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## Gender equality in Muslim-majority countries

Moamen Gouda<sup>a,\*</sup>, Niklas Potrafke<sup>b,c,\*\*</sup><sup>a</sup> Graduate School of International and Area Studies, Hankuk University of Foreign Studies, 107 Imun-ro, Dongdaemun-gu, Seoul 130-791, Republic of Korea<sup>b</sup> University of Munich, Department of Economics, Schackstr. 4/I, 80539 Munich, Germany<sup>c</sup> Ifo Center for Public Finance and Political Economy, Poschingerstr. 5, D-81679 Munich, Germany

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## ABSTRACT

Discrimination against women has been documented in Muslim-majority countries. However, constitutions among Muslim-majority countries differ. By using women's rights indicators and exploiting cross-country variation, we find that discrimination against women is more pronounced in countries where Islam is the source of legislation. Constitutions have changed in only four Muslim-majority countries since 1980. We discuss anecdotal evidence concerning the extent to which women's rights changed as a consequence of new constitutions. Empirical studies should therefore distinguish between types of Muslim-majority countries.

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## 1. Introduction

In Afghanistan, discrimination against women has exacerbated. On 4 February 2014, the British newspaper *The Guardian* published an article titled “New Afghanistan law to silence victims of violence against women”. Journalist Emma Graham-Harrison wrote: “A new Afghan law will allow men to attack their wives, children and sisters without fear of judicial punishment, undoing years of slow progress in tackling violence in a country blighted by so-called ‘honour’ killings, forced marriage and vicious domestic abuse.”<sup>1</sup> This law was passed about one year after a fatwa issued by the local Afghani ulema (religious council) banning women from leaving their home without a male companion.<sup>2</sup> In Afghanistan, schoolgirls have been killed for going to school. Discrimination against women is, however, not a local Afghani phenomenon.

Surveys have shown that discrimination against women is widely accepted in many Muslim-majority countries. In 2013, the Pew Research Center conducted a global survey in 39 Muslim-majority countries involving more than 38,000 face-to-face interviews in more than 80 languages. The results show that 85% of Muslims believe that wives should always be subservient to and obey their husbands.<sup>3</sup> In a survey from the University of Michigan's Institute for Social Research, conducted in seven Muslim-majority countries, about half of the respondents in Tunisia, Turkey and Lebanon replied that women should be permitted to decide for themselves what to wear. In Iraq, Pakistan and Egypt, only 27%, 22%, and 14% of the respondents respectively agreed that women should be permitted to decide for themselves what to wear.<sup>4</sup>

\* Corresponding author.

\*\* Corresponding author at: University of Munich, Department of Economics, Schackstr. 4/I, 80539 Munich, Germany.

E-mail addresses: [moamengouda@yahoo.com](mailto:moamengouda@yahoo.com) (M. Gouda), [potrafke@ifo.de](mailto:potrafke@ifo.de) (N. Potrafke).<sup>1</sup> <http://www.theguardian.com/world/2014/feb/04/afghanistan-law-victims-violence-women/print>.<sup>2</sup> <http://in.reuters.com/article/2013/07/20/afghanistan-edict-taliban-women-idINDEE96J01N20130720>.<sup>3</sup> <http://www.pewforum.org/2013/04/30/infographic-the-worlds-muslims-religion-politics-and-society/>.<sup>4</sup> <http://www.pewresearch.org/fact-tank/2014/01/08/what-is-appropriate-attire-for-women-in-muslim-countries/>.

Women have been shown to be discriminated against in Muslim-majority countries. For example, girls and women are discriminated against in the education system and the labor market, as well as in electoral participation (Donno and Russett, 2004; Norton and Tomal, 2009; Cooray and Potrafke, 2011; Cooray, 2012; Kilby and Scholz, 2011; Potrafke and Ursprung, 2012; Cho, 2013; Del Prado Lu, 2013; Cooray and Klasen, 2014; Salahodjaev and Azam, 2015).<sup>5</sup> To establish these results, scholars have used cross-country data to examine gender equality in countries with Muslim, Christian, etc., majorities. Compared to countries with, for example, a Christian majority, gender discrimination is more pronounced in countries with Muslim majorities. The prior empirical studies ignore differences across countries with Muslim majorities.

Gutmann and Voigt (2015) advance the empirical research on gender equality in Islamic countries by introducing a new Islamic State Index. Women's rights are measured by de jure and de facto variables. The authors compiled de jure variables on women's economic rights, rights to a job, and inheritance and ownership rights. The de facto rights are measured by the Cingranelli-Richards (CIRI) Human Rights Dataset, which encompasses women's economic, social and political rights. The results show that women are discriminated against in countries where the adherence to Islam is intense; in particular, women's social rights are poor in these countries. The sample includes countries with Muslim majorities and countries where other religions such as Christianity are predominant. However, the Islamic State Index of Gutmann and Voigt (2015) has some shortcomings. For example, the authors explain that "membership in the Organisation of Islamic Cooperation (OIC) indicates that the governments of the member countries explicitly want their state to be recognized as Islamic" (Gutmann and Voigt, 2015, p. 358). The authors' index adds one point each if any of the following criteria are met: Islam is constitutionally prescribed as the state religion, the country investigated has a Muslim majority, or it is a member of OIC (Gutmann and Voigt, 2015, p. 359–360). However, OIC membership does not indicate that members would like to be recognized as Islamic. In fact, 22 of the 57 OIC member countries explicitly declare themselves to be secular states in their constitutions.<sup>6</sup> Eight other OIC members do not refer to Islamic notions in their constitutions (Ahmed and Gouda, 2015).<sup>7</sup> The OIC charter does not mention Islamic law or Shari'a.<sup>8</sup>

