



Gender, Culture, and Legal Reform: Women's Rights in Transitional Societies

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ABSTRACT

This study aimed to explore how women, legal practitioners, and civil-society actors in Tehran interpret the relationship between gender norms, cultural expectations, and legal reform concerning women's rights in a transitional socio-legal context. This qualitative study was conducted using semi-structured interviews with 24 participants in Tehran, Iran. Participants were selected through purposive and maximum-variation sampling to include women with lived experience of legal disputes, lawyers, legal consultants, social workers, women's rights advocates, and community-based professionals familiar with gender-related legal issues. Data collection continued until theoretical saturation was reached. Interviews focused on perceptions of women's rights, family law, access to justice, cultural legitimacy, institutional barriers, and the practical effects of legal reform. Interviews were audio-recorded with consent, transcribed verbatim, anonymized, and analyzed using thematic analysis. NVivo software was used to organize codes, compare categories, and refine themes. Trustworthiness was strengthened through member checking, peer debriefing, reflexive memo-writing, and an audit trail. Five main categories emerged from the analysis: legal reform as symbolic recognition but incomplete protection; culture as both a constraint and a resource; institutional gatekeeping and unequal access to justice; women's negotiated agency within family and legal systems; and the need for culturally mediated, enforceable reform. Participants described legal reform as necessary but insufficient when social stigma, family pressure, economic dependency, inconsistent implementation, and limited legal literacy continued to restrict women's ability to claim rights. At the same time, participants emphasized that cultural values could support reform when framed around dignity, family well-being, justice, and social responsibility. The findings suggest that women's rights reform in transitional societies requires more than formal legal change. Effective reform depends on enforceable institutions, gender-sensitive legal services, culturally credible public education, and sustained participation by women and civil society. Reform becomes socially meaningful when legal equality is translated into accessible, trusted, and context-sensitive mechanisms of justice.

Keywords: gender; culture; legal reform; women's rights; transitional societies; access to justice; qualitative research

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Introduction

Women's rights have become a central field through which transitional societies negotiate the meaning of citizenship, legal modernity, cultural continuity, and social justice. In many societies undergoing political, demographic, economic, and cultural transformation, women's rights are not only legal claims but also deeply contested social questions. Debates about family law, inheritance, marriage, divorce, custody, employment, bodily autonomy, violence, and public participation often become symbolic arenas in which competing visions of tradition, religion, national identity, and global human rights are articulated. The legal status of women therefore provides a critical lens for understanding how transitional societies attempt to reconcile inherited normative orders with contemporary expectations of equality, dignity, and rights.

International legal frameworks have strongly shaped contemporary understandings of women's rights. The Convention on the Elimination of All Forms of Discrimination against Women established a comprehensive agenda for eliminating discrimination in political, social, economic, and family life (United Nations General Assembly, 1979). However, the existence of formal international norms does not automatically transform local legal cultures. Merry (2006) argues that human rights norms become effective only when they are translated into local categories of meaning, institutional practice, and everyday justice. This insight is especially important in transitional societies, where legal reform may be adopted in formal terms but interpreted through culturally embedded assumptions about gender, family authority, morality, and social order.

The relationship between gender, culture, and law is complex because culture is not a fixed obstacle to reform. Rather, culture is a field of contestation in which different actors mobilize moral, religious, familial, and national narratives to support or resist legal change. Feminist socio-legal scholarship has long shown that women do not simply experience patriarchy as passive subjects; they negotiate, resist, reinterpret, and sometimes strategically comply with gendered structures in order to protect dignity, security, and social belonging. Kandiyoti's (1988) concept of "patriarchal bargains" remains influential because it explains how women's agency may operate within restrictive gender systems while also revealing the limits of individual negotiation when structural inequalities remain intact. This perspective is relevant for transitional societies in which women may support reform yet avoid openly confrontational claims because of family reputation, economic vulnerability, or fear of social exclusion.

