LAGGING FAR BEHIND: WOMEN IN THE MIDDLE EAST
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*The following article is an extract from the author’s book Women in the Middle East (Sharpe, forthcoming).

This article reviews the political and social situation of women in the Islamic Middle East over the past decade. It concludes that while these women have been guaranteed equal rights under their own constitutions and international laws adopted by the government, in practice, they have not enjoyed these rights in politics, marriage, divorce, freedom of movement, education, or work.

Two major studies conducted in 2005 of the situation of women in the Arab Middle East states all came to the same conclusion: Women there are lagging behind the rest of the world. The May 2005 Freedom House report ranked 16 Arab nations on a scale between one and five in several categories related to women’s rights, including freedom; economic, political, and social rights; and nondiscrimination. The highest overall score was given to Tunisia, which received an average rating of 3.24, while Saudi Arabia had the lowest score of 1.26.

“The Middle East is not, of course, the only region of the world where women are, in effect, relegated to the status of second-class citizens,” the Freedom House report stated, pointing out that in Asia, Africa, Latin America, Europe, and North America, there is still a gender gap. “It is, however, in these countries where the gap between the rights of men and those of women is the most visible and significant and where resistance to women’s equality has been most challenging.”

The second study, “Towards the Rise of Women in the Arab World,” issued by the Arab Human Development Report, which examined the same countries, concluded that women there “have entered the twenty-first century still dragging behind them the dead weight of such issues as a woman’s right to education, work and political activity, matters long resolved elsewhere.”

The majority of Middle Eastern countries have long had constitutions granting women equal rights with men. With the exception of Iran and Qatar, these countries have also ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), an international document that calls for guaranteeing women’s rights. However, these documents have not translated into equality in marriage and divorce rights or employment, or to a decline in domestic violence against women. One major reason for continued inequality is that there have not been enough women from these countries elected to political office.

According to a public opinion poll included in the Arab Human Development Report, which canvassed participants in four sample Arab countries—Morocco, Egypt, Lebanon and Jordan—79 percent said women have an equal right to political activity. Women have been able to vote and run for office in 22 Arab League countries as well as in Iran and Israel. The two exceptions have been the United Arab Emirates (UAE) and Saudi Arabia.
One of the last Middle Eastern countries to grant women suffrage was Kuwait, in May 2005, although women there were first promised that right in 1991 by the emir, who took seven years to introduce the measure. It was then defeated in parliament. This was due in part to liberal members, who while favoring other democratizing reforms, opposed female suffrage because they feared that women—who would become the majority of the electorate—wouldn’t vote for them.

Nor did female voters vote for other women. The first electoral test for female voters and candidates in Kuwait was in April 2006, when two women were among the 11 candidates vying for a seat that had become vacant on the municipal council in the district of Salmiyya, 15 kilometers from Kuwait City. Women voters were in the majority, but the female candidates lost by wide margins. Female candidates have fared equally badly in other countries.

April 2005 statistics from the Interparliamentary Union ranking the representation of women in elected governments worldwide found that Arab states were at the bottom, with an average of less than seven percent representation in the parliament. That was compared to 20 percent in North America, 16 percent in sub-Sahara Africa, and 14 percent in Israel. In Iran, women only made up four percent of parliament in 2006, while Israel the figure was 15 percent—still below that of North America and sub-Sahara Africa.

THE QUOTA SYSTEM

The two most effective ways shown to get women into elected office in the region has been through appointments, uncontested elections, and quotas. The first two ways were illustrated in Bahrain. When no women were elected in their first parliamentary elections in 2002, the king appointed six women. In the next round of parliamentary elections in 2006, the sole female candidate, Latifa al-Qu’ud, was among 221 candidates vying for 40 seats. Yet she was the only one running in her district—a virtually uninhabited island, Hawar, in southern Bahrain—thereby ensuring her victory.

Electoral quotas have meant that women must constitute a certain number or percentage of a candidate list or parliamentary assembly. Egypt’s case dramatically illustrated the difference quotas have made in getting women into government. Egypt was one of the first countries in the Middle East to institute electoral quotas, with a 1979 decree by President Anwar Sadat reserving ten percent of the seats in parliament for women. However, in 1986, quotas were abolished. As a result, the number of women in parliament has consistently plummeted.

