

# MIDDLE EAST PROGRAM

## OCCASIONAL PAPER SERIES



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## The Status of Women in the Middle East

### Introduction

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This publication represents a selection of presentations made at meetings organized by the Woodrow Wilson Center's Middle East Program in late 2004 and the first three months of 2005. During this time, the Middle East Program invited experts from the region and Washington to consider the progress achieved and the pitfalls facing women in the Middle East and North Africa (MENA) region. In the last two years, the Middle East Program also hosted Iraqi women for discussions on the role and participation of women in the political process, peace building, and reconstruction efforts in post-Saddam Hussein Iraq.

These meetings were part of an ongoing series the Middle East Program began in 1998 to focus on gender issues, democracy, and human rights in the MENA region. Women's rights are an intrinsic part of any society's

movements for democratization, and adherence to principles of human rights is critical. In recent years, the empowerment of women and their involvement in political, legal, economic and social life has become a yardstick for measuring the progress of developing countries in advancing democratization, strengthening civil society, and broadening political participation.

The MENA region has shown modest improvement in women's political participation during the last decade. The number of countries that enfranchised women has increased, and modest gains have occurred in the number of women parliamentarians, cabinet ministers, and women in decision-making positions in both the private and public sectors.

Women have also fared well in the area of education. Although the literacy rate among women in the region is still low—and lower than literacy among men—the percentage of increase in literacy has been substantial. The

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## About the Middle East Program

The Middle East Program was launched in February 1998 in light of increased U.S. engagement and the profound changes sweeping across many Middle Eastern states. In addition to spotlighting day-to-day issues, the Program continues to concentrate on long-term developments and their impact on political and social structure, economic development, and relations with the United States.

The Middle East Program draws on domestic and foreign regional experts for its meetings, conferences, and occasional papers. Conferences and meetings assess the policy implications of long-term political, social, and economic developments in the region and individual states; the Middle East's role in the international arena; American interests in the region; the threat of terrorism; and strategic threats to and from the regional states.

**The Program pays special attention to the role of women, youth, civil society institutions, Islam, and democratic and autocratic tendencies. In addition, the Middle East Program hosts programs on cultural issues, including contemporary art and literature in the region.**

- **Current Affairs:** The Middle East Program emphasizes analysis of current issues and their implications for long-term developments in the region, including Arab-Israeli diplomacy, Iraq and its neighbors, political participation, globalization, technology transfer, U.S. foreign policy, economic and political partnerships, and the impact of developments in Central Asia and the Caucasus.
- **Gender Issues:** The Middle East Program examines employment patterns, education, legal rights, and political participation of women in the region. The role of women in advancing civil society, the problem of trafficking in women, and the attitudes of governments and the clerical community toward women's rights are areas to which the Program devotes considerable attention. The Program also has a keen interest in exploring women's increasing roles in conflict prevention and post-conflict reconstruction activities.
- **Islam, Democracy and Civil Society:** The Middle East Program monitors the growing demand of people in the region for democratization, accountable government, the rule of law, and adherence to international conventions on topics such as human rights and women's rights. It continues to examine the role of Islamic movements in shaping political and social developments and the variety of factors that favor or obstruct the expansion of civil society.

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**Special thanks to:** Jillian Frumkin for coordinating this publication; Julia Bennett, Sherri Haas, and Evan Hensleigh for their editing assistance; and Lianne Hepler for designing the Occasional Paper Series. **Photos by David Hawxhurst.**

increased number of girls in primary and secondary schools and in higher education is also striking. While segregation in public educational institutions is the norm for most MENA countries, no government in the region bars its female population from education. However, governments in the region tend to use women's expanded educational opportunities to obscure failure in other fields, including expansion of legal rights, recognition of full citizenship, and promotion of equality under the law. Higher educational achievement and economic necessity has led to increases in women's employment, but fields of employment are still gender biased. Addressing the aspirations of the younger generation—of both men and women—confronts regional governments with a major challenge.

Legal, educational, and cultural practices and conditions continue to obstruct the political and economic empowerment of women in the MENA region. The situation differs from country to country, but *shari'a* is the source of personal and family law in all Middle Eastern countries. In recent years, a number of governments in the region have come up with new interpretations of *shari'a* to permit changes in personal law, grant women the right to seek a divorce, raise the marriage age for girls, ban polygamy, and permit the appointment of female judges. The population explosion and the inability of governments to provide adequate employment, educational opportunities, and health services has encouraged active family planning programs in a number of regional states, but cultural barriers have prevented other societies from engaging in effective family planning. Largely, the dominance of *shari'a* has been an impediment for governments in the region to adhere fully to The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Even governments that are signatories to CEDAW have listed reservations about clauses they regard as contravening *shari'a*.

This publication provides an overview of developments relating to the status of women in the region, with special emphasis on societies where progress has been significant,

such as Morocco, Algeria, Tunisia, Egypt, and Yemen. The publication also focuses on other developments outside the Arab world, among them Iran's successful family planning program and the changes experienced by women in Afghanistan since the fall of the Taliban. A

longer version of some of the speakers' presentations, the compilation *Middle Eastern Women on the Move*, and other papers dealing with gender issues in the region can be found on the Middle East Program's website ([www.wilsoncenter.edu/middleeast](http://www.wilsoncenter.edu/middleeast)).

## Beijing + 10: Arab Women at a Glance

By **Fatima Sbaity Kassem**, Director, Centre for Women, United Nations Economic and Social Commission for Western Asia (ESCWA), Beirut, Lebanon

*Based on a Wilson Center presentation March 7, 2005.*

This overview examines the main achievements realized and obstacles hindering the advancement of Arab women since the 1995 Beijing Conference,<sup>1</sup> as well as the challenges facing them in the next decade.

### Main Achievements in the Status of Arab Women

#### Laws and Legislation

There have been enactments of new legislation and activation of existing legislations that are in favor of women. They can be summarized as follows: amending and issuing Family Law (Morocco); modernizing personal status codes (Tunisia) including divorce and nationality (Egypt); revising employment laws in favor of women; amending social security nets and benefits to include women; reviewing penal codes relating to honor crimes; implementing compulsory primary education acts for boys and girls (most Arab countries); introducing the quota system to ensure greater representation of women in parliaments (Jordan, Palestine, Iraq).

#### Access to International Conventions

Seventeen out of the 22 Arab countries have become signatories to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),<sup>2</sup> with all but six of them stating reservations on a number of articles within the Convention [see chart page 4]. The reservations are mainly related to the con-

flict between national legislation and *shari'a*. Reservations are on six articles: Article 2, on national legislation and constitution; Article 7, on public life and political rights; Article 9, on citizenship law; Article 15, on equality in legal and civil rights; Article 16, on Family Law (marriage and family relations including marriage, divorce, and inheritance related to Islamic *shari'a*); and Article 29, on dispute settlement between parties to CEDAW.

