Supplementary Materials

1. Family Law Index

Each element of the Index is coded (0,1) to indicate whether or not the provision in question disadvantages women or promotes equal rights. The maximum score, 13, indicates that a country’s family laws are free from discrimination in all thirteen areas while the minimum score (0), means that a country discriminates against women in all thirteen dimensions analyzed. Chronbach’s alpha for these 13 items is .91.

**Table 1. Family Law Index**

|  |  |  |
| --- | --- | --- |
| **Element** | **Description** |  |
| Inheritance | Men (sons, brothers, widowers) inherit more than women of equal status  | 0 = yes; 1 = no |
| Spousal rights and duties | Men have more power over women: the law stipulates, for example, that wives must obey their husbands | 0 = yes; 1 = no |
| Guardianship | The father holds and/or exercises parental power and/or legal guardianship over minor children | 0 = yes; 1 = no |
| Marital Property Regime | The marital property regime discriminates against women, for example, by naming the husband as executor of community property | 0 = yes; 1 = no |
| Right to work | Wives need their husbands’ permission to work and/or husbands can legally prevent their wives from working | 0 = yes; 1 = no |
| Name | The law requires a common marital name | 0 = yes; 1 = no |
| Minimum marriage age | No minimum age of marriage or different minimum ages for women and men | 0 = yes; 1 = no |
| Consent | Marital consent discriminates against women, for example by providing that the consent of people other than the spouses validates a marriage | 0 = yes; 1 = no |
| Marriage ban | The law forbids people (or only women) from marrying certain categories or groups besides relatives  | 0 = yes; 1 = no |
| Divorce | Men and women do not have equal rights to divorce or the country does not legally permit divorce | 0 = yes; 1 = no |
| Custody after divorce | The law gives fathers guardianship or custody of children following divorce, even if the mother has temporary custody | 0 = yes; 1 = no |
| Property after divorce | The division of property after divorce favors the man, for example, by presuming that he will keep common property such as the marital home, even if the wife keeps her own property | 0 = yes; 1 = no |
| Adultery | Laws on adultery are more favorable to men, for example, by defining men’s adultery as different from women’s | 0 = yes; 1 = no |
| TOTAL | 13 = highest sex equality score; 0 = lowest score |  |

Each element of the Index is weighted equally. Our measure provides a sense of the extent of equality across many areas of family law. We do not claim that each area is equally salient in all national cases. Equal weighting offers simplicity and transparency, important features of a new measure. The detailed item scores will be available on our website upon publication for those who wish to try other weighting schemes.

Our dataset contains scores for each country included in the analysis at four points in time: 1975, 1985, 1995, and 2005. The average score for the whole dataset is 10.1 and the standard deviation is 3.67.

The countries in this study include: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Denmark,, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kazakhstan, Kenya, Lithuania, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Romania, Russia, Saudi Arabia, Slovak Republic, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan, Tanzania, Thailand, Turkey, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Vietnam.

The seventy countries that comprise our dataset were selected to ensure variation in our independent variables. Our dataset includes countries with a full separation of religion and state and others where they are significantly intertwined, high and low religiosity, high and low levels of feminist mobilization, parties and non-parties to CEDAW, many and few women in parliament, and varying levels of democracy, among other factors. These countries encompass some 85% of the global population and include every world region.

Data for this study were gathered by a team of researchers who reviewed primary source documents (such as national family and civil codes, legislative language and preambles, and Supreme Court decisions), and secondary literature such as legal doctrine, law review articles, and studies by women’s rights organizations such as Women Living Under Muslim Laws (WLUML), Musawah, and the Center for Reproductive Law and Policy.

In federal countries without national family codes, we were often able to code federal court decisions establishing parameters constraining state laws and influential laws (such as the Mexican Federal Civil Code). In countries with multiple legal systems (India, Israel, Kenya, Malaysia, Nigeria, etc.), we tended to code the law applying to the majority population (such as the Hindu Code Bill), and statutory law (as opposed to uncodified customary law).

These data were supplemented by interviews with legal and women’s rights experts from several countries (including Argentina, Brazil, Canada, Chile, China, India, Israel, Japan, and Malaysia). Two or three researchers coded each element of the Family Law Index in each country, and there was a high degree of agreement. Codes were thoroughly reviewed by the PIs. In addition, parts of the database were checked against the World Bank’s Women, Business, and the Law database (2011), confirming its validity. It took approximately five years to gather data (which were compiled between 2006 and 2010) and code family law in 70 countries, which is why the most recent year covered is 2005.

