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Gender Quotas and Parliamentary Representation

Marguerite El-Helou

Any reader of my first published research on the political participation of Lebanese women can easily detect my vehement opposition to the principle of gender quota and its implementation in Lebanon. As a newcomer to research on women's political empowerment, I lacked in-depth knowledge of the intricacies of the obstacles that faced, and continue to face, Lebanese women who have political aspirations.

Having no personal political ambitions, and facing no obstacles of a discriminatory nature to self achievement and advancement at the professional level, it was hard for me to grasp the logic behind the demands for a women's quota. Simply put, to me, such a proposal was inherently undemocratic, an insult to women, and an underestimation of their ability to make it to power positions based on their competence.

It was only when I ventured into the field of gender and politics to conduct long in-depth personal interviews with female candidates that I became convinced of the need to revise my position. My sample included female candidates that ran in the successive national and municipal elections held in Lebanon since 1996 as well as some of the female candidates who ran since 1953. This conviction grew in intensity upon analyzing the results of some national polls on Lebanese political attitudes and electoral behavior conducted during the last decade. Though the goals of democracy, equality, empowerment, true representation etc... are universal, their definition and the national plans for achieving them must not be separated from the social, cultural, and political contexts within which they are to be implemented and to which they are highly bound. My earlier belief in competence, strong will, and persistence as the only building blocks of the road to achievement of one's goals and rights was shaken. The women quota appeared to be a badly needed temporary measure to break down the social, cultural, and political barriers to actual gender equality in basic, constitutionally protected citizenship rights.

Having stood at both extremes of the continuum of positions on gender quota, I came to recognize the need to disseminate knowledge on, and to raise public awareness of this mechanism as a first step towards promoting equality, a true representative government, and empowerment of women as a developmental goal. Coupled with this came the realization of the need to promote and encourage intellectual and political debate, the sharing of experiences and of lessons learnt, not only in Lebanon but in the Arab world at large. This is why I felt honored and enthusiastic when asked by IWSAW to guest edit this double issue of *Al-Raida* devoted to the issue of gender quotas.

Considering the debate and controversy over gender quota and its effectiveness, we hoped to receive research articles from various parts of the Arab world and to have as wide a regional coverage of and comparison among various experiences and opinions as the size of this issue permits. While this hope did not fully materialize, the quality of the papers we received made



Newspapers, Beirut 2007. (c) Rania Matar. Courtesy of the artist and Galerie Janine Rubeiz.

up for this shortcoming by the questions they raise, the insights they contribute, and the objective assessments they provide.

In her study titled “Gender Quotas In Parliament: A Global View”, Mona Lena Krook provides a theoretical, highly informative discussion and assessment of the various types of gender quota, their respective effectiveness and the major factors behind politicians’ decision to adopt this measure. She argues that, due to a variety of intervening factors, women quotas can be a double-edged sword. They may lead to a host of expected and/or unexpected positive implications, as they may end up defeating the goals they were intended to serve.

Valentine Moghadam’s article “Women, Politics, and Gender Quotas” investigates the use of the quota in the Arab world from a conceptual and comparative perspective in an attempt at providing answers to two often voiced questions/assumptions in Arab intellectual circles: Is the democracy deficit in the region a result of women’s absence from power? and, conversely, will more female involvement in politics through quotas lead to more democratization and a rights-based development in the region?

A similar question is raised by Drude Dahlerup in her study entitled “Women in Arab Parliaments: Can Gender Quota Contribute to Democratization?”. In addition to offering a number of significant insights about the adoption and implementation of the quota system, the author suggests that one of the democratic potentials of the new global gender quota trend is that it may open up the “secret garden of nominations” and thus make it more transparent.

The article by Azza Charara Beydoun on “Women in Power and Decision-making Positions: Conditions and Restraints” presents a brief and condensed account of the factors behind denying Lebanese women access to public office, even when the position requires broad knowledge and experience in women’s issues. Using the National Commission for Lebanese Women (NCLW) as an example, and upon investigating the nomination mechanism for appointing members of the NCLW, Beydoun tries to show how the traditional, mostly sectarian, familial, and regional factors are given precedence over competence in such appointments.

Official proposals to introduce the women quota in Lebanon are approached from three different perspectives. Drawing on the French and Belgian experiences as well as the work of the Lebanese Constitutional Council, Mark El-Makari’s article entitled “The Proposed Gender Quota in Lebanon: Legal Crisis or Democratic Transformation?” focuses on the constitutionality of adopting the women quota in Lebanon and presents an account of the objections that the quota may encounter at the theoretical, constitutional, and practical levels. The second article by Marguerite El-Helou entitled “Women Quota in Lebanon: A False Promise” provides an assessment of the contribution that the two different types of quota proposed for Parliament and the municipal councils respectively may make towards promoting more women representation in Lebanese politics if adopted. It also draws attention to the factors that have delayed the listing of the gender quota on the agenda of decision-makers.

