


Spring 2010

Society's Views and the Personal Status Code: A Discussion of Tunisian Men and Women's Roles in Marriage and Divorce

Alexandra Betgeorge
Providence College

Follow this and additional works at: http://digitalcommons.providence.edu/glbstudy_students

 Part of the [Cultural History Commons](#), [International Relations Commons](#), [Other International and Area Studies Commons](#), and the [Other Languages, Societies, and Cultures Commons](#)

Betgeorge, Alexandra, "Society's Views and the Personal Status Code: A Discussion of Tunisian Men and Women's Roles in Marriage and Divorce" (2010). *Global Studies Student Papers*. 18.
http://digitalcommons.providence.edu/glbstudy_students/18

It is permitted to copy, distribute, display, and perform this work under the following conditions: (1) the original author(s) must be given proper attribution; (2) this work may not be used for commercial purposes; (3) users must make these conditions clearly known for any reuse or distribution of this work.

Society's Views and the Personal Status Code:
A Discussion of Tunisian Men and Women's Roles in Marriage and Divorce
(Social Justice and Human Rights)

Alexandra BetGeorge
Global Studies
Box 282 Providence College
(315) 256-3141
abetgeor@friars.providence.edu
Written for Professor Mounir Khelifa, SIT Study Abroad

Abstract

This paper discusses the present characteristics of men and women's expected roles in Tunisian society and family during and after marriage. The relationship between the Personal Status Code's laws and Tunisian society's general mentality were studied to see how they interacted to create men and women's reputations and statuses before and after divorce. Four interviews were conducted with two categories of marriages considered: those with children and those without children. Each category was represented by a male and female divorcé living in the northern suburbs of Tunis, who were each asked to speak of their marriage and divorce process. Each divorcé was treated as a case study of their category. Three professionals working at Centre de Recherches, d'Etudes, de Documentation et d'Information sur la Femme (CREDIF), Femmes Democratiques, and Association Des Femmes Tunisiennes Pour La Recherche Et Le Developpement (AFTURD) were consulted for their knowledge of statistics and Tunisian culture. It was found that the notion of the domestic sphere belonging to the wife is still strongly present today, and is reinforced by Tunisian family law. However, the Personal Status Code provides financial protections to women that are needed because of their high unemployment rate. The majority of female students enrolled in universities is seen as a potential source for change in the law and traditional gender spheres.

Society's Views and the Personal Status Code:

A Discussion of Tunisian Men and Women's Roles in Marriage and Divorce

Research Methods and Possible Weaknesses

Data was gathered from seven interviews. Each interviewee was recommended by a friend, colleague, or professor, as Tunisian culture favors such connections to establish contacts for interviewing. The four divorcés were interviewed over coffee, and a relaxed tone was maintained throughout, while notes were taken on the divorcés' comments. Divorce is a generally sensitive subject in Tunisian culture, so it is likely due to this that some of the interviewees were hesitant at some points. Their responses were not forced if they were not willingly given. Though interviews potentially yield biased responses based on the environment and presence of the interviewer, each divorcé was reassured of confidentiality and was questioned in a place of their choosing so that they might feel comfortable. However, the intention of the study was to observe general Tunisian views of men and women's statuses and roles, so the interviewees' possible hesitance and/or bias were important information in the study. The three professionals from various women's organizations were interviewed at CREDIF over coffee, and asked to provide their conceptions of general Tunisian thought were regarding gender roles.

