

Traditional Rights of Women Determined by Customs, Family Patterns, National, Socio-Political Organisation and the Participation of Women – Arab and African Case Study by Mr K. M. Waziri of the Faculty of Law, University of Abuja, Nigeria.

Introductory Background

In recent times, especially with the third wave of feminism in the 1990s (Walter 1992), issues of women's rights and empowerment have acquired much space in both national and global discourses. At the international level, the fourth world conference on women, held in Beijing in 1995, remains outstanding. On the other hand, different feminist organizations exist at the national level, differing from one country to another. But whether at the national level or international level; and whatever form they take, or nomenclature they are known with, the objective remains the promotion of and the advancement of women's rights in a male dominated society.

Ironically however, despite the growth of feminism and the much attention it has attracted, the conditions of women still leaves much to be desired. This is so much so in the case of the developing countries of Arab world and Africa.

Reasons have been advanced by scholars, to be responsible for the violation of women's rights, and the consequent poor participation in different spheres of human life. One of such major reasons where scholars find a consensus is in the area of cultural practices, (including the customs and family laws), obtainable in a given society. This is because most of the traditional practices have been found to be discriminatory against women both in Africa, Arab, and elsewhere.

According to the Arab Human Development Report (2005), "in many countries, women fall victim to traditional practices that violate their human rights".

Against this background, this paper investigates the impact of cultural practices and traditional customs in women's rights, vis-à-vis their participation in the respective aspects of human endeavour. In doing this, the paper takes particular account of Arab world and Africa. Beyond cultural traditions and customs, the paper will examine the impact of socio-political organization on women's rights and their participation in the above countries referred.

Definition of Guiding Concepts

Some of the concepts that demand clarification in this paper are as follows;

- i. Women's rights;
- ii. Women participation
- iii. Customs and traditions
- iv. Family patterns

i. **WOMEN'S RIGHTS**

Women's rights could be viewed literarily to mean those specific rights that women are ordinarily and traditionally entitled to have. They include the right to life, good health, education, employment, to mention but a few. In the view of Chidiebere (2008), women's rights, traditionally refers to the freedom inherently possessed by women and girls of all ages, which may be institutionalized, ignored or suppressed by law, custom, and behaviour, within a societal context. In the light of the United Nations Declaration on the Elimination of Violence Against Women, (Article 3), the rights of women are identified to include, interalia;

- a) The right to life
- b) The right to equality
- c) The right to liberty and security of persons
- d) The right to equal protection under the law.
- e) The right to be free from all forms of discrimination

It should be noted that these rights of women are being influenced by some factors, to certain degrees, relative to the society the individual is found.

ii. **WOMEN PARTICIPATION**

According to Oxford Advanced Learner's Dictionary, the concept of participation simply connotes the action of taking part in something. Thus, participation encompasses all aspects of human endeavours ranging from economic, political, to social. It also involves general accessibility to education, health, labour force, politics, etc.

Women participation can be construed to mean the involvement of women in all the areas referred to above. It means women access to, and involvement in political, social and economic activities. Even women access to education, health, labour employment and other areas, are part and parcel of women participation.

Women participation can therefore be discussed at least under the following, sub-headings; political participation, economic participation, educational participation, and health participation.

Political Participation

This has to do with the level of involvement of women in political affairs. It examines the extent to which women are allowed, are willing, and actually take part in political activities. For instance; can women vote and be voted for? Are they involved in political policy making process? To what extent are they involved in all these? All these questions are vital in discussing the participation of women at the political level.

Economic Participation

By economic participation of women, we refer to the involvement of women in economic activities, particular the production process. Economic participation accesses the extent to which women are employed into the productive sector of the society in relation to men. It is well noticed that a visible gap exist between men and women in this regard.

Educational Participation

The educational participation of women measures the level of accessibility of women to education. This is usually measured in relation to men counterpart. Major issues here include; how many women access to education? And to what level of education; primary, secondary of high school? The number of women in all these indicates their level of participation in education.

Health Participation

Similar to the discussion on educational participation, health participation simply measures the degrees to which women have access to health and health related facilities, especially in comparism to their men counterpart.

iii. CUSTOMS AND PRACTICES

The WorldNet Web offers the following definitions for the term customs:

- i. Custom is an accepted or habitual practice
- ii. Custom is a specific practice of long standing.

According to Wikepedia Org. custom can be described as the established patterns of behaviour that can be objectively verified within a particular social setting. From the above, it can be said that while custom consists of the approved way of behaviour in the society, it also dictates the direction of the people's behavioural pattern. This means that it can influence the rights of people, and especially women in the society.

iv. FAMILY PATTERNS

Within this context, family patterns is taken to mean the way families are structured in terms of marriage processes laws regarding inheritance and other issues relating to family set up. The way a family is structured, and the laws guiding the family can play a role on the rights of individuals within the family, including the women. Typical example in this regard could be laws pertaining to years of marriage (whether early marriage or otherwise); or laws relating to the form of marriage, (whether polygamous or monogamous). All these elements can either indicate what constitute individuals rights in relation to marriage, or the level of participation occasioned by any of the given family pattern in practice.