Legal reform affecting women's rights is also shaped by state-building, institutional design, and political opportunity. Charrad's (2001) comparative work on North African family law demonstrated that women's legal status cannot be explained by religion or culture alone; rather, state formation, kinship structures, elite alliances, and political institutions shape the trajectory of legal change. Waylen (2007) similarly argues that transitions may create opportunities for women's mobilization, but they do not guarantee gender-equitable outcomes. Whether women's rights are advanced depends on the strength of women's movements, the openness of political institutions, the framing of reform claims, and the capacity to embed gender equality in enforceable policy. Tripp (2015) further shows that transitional and post-conflict moments may create unexpected openings for women's representation and legal reform, although these gains remain vulnerable when institutionalization is weak.

A key challenge in legal reform is the gap between law on the books and law in practice. Formal equality may coexist with social stigma, discretionary enforcement, procedural barriers, economic dependency, and unequal access to legal knowledge. World Bank analyses of legal gender equality emphasize that laws, regulations, policies, supportive institutions, and enforcement mechanisms all shape women's economic opportunities and practical rights (World Bank, 2026). This distinction between formal law and lived legal capacity is central to women's access to justice. A woman may possess a legal right but lack the financial resources, family support, legal literacy, procedural confidence, or institutional protection required to use that

right. Thus, legal reform must be evaluated not only by statutory change but also by its implementation, accessibility, cultural legitimacy, and effects on everyday life.

The family is one of the most important sites where women's rights are negotiated. UN Women (2019) emphasizes that families can be sources of care, identity, and solidarity, but they can also reproduce inequality when legal and social systems fail to protect women's rights within intimate and domestic spaces. In transitional societies, family law often becomes particularly sensitive because it connects gender equality with marriage, divorce, custody, inheritance, sexuality, caregiving, and intergenerational authority. Reform in this domain may be perceived by some actors as a threat to family stability, while advocates may frame it as necessary for justice, dignity, and the prevention of harm. This tension makes culturally mediated reform essential: rights-based change must be communicated in ways that do not reduce culture to backwardness but instead identify internal cultural resources for equality and protection.

Civil society and women's movements play a crucial role in transforming legal reform into meaningful social change. Htun and Weldon (2012), in a large comparative study of violence-against-women policy, found that autonomous feminist mobilization was a major factor explaining progressive policy change. Their work suggests that legal reform is rarely produced only through elite legislative processes; it is often shaped by sustained advocacy, public discourse, community pressure, professional networks, and transnational norms. Moghadam (2005) likewise highlights the importance of transnational feminist networks in linking local struggles with global rights frameworks. However, in many transitional societies, women's rights advocates must balance rights-based language with culturally acceptable forms of persuasion. They may strategically frame reform around family well-being, social health, national development, or religiously grounded justice rather than abstract individualism alone.

Legal consciousness theory also provides an important framework for this study. Ewick and Silbey (1998) argue that ordinary people encounter law not only in courts but also in everyday narratives, expectations, and interpretations of power. Women's legal consciousness may include trust, fear, skepticism, hope, avoidance, and strategic use of legal institutions. In contexts where women perceive the legal system as costly, slow, socially risky, or inconsistently implemented, they may avoid formal complaint mechanisms even when they recognize their rights. Conversely, when legal reform is accompanied by supportive services, legal literacy, and institutional responsiveness, women may develop stronger confidence in claiming rights.

Despite extensive scholarship on women's rights and legal reform, more qualitative research is needed on how women and legal-cultural intermediaries interpret reform in everyday socio-legal settings. Tehran provides an important context for examining these issues because it is a large urban space marked by high educational attainment, professional diversification, intergenerational change, digital communication, and persistent tensions between formal law, cultural expectations, and women's lived experiences. Urban transitional contexts often intensify contradictions: women may have expanded educational and professional aspirations while still facing gendered family expectations, reputational pressures, and institutional barriers.

Accordingly, this study explores how women, lawyers, advocates, and social-service professionals in Tehran understand the relationship between gender, culture, and legal reform. The study focuses on women's rights not only as statutory provisions but as lived claims shaped by family negotiation, cultural legitimacy, institutional practice, and access to justice. By using qualitative interviews, the study seeks to identify the meanings participants attach to reform, the barriers they experience or observe, and the conditions under which women's rights can become socially enforceable rather than merely formally recognized.

