1017/6965> [requires search for title of article]

SESSION 3: Afghanistan -- shifting state policies on women in an impoverished and unstable country afflicted by revolutions and warfare and successively subjected to Soviet and US domination

Moghadam, Modernizing Women, 227-276.

Marzia Basel and Dana Michael Hollywood, Under a cruel sun: My life as a female judge and underground educator under the Soviets, the Taliban, and the Americans, 12 William & Mary Journal of Women & Law 205 (2005).

Laura Grenfell, The Participation of Afghan Women in the Reconstruction Process 12 Human Rights Brief 22 (2004).

<http://www.wcl.american.edu/hrbrief/12/1grenfell.cfm>

Human Rights Watch, "We Have the Promises of the World" - Women's Rights in Afghanistan

<http://www.hrw.org/en/reports/2009/12/03/we-have-promises-world>

Lina Abirafeh, Gender and International Aid in Afghanistan, The Politics and Effects of Intervention (Jefferson, NC: McFarland, 2009), 50-105, 163-188.

Lila Abu Lughod, Do Muslim Women Really Need Saving? 104 American Anthropologist (September 2002).

<http://faculty.chass.ncsu.edu/akhater/personal/Articles/Lila%20Abu%20Lughod%20-%20Do%20Muslim%20Women%20Need%20to%20be%20Saved.pdf>

Cyra Akila Choudhury, Empowerment or Estrangement?: Liberal Feminism's Visions of the "Progress" of Muslim Women, 39 University of Baltimore Law Forum 153 (2009).

Nusrat Choudhury, Constrained Spaces for Islamic Feminism: Women's Rights and the 2004 Constitution of Afghanistan, 19 Yale Journal of Law & Feminism 155 (2007).

SESSION 4: Islamic law affecting women in formulations adopted by various contemporary states and critical perspectives and prospects for reforming these

Moghadam, Modernizing Women, 79-150.

Amira El-Azhary Sonbol, Shari'ah and State Formation: Historical Perspective, 8 Chicago Journal of International Law 59 (2007).

Zainah Anwar and Jana S. Rumminge, Justice and Equality in Muslim Family Laws: Challenges, Possibilities, and Strategies for Reform, 64 Washington & Lee Law Review 1529 (2007).

Ziba Mir-Hosseini, How the Door of Ijtihad Was Opened and Closed: A Comparative Analysis of Recent Family Law Reforms in Iran and Morocco, 64 Washington & Lee Law Review 1499 (2007).

Yakare-Oule Jansen, Muslim Brides and the Ghost of the Shari'a: Have the Recent Law Reforms in Egypt, Tunisia and Morocco Improved Women's Position in Marriage and Divorce, and Can Religious Moderates Bring Reform and Make It Stick? 5 Northwestern University Journal of International Human Rights 181 (2007)

Haider Ala Hamoudi, The Muezzin's Call and the Dow Jones Bell: On the Necessity of Realism in the Study of Islamic Law, 56 American Journal of Comparative Law 423 (2008). [The section on specifics of Islamic finance starting on p. 438 and running to p. 452 can be omitted.]

SESSION 5: Contrasting views of the role of women articulated in Islamism and in secular and Islamic feminisms

Moghadam, Modernizing Women, 151-192.

Margot Badran, Feminism in Islam: Secular and Religious Convergences (Oneworld Press, Oxford, 2008), 215-252.

Karima Bennoune, Secularism and Human Rights: A Contextual Analysis of Headscarves, Religious Expression, and Women's Equality Under International Law 45 Columbia Journal of Transnational Law 367 (2007).

SESSION 6: Saudi Arabia – resistance to enhancing women’s role an oil rich country ruled by a traditional monarchy allied with a conservative Islamic establishment

Human Rights Watch "Perpetual Minors: Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia," April 19, 2008.
<http://www.hrw.org/en/reports/2008/04/19/perpetual-minors-0>

Zainah Almihtar, Human Rights of Women and Children under the Islamic Law of Personal Status and its Application in Saudi Arabia, 5 Muslim World Journal of Human Rights 1 (2008)
<http://www.bepress.com/mwjhr/vol5/iss1/art1/>

Soraya Altorki, The Concept and Practice of Citizenship in Saudi Arabia, in Gender and Citizenship in the Middle East, edited by Suad Joseph (Syracuse: Syracuse University Press, 2000), 215-236.

Saudi Arabia Report by Freedom House
<http://freedomhouse.org/template.cfm?page=384&key=264&parent=24&report=86>

SESSION 7: The impact on women’s rights of the overthrow of a modernizing monarchy and the triumph of Islamism in the Islamic Republic of Iran, the only theocratic state in the MENA region

Moghadam, Modernizing Women, 193-226.

Ziba Mir-Hosseini, The Politics and Hermeneutics of Hijab in Iran: From Confinement to Choice, 4 Muslim World Journal of Human Rights 1 (2007).
<http://www.bepress.com/mwjhr/vol5/iss1/art2/>

Louise Halper, Law and Women's Agency in Post-revolutionary Iran, 28 Harvard Journal of Law & Gender 85 (2005).

Noushin Ahmadi Khorasani, Iranian Women’s One Million Signatures Campaign for Equality: The Inside Story (Women’s Learning Partnership Translation Series, 2009).

Iran Report by Freedomhouse
<http://freedomhouse.org/template.cfm?page=384&key=254&parent=24&report=86>

Raha Bahreini, From Perversion to Pathology: Discourses and Practices of Gender Policing in the Islamic Republic of Iran, 5 Muslim World Journal of Human Rights 1 (2008).