#### Political Participation

Most Arab countries had upheld suffrage rights for women by the 1960s and early 1970s. Some are still fighting for these rights. Some countries have adopted special temporary measures such as the quota system in order to ensure higher representation of women in parliaments. For instance, women occupy 35 parliamentary seats in Morocco and Sudan, 30 seats in Syria, and six seats in Jordan; and there is a quota of 25% in Iraq. In Syria, Tunisia, Sudan, Morocco, and Djibouti, women occupy between 10% and 12% of the seats, with Syria registering the highest representation. Thus, between 1990-1994 and 2005, women's share of parliamentary seats grew from an average of 3.9% to 6%. Also, women ministers have been appointed for the first time: six in Iraq; four in Algeria; three in Oman, Jordan, and Tunisia; two in Bahrain, Egypt, Morocco, Palestine, and Lebanon; and one in Yemen, Qatar, Djibouti, Libya, Mauritania, Somalia, Sudan, Syria, and the UAE. Women have been appointed as judges for the first time in Egypt, and the percentage of women judges in other countries, such as in



### Notes

1. The Fourth World Conference on Women was held in Beijing, China September 4-15, 1995. There the Beijing Declaration and Platform for Action was adopted. Among its goals is to ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms (Article 9).

2. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

### Arab States Party to CEDAW

State	Date of Ratification or Accession*
Algeria	May 1996 **
Bahrain	June 2002
Comoros	October 1994
Djibouti	December 1998
Egypt	September 1981 **
Iraq	August 1986 **
Jordan	July 1992 **
Kuwait	September 1994 **
Lebanon	April 1997 **
Libya	May 1989 **
Mauritania	May 2001
Morocco	June 1993 **
Saudi Arabia	September 2000 **
Syria	March 2003
Tunisia	September 1985 **
United Arab Emirates	October 2004
Yemen	May 1984 **

### Arab States Not Party to CEDAW

State
Oman
Palestine
Qatar
Sudan
Somalia

Source: Website of the Convention on the Elimination of All Forms of Discrimination against Women  
<http://www.un.org/womenwatch/daw/cedaw/> (as of March 2005)

\* Total global ratifications/accessions to date is 179. The UN currently has 191 member states.

\*\* with reservations

Lebanon, grew to 40%. National mechanisms for women were established in most Arab countries, as ministries for women (Tunisia, Morocco, Algeria, Mauritania, Iraq, Palestine), councils, commissions, or committees for women and/or the family (Egypt, Jordan, Lebanon, Qatar, Bahrain, Yemen, Syria). The main purpose is to coordinate, monitor, and follow-up on the implementation of international conventions, national laws, and legislation for gender equality; propose new measures and policies for gender equality; and forge synergy and promote partnership with civil society and women NGOs to reduce gender imbalances and empower women.

#### *Education*

On the whole, education in its three levels has improved significantly. Compulsory education at the primary level is in force in most

countries, and parity has been achieved. At the university level, women's enrollment is in some countries registered at higher levels than that of men. However, two problems remain: illiteracy rates among women and dropout rates among girls are still high. In 2003, over half of the female population of the Arab world age 15 years and older were still illiterate. In terms of their field of study at the university level, girls tend to be concentrated in the fields of arts, education, and humanities. The concentration of women in these fields reflects to some degree the cultural biases in relation to the expected role of women in society. Far from possessing inferior learning capabilities that would disadvantage them in the scientific and technical fields, women have been generally encouraged and "socialized" to enter other fields that are perceived as more culturally attuned to their "gender."

### Health

Tangible progress has been achieved in women's overall health. For example, life expectancy at birth for women improved from 61.2 years to 68.2 years between 1980-1985 and 2000-2005. Fertility rates declined from 4.6 to 4.2 births per woman over the same period. Family planning and health awareness led to a drop in the average size of the family from 5.2 to 3.5 over the past decade. Of course, the problem of HIV/AIDS among women has yet to be addressed.

### Employment

The rate of Arab women's economic participation remains low. In 2003, women represented only 30% of the labor force, compared to above 50% of the economically active population in the developed world. In the Arab world, women represent two-fifths of the labor force in the agricultural sector, one-tenth of those in the industrial sector, and at least 70% of those in the services sector. This reflects that women's employment remains concentrated in the traditional female-labeled jobs (nursing, teaching, clerical, etc.).

### Challenges Facing Arab Women

The main challenges are to:

- Urge governments to formulate strategies and programs for the empowerment of women in conjunction with public policy priorities and variables at the national level in order to achieve MDGs<sup>3</sup> during the coming ten years.
- Increase budgets and human resources allocated to policies, programs, and national mechanisms concerned with women, and linkage of these budgets to the public budget.
- Analyze and treat the indicators that demonstrate the existence of a gap between women's equality under the law and actual equality with regard to parliamentary representation.
- Amend discriminatory legislation.
- Establish a gender-disaggregated informa-

tion database covering projects and programs concerned with women's issues.

- Establish observatories and early-warning mechanisms for follow-up and analysis of the social phenomena particular to the situation of women.
- Eliminate the political obstacles and security concerns that hinder the advancement of society and women in some areas.
- Continue efforts to build confidence and partnership between NGOs and government institutions.
- Support NGOs, invigorate their role in serving society and women, and eliminate the administrative constraints that prevent them from assuming that role.
- Establish networks between NGOs concerned with women's affairs in order to exchange experiences.
- Emphasize the role of women in strengthening the concepts of peace and dialogue to which the Arab countries aspire.
- Interlink the efforts of men and women to achieve democracy and advance human rights, and mainstream gender in development policies.

### Conclusion

The single most important factor governing the status of Arab women is prevailing traditions and customs, cultural affinities, and religious convictions. In addition, the precarious political situation and instability in the region have been detrimental to the improvement of the status of women. It is known that the status of women in any country is a reflection of the level of development of that country.

Under situations of conflict, development is neither possible nor sustainable, and so with gender equality. Thus, security and peace are paramount to sustainable development. This is a three-pronged formula where development, peace, and equality are intertwined.

Arab women still face considerable challenges and barriers to reach equal status with their male counterparts. The road ahead is still long, if at the turn of the new millennium and the advent of the twenty-first centu-

3. In September 2000 the member states of the United Nations adopted the Millennium Declaration and later determined the Millennium Development Goals as a roadmap to achieve, by 2015, global progress with regards to the following: eradication of extreme poverty and hunger; universal primary education; gender equality and empowerment of women; reduction in child mortality; improvement of maternal health; halting and beginning the reduction of HIV/AIDS, malaria and other diseases; environmental sustainability; and the development of a global partnership for development.

ry, some Arab states have not yet recognized the right of women to vote and run for public office, nor formally accepted the elimination of all forms of discrimination against women.