Islamic Shari'a includes the teaching of the Quran and the teachings of the Prophet Mohamed. There are elements in Islamic Shari'a that are clear-cut and leave little room for interpretation. Islamic apologists postulate that Islam mandates a divinely ordained system of gender complementarity (see Stowasser, 1987; Doi, 1989; Kandiyoti, 1991). Mutahhari (1981, p. 65) describes that while Islam does not consider the rights of men and women to be exactly similar or identical, it never mandates any preference in favor of men as opposed to women. Thus, Islam fully observes the principle of equality between men and women. Khan (2008, p. i) elaborates that "Islam was the first religion formally to grant the women a status never known before. The Holy Quran, the sacred scripture of Islam, contains hundreds of teachings, which apply both to men and women alike. The moral, spiritual and economic equality of men and women as propagated by Islam is unquestionable."

Many other scholars, however, describe that Islam is inimical to women's rights (Sabbah, 1984; Ghousoub, 1987; An-Na'im, 1990, 2008; Syed et al., 2009). For example, the testimony of a woman equals half that of a man, "because of the deficiency of [the woman's] intelligence" (Bukhari, 1997, p. 210). Women could be married at a very young age, as Prophet Muhammad married Aisha when she was 9 years old (Muslim, 2014). Under Islamic laws of inheritance, a woman receives less than the share of a man when both stand in equal degree of relationship to the deceased (An-Na'im, 1990, p. 176). Mir-Hosseini (2003, p. 3) maintains that gender inequality is taken for granted, *a priori*, as a principle in classical Islamic jurisprudence (*Fiqh*) texts. Sharabi (1988) argues that woman is created to bear and rear children; in the Islamic divine plan, this is her primary role and main contribution to society. The very notion of "women's rights"—as we perceive it today—has no place and little relevance. The hypothesis to be tested empirically is that discrimination against women is more pronounced when Islam is the source of legislation.

The papers most closely related to our study are Rahman (2012) and Spierings et al. (2009). Rahman (2012) introduces a measure of how states incorporate Shari'a family law into the legal code, and examines to what extent including Shari'a family law influences gender equality in Muslim-majority countries. The sample includes up to 51 countries. The dependent variables are the share of women's enrolment in higher education, the share of women in the national parliament, and the share of women in the non-agricultural labor force. The most important explanatory variable, Shari'a family law, is based on two issues: the right to divorce and child custody. The Shari'a family law variable assumes values from 1 (lax incorporation of Shari'a family law) and 3 (strong incorporation). The results show that the more intensely Shari'a family law is incorporated in the legal code, the lower are the share of women's enrolment in higher education and the shares of women in the national parliament and the non-agricultural labor force. Spierings et al. (2009) employ a sample of 45 Muslim-majority countries and explore women's labor market participation (LMP). The authors use women's absolute and relative LMP as dependent variables. Absolute women's LMP is measured as women's participation in the formal non-agricultural economy in the year

<sup>5</sup> The discrimination against women notwithstanding, experts disagree whether it is the presence of oil or Islam that predicts gender inequality (e.g., Ross, 2008). Countries with Muslim majorities enjoy less freedom and are less democratic than countries where Muslims are a minority (Lipset, 1994; Midlarsky, 1998; Barro, 1999; Karatnycky, 2002; Fish, 2002; Donno and Russett, 2004; Borooah and Paldam, 2007; Rowley and Smith, 2009; Kalyvitis and Vlachaki, 2012; Potrafke, 2012, 2013; Facchini, 2010; Voigt, 2005). Also see Hillman (2007a) on the economic performance in Islamic countries. For an overview of the relation between democracy and economic development, see Hillman (2007b).

<sup>6</sup> These countries are Azerbaijan, Bangladesh, Benin, Burkina Faso, Cameroon, Chad, Cote d'Ivoire, Gabon, Gambia, Guinea, Guinea-Bissau, Guyana, Kazakhstan, Kyrgyz Republic, Mali, Niger, Nigeria, Senegal, Tajikistan, Togo, Turkey, and Turkmenistan.

<sup>7</sup> These countries are Albania, Indonesia, Lebanon, Mozambique, Sierra Leone, Surinam, Uganda, and Uzbekistan.

<sup>8</sup> [http://www.oic-oci.org/oicv2/page/?p\\_id=53&p\\_ref=27&lan=en](http://www.oic-oci.org/oicv2/page/?p_id=53&p_ref=27&lan=en).

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