Feminism, Genderism and Empowerment Of Women; A Global Perspective

Feminism could be viewed as a political discourse aimed at equal rights and legal protection for women. (Wikipedia Encyclopedia). It involves various movements, theories and philosophies, which are all concerned with issues of gender inequality. They also advocate for women equality and campaign for the rights of women. According to Maggie Humm (1995), the history of feminism can be categorized into three waves. The first wave being in the 19th and early 20th century; the second, in the 1960s and 1970s; and the third extend from 1990s to the present.

The first wave feminism refers to an extended period of feminist activities during the 19th and early 20th century. It originally focused on the promotion of equal contract and property rights for women and the ownership of married women by their husbands. The first wave of feminism also focused on gaining political power, particularly the right of women's suffrage.

After the early period of 20th century, the second wave feminism began to be used to describe a newer feminist movement that focused as much on fighting social and cultural inequalities, including political inequality (Freedman 2004). The period lasted from the 1960s through 1980s. According to Freedman Estelle (2004), the second wave feminism was largely concerned with issues of equality, such as ending discrimination.

The third wave feminism which began in the 1990s arose as a response to the perceived failures of the second wave. This wave of feminism paved way for the global dimension of feminism, expanding the space to all peoples of all continents.

Suffice it to state that what underscores the feminist movement being it the first, second, or the third wave, is the fundamental issue of women's rights advancement and promotion; and the protection of women against

all forms of discrimination, so as to guarantee equality for women in all spheres.

Unfortunately, the situation of women, even though has improved considerably in the western world, is quite deplorable in the developing countries of Africa and Arab world. This is owing to the customs of the land, the family arrangement, and the general social and political structure of both Africa and the Arab World.

Women Rights and Participation, and the Influence of Customs, Family Patterns, and Socio-Political Organization in Africa

The rights and participation of women in Africa can only be understood within the socio-cultural, economic and political make up of the African society. This suggests a combination of the customs and traditional practices, including the social policies that are obtainable in Africa. Apparently, it is easy to argue that Africa countries posses fundamental similarities in culture. Hence, most of the cultural and traditional practices that are obtainable in one country are similar to those obtained elsewhere in the continent. This does not however preclude the fact that minor differences exist here and there.

Generally speaking, one common practice among Africans that tend to hamper on women's rights and their participation, is the land ownership and inheritance law. In Africa, where the society is structured along the patriarchy system, women are not considered eligible to own or inherit a piece of land. Thus Nwankwo (2001), argued that women traditionally, do not own land, and therefore cannot inherit land either from their father or husband. As a result of this practice, the African women are economically disadvantages and impoverished in terms of the ownership of means of production.

This practice cuts across the African continent. The disempowerment of women from owning land which is the major means of production in a continent that is predominantly an agricultural one, has high consequential implications on women participation at every level especially economic. Inability to own a land apparently reduces the economic capacity of women, which in turn will limit their access to other areas of the society such as health, education, and even participation in politics.

Beyond the issue of land inheritance, another practice that tend to impact negatively on women's rights and participation is the notion of male preference to female counterpart. This has led to a wide disparity in the

level of education between men and women in Africa. In Nigeria for instance, the gross enrolment rate (GER 2001) indicated that 71% of children out of school are girls, while ARFOL (2000), the literacy rate for males is 58% but only 41% is for females. This situation is of similar degrees in most of the African countries.

The implication of this poor access to education is the ultimate denial of basic knowledge about women's rights, and other important issues about women empowerment and development in general. To this extent, they tend to participate poorly, even in the economic and industrial sector, as they lack the basic skill needed to perform in those respective fields.

In Africa, early marriage is another practice that is common. By early marriage, it means the practice of arranging marriage for the girl children at the very early age of 14 – 18years. According to Okunna (2006), child marriage is a reflection of the society's emphasis on the virtue of virginity for women at marriage. This practice is even most practiced in the Islamic societies of Africa in the contemporary time.

Of course, the implications of early marriage are numerous. While the girls could even be married to men who are old enough to be their fathers, thereby limiting the power to take independent decisions, most girls as a result of early marriage necessarily drop out of school as they now face family challenges. This further leads to high illiteracy, and lack of educational power to participate in both politic, economy and other spheres of the society.

Furthermore, polygamy is widely practiced in African society. Although this has historical reasons, it has yet to change in the present time. Most African men believe that marrying many wives is a sign of affluence, and signifies successfulness in life. Contrary to this view, this practice has perpetuate poverty across the continent, and has even added to the family responsibilities of women. They now have little or no time to participate in other social activities, by concentrating on the survival of the family. Polygamy also subjects women to harrowing psychological trauma and often brings out worst in their character, in the face of vicious competition that characterizes most polygamous households (Okunna 2004).

In summary, the condition of women in African society is quite appalling, and indeed calling for redemption. African women face a lot socio-cultural challenges as we have enumerated above. Even the political and legal policies have not work in favour of women. For instance, quota representation is yet to be part of our political requirement. Despite the so many international treaties that have been signed by African countries

regarding the equal treatment of women, the implementation of same is a major problem.