## Population and Development in the Middle East and North Africa

By **Farzaneh Roudi-Fahimi**, Senior Policy Analyst, Population Reference Bureau. Ms. Roudi-Fahimi also directs the Middle East and North Africa Program.



*Based on a Wilson Center presentation July 7, 2004 which was part of a six part series on Islam, Gender and Reproductive Health conducted in conjunction with the Wilson Center's Environmental Change and Security Project with the support of the U.S. Agency for International Development's Office of Population and Reproductive Health and the Interagency Gender Working Group.*

The rate of population growth in the Middle East and North Africa region (MENA) has been faster than that of the world's average, exacerbating the social, economic, and political challenges that this region is facing. The MENA region's annual population growth rate reached a peak of 3% around 1980, while the growth rate of the world as a whole reached its peak of 2% annually more than a decade earlier. (At a 3% rate of growth, a population doubles in size in 23 years.)

Regardless of the level of economic development or national income, the MENA region's governments are increasingly challenged to provide the basic needs for a growing number of citizens—improved water and sanitation, adequate housing, health care, education, and jobs. The population of the MENA region as a whole is growing at about 2.0% per year—the second highest rate among major world regions after sub-Saharan Africa. (The population of the world as a whole is growing at an annual rate of 1.3%.)

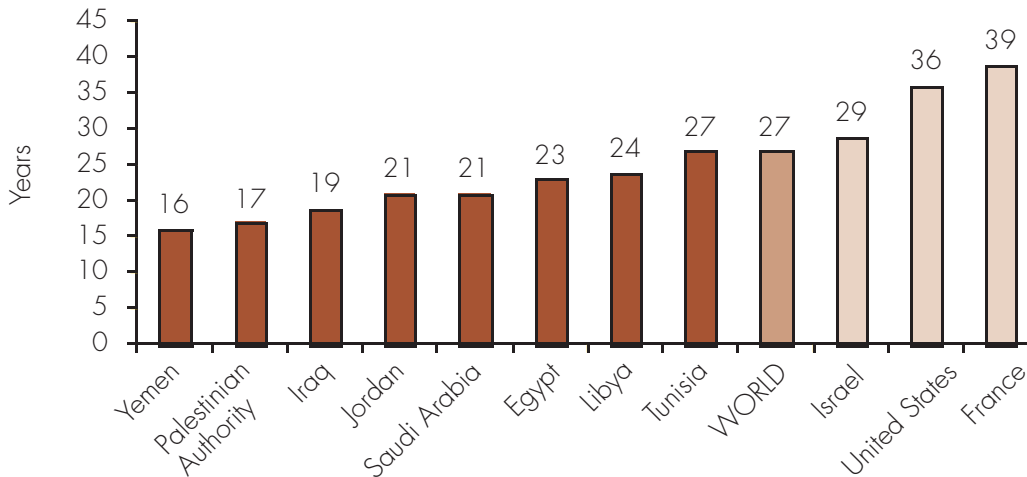
Due to their recent high fertility or current high fertility, the populations of MENA countries are generally young [see graph page 7]. About one-third of the MENA region's population is under age 15. Over the next 15 years these children and adolescents will reach their

childbearing years and enter the job market. The MENA region's working-age population is growing very rapidly as huge cohorts of children reach adulthood. In 1996, for example, there were five Jordanians under 15 years of age poised to enter the labor market for every Jordanian age 45 to 60 nearing retirement. For Saudi nationals, this ratio was 8-to-1 in 1996 [see graphs, page 8]. Because of its young age structure, along with low level of female labor force participation, the MENA region's economic dependency—the ratio of the economically inactive to economically active population—is the highest in the world.

The MENA region is known for its high rates of unemployment, particularly among its youth populations. To prepare its growing working-age population for the era of economic globalization, MENA countries require a much greater investment in human resources. While access to education has improved dramatically over the past few decades, challenges remain. According to UNESCO, between 1980 and 1995, the literacy rate among the population age 15 years and older in Egypt increased from 40% to 50%, but the total number of illiterate Egyptians still grew from 16 million to 19 million. Morocco's illiterate population grew from eight million in 1980 to 9.5 million in 1995, despite the increase in its literacy rate from 29% to 44%. Even where access to education is not a problem, the quality of education provided is often low. According to the *2002 Arab Human Development Report*, "The most worrying aspect of the crisis in education is education's inability to provide the requirements for the development of Arab societies."

The number of women of childbearing age (15 to 49 years) will at least double in most

## Median Age in Selected Countries



Source: United Nations, *World Population Prospects: The 2002 Revision* (United Nations: New York, 2003).  
COURTESY OF THE POPULATION REFERENCE BUREAU

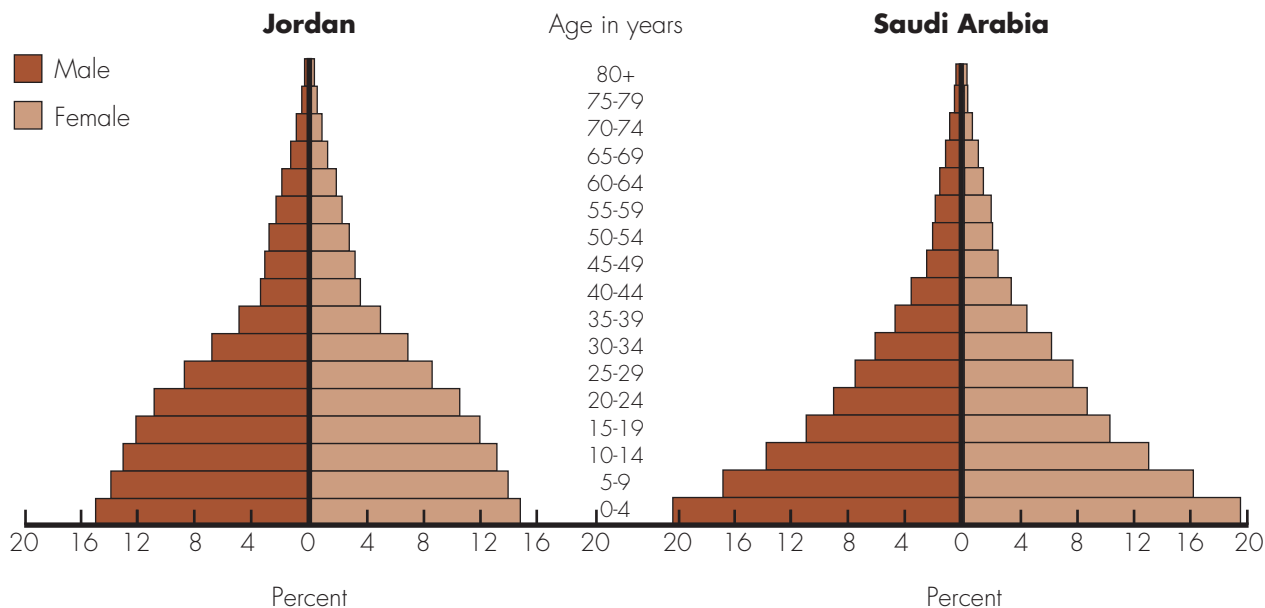
MENA countries over the next 30 years. Providing quality reproductive health services to such a growing number of women is a challenge and is key to slowing population growth. The United Nations International Conference on Population and Development (ICPD), held in Cairo in 1994, provided an opportunity for MENA countries, as well as other countries around the world, to examine their population challenges and to discuss possible solutions. The ICPD's Programme of Action provides a comprehensive framework for slowing population growth and improving people's lives. Focusing on human development, the document calls for a wide range of investments to improve health, education, and rights—particularly for women and girls—and to provide family planning services in the context of comprehensive reproductive health care.