As a response to those who argue that a gender quota is not feasible within an already implemented sectarian and regional quota in Lebanon, Kamal Feghali prepared a detailed proposal supported with statistics showing how a women quota can be added to the existing sectarian and regional quotas in Lebanon. His article is a summary of this project which we couldn’t publish in full due to space limitations.

The last three articles are case studies of gender quota implementation in Tunisia, Morocco, and Sudan. They all emphasize the impact of the type of the existing political system in determining the effectiveness of gender quotas in promoting the political empowerment of women.

Studying the Tunisian case, Kristine Goulding’s article “Unjustifiable Means to Unjustifiable Ends: Delegitimizing Parliamentary Gender Quotas in Tunisia” is very critical of the negative implications of state-sanctioned feminism and gender quota in corporatist political systems on the feminist agenda and the quality of female representation. She argues that, in such systems, women collude in their own gender subordination, become tools of the masculinized state, strike a “patriarchal bargain” and reproduce the same patterns of power and entitlement without promoting change.

Similar patterns appear in the clientelist political system of Morocco as indicated in the study entitled “Gender Quotas in Clientelist Systems: The Case of Morocco’s National List” by James Liddell. The author asserts that the limited space available for maneuvering in such systems ultimately hinders any increase in women’s decision-making abilities on the national level. The author concludes that the gender quota in Morocco did not prove to be an effective means for introducing change either in the patriarchal culture or in women decision-making abilities.

Niemat Kuku, in her article entitled “The Quota System in Sudan: Parties’ Perception of the Way to Enhance Female Political Participation”, discusses the political participation

of Sudanese women and sheds light on their role in the power sharing protocol. Kuku highlights the 2005 interim constitution and discusses women's rights as stipulated within that constitution. The article also discusses the proposals submitted by the various Sudanese political parties for the adoption of a quota system.

The studies included in this issue, with their different assessments of the quota experience in the countries studied, provide a sample of the different views, positions, and assessments found in published works on this issue. Although one cannot deny the role of the type of political system and the power relations within it in determining the nature and extent of the political empowerment of women, few observations are worth making. Implicit in most of those studies is an accusation of women who assume public office through quotas of failing to shape and pursue a feminist agenda among other things. This raises the question as to whether we are having higher expectations of women than they possibly can or want to fulfill, as they, just like men, are guarding the interests and survival of the regimes that brought them to power. Why are our expectations of women always higher than those of men? Why do we always tend to judge such women outside the social, political, and cultural context of which they are part? Finally, do women really form one united bloc with the same ideologies, priorities, aspirations, and agendas? I believe a more realistic and egalitarian approach to assessing women's performance at the political level is called for to practice the equality we preach.

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Call for Papers

Forthcoming Issue:

Women and Science in the Arab World

The Institute for Women's Studies in the Arab World (IWSAW), at the Lebanese American University, is in the process of soliciting articles for the Spring 2011 issue of its quarterly publication al-Raida: <http://www.lau.edu.lb/centers-institutes/iwsaw/raida-call-for-papers.html>, which will focus "Women and Science in the Arab World".

We are interested in receiving academic studies, reviews, and short critical essays that revolve around the issue in question. During economic downturn, science, technology and innovation can serve as a potent source of growth. Although Arab countries are directing their own educational strategies towards science and technology for their socio-economic development, the number of women involved in science and technology is limited.

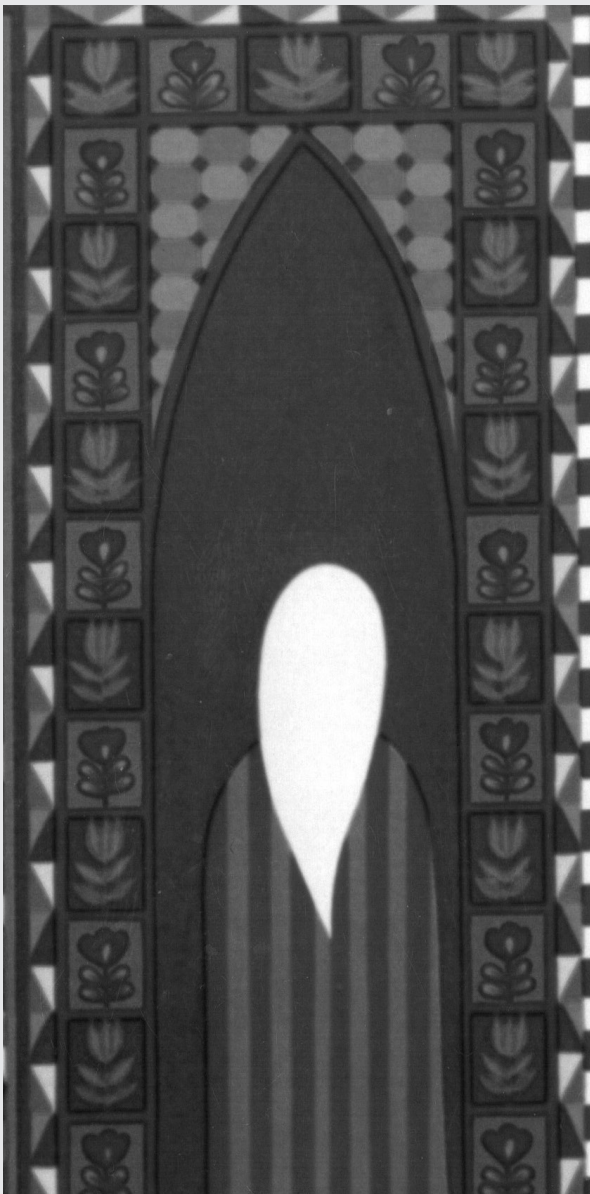
Topics related to Arab women and science can include (but are not restricted to):