On Pre-1956 Family Structure and Society in Tunisia

Before independence in 1956, Tunisia's family model was the extended one, in which an individual's grandparents, uncles, aunts, and/or cousins were integral parts of their daily life (Carmilleri 593). The extended family was "the [individual's] source of life, identity, and social legitimacy" (591). In general, the family and society were dominated by patriarchy (592), which extended far past the home into the organizational

framework of Tunisia's political system and the workforce. Under this system, "a strict hierarchy of status and roles [was] established based on accorded concessions: the norm was that each person gave his liberty to the person above him in the hierarchy, relying on the latter to protect him and to look after his affairs" (Carmelleri 594). A particular manifestation of Tunisian patriarchy was the tendency of young couples to live in the house of the husband's family, where the husband's father held influence over the two until they accumulated the means to live independently (Valleu, Locoli 144)

In addition to cohabitation, the family retained the strength of its influence on its younger generation by practicing arranged marriages¹. Traditional marriages were often endogamous, with a supposed preference for marrying one's parallel cousin (Holmes-Eber 50). Arranged marriages derived from a Koranic interpretation in which "women did not give direct personal consent but could only marry through their guardian, who acted as their...representative," and was either their father or the next male superior in rank (Chekir 44). Endogamy served to increase parental control (51) over daughters and sons, along with arranged marriage and cohabitation. It also kept the couple's social interactions within the same family. Although the bride was to leave her family and become part of her husband's (Valleu 144), it was still her own.

In the examples listed so far (but for the bride's representative consent), both men and women were under the influence of their families in relatively similar ways. It is regarding women's restricted interactions with the outside world and polygyny that significant differences between the sexes' treatment are noted. Women's conduct was the gauge of morality and decency in a traditional family (Triki). Consequently,

¹ In a study of five villages in the Kebili region, 98% of men and women married between 1940 and 1945 did not have a choice in their spouse (Valleu 146).

women's behavior was closely monitored. The primary domain of women was the domestic one, and women's social interactions with the outside world were few (Cherif). Most female social interactions took place within the extended family (Holmes-Eber 48), or among neighbors. The adjacent houses in the Tunis medina allowed women to visit neighbors using a rooftop network (Khabcheche) instead of the street. As such, they were further removed from the public sphere, which was regarded as exclusively belonging to men. When women did go out, they wore a *safsari*², acting as a cloth barrier between themselves and the public. Men went to cafes to socialize, and spoke to friends in the streets, as if the latter were a destination in itself. But "women walked with a destination in mind, as if the street were on loan for temporary use" (Khelifa). The presence of the extended family network also lessened the pressure of responsibility on the husband (Carmilleri 592), since he could rely on one of its members for various needs. This presence also decreased the wife's significance because her role could easily be filled by another relative.

When polygyny was legal, a man could take on additional wives, so that one role was shared among multiple women. Polygyny decreased each individual wife's status by filling the one position parallel to the husband with up to four women³, as if four women were equivalent to the status of one man. Also, due to the unilateral divorce that existed before 1956, "a husband could divorce his wife freely and with impunity" (Chekir 44). While neither the husband nor wife may have had a choice in their spouse, the husband could decide whether his wife was adequate enough for him after the marriage, whereas his wife did not have that choice. The wife endured severe consequences from her

² *Safsari*: a billowing white cloth loosely draped over a woman's body and head.

³ The limit imposed by Sharia law.

husband's rejection, because she was seen as a failure and sent back to live with her family in shame (44). It is important to note that divorce among endogamous couples was significantly lower than among non-endogamous couples (Holmes-Eber 12), so that endogamous marriages served as a safeguard against the wife's disgrace. Perhaps this was because divorcing a spouse who was also a family member was more difficult; it was like dissolving one's paternal family as well.

The patriarchal framework around which the network of extended family was built in pre-1956 Tunisia established a society of interdependence, in which the individual was subject to the benefit of the majority, or male superior in relevant cases. Because of this interdependence, the failure of a single person within the group would affect the reputations of every member. Since females were the family's indicators of honor, to protect them was to preserve the family's reputation in society. These customs were influenced by a mix of culture and Islamic law in Tunisian society. While Tunisia's location has made its coasts a highway for incoming invaders, immigrants and refugees, both the conservative inland and liberal coastline communities retained the characteristics of the interdependent, extended family.