The formal equality measured by our index is important because it signals an elimination of legal sex discrimination. Some scholars are critical of those who focus on formal sex equality (Rhode 1989), and we agree with many of these critics that eliminating sex discrimination is not sufficient for the achievement of full, substantive sex equality. Nevertheless, we contend that formal equality is an important component of sex equality more generally and is more variable globally and over time than many people realize. Our Index captures the degree to which states have upheld the value of equality by eliminating the most egregious and disadvantageous sex differences in family law, setting the stage for more nuanced legislation and jurisprudence that accommodates women’s differences.

Our Index measures formal law, not its enforcement or other social practices. In many cases, there may be a gap between the law on the books and the law in action, and the countries in our study vary in the extent of their lawfulness (Kaufmann, Kraay, and Mastuzzi 2010). Even so, the law on the books remains important because we cannot measure, explain, or compare the divergence of the law from social practice without having a sense of what the law is. And the law, even when violated, constitutes a reference point for political struggles as it has great symbolic power (Glendon 1987; Habermas 1996).

**Table 2. Family Law Index Scores**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Country** | **1975** | **1985** | **1995** | **2005** |
| Algeria | 1 | 1 | 1 | 5 |
| Argentina | 9 | 9 | 12 | 12 |
| Australia | 12 | 12 | 13 | 13 |
| Austria | 12 | 12 | 12 | 13 |
| Bangladesh | 4 | 4 | 5 | 5 |
| Belgium | 13 | 13 | 13 | 13 |
| Botswana | 8 | 8 | 8 | 13 |
| Brazil | 8 | 9 | 12 | 13 |
| Bulgaria | 13 | 13 | 13 | 13 |
| Canada | 9 | 11 | 13 | 13 |
| Chile | 7 | 7 | 9 | 12 |
| China | 12 | 12 | 12 | 12 |
| Colombia | 12 | 13 | 13 | 13 |
| Costa Rica | 13 | 13 | 13 | 13 |
| Croatia | 13 | 13 | 13 | 13 |
| Cuba | 12 | 12 | 12 | 12 |
| Czech Republic | 13 | 13 | 13 | 13 |
| Denmark | 13 | 13 | 13 | 13 |
| Egypt | 1 | 1 | 1 | 1 |
| Estonia | 13 | 13 | 13 | 13 |
| Finland | 13 | 13 | 13 | 13 |
| France | 12 | 13 | 13 | 13 |
| Germany | 8 | 12 | 12 | 12 |
| Greece | 6 | 13 | 13 | 13 |
| Hungary | 12 | 12 | 13 | 13 |
| Iceland | 12 | 12 | 13 | 13 |
| India | 8 | 8 | 8 | 9 |
| Indonesia | 8 | 8 | 6 | 6 |
| Iran | 5 | 1 | 1 | 1 |
| Iraq | 6 | 7 | 7 | 7 |
| Ireland | 11 | 11 | 11 | 12 |
| Israel | 6 | 6 | 7 | 9 |
| Italy | 12 | 13 | 13 | 13 |
| Ivory Coast | 7 | 7 | 7 | 8 |
| Japan | 11 | 11 | 11 | 11 |
| Jordan | 1 | 1 | 1 | 2 |
| Kazakhstan | 13 | 13 | 13 | 13 |
| Kenya | 7 | 7 | 7 | 8 |
| Lithuania | 13 | 13 | 13 | 13 |
| Malaysia | 4 | 4 | 4 | 4 |
| Mexico | 12 | 12 | 12 | 12 |
| Morocco | 2 | 2 | 4 | 10 |
| Netherlands | 13 | 13 | 13 | 13 |
| New Zealand | 8 | 11 | 11 | 11 |
| Nigeria | 9 | 9 | 9 | 9 |
| Norway | 13 | 13 | 13 | 13 |
| Pakistan | 5 | 4 | 4 | 4 |
| Peru | 8 | 13 | 13 | 13 |
| Poland | 13 | 13 | 13 | 13 |
| Portugal | 7 | 13 | 13 | 13 |
| Romania | 12 | 12 | 13 | 13 |
| Russia | 13 | 13 | 13 | 13 |
| Saudi Arabia | 1 | 1 | 1 | 1 |
| Slovak Republic |  |  | 13 | 13 |
| Slovenia | 13 | 13 | 13 | 13 |
| South Africa | 8 | 11 | 12 | 12 |
| South Korea | 5 | 5 | 9 | 12 |
| Spain | 8 | 13 | 13 | 13 |
| Sweden | 13 | 13 | 13 | 13 |
| Switzerland | 7 | 11 | 12 | 12 |
| Taiwan | 5 | 7 | 8 | 11 |
| Tanzania | 10 | 10 | 10 | 10 |
| Thailand | 7 | 10 | 10 | 11 |
| Turkey | 4 | 4 | 5 | 12 |
| Ukraine | 13 | 13 | 13 | 13 |
| United Kingdom | 13 | 13 | 13 | 13 |
| United States | 12 | 12 | 13 | 13 |
| Uruguay | 12 | 12 | 12 | 12 |
| Venezuela | 6 | 11 | 11 | 11 |
| Vietnam | 12 | 12 | 12 | 12 |