Methods and Materials

This study used a qualitative research design with an interpretive thematic approach. The design was selected because the purpose of the study was to explore participants' meanings, experiences, and interpretations rather than to measure

predetermined variables. Qualitative inquiry is particularly appropriate for examining gender, culture, and legal reform because these phenomena are embedded in narratives, social relationships, institutional encounters, and moral meanings.

The study was conducted in Tehran, Iran. Participants were recruited through purposive and maximum-variation sampling to capture diverse perspectives on women's rights and legal reform. The final sample consisted of 24 participants. Participants included 8 lawyers or legal consultants, 5 women's rights or civil-society advocates, 4 social workers or psychologists working with women and families, and 7 women who had personal experience with gender-related legal processes such as divorce, custody, workplace discrimination, domestic conflict, inheritance disputes, or legal counseling. Inclusion criteria were being at least 18 years old, residing or working in Tehran, having direct professional or lived experience related to women's rights or gender-related legal issues, and willingness to participate in an interview. Exclusion criteria included inability to provide informed consent or unwillingness to allow anonymous use of interview data.

Sampling continued until theoretical saturation was reached. Saturation was considered achieved when additional interviews no longer produced substantially new codes or conceptual categories. After 21 interviews, the main categories were stable; three additional interviews were conducted to confirm category boundaries and refine interpretation. This procedure is consistent with qualitative sampling logic, in which adequacy is determined by information richness, relevance, and saturation rather than statistical representativeness (Guest et al., 2006; Malterud et al., 2016).

Data were collected through semi-structured interviews only. The interview guide was developed based on the study aim and relevant socio-legal literature on gender, culture, legal reform, and access to justice. The guide included open-ended questions about participants' understanding of women's rights, experiences with legal reform, cultural barriers to rights-claiming, family and community reactions to women's legal claims, institutional challenges, and suggestions for improving reform implementation. Examples of interview questions included: "How do you understand the meaning of women's rights in the current social context?" "What happens when formal legal rights conflict with family or cultural expectations?" "What barriers prevent women from using legal protections?" and "What kind of reform would be both effective and culturally acceptable?"

Interviews were conducted individually in private settings selected by participants, including professional offices, counseling centers, and secure online platforms when face-to-face meetings were not possible. Interviews lasted between 45 and 80 minutes. All interviews were audio-recorded with participants' consent and transcribed verbatim. Participants were assigned codes from P1 to P24 to protect confidentiality. Field notes were written after each interview to record contextual impressions, emerging ideas, and reflexive observations. No focus groups were used, because the topic involved sensitive experiences and the research team sought to maximize privacy and narrative depth.

Data were analyzed using thematic analysis following the six-phase approach proposed by Braun and Clarke (2006): familiarization with data, generation of initial codes, searching for themes, reviewing themes, defining and naming themes, and producing the report. NVivo software was used to manage transcripts, organize initial codes, compare coded segments, develop memos, and refine thematic categories. The analysis began with repeated reading of transcripts. Initial codes were generated inductively and remained close to participants' language. Codes were then grouped into broader categories based on conceptual similarity, recurrence, and relevance to the research question.

To strengthen credibility, selected participants were invited to review brief summaries of the emerging findings. Peer debriefing was conducted with two qualitative researchers familiar with gender and socio-legal research. Reflexive memos were maintained throughout analysis to document analytic decisions and reduce the risk of imposing the researchers' assumptions on the data. Dependability was supported through an audit trail including interview guides, coding notes, theme-development documents, and analytic memos. Reporting was guided by the Consolidated Criteria for Reporting Qualitative

Research, which provides a structured checklist for reporting interviews and qualitative study procedures (Tong et al., 2007). Trustworthiness was further addressed through credibility, transferability, dependability, and confirmability criteria (Lincoln & Guba, 1985).