Following December 2005 elections, only two percent of the Egyptian parliament were women. In Morocco, women comprised only 0.66 percent of the elected deputies in 1993, placing it 118th internationally. After quotas were imposed in 2002, that figure increased to 10.77, making Morocco a respectable 69th in the world. In the Arab world, it was surpassed only by Tunisia, where quotas ensured that 14 percent of the parliament has been female. In Jordan no women were elected between 1993 and 2003, when an electoral law reserved six seats for the top female vote-getters.

Two recent successes in getting quotas imposed were in Iraq and Afghanistan after U.S. military intervention changed the governments there. In Iraq, 25 percent of the seats in the parliament has been reserved for women, and in the 2005
parliamentary elections, close to that percentage, 20 percent, were elected. In Afghanistan, where 25 percent of seats in the lower house of parliament and the provincial councils were reserved for women, about that number were elected the same year.

A new phenomenon in the Middle East has been the rise of elected Islamist women. Many of the women elected in Iraq in December 2005 were from the Shi’a United Alliance ticket, which was dominated by religious parties. Another example was the January 2006 Palestinian Authority Legislative Council elections; the largest number of women elected were from Hamas, an Islamist party with the highest electoral plurality.

An electoral quota required that Palestinian political parties had to have at least one woman among the first three candidates on a list, at least one woman among the next four, and for the rest a woman for every fifth. That resulted in six of Hamas’ 74 seats in parliament being held by women. One of those elected was Mariam Farhat, a mother of three Hamas supporters killed while waging terrorist attacks on Israelis. Female support for Hamas was critical to their party’s victory in 2005. The reason was the success of Hamas’ social programs, which have included financial assistance for widows of suicide bombers, health clinics, day care centers, kindergartens and preschools, and even beauty parlors and women-only gyms.

WOMEN IN POLITICS

Although most Middle Eastern countries have permitted women to run for parliament, it has been even more of a struggle for them to run for head of state. In 2005, women were legally barred from running for president in Iran. One of the only countries where a woman has run for head of state is in Algeria with the 2004 presidential candidacy of Louisa Hanoun, leader of the left-wing Algeria’s Worker’s Party. Hanoun, however, only placed fifth out of a six-person race. Moreover, only 51 percent of those participants in the Arab Human Development Report poll said that women have the right to become head of state.

All the Islamic Middle Eastern countries have had women as government ministers, with the exception of Saudi Arabia. One of the most recent countries that did so was the UAE, which in 2005 appointed a woman as economics minister and in 2006 appointed a woman as minister of public works. In 2005, Kuwait appointed its first female cabinet minister with the portfolio of planning and administrative development. Yet these appointments, as well as the vast majority throughout the region in the past, have been in social or women’s affairs and none have been in the most important positions, such as foreign affairs, defense, interior, or finance.

Attitudes toward women in the cabinet differed, according to a Gallup poll released in 2006 in which participants were asked whether women should be allowed to hold leadership positions there. While 91 percent of those in Lebanon, 78 percent in Iran, and 74 percent in Morocco answered in the affirmative, the number dipped down to 55 percent in Jordan, 54 percent in Egypt, and 40 percent in Saudi Arabia.

WOMEN IN THE JUSTICE SYSTEM

For advocates of women’s rights as important as getting women elected as politicians and named as cabinet members has been getting them appointed as judges. A female judge in the Islamic world has been even more taboo than a female
politician or cabinet, because this is discouraged by the interpretation of Islamic doctrine. A judge, by the nature of that job, has represented the essence of reason, something in which women have been supposedly innately lacking. In Iran, following the revolution, women were no longer able to become judges, although they remained in the government. In the Arab Human Development Report poll only 66 percent of those polled said they supported women as judges.