The Personal Status Code's Legal Changes to Pre-1956 Customs

[This is a discussion of the legal changes to the traditional family system brought about by the Personal Status Code. The actual practice of these laws in current times will be discussed later.]

The Personal Status Code promulgated by President Habib Bourguiba in 1956 defines the family as "the husband, the wife, and their children" (Kari 2). Redefining the

family after the nuclear model attempted to weaken the old family system, and thus lessen the strength of outside forces on individual men and women, but particularly the latter. The Code was “intended to define the status of women in the family,” and its ratification was revolutionary in how several of the liberties it granted were unprecedented in the Arab world (Chekir 43). The most drastic new law was likely the requirement of “personal consent from both future spouses” for a marriage to be contracted (Art. 3). The end of arranged marriage made the family’s choice of sons’ and daughters’ spouses illegal, thus preventing the traditional family’s influence from affecting another generation. Arranged marriages did continue after 1956, as youth still felt obliged to obey tradition. Referring (again) to a 1996 study of five rural villages in the Kebili region, 78% of men and women married between 1960 and 1970 reported not having a choice in their future spouse (Valleu 146). Among those polled, more women than men claimed not to have made the choice themselves (146). However, by the 1985-1995 generation, 80% of those married selected their spouses independently, and the proportion of men to women in this category was equal (146). In urban areas during this time, the same statistic reached 94% (146). Though the frequency of arranged marriages decreased gradually despite the change in law, their numbers are now almost negligible even in rural regions. This difference implies that recent generations have been able to decide the nature of their marriage for themselves, either adhering to the influence of their family or breaking away from it when their judgment deems necessary.

The other change in marital law brought about by the Code affecting both men and women was a minimum age for entering into a marriage contract (Art. 5). Initially, the ages were set at 17 for a young woman and 20 for a man. In 2007, this was changed

to 18 for both sexes. The minimum age “ostensibly end[ed] the practice of fathers marrying off their young daughters over their objections” (Brandt and Kaplan 129), and further severed influence of the family on the young individual. Although arranged marriages diminished gradually, the ages of both brides and grooms changed immediately after the Code was ratified. Available statistics from 1956 state the average age of a woman at the time of her first marriage was 19.5 years in urban and rural communities. This number has risen by an average of 1.6 years every decade since (Valleu 154). Though the 2007 amendment lowered the man’s age from 20, there is no longer a discrepancy between the minimum legal ages of men and women, suggesting a perception of equal maturity rates between men and women. It also suggests that the family’s influence over daughters and sons should fade at the same rate. Raising the marital age duly increases the age of childbearing (Chekir 44), and thus the chance for women and men to obtain degrees in higher education. Interestingly, “marriage to kin today is not related to the husband’s educational level or household income. In contrast, women with more years of education were statistically more likely to marry outsiders, suggesting that higher education” and age of marriage “may be linked with women’s greater autonomy from the family” (Holmes-Eber 51). The weaker the ties between newly married couples and the husband’s extended family, the greater reliance the husband had on his wife, and thus the higher her status in the marital dyad.

While both the changes in minimum marital age and personal consent to marry granted both men and women greater independence from their families and greater importance as individuals, the abolishment of polygyny raised the wife’s status in the nuclear family. The political scientist Salaheddine Jourchi recalls the new law’s “shock

to collective religious sentiments” (Mezran 115). Since not every marriage was polygynous before the Code, it seems that the concept of banning multiple wives caused great upset to the public because it was a change so contrary to the then-current mentality of unequal status between the sexes. The Code intimated that one wife was equal to one husband in the household, lowering the ratio from a possible four wives filling the corresponding role to one man. Now, the wife could have a greater claim to her household.