1. Sources of data for independent variables

Table 3 summarizes our independent variables and sources of data for each. Unless indicated otherwise, data for our independent variables comes from the same year as data for our dependent variable (1975, 1985, 1995, 2005).

**Table 3. Independent Variables: Definition and Sources of Data**

|  |  |  |
| --- | --- | --- |
| **Variable** | **Description** | **Data Source** |
| State religion | Presence of an official state religion (dichotomous) | Barro and McCleary 2005 |
| Religious legislation  | Number of religious laws enforced by the state | Religion and the State Dataset, round 2 (Fox 2008, 2013)  |
| Importance of God | Whether the average ranking of God’s importance is high or low (dichotomous) | World Values Survey Association (2009) question F063 on the importance of God in one’s life |
| Religiosity | Strength of religiosity scale (0-100) | Teorell et al. 2011(see Inglehart and Norris 2003) |
| Religious party | Whether a religious party is one of the three largest parties in government and/or the party of the chief executive (dichotomous) | Database of Political Institutions from Teorell et al. 2011 |
| Former colony | Experience of overseas Western colonial rule (dichotomous) | Teorell et al. 2011 |
| Communist | Current and former communist countries (dichotomous)  | Teorell et al. 2011 |
| Feminist movement strength | Strength of feminist movement (0-2) | Htun and Weldon 2012 |
| CEDAW ratification | Ratification of CEDAW (dichotomous) | UN Treaty Database 2011 |
| Women in parliament | Percent of seats occupied by women in the lower house of parliament (0-100) | Inter-Parliamentary Union 2011 |
| Democracy | Combined Polity Score (-10 to 10) | Teorell et al. 2011 |
| GDP | Log of GDP per capita | Heston, Summer, and Aten 2006 |

III. **Modifications to Existing Datasets**

*State religion*. Barro and McCleary 2005. Barro and McCleary’s data on official state religions covers 1900, 1970, and 2000. We used their 1970 data for our 1975 time point and their 2000 data for our 2005 time point (after verifying and correcting for any changes in state religion in intervening years). In order to fill in our 1985 and 1995 data points, we investigated cases of change in state religion between 1970 and 2000. There were two: Ireland abandoned its state religion in 1972 and Sweden in 2001. In addition, we recoded three cases that Barro and McCleary report disagreement with their data source (Barrett’s *World Christian Encyclopedia*): Spain (1978 constitutional change disestablishing Roman Catholicism), Portugal (1976 constitution), and Italy (1984 concordat).

*Religious legislation*. Religion and the State Dataset Round 2 (Fox 2008, 2013). We modified the RAS index of “Specific Types of Religious Legislation.” According to the 2012 codebook, “This category refers to laws or government policies which legislate or otherwise support aspects of religion. This includes diverse laws and policies including the direct legislation of religious precepts, funding religion, religious monopolies on aspects of policy or law, and giving clergy and religious institution official powers or influence.” For our measure, we deleted laws related to family, personal status, and women’s rights to avoid endogeneity.

*Religiosity*. World Values Survey, question about the importance of God. To maximize the availability of comparable data across countries and years, we created a dichotomous measure that captures whether or not the average respondent reported that God was very important in her/his life (average self-reported score of 8 or greater). Any remaining missing values were estimated based on analysis of secondary sources on individual countries.