Eleven Islamic Middle Eastern nations had female judges by 2006—Morocco, Algeria, Tunisia, Syria, Lebanon, Iraq, Libya, Jordan, Egypt, Afghanistan, and Yemen. However, getting these appointments wasn’t easy. In Egypt, for example, where only about half of those participating in the Arab Human Development Report poll supported female judges, it took 25 years. In 1949, a female lawyer, Aisha Ratib, unsuccessfully sued the government when she was passed over for a judgeship on the State Council, the highest administrative court. It was the same result 40 years later when another female attorney, Fatma Lashin, filed a sexual discrimination suit after being denied a position on the bench, but also failed to get an appointment. The government’s refusal to appoint a female judge was consistent with public opinions on the subject. A 1997 opinion poll conducted by the Cairo-based Arab Center for the Independence of the Judiciary and Legal Profession found that the strongest opponents of female judges in Egypt were women. In 2003, the government appointed Tahani al-Gibali as the first nation’s first female judge. Although Gibali’s appointment was prestigious, since she was tapped to the Supreme Constitutional Court, some activists said it would have been better if she had been appointed to a family court, where she could influence divorce and children’s custody issues.

In Iraq, where the Middle East’s first ever female judge was appointed, efforts in 2003 to appoint the first female judge in Najaf, a Shi’a religious city, resulted in fatwas (religious edicts) being issued by two prominent clerics and angry demonstrators against it. The U.S. military indefinitely suspended the appointment, although women have remained on the bench in other parts of the country.

PERSONAL STATUS LAWS

Judges in Islamic countries are especially important, because they are able to render decisions interpreting personal status laws dealing with marriage, divorce, guardianship, and children’s custody. In these countries, these personal status laws have been influenced by Shari’a, or Islamic law. The sources of Shari’a are the Koran and the Hadith, or the recorded actions and sayings of Muhammad. At one extreme are those nations, such as Saudi Arabia and other Gulf states, that strictly follow Shari’a, and at the other extreme are those like Tunisia that have replaced much of Shari’a with laws meeting international standards on these issues. Most Islamic countries fall in the middle.

In those Islamic Middle Eastern countries more strictly governed by Shari’a, women have not been entirely their own guardians with the right to make major decisions or have unrestricted freedom of movement. Rather they have been under the control of a male guardian, their husband (if married), or their father or another close relative (if unmarried). A guardian has been able to prevent their ward’s marriage, although in many countries—even Saudi Arabia, which has the strictest rules regarding the role of guardian—not to force
her into marriage. The guardian has also been empowered to hinder a woman’s freedom of movement outside the home, especially from leaving the country, since their permission has been needed to acquire and use a passport.

However, that provision is no longer strictly enforced in many countries. In Kuwait, for example, while women have traditionally needed to seek permission from guardians to travel outside the country or even inside the country overnight, violations have not been enforced. Moreover, while a married woman in Kuwait is able to acquire a passport without the approval of her husband, an unmarried woman over the age of 21 cannot.

Although Syrian laws empower a husband to stop his wife from leaving the country by contacting the Ministry of Interior, this has rarely happened; and a Syrian woman may obtain a passport without her husband’s permission. Yet only 54 percent of those in the Arab Human Development Report poll believed that women should be allowed to travel on their own.

Legal marriage ages for women in several countries in the Islamic world are lower than the international norm of 18, since this is mandated in Islamic law, and which could be made even lower with consent from a religious judge. In Iran, the legal age of marriage for women has been 13, while in Yemen and Kuwait, it has been. In Afghanistan, 57 percent, of all girls were married before the legal age of 16, some as young as six.

A husband is empowered to support his wife and in exchange to receive her full obedience, while a wife is not allowed to act against her husband’s wishes, according to Shari’a. That has meant, for example, that in Yemen and Algeria, a woman was not allowed to work outside the home if her husband didn’t give her permission to do so, while in Syria, a wife whose husband refuses her right to work may do so anyway, but only if she forfeits financial support from him.

Men have been allowed by Shari’a law to have up to four wives simultaneously, if they could treat them all equally and provide them with separate places to live. This has been the situation in the Gulf States. On the opposite end of the spectrum has been Tunisia where polygamy was made illegal in 1956, while in Morocco, although it was not officially outlawed, polygamy was made so difficult in 2003 as to have been de facto eradicated. Most Islamic nations fall between these cases. Algerian women have been granted the right to a "no-polygamy clause" in their prenuptial agreement and to initiate divorce if they were not informed in advance of the existence of other wives. Egyptian husbands have had the rights to another wife if the man has told his other wives who could then initiate a divorce on those grounds, but only if she can prove to a judge that an additional marriage would harm her. Jordan has required a judge to ascertain that the husband can financially support multiple wives, and that each wife was informed of other marriages.