The Code also gave the wife a greater claim to her belongings. This was achieved by requiring the husband’s gift of a dowry before a marriage could be consummated (Art. 11) and that the dowry and other assets of the bride cannot to be handled by the husband (Art. 12). Metaphorically speaking, the giving of the dowry required the husband to recognize his wife’s right to her own possessions in the marriage, and thus a degree of independence from him. However, it was not until 1993 that the wife’s legal obligation to obey her husband was abolished (Chekir 45). The 1993 law entitled the wife to freedom from the of will of her husband, as well as previous established freedoms from the influences of her family, her husband’s family, and any other wives in her own home. Despite her accumulating independence since 1956, the wife possesses personal assets and her actions, but currently holds no legal influence over others, including her children⁴. Article 23 of the Personal Status Code illustrates the respective positions of husband and wife within the marriage, stating each of the spouses

shall fulfill their conjugal duties in conformity with usage and custom. They shall cooperate in managing the family’s affairs, the proper education of their children and the conduct of their affairs, including

⁴ Article 8 of the Personal Status Code states “The guardian is the closest agnatic relative and shall be sane, male, and major. The minor, male or female, is to be under the guardianship of the father or a proxy.

education, travels, and financial transactions. The husband, as the Head of the family, shall provide for the needs of his wife to the extent of his means, and in accordance with their importance of their fulfillment. The wife shall contribute to the family's expenses if she owns property.

The loophole lies within the clause, "each of the spouses shall fulfill their conjugal duties in conformity with usage and custom." Though the couple is to cooperate, the husband retains the final say in the running of the household. It would seem as though the wife is to 'cooperate' by ultimately accepting the authority of the husband's opinion over her own. Such behavior would be "in conformity with usage and custom," as would the "her confinement to a traditional role [that] places an excessive value on a woman as wife and mother devoted to the service of the family, and [the] sacrific[e] [of] her personal welfare for the happiness of her husband and children" (Chekir 45). The freedom of the wife from obedience of her husband is contradictory to her expected role in the family: She is still obliged to perform "the conjugal duties required by habits and customs conforming to age-old patriarchal traditions" (46). The wife is to carry out all the responsibilities of her children's legal guardianship without actually holding it. While it may be viewed as a positive provision that the wife is not required to contribute financially to the household unless she can afford to do so, this special protection characterizes her as a dependent incapable of providing financially.

A similar ironically disenfranchising protection continues after divorce. If the purpose for the couple's separation was "material or moral injury suffered, but also if the husband insists on divorce," (Art. 31) the wife earns a life allowance. The allowance should provide "the same standard of living she enjoyed during her married life," and "is to be served until she dies, gets remarried, or lives with someone who caters for her" (Art. 31). The ex-wife is qualified to receive the financial protection until it is possible for someone else to support her, or she dies. The Code does not acknowledge the possibility of the

wife being financially independent. The former husband is entitled to recover for any material or moral damages, but is not entitled to a life allowance (Art. 31).

The greatest protection the Personal Status Code gave to women in the divorce process was likely the abolishment of *talaq*, “unilateral divorce by the husband without judicial intervention” (Brandt 138). This ‘protection’ is the actual right for women to commit an action rather than a limit imposed on others’ actions, or a financial concession others must surrender to her. Tunisian reformers reasoned “because a husband frequently pronounced *talaq* during periods of marital disharmony, judicial intervention is per se required” (Brandt 129). Sharia courts were done away with in 1956, and the Code only legitimizes divorce “carried out before a [civil] court of law” (Art.30).

The Court pronounces a divorce in the following cases:

- 1) in the case of mutual consent between the spouses;
- 2) at the request of either spouse on the grounds of injury that he has suffered;
- 3) if the husband or wife demands it (Article 31).

By studying the diction of Article 31, one can see that unilateral divorce initiated by the husband is still legal, but the wife has the same right. Unlike before, both spouses can decide if the other is inadequate, and the husband is not immune from consequences as he once was. The women’s right to initiate divorce is as significant in the establishment of her autonomy in the nuclear family setting as her right to personal consent in marriage is to the establishment of her independence from extended family.