Muslim countries attending the ICPD, including those in the MENA region, generally endorsed its Programme of Action with the reservation that they would interpret and adopt its recommendations in accordance with Islam—a position needed for the delegations to take the recommendations back home for implementation. A central recommendation of the

Programme is universal access to quality family planning information and services. Although contraception is sanctioned in Islam and no government in the MENA region restricts access to contraception, rates of contraceptive use vary greatly by country. Contraceptive use is the lowest in Yemen where about 1 out of 5 married women of reproductive age use contraception, and only about 1 out of 10 married women use a modern method. Yemen has the highest rates of maternal mortality and child mortality in the region and would certainly benefit from removing cultural barriers to access contraception and expanding its health services to include universal access to family planning and reproductive health care.

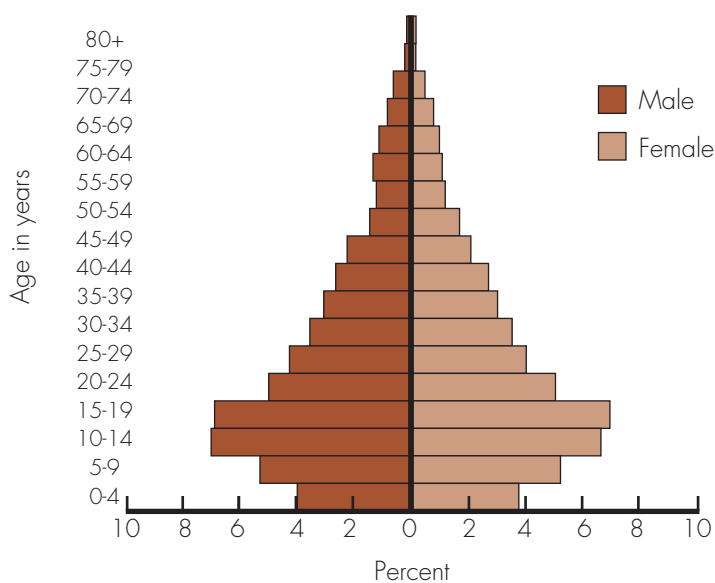
Iran is a success story in its efforts in removing economic, religious, and cultural barriers to contraceptive use. Iranian women now have the highest rate of contraceptive use in the region and among Muslim countries in general. Currently, 74% of married women in Iran use contraception—a rate comparable to that of countries such as France and Germany. Iran is also distinct from other countries in the region because it closed the gap between rural and urban women in the use of modern contraception.

### Age and Sex Profiles of Jordanian and Saudi Nationals, 1996



Source: United Nations Economic & Social Commission for Western Asia (ESCWA), Demographic and Related Socio-Economic Data for Countries of Social Commission for Western Asia as Assessed in 1996 (Beirut: ESCWA, 1997).  
COURTESY OF THE POPULATION REFERENCE BUREAU

### Iran's Population Distribution by Sex and Age, 2000



Source: The Iranian Ministry of Health and Medical Education, Population and Health in the Islamic Republic of Iran—DHS, October 2000.  
COURTESY OF THE POPULATION REFERENCE BUREAU

Iran reversed its official position on family planning twice since the 1960s, during which its first national family planning program was established to improve health and slow population growth. Soon after its 1979 Islamic Revolution, Iran dismantled the previous regime's population program because it was viewed as pro-West. But, after the Iran-Iraq War ended in 1988 and the government turned its focus to the reconstruction of its war-ravaged country, Iran saw rapid population growth as a major obstacle to the economic development of the country and began to implement one of the most successful family planning programs in the developing world. As a result, according to the Iranian Ministry of Health and Medical Education, fertility in Iran dropped from 5.6 births per woman in 1985 to 2.0 in 2000—one of the fastest fertility declines ever experienced by a country.



The Iranian experience challenges the general assumption that demographic transition in the MENA region has generally been slow. It confirms, however, that committed policy and financial support, easily available family planning services, and strong demand can ensure that the uptake in contraceptive use and decline in fertility occurs fast. Slowing population growth may not be the goal of all governments in the region. But, it is important to make access to family planning and reproductive health information and services a national priority, because it is a

matter of both health and human rights.

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Farzaneh Roudi-Fahimi, *Population Trends and Challenges in the Middle East and North Africa* (Population Reference Bureau: Washington DC, 2001); *Iran's Family Planning Program: Responding to A Nation's Needs* (2002); Roudi and Moghadam, *Empowering Women, Developing Society: Female Education in the Middle East and North Africa* (2003); *Islam and Family Planning* (2004).

## The Women's Movement in the Maghreb

By **Lilia Labidi**, Professor of Psychology and Anthropology, University of Tunis, Tunisia

*This is a summary of a Wilson Center presentation January 13, 2005. A longer version of this text will be published in the Encyclopedia of Women and Islamic Cultures.*

The history of feminist movements in the Maghreb during the 20th century—from an historical and comparative framework—goes hand in hand with the human rights movement in the Maghreb, having evolved out of the struggle against colonial rule. The women's rights movements developed in different ways in Morocco, Algeria, and Tunisia. Although women's organizations were state-dominated in the decade after political independence,<sup>4</sup> a second generation of independent reform movements began to emerge out of the middle class in the 1980s, linked to the movements' goals of human rights, the rule of law, women's rights, and democracy.

Women's rights in Morocco, Algeria, and Tunisia evolved differently over time, and each state currently faces unique challenges depending on its past trajectory. The underlying tension that dominates the movements in all three countries and that results in inequality in personal civil rights, resides in the differences between the technical rights accorded to women in compliance with international law and the actual application of religious-based law (*shari'a*).

Like its neighbors in the Maghreb, Morocco improved its women's rights posture following independence in the late 1950s, raising the marriage age of girls to 15, allowing women to initiate divorces in certain circumstances, and giving women the right to control their own wealth and inheritance. Changes continued to be made to the *Mudawwana*, the Moroccan personal status code. A woman's legal obligation to obey her husband except in cases of immoral conduct was abolished in 1993. As of 2004, spouses in a marriage gained equal status and protection under the law. A setback however, was the loss of the right of the mother to guardianship of her children in cases of divorce.