In divorce, in those nations that strictly govern under Shari’a, such as Saudi Arabia, a man has been able to divorce his wife without cause by simply uttering “I divorce thee,” three times over three months. One concession to women was that he had to then pay her a sum of money agreed to before the wedding in the marriage contract and let her keep her dowry. Women’s rights to divorce have been extremely limited, only possible in such cases as male infertility at the time of marriage, insanity, or a contagious skin disease such as leprosy. Some countries have granted
women other conditions under which they can initiate a divorce, a right which was supported by 68 percent of those participating in the Arab Human Development Report poll.

In Syria, both husbands and wives have been able to claim adultery as grounds for divorce. Yet a husband would only be considered guilty if he cheated in the couple’s home and has also confessed or there has been testimony of a third witness. A Syrian wife could be accused of adultery committed anywhere, backed up by any evidence.

There were also different penalties for men and women regarding adultery. Egyptian male adulterers have been likely to get imprisonment for only six months, while women have received two years. Under Egyptian law, a husband who kills his wife after finding her in bed with another man would be charged with a non-felony crime, while a woman doing the same would be charged with a felony. In Lebanon, men have also received lighter sentences for such cases of murder than women have.

By 2007, there were no reported cases where a Syrian woman successfully filed for divorce based on adultery. A Kuwaiti woman who has been physically abused may initiate divorce but she must provide at least two male witnesses to attest to the injury committed. In Jordan, a woman can divorce without cause provided she gives up her financial rights, which she can keep if she can prove that she was physically abused. From 2001 to 2005, only 500 Jordanian women initiated and received divorces. A Jordanian man could still divorce without providing any reason, although he had to pay his wife’s expenses for at least one year and no more than three.

After a divorce when there are children involved, there are few Islamic Middle Eastern countries in which a woman has been able to become a legal guardian of the children. This has meant that although the children have been able to stay with mother in several countries just until the end of childhood—age seven for both boys and girls in Iran, 13 for boys and 15 for girls in Syria—she has had to rely upon the father to register for school or for passports. It has also meant that divorced mothers who remarry have lost custody of their children. Even in countries like Morocco and Tunisia a woman has only been able to become a legal guardian if her husband were deceased or legally incompetent, while in countries governed by Shari’a that right has gone to paternal grandparents.

The only such nations where women have been able to pass on nationality are Tunisia, Algeria, and Egypt. In the UAE, a woman has been required to surrender citizenship if she marries a man who was not a citizen of a Gulf state. These laws have created major logistical problems for those families with members without citizenship. Non-citizens must constantly renew residence permits in their own country, cannot travel without visas, and are prohibited from holding certain jobs (such as in the government). Morocco, Jordan, and Bahrain have adopted measures to allow children from a citizen mother and a non-citizen father to receive more services and benefits if the family decides to reside in the mother's country.

In most of the Middle Eastern Islamic countries, even Tunisia, women have inherited less, usually half the amount that men inherit. A woman who is an only child still receives only half, with the rest going to the closest male relative. These inheritance laws have been fair, say some, because male Muslim heirs have the duty to provide for all family members, which women do not. Even in Saudi Arabia, a
woman has been allowed to keep her money throughout marriage, while in Syria a male heir can even be sued if he doesn’t provide financially for his close female relatives.

In a courtroom, women in those countries with a strict interpretation of Shari’a, such as Iran and Saudi Arabia, have considered a woman’s testimony worth half that of a man, and a woman’s life half that of a man for purposes of blood money—murder cases which are settled by payment from the perpetrator’s family to the victim’s family.

Courts in the region have been reluctant to go after perpetrators of domestic violence. Although 97 percent of those in the Arab Human Development Report poll believed that women should not be subject to physical violence, domestic violence has been rampant. In Bahrain, an estimated 30 percent of the nation’s married women were victims of verbal, physical, or psychological spousal violence in 2004, while in the UAE the figure was 66 percent. In Syria, 25 percent of married women have claimed to have been beaten.