WOMEN'S RIGHTS AND PARTICIPATION AND THE INFLUENCE OF CUSTOMS, FAMILY PATTERNS, AND SOCIO-POLITICAL ORGANIZATION IN THE ARAB WORLD BY K.M. WAZIRI,

Marina Ottaway makes a case by stating that “no where in the Arab world do women enjoy equal rights, let alone, equal opportunities with men” (Marina 2004). This position is justifiable given the customs and practices of the Arab world which is a male dominated society. The argument further states that what the traditional Islamic establishment calls for today, is more reminiscent of the patriarchal attitudes (Marina 2004). In such a patriarchal system, customs and family laws obviously reflect preference for men and discriminate against women.

Despite the numerous international treaties that have been signed to protect the right of women, the female species continue to suffer from restrictions on political rights, civil rights, educational rights family rights etc. This is because compliance to international treaties has been very poor. For instance, out of the sixteen countries in the Middle East and North Africa, only ten have signed, while nine have ratified the convention on All Forms of Discrimination Against Women (Marina, 2004).

Generally speaking, the Arab World is predominantly Islam. Hence an understanding of the Islamic position concerning women will help a great deal in explaining the condition of women in contemporary Arab World. Notably, the Sharia law is one of the basic laws that regulate the life of the Muslims. In most Arab societies, the Sharia law has come to be a common practice. However, most non-muslims seem to believe that it is highly discriminatory against women as they often fall victims than the male counterparts as Ikokwu (2003) would want his readers to believe.

Sharia law is predicated on a belief system, as such, non-muslims will never understand the basis of its tenets. As such, the tendency to believe that it is discriminatory against women is always high. However, the development of contemporary sharia practice in Pakistan, Kuwait, etc, is a testimony that sharia is dynamic but tries as much as possible to protect women and family values. The recent widespread protest in Mali, particularly by the female folk against a new legislation seeking to empower women was borne out of the tendency of the new law to undermine the protection women enjoy under the shariah. Speaking

against the law, Hadja Sapiato Dembele of the National Union of Muslim Women's Associations said it goes against Islamic principle which is emphatic that "a man must protect his wife, a wife must obey her husband."

It is this protectionist tendency that tends to inhibit women sometimes in making even competition with their male counterparts.

Also, given the Islamic religion of the Arab world, polygamy is a common phenomenon. This is because Islam allows man to marry as many as four wives. The implications of polygamous marriage as we have argued in our previous analysis, is negative on women especially in non-developed and non-functional economies which is often categorized as a general rule. It encourages poverty in the family which can further increase the responsibilities of women, to cover up those areas where the man has failed to provide. With this added responsibility, participation in other spheres such as politics will be limited.

More than the above, the contemporary Arab societies tend to embrace the conservative practices of pre-Islamic Arab, which tend to restrict woman to the family circle. This is because the Arab world is resistant to any ideology that is western oriented, which of course they believe is anti-Islamic. Today, the promotion of women's empowerment is often viewed as a western cultural import that threatens to demolish the male dominated power structure in the region (Hayat, 2005). The ultra-orthodox as Wahhabism, the Taliban, Salafiyya, and branches of Muslim Brotherhood, try to replicate pre-Islamic social structures and apply them to the modern era. These social structures encompass a male dominated authoritarianism.

As a result of the patriarchy system and the consequent political authoritarianism in the Arab region, women have even been excluded from free and fair political participation. Politics therefore remains a male dominated profession, and the ratio of women politician to men is significantly small. The case is worse in Saudi Arabia and United Arab Emirate where elections are not even conducted. But this situation is changing following the recent election of a woman in that country.

Another cultural practice in the region that negatively affect women is the "honor killing" that is practiced in some countries especially Palestine honor killing involves the killing of a girl or a woman under the pretext of protecting family honor (Freedman, 2008). According to a UN estimate, about 5,000 women throughout the world are victims of honor killings every year. The practice of honor killing is meant to save the family from

losing its reputation, in situations where a female commits an act which is socially not acceptable for women.

Again, just like Africa, the Arab world that is male dominated does not allow women to own land. This has also led to economic disempowerment, and thereby limits their participation. This speaker is also and always of the view that the law of nature should always be viewed distinct and different from religion and custom(s). did nature really afford the equal opportunity theorem in social, political and economic spheres of life to both men and women? This is a food for thought, etc, etc, etc.

CONCLUDING REMARKS

Obviously, both Africa and the Arab world are developing countries where records on human rights and especially women's rights are still in a deplorable state. While it could be seen that cultural practices in both regions play a vital role in determining women's right and participation, the danger is more in the Arab world where ideologies that promotes women's rights are perceived as western cultural imperialism and thus rejected.

Participation which has been identified as a responsive element to cultural practices of a people and the social political setting, will continue to be poor, especially in the Arab world where conservatism, and radical Islamic movements are emerging.

Beyond cultures and political structures, women naturally have equal rights with men. This paper therefore recommend that nations implement the United Nations Declaration on the Human Rights of Women.

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