Findings

The study included 24 participants from Tehran. Participants' ages ranged from 24 to 58 years. In terms of role, 8 participants were lawyers or legal consultants, 5 were women's rights or civil-society advocates, 4 were social workers or psychologists, and 7 were women with direct lived experience of gender-related legal processes. Regarding education, 4 participants had a diploma or associate degree, 6 held a bachelor's degree, 10 held a master's degree, and 4 held a doctoral or professional degree. In terms of marital status, 10 participants were married, 8 were single, 4 were divorced, and 2 were widowed. Regarding employment status, 16 participants were employed full-time, 3 were self-employed, 2 were students, and 3 were unemployed or economically inactive at the time of the interview. This variation allowed the study to capture both professional and lived perspectives on women's rights, legal reform, and cultural negotiation.

Participants commonly described legal reform as necessary because it gives public recognition to women's rights and creates a language through which women can name injustice. However, they also emphasized that reform often remains incomplete when it is not accompanied by implementation, legal literacy, affordable services, and institutional accountability. Several participants distinguished between "having a right" and "being able to use a right." For lawyers and advocates, formal legal change was important because it could shift professional discourse, court arguments, and public expectations. Yet women with lived experience often described the law as distant, difficult, and emotionally exhausting. One participant stated, "When people say the law supports women, I ask: where is that support when a woman has no money for a lawyer, when her family tells her to stay silent, and when she is afraid of being judged?" (P12). Another participant explained, "A reform on paper can give hope, but if the office, the court, or the family still treats the woman as guilty for speaking, the reform does not reach her life" (P4). This category shows that participants valued legal reform but evaluated it through practical accessibility rather than formal existence alone.

The second category concerned the dual role of culture. Participants rejected simplistic views of culture as only an obstacle to women's rights. They acknowledged that cultural expectations around family reputation, obedience, modesty, endurance, and sacrifice could discourage women from claiming rights, especially in matters involving divorce, violence, inheritance, or public complaint. However, they also argued that culture contains moral resources that can support reform when rights are framed through dignity, fairness, family responsibility, and protection from harm. A social worker explained, "Many women do not want to be seen as fighting the family. They want respect inside the family. When rights are explained as dignity and fairness, people listen differently" (P16). A legal advocate similarly noted, "If reform is presented as destroying tradition, resistance becomes stronger. But when it is connected to justice, compassion, and preventing harm, even conservative families may accept it gradually" (P9). Participants therefore viewed culture as a contested field in which patriarchal interpretations may restrict women, but alternative cultural narratives may legitimize women's rights.

Participants repeatedly emphasized that women's rights are shaped by institutional encounters. Courts, police stations, legal offices, counseling centers, and administrative agencies were described as spaces where women might receive protection but also experience delay, judgment, humiliation, or discouragement. Institutional gatekeeping appeared in several forms: high legal costs, complex procedures, inconsistent interpretation of law, lack of gender-sensitive communication, pressure to reconcile without safety assessment, and inadequate referral to psychosocial support. One divorced participant stated, "The most difficult part was not only the law. It was going from one office to another and explaining my private life again and again to people who looked at me as if I had done something wrong" (P18). A lawyer added, "Two women with the same problem

may receive different outcomes depending on the lawyer, the judge, the documents, the family pressure, and even how confidently they speak” (P2). This category indicates that access to justice is not merely legal access; it is also procedural, emotional, economic, and relational access.

The fourth category concerned women’s agency. Participants described women as active negotiators who often combine formal and informal strategies to protect themselves. These strategies included consulting lawyers discreetly, seeking support from trusted relatives, delaying legal action until financial stability improved, using mediation selectively, documenting abuse or financial transactions, relying on women’s networks, and using education or employment as leverage. However, agency was often constrained by dependency, fear of stigma, concern for children, and uncertainty about institutional response. One participant explained, “I did not go to court immediately. First, I collected documents, talked to a counselor, found a lawyer, and waited until I had some income. People may think silence means acceptance, but sometimes silence is planning” (P21). Another participant observed, “Young women are more aware of rights, but awareness alone is not enough. They still ask: who will stand beside me if I use this right?” (P7). This category shows that women’s rights practices often emerge through cautious negotiation rather than direct confrontation.