Yet there is no Islamic Middle Eastern nation with a law clearly prohibiting domestic violence or marital rape, and courts have made it difficult to prove. In Algeria, spousal abuse can be prosecuted only if a victim were incapacitated for over two weeks and had a doctor’s evaluation. Not surprisingly, a 2004 study by women’s groups there found that 70 percent of domestic violence victims did not file a complaint. A Bahraini man convicted in 2004 for beating his wife to death was found guilty to a lesser degree, involuntary manslaughter, because the court ruled that the beating was a form of discipline. In Saudi Arabia, Rania al-Baz, host of a popular morning show, lapsed into a coma in 2004 as the result of a brutal beating from her husband. Her husband, however, only ended up serving three months and receiving 300 lashes, after he worked out an arrangement with Baz, who agreed to a lesser sentence in return for a divorce and custody of her sons.

Muslim clerics both parallel and inspire the judicial situation. They may set limits on domestic violence—one suggesting that hitting be done with a toothpick—but do not oppose it, which has meant effectively endorsing it. For example, Lebanese cleric Zakariyya Ghandur provided specific advice for wife beaters saying on television that:

Disciplining by beating occurs as a reprimand—not brutal beating. Brutal beating is forbidden. Use of a ruler or... beating on the hand, the shoulder, the buttocks, or anything like that [is permitted] as a reprimand of a woman when all methods of guidance have failed. [This should be] like a mother or father who beat their son or daughter to prevent them from wrongdoing, and not out of hatred or animosity.3

Muslim women are also victims of “honor killings.” This usually occurs to unmarried women who were killed by a close relative after they were believed to have “disgraced” their family by having sexual relations, or even unchaperoned contact, with a man who was not a relative. Whether the woman was a willing participant or was raped was not even relevant; she had to be murdered to save the family’s honor, a situation which largely or partly exonerated her murderer. This has been practiced in many countries including Egypt, Iraq, Jordan, and Lebanon, and has been tough to eradicate.

Take the case of Jordan, where in 1998 some 100 women were the victims of honor
crimes. When in 1999, King Abdallah tried to increase the punishment—which in some cases was only three months—he was met with widespread resistance. The Islamic Action Front issued a fatwa saying that a repeal would, “Destroy... family values by stripping men of their humanity when they surprise their wives or female relatives committing adultery.” According to a Jordan Times poll, 62 percent of Jordanians opposed increasing punishments. The monarch’s effort to tighten the punishment passed the Jordanian Senate but was rejected by the lower house.

Lebanon, whose legal system once outright pardoned honor crime murders, has recently allowed those responsible to get a reduced sentence if they personally saw their victim having sex with a man other than her spouse. However, sometimes even that has not been necessary. In 2005, a 19-year-old Lebanese man who admitted stabbing his older sister to death simply because he thought she was guilty of adultery was sentenced to six months in jail. In 2001, Lebanon held a conference on honor killings citing evidence that on average, one woman per month is killed by a close male relative, although activists believe the figure to be higher.

EDUCATION AND THE WORK FORCE

The area in which women have made the greatest gains has been in education, although the successes there have also been mixed. In 2005, half of all women in Arab countries were illiterate compared to only one-third of men, and only three-quarters of women had access to education compared to four-fifths of men. Those Arab countries that were less wealthy, such as Yemen, Egypt, and Morocco, had female literacy rates of less than 50 percent of women in 2006. The most significant educational gains for women were in the wealthy Gulf nations of Bahrain, Qatar, and the UAE—usually among the most conservative with respect to rights for women but where education has been guaranteed free through university for all citizens. In these countries, and also in Jordan, between 80 to 85 percent were literate.

In all but four Arab countries, less than 80 percent of girls were attending secondary school in 2005. Higher percentages were found in Qatar, Jordan, and the Palestinian Authority. One of the worst rates was in Yemen, where only 20 percent of females were in secondary school—less than half that of boys in school.