In spite of the wife’s unique financial protection in marriage and after divorce, the raised marital age, and personal consent to marry brought about by the Personal Status Code, its success is hard to gauge. The vast majority of women remain married, and

therefore under the husband's will and subordinate to the needs of the nuclear family, which were the same problems existing before 1956. While the field of possible sources holding outside authority over men has been sufficiently diminished, further progress remains to be achieved for women.

The presence of such contradictory legislation found in the Personal Status Code is likely due to the fact that it was written three years before the Constitution, before Tunisia's national identity was clearly established. In retrospect, one might observe that "the Code's...promulgat[ion]...can be considered the turning point in the history of Tunisia with regard to the Arab and Islamic world (Mezran 115). After 1956, Tunisia's society was shaped by a body of laws far less associated with Sharia than other societies in the Arab-Islamic sphere. While Bourguiba had been "convinced that the modernization of Tunisian society could only be accomplished by a total rupture with its Islamic heritage," the protest coming from Islamic traditionalists was so strong that he had to accommodate their views or risk social upheaval (Mezran 118). One witness of the situation wrote, "*la lutte entre reformateurs-modernistes et pro-Occidentaux ranges derriere Bourguiba et traditionalists islamistes et panarabes...met tres vite le pays au bord de la guerre civile*" (Mezran 118). Today, the Tunisian government describes the Personal Status Code as one "of Islamic inspiration, which has chosen the provisions of the doctrine of different Islamic traditions while taking into consideration the need to reconcile respect for the Islamic religions with the imperatives of modern life" (Brandt 129). But as Hafidha Chekir, a prominent Tunisian feminist remarks, the Code remains "un triomphe incomplet de la modernité" (Chekir 3).

Interpretation and Analysis

In Islam, there are two categories under which human actions fall: *Helel* and *haram*. Whereas *helel* actions are permissible, *haram* actions are forbidden by Allah. The Koran calls divorce the most grave of *helel*. Before the Code, only man were able to instigate *talaq*, the Koranic divorce that transpired without a court. To be a woman with a divorced status brought on her by what might have been her former husband's whim (Brandt 129), was extremely shameful at the beginning of the twentieth century (Arfaoui). Following *talaq*, the husband would not have had an obligation to financially compensate his ex-wife, and his reputation would remain relatively in tact. The Personal Status Code has changed much of this: Both men and women are now able to commit this 'grave' *helel* action, which the Code defines as "the dissolution of the marriage bond" (Art. 29). As said above, a man now must pay financial damages to their ex-wife in particular cases. However, in the four specific case studies above, the men's reputations still did not suffer as much as the women's after divorce though either sex had the legal right to initiate it.

In none of the cases observed did a woman clearly use her right to divorce, though Karim's divorce seemed to change tone after his father-in-law interfered. Of the three interviews from which information was available on the subject, the interviewed male divorcés had no difficulty dating other women despite their divorced status, and Netya's ex-husband remarried twice (though he had clearly initiated his first marriage's separation). The situation for the two interviewed women has been different. That Monia has not experienced much trouble due her status is conditional, because of the uniquely tolerant community in which she lives, but would have if she lived elsewhere. Netya was

42 when she divorced, making her the oldest of the interviewees at the time of her separation. The emotional strain of her divorce, her age, and the two children in her custody are likely the reasons she did not try to date as much as the others. Less than 7 percent of 2006 weddings in Tunisia were among men and women older than 40 or without declared ages (CREDIF)⁵. Judging by this rate, her chances of remarriage were not high, especially if one is to consider that the rate would have been lower in 1981 when Netya divorced (Arfaoui). That “it is still common for women to censor themselves in their behavior after divorce by not dating, for fear of what others might think of them” could explain women’s lower chances for marrying again (Triki). The most recent government statistics on remarriage rates are from 2006, and show that 48,900 (1.3%) women over 15 in Tunisia were single and divorced, while 15,900 (.4%) men over 15 in Tunisia were single and divorced. Statistics on the number of divorced men are difficult to establish because they tend to remarry more quickly, in the time period between polls (Valleu 169). According to available information, there were 11,711 newly divorced men in 2006, while the total number of male divorcés in Tunisia numbered 15,900. Thus, 35.8 percent of male divorcés at the time of polling were still divorced from previous years. The same figure for women was 76.3 percent. If one considers the rate of divorced individuals’ remarriage an indicator of the damage to their reputation, it seems that divorced women are more than twice as likely than divorced men experience damage.