Of the three countries, Algeria's Family Code is the most prejudicial to women's rights. It continues to recognize polygamy, give women the legal status of minors, and requires a woman's obedience to her husband. The imposition in 1984 of this legal code, which is not religious-based, resulted in the exodus of many intellectuals and their families from the country. It also triggered the mobilization of Algerian women in opposition to the laws. Although Algeria has the lowest rate of female participation in the labor force, the Algerian women's movements have been able to mobilize in rural areas, an achievement not yet accomplished in the other Maghreb countries.



4. Political independence from France was attained by Morocco in 1956, Algeria in 1962, and Tunisia in 1956.

Their pressure contributed to the creation in 2003 of a commission to examine reforming the Family Code.

Tunisia's Personal Status Code is the most liberal of the Maghreb states' codes. In 1956, Tunisia established the legal principle of equal-

ity between men and women, outlawed polygamy, raised the legal age for men and women to marry, and made the girl's consent a requirement for marriage. It was also determined that the custody of children be given to the mother (in case of the father's death) instead

	Year Women Received the Right to Vote	First Woman In Parliament
Morocco	1963	1993 (Elected)
Algeria	1962	1962 (Appointed)
Tunisia	1957 (partial), 1959	1959 (Elected)

Source: UNDP Human Development Report 2003

## Women in National Parliaments

	Recent Elections	Number of Women in Seats (% of total seats)
Morocco		
Lower House	September 2002	35 (10.8%)
Upper House	October 2003	3 (1.1%)
Algeria		
Lower House	May 2002	24 (6.2%)
Upper House	December 2003	4 (2.8%)
Tunisia		
Single House	October 2004	43 (22.8%)

Source: International Parliamentary Union, [www.ipu.org/wmn-e/classif.htm](http://www.ipu.org/wmn-e/classif.htm) (as of November 30, 2004).

## Legal Marriageable Age

	Women	Men
Morocco	18	18
Algeria	18	21
Tunisia	17	20

Sources: Emory Law School, Islamic Family Law Legal Profiles. <http://law.emory.edu/IFL/index2.html>; Knowledge Society Mengos Project. <http://www.mengos.net/french/morocco/code.asp>

of to the father's family. In 1968, men were made subject to the same penalties as women for adultery, and in 1981 the right to remain in the family residence with the children was given to women in case of divorce. Other changes in women's rights have taken place since 1993, including the abolishment of a woman's duty to obey her husband, and affirming nondiscrimination between the sexes in the workplace.

Ultimately, the three key impediments to

women's rights movements in the Maghreb are: 1) the ongoing challenge to enact future improvements; 2) the problem of informing women, especially those in rural communities, of their legal rights and ensuring the implementation of the laws; and 3) the dilemma women's organizations face with regards to funding, facing the risk of losing legitimacy by relying on foreign funds, or becoming an instrument of their governments if they depend on state support.

## Changes in the Status of Egyptian Women: A View Through the Prism of Marriage and Divorce

By **Diane Singerman**, Department of Government, School of Public Affairs, American University

*Based on a Wilson Center presentation September 28, 2004 at an event co-sponsored with the United States-Egypt Friendship Society (USEF).*

In January 2000, the Egyptian parliament passed a controversial new law (Law No. 1) that altered procedures—and only procedures—surrounding personal status law. This new legislation gave women the right to initiate a divorce without the consent of her husband if she gave up some of her financial rights (*khul*). Colonialism and Western influence have largely altered legal codes in the Middle East, but Western and modernizing influences had only limited and minimal effects on personal status law, which regulates marriage, divorce, inheritance, and child custody. Imported legal codes made religious authorities, their supporters, and indigenous political elites guard even more jealously the terrain of personal status law. Even though President Gamal Abdel Nasser dismantled personal status courts in 1955, *shari'a* remained the source of law and the religious justification for personal status law. Presidents Anwar Sadat and Hosni Mubarak only strengthened the religious justification for personal status law (and Egyptian law in general) during their tenures, for politically-motivated reasons.

Thus, the problem for the women's movement was the following: although women had pursued reformist efforts throughout the 20th century that were based on a liberal dis-

course of women's rights, if they were going to make any progress in changing personal status law, they would have to formulate their legal and ideological challenge on Islamic grounds. In that spirit, for the past 15 years, Egyptian activists have worked within civil society to make a case about the potential for Islam to be a source of positive social change. In particular, they wisely posed Islam against patriarchy, arguing that they were merely restoring the rights that Muslim women had enjoyed in earlier periods of history. Post-colonial scholars and activists searched through *shari'a* court archives and found that women in earlier centuries enjoyed some rights that women today are denied. They turned religion into an *asset* rather than a liability.

In addition to an effort to reinterpret religious sources and conduct historical and legal research, the women's rights movement formed an innovative, strategic, and pragmatic coalition that included figures from the religious, international business, NGO, academic, governmental, and legal communities. This campaign could not have succeeded without its Islamic frame.

These activists—themselves the product of state feminism and the Nasserist revolution launched in 1952—are part of a much larger transnational movement of women who are not only reinterpreting Islam, but in collaboration with lawyers and politicians, imple-



Total marriage costs were *four and a half times* higher than GNP per capita, eleven times the average annual household expenditures and fifteen times the expenditures of rural families living under the poverty line.

menting their vision of women's rightful place in society.

Despite the activism of the women's movement for almost a century, Law No. 1 of 2000 was only passed through the strategic, pragmatic efforts of a coalition of forces, at a particular moment in time. Thus, it is important to understand what larger changes are occurring in Egyptian society that may have contributed to this legislative reform beyond the political climate. I would argue that the financial costs of entry and exit from a marriage are relevant to the emergence of this activist coalition and the controversy surrounding divorce today, because marriage remains one of the most important intergenerational transfers of assets and a unique opportunity, particularly for women, to secure financial resources for the future.

Today, the entry costs for marriage are so high that exiting from a marriage is much more costly and conflicts over property are increasing. For the first time in Egypt, my colleague Dr. Barbara Ibrahim (then of the Population Council) and I collected national data on the costs of marriage, and found that the average cost of marriage was approximately \$6,000 in 1999. Total marriage costs were *four and a half times* higher than GNP per capita, eleven times the average annual household expenditures and fifteen times the expenditures of rural families living under the poverty line. By 2004, our second survey found that average marriage costs

in Egypt had declined to \$4,000, but still dwarfed nominal household expenditure per capita by four times.