At least as many women as men were studying in universities in Algeria, Bahrain, Jordan, Kuwait, Lebanon, Libya, the Palestinian Authority, Oman, Qatar, the UAE, Saudi Arabia, and Tunisia. In Kuwait, Qatar, and the UAE more women than men were in universities. Yet part of the reason for this was that a certain percentage of men had left the country to study abroad, something which many female students usually could not consider because of parental objections or restrictions on traveling. Female university students in some countries have faced discrimination. Kuwait University increased the minimum grades needed for women to get accepted into the departments of engineering and petroleum so that more men could be admitted. In Saudi Arabia, women were still prevented from studying engineering, astronomy, physical education, agriculture, tourism, computer science, administration and journalism, and could not attend the King Fahd University for Oil and Minerals in Dhahran—the training ground for the nation’s most lucrative industry, among other subjects.
One field that recently opened to women in a few countries is religious clerical studies. Morocco has taken the lead in this area. In May 2006, 50 women graduated along with 150 men from Dar al-Hadith al-Hassaniyya—a religious seminar once just reserved for men—to become the first female imams, or clerics. These women will not lead prayers, like their male counterparts, but will answer religious queries and teach. The efforts to promote women were pushed by the king as one of several ways to promote a liberal Islam.

Yet the high percentage of female students has not resulted in more women in the workforce. Although 91 percent of those surveyed in the Arab Human Development Report believed that a woman should have an equal right to work, Arab women’s economic participation has been the lowest in the world.

The Arab world only had 32 percent of its women in the labor force in 2005. The greatest number of working women was found in Tunisia, where women represented 36 percent of judges, 31 percent of the country's lawyers, and 51 percent of doctors. In neighboring Morocco during the same time, women comprised 35 percent of the workforce, including one-third of all doctors and one-quarter of university professors. In Syria, working women constituted 13 percent of judges, 15 percent of lawyers, 57 percent of teachers below university level, and 20 percent of university professors.

Even countries such as Saudi Arabia have focused on increasing the number of working women by expanding the kinds of jobs available to them. The UAE also began promoting the role of women in the workplace and has guaranteed public sector employment for all women who have sought it. Women have been the majority of workers in education and health care. By 2000, they were 100 percent of nursery school teachers, 74 percent of primary school teachers, and 54 percent of secondary school teachers. They have even become police officers, military volunteers, and taxi drivers.

Several countries in the Middle East such as Egypt, Bahrain, Lebanon, Tunisia, Morocco, and Kuwait have tried to make conditions easier for working women with paid maternity leave. In Kuwait, for example, women have been entitled to up to two months at their full salary, and an extra four months at half salary if they showed that they were sick due to the pregnancy. Other countries have also passed laws prohibiting gender discrimination in the workplace. For example in 2002, Lebanon’s law was changed to make it illegal for employers to discriminate based on gender in the nature of work, salary, or promotion. Yet women there were loathe to try to sue violators. A group of employers in the Gulf countries said in 2006 that they preferred women for many job openings, because they could pay them ten percent less than their male counterparts, although they also admitted that women were harder-working than men.

An increasing number of women have become more prominent in business by either starting their own companies or rising to high-level positions in others. Most of these women were in the service industry, and more such women than men had family ties to the business. One consistent business growth area for women has been banking to service the growing assets of women. In Bahrain, a woman became the general manager of the National Bank of Commerce while three other women became a bank-branch manager.

With the increase of women in business have come critical networking associations. The 2006 Global Summit for Women, an
annual event drawing female business leaders worldwide, was held in Cairo. The main speakers were Sana’a Mun’im al-Bana, chairperson of the Egyptian Petrochemicals Holding Company; and Sahar al-Sallab, vice chairperson and managing director of the Commercial International Bank, the largest private bank in Egypt. In Egypt by 2005, there were 22 businesswomen’s associations, compared to only one ten years earlier. In 2004, the first Gulf Cooperation Council Businesswomen’s Forum was held in Oman, drawing 400 women.

CONCLUSION

Experts have disagreed as to the causes of the continued gap between female and male rights. Some have blamed Islam. Others have blamed the region’s economic failure, corruption, political oppression, armed conflicts in the region, and scarcity of resources. It has not even been clear how eager those in the Arab world have been for change. Some 88 percent of those participating in the Arab Human Development Report poll said that an Arab human renaissance demanded the rise of women. However, when a 2004 poll conducted by Zogby International asked men and women in Morocco, Saudi Arabia, Jordan, Lebanon, and the UAE to rank the importance of ten different reform issues, they put women’s rights second to last in importance.

Women in the Islamic Middle East have been guaranteed equal rights under their own constitutions and international laws adopted by the government. Yet women have not enjoyed these rights in politics, marriage, divorce, freedom of movement, education, or work.

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