⁵ All statistics provided in this section are from the Centre de Recherches, d'Etudes, de Documentation et d'Information sur la Femme (CREDIF).

In 2006, 68 percent of divorced men who remarried chose single women as their spouses, and 29 percent chose divorced women. Single women in Tunis are typically more accepting of divorced husbands than single men are of divorced women. But while far less divorced women remarried than men, their next husbands were equally as likely to have been single as divorced, making the previous statement a fading truth. Perhaps these women were all from less conservative areas like Monia, were without children, or perhaps many simply have remarried their former husbands. Regardless of these possible explanations, this statistic shows that divorced women can be perceived as attractive to divorced or single men willing to marry. Though none of those interviewed confessed to be actively looking for a future spouse, chances are that the men are more likely to marry eventually. But if either of the women does remarry, there are equal chances that their new husband will be single or divorced.

Civil Status of Each Spouse Before Marriage According to Gender (2006)

Civil Status Before Marriage	Single Women	Widowed Women	Divorced Women	Undeclared Women	Total (for Men)
Single Men	70,252	172	1,699	697	72,820
Widowed Men	1,112	161	401	16	1,690
Divorced Men	4,002	109	1,710	72	5,893
Undeclared Men	471	3	32	431	937
Total (for Women)	75,837	445	3,842	1,216	81,340

(Example: 172 single men married widowed women in 2006.
3842 divorced women remarried in 2006.

The law and society's views both work to reduce the remarriage rate among divorced women with children. The Personal Status Code forbids the remarriage of divorced women who have custody of female children, until the latter reach the age of majority, at 20 (Art. 58). Furthermore, though the law applies specifically to girls, remarriage of the divorced mother with custody of any children from her former marriage is still frowned upon by society in general (Arfaoui). If a divorced mother adheres to these stipulations, she is likely to be well into middle age before she might consider remarriage, and the greater one's age regardless of sex, the less likely they are to remarry. The women who do marry again are likely to be without children, though they might have to face the prejudices held against them because of their virginity that Monia mentions.

“Upon divorce, custody of the children may be granted to either spouse, based on the interests of the child, though often courts tend to favor the mother” (Brandt 130). Article 58 states “if custody is awarded to a male person, he shall ensure the availability of a woman who will look after the child.” As discussed above, the Code's laws were written to weaken the ties between the nuclear and extended families, so the custodial father is seemingly encouraged not to rely on the network of women from his extended family, but outside it. If the father with custody chooses not to rely on his extended family, he can either pay for a nanny or remarry. Netya's ex-husband was in keeping with the law by remarrying within months after the divorce, though the tension caused by the father's new family hurt his son.

Still, it is usually the mother who takes custody of all the children, with the father having visitation rights on the weekends (Nouira). This is the divorce agreement

Housseem shares with his ex-wife. Housseem says that he would like to see his daughter “a bit more,” not that he would like to have custody or see her often throughout the week. However, he had a visitation agreement that was not rigid, so he could easily see his daughter on a weekday afternoon with no major problem. Tunisian fathers are usually characterized as being more distant from their children than mothers (Valleu 168), which is probably because of the traditional male sphere being outside of the home. But the Personal Status Code only reinforces this distance after divorce by giving them less visitation time, and thus a less active role in their children’s lives.