Grooms and their families contribute about three-fourths of the expenses of marriage, which are dedicated primarily for housing (31%) and furniture/appliances (28%), but the contributions from brides and brides' families are increasing. It now takes years for individuals and families to accumulate the funds for marriage and the high cost of marriage, and high rate of youth unemployment may be forcing young couples to delay marriage. Clearly, men have a great financial investment in marriage and an incentive to oppose divorce, since they cannot count on their families to pay for a second marriage. Women, however, have made gains in education and employment opportunities, and divorce may be more plausible for them today. In addition, because women and their families are contributing more to the costs of marriage than they did thirty years ago, they can also leave with more of their assets after divorce.

While the success of the coalition to give women a limited right to divorce must be recognized and lauded, there remain many obstacles to gender equality in Egypt. In a society that expects universal marriage, rising age of marriage for both women and men is creating untenable contradictions for young people as they are suspended in an increasingly lengthy adolescence—neither child nor adult until they marry.

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These remarks are based on Diane Singerman, "Rewriting Divorce in Egypt: Reclaiming Islam, Legal Activism, and Coalition Politics," in *Remaking Muslim Politics: Pluralism, Contestation, Democratization*, Robert Hefner, ed., 161-188. Princeton: Princeton University Press, 2005 and Diane Singerman and Barbara Ibrahim, "The Cost of Marriage in Egypt: A Hidden Variable in the New Arab Demography and Poverty Research." Special Edition on "The New Arab Family," Nick Hopkins, ed. *Cairo Papers in Social Sciences*, 24 (Spring 2001): 80-116.



## Women and Political Participation in Yemen

By **Robin Madrid**, Resident Director, National Democratic Institute—Yemen

*Based on a Wilson Center presentation November 15, 2004.*

The legal space for women's political participation in Yemen exists, as revealed by the following facts:

- The constitution of Yemen does not include any laws in the political realm that are discriminatory against women.
- Women have been able to vote since unification in 1991.
- Women can run for any office; they can hold any position.
- In 2003, 72.4% of eligible women were registered to vote as contrasted with 75.4% of eligible men.<sup>5</sup> 41.2% of voters that year were women.
- There is one woman in the 301 member parliament, one woman in the cabinet, and 37 women (among approximately 6,000) local councilors.
- All of the main political parties have women's committees that have equal rank—at least on paper—with other committees in the party.
- Yemen has signed all international declarations supporting women's equal participation in public life.
- In Yemen, women can and do drive vehicles.
- Women work in the public and private sector.

But, as the number of women holding positions also reveals, women's political participation is not very meaningful. And, with the exception of women's role as voters, their political participation has stagnated or even declined—in the 1997 parliament, there were two women. In 2002 and 2003, there was both a woman cabinet minister and a woman Ambassador. (The current Minister for Human Rights was formerly Ambassador to the Netherlands. That position is now held by a

man, as are all other ambassadorships.)

The problems women face in entering decision-making positions are derived in part from traditional notions of public versus private space, cronyism, and nepotism. There are large areas of the country in which traditional values preclude women interacting with men or playing leadership roles. However, in other parts of the country, especially urban areas, popular opinion is not against women holding public office. The lack of women in public office in these areas is due to political rather than cultural factors.

The government has failed to nominate women to high level positions even in Ministries such as Health and Education, which are generally perceived as addressing the needs of women and families. Political parties fail to use their ability to nominate women candidates: only two of the 11 women candidates for parliament in 2003 were party nominees. The overwhelming majority of women elected to local councils in 2001 ran as independents. The president and the party leaders have in their hands the power to enhance women's roles.

Concerned Yemenies who wish to increase women's power will need to build constituencies for change. At this point, the issue of an increased role for women in decision-making positions remains almost solely an issue for a small number of elite women. Women's organizations will have to learn to work together to move from endless rounds of conferences and forums to grounded strategizing and political organizing.

There are hopeful signs. After the 2003 elections a small group of women met for several months to analyze the election law and develop recommendations for improving the legal environment in which women seek nomination and campaign for office. Even more encouraging, women leaders of the three main parties have united to work for changes within their own parties, which will strengthen their roles in party decision-making. At a workshop last year they issued a statement, the preamble of which reads:

5. Universal suffrage is at 18 years old in Yemen. The country population in 2004 was estimated to be more than 20 million.

6. Qat is a plant grown in parts of Africa and the Middle East. Chewing its leaves produces a stimulating effect and is often used in socializing, particularly by men in Yemen.

7. The 2001 Human Development Index (HDI) value for Yemen was .470 out of 1.0. Yemen had an HDI ranking of 148 of the 175 countries listed in the UNDP Human Development Report 2003.

*We, the women leaders of the [ruling party, Islamist party and socialist party] share a common goal. Our goal is to contribute to the strengthening of democracy and social economic development in Yemen. For democracy to succeed it must include women's full participation. Such participation is in accordance with Islamic shari'a and its objectives which serve women.*

Specifically, they called upon their parties to:

- Adopt mechanisms for more equitable distribution of resources, which include more support for the women's committees at the center and the branches.
- Make a greater effort to include women when party policies, budgets, and training programs are being developed.
- Avoid scheduling meetings that women cannot attend—such as meetings where men chew *qat*.<sup>6</sup>

With the assistance of the National Democratic Institute, women have been taking their messages to the party branches.

Their efforts will be put to the test in 2006

when Yemen heads into local council elections; more than 6,000 councilors will be elected in 332 districts. The local council system was established in 2001 with the explicit purpose of promoting social and economic development.

Yemen is one of the poorest nations on earth.<sup>7</sup> 17.9% of the population is under the food poverty line. Infrastructure in many parts of the country is virtually non-existent. The birth rate is among the highest in the world at 5.9%, as is maternal mortality at 351 per 100,000 births. Only 26.5% of women over age 15 are literate. In rural areas, only 24.2% of girls attend primary school. Civil society organizations wishing to enhance women's participation will have to articulate how women's increased participation will contribute to improving women's lives.

Observers are likely to see a significant increase in the number of women elected in 2006 if the women in the parties maintain their determination to insist that their significant contributions to the party be rewarded with an enhanced role for women, including the nomination of women candidates, and if NGOs can develop a serious constituency-building campaign for women.

## Cultural Policies and Women in the Islamic Republic of Iran

By Farideh Farhi, Department of Political Science, University of Hawai'i at Manoa

*Based on a Wilson Center presentation November 16, 2004.*

"We have not made the revolution for cheap melons; we have made it for Islam." These words, famously uttered by the leader of Iran's Islamic Revolution, Ayatollah Khomeini, have been deemed as an announcement of the centrality of cultural policies in post-revolutionary reorganization. Indeed there can be no doubt that the forceful post-revolutionary imposition of Islamic values and ways of living, as interpreted by the emerging Islamic mandarins, can be considered to be the most distinctive aspect of the Iranian Revolution of 1979. Through

the attempted ideological fusion of culture and religion, the Islamic revolutionaries hoped, on the most manifest level, to make a statement about a new and unified set of values that was about to become important. In doing so, they were explicitly rejecting what to them was an integrated set of values revolving around the impact of Westernism on Iranian life and cultural practices. But they also aspired to claim cultural authenticity for their own practices and, on that basis, deny political participation to those whose everyday practices did not presumably match their own.