The final category reflected participants’ recommendations for reform. Participants emphasized that effective reform should be both legally enforceable and culturally communicable. They argued that women’s rights should be supported through legal literacy programs, affordable legal aid, gender-sensitive training for institutional actors, stronger enforcement mechanisms, safe reporting systems, and public education that speaks to families and communities. Participants did not view cultural mediation as weakening rights; rather, they saw it as a way to make reform socially intelligible and practically usable. One advocate stated, “We need laws that are clear, but we also need translation—translation into the language of families, schools, religious discussions, media, and counseling centers” (P5). A psychologist added, “If a woman claims her rights and then loses her family, job, safety, or reputation, the reform has failed her. Reform must protect the path, not only announce the destination” (P14). This category suggests that legal reform becomes meaningful when it is supported by institutions, services, and cultural narratives that reduce the social cost of rights-claiming.

Discussion

The first major finding was that participants viewed legal reform as symbolically important but practically insufficient when implementation mechanisms remain weak. This finding aligns with socio-legal scholarship emphasizing the distinction between formal rights and lived access to justice. Legal reform can create new normative language and provide tools for litigation, advocacy, and public education, but rights become meaningful only when individuals can claim them without prohibitive cost, fear, or institutional indifference. Merry’s (2006) argument that international legal norms must be translated into local justice practices is particularly relevant here. Participants did not reject legal reform; instead, they questioned whether reform could reach women’s everyday lives. This finding also corresponds with global evidence showing that legal gender equality requires not only laws but also policies, supportive institutions, and enforcement systems (World Bank, 2026). In transitional societies, the gap between reform and implementation may be especially visible because legal change often moves faster than institutional culture. Therefore, reform should be evaluated through women’s practical capacity to obtain protection, representation, and fair outcomes.

The second finding showed that culture functions simultaneously as a constraint and a resource. Participants described how family reputation, stigma, and expectations of female sacrifice can discourage women from using legal rights. This is consistent with Kandiyoti’s (1988) concept of patriarchal bargains, which explains how women negotiate security and recognition within gendered systems that limit their autonomy. However, participants also resisted a binary opposition between culture and rights. They argued that rights-based reform can gain legitimacy when framed through culturally resonant concepts such as dignity,

justice, compassion, family responsibility, and prevention of harm. This interpretation supports Merry's (2006) view that human rights become effective when localized without losing their protective purpose. It also reflects broader feminist critiques of universalism that emphasize the need to defend women's rights while avoiding simplistic portrayals of culture as static or uniformly oppressive. Culture is better understood as a contested repertoire of meanings. Some interpretations reproduce inequality, while others provide moral language for reform. Thus, legal reform in transitional societies should not ignore culture but engage with it critically.

The third finding concerned institutional gatekeeping and unequal access to justice. Participants' accounts showed that women's ability to use rights depends heavily on interactions with courts, lawyers, police, administrative offices, and counseling systems. This finding aligns with legal consciousness theory, which emphasizes that ordinary people experience law through everyday encounters, expectations, and institutional narratives (Ewick & Silbey, 1998). When women encounter judgmental communication, procedural delay, financial barriers, or pressure to reconcile without protection, the legal system may reproduce inequality even when formal rights exist. The finding also supports UN Women's (2019) emphasis on the importance of bringing equality and justice into family life and domestic contexts, not merely public law. In gender-related disputes, women's legal problems are rarely only legal; they are also emotional, economic, familial, and social. Therefore, institutional responses must be integrated. Legal aid, psychosocial support, safe referral pathways, and gender-sensitive procedures are necessary for transforming formal reform into accessible justice.

The fourth finding highlighted women's negotiated agency. Participants described women as strategic actors who use both formal and informal pathways, including legal consultation, documentation, family negotiation, employment, counseling, and peer support. This finding complicates narratives that portray women either as passive victims or fully autonomous rights-bearing subjects. In transitional settings, women's agency is often relational, cautious, and context-dependent. Kandiyoti's (1988) framework helps explain why women may delay legal action or pursue indirect strategies: such actions may reflect realistic assessment of risk rather than lack of awareness. Sen's (1999) capability approach is also relevant because it emphasizes that freedom depends not only on formal entitlement but on real opportunities to act. Participants' narratives showed that legal awareness increases agency only when combined with financial security, social support, and institutional protection. Therefore, women's empowerment should not be reduced to informing women of their rights; it must also expand the conditions under which using those rights becomes safe and feasible.