The Code also encourages the same financial dynamics as during the marriage, in which the father pays for much of the children’s living expenses while retaining their legal guardianship. Again, it is the mother who carries out the daily responsibilities of the children’s upbringing while the father “pays the responsibilities away” (Arfaoui). Regarding the financial dynamics of their married lives, both Netya and Monia complained of their husbands’ scrimping, while neither Karim nor Housseem said anything negative about their wives’ finances. Then again, the two women were in marriages with husbands who had significantly higher paychecks, and first relied financially on the latter.

After their divorces, three of the four interviewees were unhappy with the financial settlements. Netya thinks she should have received a higher life allowance, though she was probably one of the first women to receive it, because it was a new provision passed the same year she got divorced (Brandt 130). Karim was resentful of the fact that his wife won a higher percentage of their marital assets, and was allegedly jealous of his wife’s higher paycheck. Housseem conveyed he did not think it fair that the

Code's laws place the responsibility of paying alimony for children on the father if the wife brings in a comparable salary. He thinks the Personal Status Code does not treat "modern salaried couples" as individual cases, and that the financial protections granted to women are excessive for the women of his demographic, though necessary for women of lower socioeconomic status. However, it can be assumed that whichever former spouse loses more money in the divorce process will also be the one less pleased with its role in it. Husbands in Karim's position must become more accepting of their wives' higher salaries in the future, if old social views of the husband as the sole breadwinner are to fade. The Code must also alter its tenets if it is to cease promoting the same unequal roles of mother and father after divorce that dominate during marriage.

The assertion of the previous statement seems to be a good idea, but perhaps making the Code's interpretation more flexible for couples of different socioeconomic levels, as Houssein suggested, is a better solution. While the Personal Status Code and Tunisia's secular Constitution have given Tunisian women "more rights and protections than any other country in the Arab world," the active participation of women in the workforce stays at a rate of 27 percent (Triki). This reality makes the excessive financial responsibility assigned to a divorced father a small price to pay when most of the female population holds no employment, and "those who do usually make lower salaries than their husbands" (Triki). An explanation for low female employment might be that women who work on family farms or make handicrafts do not consider themselves as employed when questioned in surveys (Hafedh). Furthermore, the women who live on farms do not see themselves as employed because they do not hold ownership of their land; their husbands do (Hafedh). The perceptions that agricultural women hold of

themselves in addition to Tunisia's low female employment rate show how strongly the concept of the separate gender spheres is present in the mindset of Tunisian society.

These perceptions necessitate the Code's financial protections of women, but perpetuate them simultaneously. When asked what she would change in the Code after her divorce experience, Netya only said "the unequal inheritance." If there are many women like Netya, who blame their disadvantaged situation on Tunisian culture and not what the law allows, the necessary pressure from the population to change the law will not develop soon.

For now, education is the strongest promise for future change, because it is the most effective means of establishing one's autonomy (Holmes-Eber 51). In 2007, 60 percent of university students were women, and the average woman's age at her first marriage has risen an average of 5.3 months every year since 1994. The impact of the 10 percent female majority and increasing marital age now could eventually bring about significant change in Tunisia's female employment rate, which would gradually change the traditional separate gender spheres. "The trouble is that there are no social programs to take care of children while mothers work," so if the two parents cannot rely on extended family and do not make enough money to pay a private caretaker, the mother is the designated spouse to stay home (Triki). While both interviewees with children said that they had hired help for housework, neither had a nanny. The comparatively liberal nature of Tunisian law cannot be used to assume the realities of society in the family or the workplace.

The Personal Status Code was Bourguiba's top-down attempt at change in Tunisian views of men and women's roles and social structure. While its laws have

afforded autonomy for men, and increasingly, women, it continues to sustain many prejudiced views against women in their expected roles as mothers in marriage and after divorce. Although women have the autonomy to end their marriages, they only continue to live with the same legal and traditional dynamics that restricted them before divorce. The Code's laws giving women financial protection are necessary because of their low employment rate; the law characterizes them as financial dependents because they are. In coming years, the higher numbers of women with advanced degrees might provide more reason to change the financial protection laws in the Code. It seems that this potential change will need to come from the bottom up, when the necessity for the law's excess protections has diminished.