As such, the cultural policies of the Islamic Republic from the beginning had both ideologi-

cal and political components. They were manifestly “principled” statements about Iran’s new “Islamic” identity and yet at the same time instruments to be used against opponents and adjusted to fit the new exigencies and needs of the evolving Islamic state. The oft-repeated proviso in the post-revolutionary constitution that everything must keep in line with imprecisely defined “Islamic principles” or “Islamic laws and ethics” afforded ample room for maneuver for the Iranian state builders. Yet at the same time, as ideological manifests, they constantly brought to the fore the question of whether the way principles have been put into practice have kept in line with “true” Islam. Accordingly, they have set the stage for an intense conflict within the Iranian Islamic community over the practice of Islam in the contemporary world. In addition, the forceful and many times physical reiteration of these cultural manifests have ironically turned out to be constant reminders of other, presumably un-Islamic cultural practices. These practices have resisted and refused to vanish, ultimately compelling the state to come to terms with them through a variety of means.

The tensions created by these balancing acts have been the main reasons for keeping “culture,” defined by Iranian authorities as a set of values (*arzesb-ha*), under assault from the outside, as a recurring contested arena in need of being revisited on a haphazard and unpredictable basis. Irrespective of repeated cycles of cultural opening and closure, post-revolutionary general trends after the initially harsh post-revolutionary period have been towards the loosening of the state’s cultural controls over people’s everyday lives, with quite a bit of flexibility exhibited by the state in dealing with cultural issues. The state has continuously attempted to grapple pragmatically with problems of highly complex and urban social settings. It has also retreated in significant ways in its project of squashing, belittling, or ignoring cultural festivities, arts, personalities, and sensibilities that are considered uniquely “Iranian.” But, given their central place in Iran’s revolutionary legacy *and* contested political environment, debates about cultural policies keep coming back for political/instrumental purposes.

Explicit announcement of changes in the cultural direction of the country, in the form of Islamization, was first announced through laws directly affecting women.

Within this context, women, more than any other group, have been used for political purposes. Their close identification with “culture” and their perceived role as “gatekeepers” and “nurturers” of Islam as reflected in oft-repeated mantra that “heaven is under the feet of mothers,” has assured their central role in the evolution of cultural policies. Initially, women were used as instruments to announce that there had been a revolution, a profound cultural change that was intended to impact appearance as well as behavior. Explicit announcement of changes in the cultural direction of the country, in the form of Islamization, was first announced through laws directly affecting women. On February 26, 1979, only two weeks after the victory of the Revolution, Ayatollah Khomeini’s office announced that the Family Protection Law was to be abrogated. On March 3, it was announced that women would be barred from becoming judges. On March 6, Khomeini said in a speech that women should wear the veil (*hejab*) at work. Later that month beaches were segregated, a few days later the public learned of segregation of sports, and a few weeks later coeducation was banned. In many areas, such as sports and even certain educational fields, segregation initially meant prohibition. As Parvin Paidar points out, some of these changes were not implemented effectively and coherently for some time, but they clarified the new state’s official position on women and their role within the new official culture.<sup>8</sup>

Yet, as in other areas related to cultural policies, on some critical and rather complicated



8. Paidar, Parvin. *Women and the Political Process in Twentieth-Century Iran*. Cambridge: Cambridge University Press, 1995: 232.

issues related to women (such as women's rights within the family, right to birth control, right to abortion in case of danger to mother's health, and right to participate in social and cultural activities), the post-revolutionary state has gradually and quietly, although not completely, backtracked from its initial radical stance. Men can no longer divorce at will, women can sue for divorce under certain circumstances, paternal custody is no longer assured, and women have effectively claimed the right to engage in most social and cultural activities, even if many do not. In effect, the family court that was so publicly denounced and demolished in 1979 has come back, operating along similar, if not identical, lines to those envisioned in the Family Protection Law of 1975. This track record of the Islamic Republic suggests that when faced with opposition and complicated social and cultural issues, the general pattern has been one of *repression*, *selective punishment*, *ignoring*, and ultimately *accommodation*.

However, on some "signature" cultural issues—particularly the ones related to women such as female veiling, abstract notions of cul-

tural assault (*tahajom-e farhangi*), and interactions between men and women—a modified pattern of *repression*, *selective punishment*, and *ignoring* can be detected. The situation in these areas essentially vacillates between ignoring (as evidenced in the increasingly creative veiling practices of Iranian women) and selective punishment. These signature issues continue to be brought forth as ammunition in the struggle for the control of the political system. As such, they have a tendency to reappear with the intensification of the political struggle, popping back into the public arena as needed statements or re-statements of Iran's Islamic identity.

In short, the persistence of political conflict and competition has on the one hand assured the continued centrality of cultural and women's issues in the Iranian political discourse. At the same time, it has provided space and created an interactive dynamic for the negotiation of these issues in a relatively flexible manner. There is no reason to think that the patterns established in the past 25 years will change in any fundamental manner in the foreseeable future.

## Women and Nationbuilding in Afghanistan

By Cheryl Benard, Senior Political Analyst, RAND Corporation; Author of *Civil Democratic Islam*, *Veiled Courage* and *Moghul Buffet*

*Based on a Wilson Center presentation September 30, 2004 entitled Ballots and Battles – Assessing Afghanistan on the Eve of its Elections.*

How have women fared in post-conflict Afghanistan? By many indicators: quite well. Women are again active in urban professions. Girls' schooling is restored and appears to be significantly less controversial than it was in the past, the result of a "positive backlash" against the Taliban.

Compared to their near-total disenfranchisement during the Taliban, women have seen their full legal equality formally enshrined

in the new constitution. Unlike their sisters in Saudi Arabia, they can both vote and stand for political office, including head of state. There are women's radio stations, women professors at the universities, and women ministers. But this is only part of the picture. Many serious challenges remain.

At the outset, in December 2001, Afghan women were not in an advantageous position to advance their interests [see chart page 17].

Women's enfranchisement in Afghanistan has so far largely been a top-down gift, motivated by political correctness, moral outrage, solidarity, and a formulaically applied development theory.