<http://www.bepress.com/mwjhr/vol5/iss1/art2/>

SESSION 8: Women mobilizing for change -- women's activism and civil society groups

Selections from From Patriarchy to Empowerment: Women's Participation, Movements, and Rights in the Middle East, North Africa, and South Asia, edited by Valentine Moghadam (Syracuse: Syracuse University Press, 2007), 40-57, 97-119, 120-138.

Sheila Carapico, NGOs, INGOs, GO-NGOs, and DO-NGOs; Making Sense of Non-Governmental Organizations, MERIP Spring 2000.

http://www.merip.org/mer/mer214/214_carapico.html

Naz K. Modirzadeh, Taking Islamic Law Seriously: INGOs and the Battle for Muslim Hearts and Minds, 19 Harvard Human Rights Journal 191(2006).

Madhavi Sunder, Piercing the Veil, 112 Yale Law Journal 1399 (2003).

SESSION 9: Aspects of violence and exploitation affecting women

Lisa Hajjar, Religion, State Power, and Domestic Violence in Muslim Societies: A Framework for Comparative Analysis, 29 Law & Social Inquiry 1 (Winter 2004).

<http://www3.interscience.wiley.com/cgi-bin/fulltext/118784923/PDFSTART>

Alternate link <http://hdl.library.upenn.edu/1017/19642> [requires search for title of article]

Catherine Warrick, The Vanishing Victim: Criminal Law and Gender in Jordan, 39 Law and Society Review 315 (2005).

<http://www.jstor.org/stable/3557618>

Alternate link <http://hdl.library.upenn.edu/1017/6965> [requires search for title of article]

Jordan Report by Freedom House

<http://www.freedomhouse.org/template.cfm?page=174>

Shadow NGO Report to CEDAW Committee Jordan July 2007

http://www.iwraw-ap.org/resources/pdf/39_shadow_reports/Jordanian_SR_2.pdf

Mohamed Y. Mattar, Trafficking in persons, especially women and children, in countries of the Middle East: The scope of the problem and the appropriate legislative responses, 26 Fordham International Law Journal 721(2003).

Human Rights Watch, *Exported and Exposed – Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates*, November 2007

<http://www.hrw.org/en/reports/2007/11/13/exported-and-exposed-2>

SESSION 10: Morocco -- a poor country ruled by a monarchy that pursues gradualist policies of democratization and enhancing women's rights

Global Rights Morocco Forum, *The Status of Moroccan Women*, (July 20, 2005),
<http://www.globalrights.org/site/DocServer/MoroccoForum%20July20%2005.pdf?docID=2923>

Further Global Rights resources on Moroccan reforms:

http://www.globalrights.org/site/PageServer?pagename=www_mid_index_64

http://www.globalrights.org/site/PageServer?pagename=ResourceLibrary_Morocco

Morocco Report by Freedomhouse

<http://freedomhouse.org/template.cfm?page=384&key=260&parent=24&report=86>

SESSION 11: Kuwait – an oil rich state disrupted by the Iraqi invasion and ruled by a monarchy that oversees a relatively democratic system where Islamists and feminists clash,

Readings to be added covering developments since the early 1990s and the major changes in 2009.

Kuwait Report by Freedomhouse

<http://freedomhouse.org/template.cfm?page=384&key=257&parent=24&report=86>

SESSION 12: The situation of women in Egypt – a country with a stagnant economy where a long-standing military dictatorship seeks to quell all opposition and confronts conflicting feminist and Islamist demands

Selections from Development, Change, and Gender in Cairo: A View from the Household (Indiana Series in Arab and Islamic Studies) edited by Diane Singerman and Homa Hoodfar (Bloomington: Indiana University Press, 1996), 51-79.

Lama Abu-Odeh, *Modernizing Muslim Family Law: The Case of Egypt*, 37 Vanderbilt Journal of Transnational Law 1043 (2004).

Egypt Report by Freedomhouse

<http://freedomhouse.org/template.cfm?page=384&key=253&parent=24&report=86>

SESSION 13: Yemen – women’s situation in the aftermath of the merger of the conservative Republic of Yemen and the Marxist DPRY, creating a fragile state with a weak economy

Anna Wurth, The Normativity of the Factual: On the Everyday Construction of Shari`a in a Yemeni Family Court, in Islamic law in the Contemporary Context: Shari`a, edited by Abbas Amanat and Frank Griffel (Stanford: Stanford Univ. Press, 2007), 165-177.

S. Carapico and A. Wuerth, Passports and Passages: Tests of Yemeni Women’s Citizenship Rights in Gender and Citizenship in the Middle East, 261-274.

Badran, Feminism in Islam, 253-278.

Yemen Report by Freedomhouse

<http://freedomhouse.org/template.cfm?page=384&key=268&parent=24&report=86>

SESSION 14: Problems of drafting constitutional rights provisions in post-invasion Afghanistan and Iraq: the philosophies of US advisors vs local politics and traditions

Mohamed Y. Mattar, Unresolved questions in the bill of rights of the new Iraqi constitution: How will the clash between "human rights" and "Islamic law" be reconciled in future legislative enactments and judicial interpretations? 30 Fordham International Law Journal 126 (2006).

Hallie Ludsin, Relational Rights Masquerading as Individual Rights, 15 Duke Journal of Gender Law & Policy 195 (2008).