The fifth finding suggested that reform must be both culturally mediated and enforceable. Participants emphasized that public education, legal literacy, family-oriented communication, professional training, and institutional accountability are necessary for meaningful change. This finding is consistent with research on women's movements and policy change. Htun and Weldon (2012) demonstrated that autonomous feminist mobilization plays a crucial role in progressive policy development, especially in relation to violence against women. Their finding helps explain why legal reform requires sustained civil-society engagement rather than isolated legislative action. Waylen (2007) similarly argues that transitions create opportunities for gender reform only when women's mobilization interacts effectively with institutions. Charrad's (2001) work also supports the view that women's rights reform depends on political and institutional structures, not simply cultural belief. The present findings extend these arguments by showing that participants valued culturally credible reform but insisted that cultural mediation should not become an excuse for weak enforcement. The challenge is to design reforms that are socially intelligible, institutionally reliable, and rights-protective.

Limitations: This study has several limitations. First, participants were recruited from Tehran, and the findings may not represent women's experiences in smaller cities, rural areas, or different cultural and socioeconomic contexts. Second, the sample included participants who were willing to discuss gender and legal reform, which may have resulted in stronger

awareness of women's rights than exists in the general population. Third, because the study used semi-structured interviews only, it relied on self-reported narratives and did not include observation of courts, legal aid centers, or family mediation sessions. Fourth, the sensitivity of the topic may have influenced how openly participants discussed family conflict, institutional criticism, or personal legal experiences. Finally, qualitative findings are not statistically generalizable; instead, they provide analytical insight into meanings, processes, and perceived barriers.

Suggestions for Future Research: Future studies should compare women's experiences of legal reform across different regions, social classes, ethnic communities, and age groups. Comparative research between Tehran and smaller cities could clarify how urbanization, education, employment, and institutional availability shape women's access to justice. Future research may also examine the perspectives of judges, policymakers, religious scholars, police officers, and family mediators to better understand institutional interpretations of women's rights. Longitudinal qualitative studies would be valuable for exploring how women's legal consciousness changes before, during, and after legal disputes. Mixed-methods research could also measure the relationship between legal literacy, economic independence, social support, and willingness to use formal legal mechanisms.

Suggestions for Practice: Policymakers and legal institutions should treat women's rights reform as an implementation process rather than a purely legislative event. Legal aid should be expanded for women who cannot afford representation, and gender-sensitive training should be provided for lawyers, judges, police officers, social workers, and administrative staff. Public legal education should use culturally credible language that connects women's rights with dignity, justice, family well-being, and protection from harm. Counseling centers, legal clinics, and community organizations should develop coordinated referral systems so that women do not have to navigate legal, emotional, and economic problems alone. Reform should also include monitoring mechanisms to ensure that formal rights are applied consistently and safely.

Conclusion

This qualitative study explored how women, legal professionals, advocates, and social-service practitioners in Tehran understand the relationship between gender, culture, and legal reform in relation to women's rights. The findings show that legal reform is valued as a source of recognition and possibility, but it becomes meaningful only when supported by accessible institutions, social legitimacy, legal literacy, and enforceable protection. Participants viewed culture not simply as an obstacle but as a contested field in which both restrictive and emancipatory interpretations exist. Women's agency appeared as negotiated, strategic, and relational, shaped by family pressure, economic dependency, institutional trust, and available support networks.

The study suggests that women's rights in transitional societies cannot be advanced through formal legal reform alone. Reform must be translated into everyday justice through gender-sensitive institutions, culturally grounded communication, affordable legal services, and sustained civil-society participation. The central challenge is not whether culture or law should prevail, but how legal equality can be made socially meaningful without compromising women's dignity, safety, and autonomy. In this sense, effective reform requires a dual commitment: strong rights-based legal protection and careful attention to the cultural and institutional conditions through which women actually claim those rights.

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Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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