## The Position of Afghan Women, December 2001

Assets	Liabilities
<p>There was widespread international disapproval of the abuse of women practiced by the defeated rogue regime of the Taliban.</p>	<p>Women were not a “party to the conflict” and thus had no official weight in the power-grabbing exercise that followed the overthrow of the Taliban.</p>
<p>There was high international interest and awareness of gender issues in Afghanistan due to broad and persistent press coverage.</p>	<p>Afghan women—illiterate, repressed, impoverished, accustomed to decades of near-total disenfranchisement and isolated from the global mainstream—were initially in no position to articulate their own interests.</p>
<p>Many of the goals for Afghan girls and women were so basic, such as primary education and maternal health, as to be non-controversial.</p>	<p>There was a persistent concern that pushing “too hard” for women’s rights had been the downfall of some earlier reformist regimes.</p>
<p>Afghan society at the grassroots level did not significantly oppose women’s status elevation and participation, though it continues to be resistant to notions of their social equality and personal autonomy.</p>	<p>When national stabilization is the issue, men as the past, present and future combatants tend to receive the bulk of attention and resources. For example, mass-employment projects have provided incomes exclusively to men.</p>

### Present challenges

A more organically grounded enfranchisement of Afghan women stands on five “legs”: health; employment; education; participation; and legal rights.

### Health

Overall levels of public health in Afghanistan are extremely poor. Chronic malnutrition is widespread; skilled medical professionals are few; the water and hygiene situation is bad. This affects both genders. However, cultural practices and biology combine to put females at significant added jeopardy. The main features of

this are very early marriage; early and frequent pregnancies; high rates of domestic violence; and a strong disadvantaging of females within the family when it comes to the distribution of food and medical care. The high maternal and infant mortality rate is due not only to low rates of birth attendance, but also to the poor health of the mothers at the onset of the pregnancy.

Health indicators affecting women in Afghanistan are among the lowest in the world, and among the worst ever measured by international agencies. Lifetime odds of dying in child-birth are one in seven. The maternal mortality rate is 1700 out of every 100,000 live births.

9. Personal communication, Spring 2002, Washington D.C.

10. In Kandahar, Governor Yussef Pashtun found that providing school bus transportation immediately increased the attendance of girls at the secondary level. Interview, April 2004.

11. Over 40% of the voters were female, and there were districts where women voters outnumbered the men.

12. This refers to the overall situation. There were, of course, a number of contrary incidents of intimidation and we do not know how many women were prevented from registering or voting by their families.

Mortality rates for children under age five are 257 per thousand. One woman dies in childbirth every twenty minutes, with the majority of the deaths preventable by simple hygiene and medical interventions.

As drastic as this situation clearly is, attention and resources were not forthcoming in any commensurate way. This is probably due in part to the external-directedness of the gender policy. Sympathetic outsiders had been appalled by media reporting of the Taliban's policy of banning girls from schools. Thus, education appeared to them to be the premier issue. Much less was known about the appalling mortality rates of women in childbirth.

### *Employment*

The ability to support themselves, to feed their dependents, and to contribute to the livelihood of their families, represented an urgent need of Afghan women in the immediate post-war period. According to the first minister of women's affairs, Sima Samar, Afghan women jammed the courtyard of her ministry daily, imploring her to provide them with jobs and work opportunities.<sup>9</sup>

Decades of war had torn the fabric of traditional society and left large numbers of women who were widows or otherwise stranded on their own. Likewise, high costs of living and the need to rebuild appear to have removed most of the resistance to the employment of women.

On the positive side, thousands of women have returned to employment in government offices and as teachers. They, however, belong to the urban educated minority. For unskilled and illiterate men, road-building projects provided quick-impact mass employment opportunities. No effort has been made to develop creative solutions that would have taken cultural considerations into account in identifying large-scale work opportunities for women.

### *Education*

The return of millions of Afghan girls to school was seen as the symbolic embodiment of "regime change." As of 2005, they are thought to comprise 30% of schoolchildren, an enor-

mous accomplishment when measured against the baseline.

Currently, female school attendance shows a strong dip at the secondary level. This could be remedied by improving security and by linking secondary schools with vocational skills and work prospects. These steps would give parents the sense that keeping their girls in school is not only safe, but serves a practical purpose.<sup>10</sup>

### *Participation/representation*

In an eccentric development, Afghan women fare better on this scale than women in many other developing countries. Three things occurred to make this happen. First, the international community made the inclusion of women part of the official program from the start. Second, ordinary Afghan women perceived the opportunity and stepped up to the plate.<sup>11</sup> And finally, ordinary Afghan men understood that women's enfranchisement was part of a new order they wanted, and refrained from obstructing the candidacies or the voting of women.<sup>12</sup>

This formula trumped the progression we usually expect to see in a developing country, with improved schooling and health leading to smaller families and higher levels of education, gradually creating more egalitarian values and an elevation in the status of women.

### *Legal Rights*

One major remaining challenge is to put into place a civil law code that will safeguard women's human rights and allow the continued progress of Afghan society. The international community focused much attention on helping the Afghans create a new constitution. But in daily life, the civil code is arguably more significant, regulating the things that matter every day. For women, the laws on marriage, divorce, custody, and integrity of one's person will make the difference between well-being and misery.

According to Amnesty International:

*Women and girls in Afghanistan are threatened with violence in every aspect of their lives, both in public and private, in the community and the family.*

*Violence against women in the family including physical abuse and underage marriage is widely reported...Rape of women and girls by armed groups continues to occur...Women and girls have been killed and driven to suicide while the state has failed to take action.*<sup>13</sup>

Their report lists the following main problem areas:

- Physical violence against women in the home.
- Killing of women by family members for “disobedience” or for infidelity, real or imagined.
- Underage marriage.
- Forced marriage.
- Exchange of women and girls as a means of dispute resolution.<sup>14</sup>
- Violence against women by armed groups.
- Sexual abuse of women in police custody.
- Lack of access to divorce.
- Lack of access to human rights information.
- Lack of protection in legal provisions.<sup>15</sup>

Customarily one might approach such a mix of problems with counseling, legal reform, legal representation, civic education, and provision of safe shelter for victims. Finding the appropriate adaptations of these measures for the Afghan context will require persistence and creativity—and time. Advances in other

The return of millions of Afghan girls to school was seen as the symbolic embodiment of “regime change.”

Islamic settings—including the comparably tribal areas of Iraq’s Kurds—demonstrate that all of the above interventions are possible. The fact that little or no progress is being made in the Afghan judicial reform is worrisome. Likewise, no systematic plan for the establishment of social services is discernible.

### Conclusion

The United States’ contemporary nation-building exercises are establishing a template for the construction of new political systems and a state apparatus. The emerging formula consists of creating an interim government, holding elections, training a national army and police, putting basic services into place, and jumpstarting the economy.

The inclusion of women has been uncontested as a goal—and that in itself represents a major historic advancement. However, implementation has been uneven. Taking the next steps will require creativity, diplomacy, and benchmarks.

13. Amnesty International, “Justice denied to women,” op.cit. p. 7

14. Amnesty International found instances of girls as young as eight being given to members of the enemy clan as wives, a practice the organization categorized as torture.

15. For example, Amnesty International reports that as in neighboring Pakistan, current legal practice often does not recognize rape as a crime, instead treating it as a form of adultery.

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