Conclusion

Souad Triki, an economist who works for the Femmes Democrat, the only independent women's rights organization in Tunis, says that the increased numbers of women with a university education are the biggest source of promise for change in the structure of the Personal Status Code and the unequal mentalities that affect it and society. Education will help women recognize that the sources of inequality in Tunisian society are in the law as well as their peers' views. There must be consciousness of the need for alterations in the Code before differences can be made.

“Works Cited”

- Allani, Allea. “Islamic Movements.” *Popular Culture and Globalization in the Arab World*. SIT. SIT, Sidi Bou Said. 19 Oct. 2009. Class Lecture.
- Arfaoui, Khadija. “Social Perceptions of Women in Tunisia Today.” *Private Home*. La Marsa, Tunis. 1 Dec. 2009. Interview.
- Al Assoued, Adnen. *The Code of Personal Status*. Tunis: Centre des Etudes de Lois et Juridiques, 2008.
- Brandt, Michele , and Jeffrey Kaplan. "Tension between Women's Rights and Religious Rights: Reservations to CEDAW by Egypt, Bangladesh...." *Journal of Law and Religion* 12.1 (1996): 104-142. JSTOR. Web. 22 Nov. 2009.
- Carmilleri, Carmel . "Modernity and the Family in Tunisia." *Journal of Marriage and Family* 29.3 (1967): 590-595. JSTOR. Web. 22 Nov. 2009.
- Chekir, Hafidha. "Women, the Law, and the Family in Tunisia." *Gender and Development* 4.2 (1996): 43-46. JSTOR. Web. 22 Nov. 2009.
- Cherif, Selwa. “The Tunisian Family.” *Popular Culture and Globalization in the Arab World*. SIT. SIT, Sidi Bou Said. 7 Sept. 2009. Class lecture.
- Centre de Recherches, d'Etudes, de Documentation et d'Information sur la Femme (CREDIF). *El Manar*, Tunisia.
- Hafedh, Lahmar. “Statistics and Tunisian Cultural Interpretations of Employment.” CREDIF. *El Manar*, Tunis. 20 Nov. 2009. Interview.
- Holmes-Eber, Paula. *Daughters of Tunis*. Boulder, Colorado: Westview Press, 2003.
- Kari, Monia. *L’Autonomie Constitutionnelle et Droit de la Famille. L’Autonomie Constitutionnelle Aujourd’hui*. University of Tunis. University of Tunis, Tunis. 19 Jan. 2001. Printed Lecture.
- Khabcheche, Raja. “Tunisian Traditional Architecture.” *Popular Culture and Globalization in the Arab World*. SIT. SIT, Sidi Bou Said. 20 Oct. 2009. Class Lecture.
- Khelifa, Mounir. “Usage of Public Space According to Gender.” *FSS*. SIT. SIT, Sidi Bou Said. 6 Oct. 2009. Class Lecture.
- Mezran, Karim. *Negotiation and Construction of National Identities*. Boston: Martinus Nijhoff Publishers, 2007.
- Nouira, Asma . "Role of the Sharia in the Maghreb." *Popular Culture and Globalization in the Arab World*. SIT. SIT, Sidi Bou Said. 6 Oct. 2009. Class lecture.
- Rosen, Lawrence. "Law and Custom in the Popular Legal Culture of North Africa." *Islamic Law and Society* 2.2 (1995): 194-208. JSTOR. Web. 22 Nov. 2009.
- Triki, Souad. “Social Perceptions of Women in Tunisia Today.” CREDIF. *El Manar*, Tunis. 2 Dec. 2009. Interview.
- Valleu. Jacques, and Therese Locoh. "Les Transformations du Mariage et de la Famille." *Population et Developpement*. 2.4 (2001): 143-169. JSTOR. Web. 22 Nov. 2009.