- The history of Arab women in science from antiquity to the present.
- Successful case studies of Arab women scientists who excelled in scientific research.
- Overview of Arab women as role models in science.
- Science, technology, and gender related restrictions in the Arab world.
- Role of Arab women scientists in the socio-economic development of the Arab Region.
- Strategies, initiatives, and programs for the empowerment of women in science and technology.
- The role of media in engagement of Arab women in science and technology for development.

If you are interested in contributing to this issue of Al-Raida, kindly send your abstract (250-300 words) by September, 2010. All abstracts submitted are reviewed by Al-Raida's editorial staff and are subject to its approval. Once the abstract is approved contributors will have to submit their paper no later than March 1, 2011. Submissions are accepted in English, Arabic or French. All non-English submissions will be translated by IWSAW and published in English following the approval of the author.

This journal edition will be edited by Dr. Samira Korfali, Chairperson of the Natural Science Department at the Lebanese American University. Kindly send your emails simultaneously to the managing editor, Ms. Myriam Sfeir, at al-raida@lau.edu.lb and to the guest editor, Dr. Samira Korfali at skorfali@lau.edu.lb

Gender Quotas and Parliamentary Representation



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Participation

Gender Quotas in Parliament:

A Global View

Mona Lena Krook

Women occupy 18.5 percent of the seats in national parliaments around the world (Inter-Parliamentary Union, 2009). While this is a small minority of all representatives, the degree of women's exclusion from political office varies enormously across the globe. However, most countries have registered increases in recent years in the numbers of women elected. In many cases, a crucial drive for change has been the adoption of quota policies to facilitate the selection of female candidates. All the same, not all quotas are equally successful in increasing women's political representation: some countries experience dramatic increases following the adoption of new quota regulations, while others see more modest changes or even setbacks in the proportion of women elected. Further, quotas appear to have mixed results for women as a group: some have positive consequences for public policy, while others appear to undermine women as political actors.

To track and make sense of these developments, this article surveys quota policies around the world. The first section discusses electoral gender quotas as a global phenomenon. It outlines three categories of quota policies – reserved seats, party quotas, and legislative quotas – and describes their basic characteristics, the countries in which they appear, and the timing of their adoption. The second section offers four explanations for the passing of quotas related to the mobilization of women, the strategies of political elites, the norms of equality and representation, and the role of international and transnational actors. The third and fourth sections explore why some quotas are more effective than others in promoting female candidates and empowering women as a group. The analysis suggests that quotas are a diverse set of measures that do not always have their desired effects. Nonetheless, they often produce a host of positive implications – both expected and unexpected – in the pursuit of greater equality between women and men in political life.

Gender Quotas as a Global Phenomenon

Electoral gender quotas include three categories of measures: reserved seats, party quotas, and legislative quotas. Despite differences in their features and distribution across world regions, these policies share striking similarities in terms of the timing of their introduction. Before 1990, approximately twenty countries adopted gender quotas. In the 1990s, quotas appeared in more than fifty new states which have been joined by nearly forty more since the year 2000 (Krook, 2006a). As a result, today more than one hundred countries have some sort of quota policy. Because more than seventy-five percent of these measures were passed during the last fifteen years, quotas appear to reflect a growing international norm regarding the need to promote women's political

representation. The United Nations has played a central role in creating and diffusing this new norm through its commitment to women's political participation in Article 7 of the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Strategic Objective G of the 1995 Beijing Platform for Action.

The three types of gender quotas vary in terms of their basic characteristics, the countries in which they appear, and the timing of their adoption. Reserved seats are policies that literally set aside places for women in political assemblies. They are usually enacted through constitutional reforms that establish separate electoral rolls for women, designate separate districts for female candidates, or allocate women's seats to political parties based on their proportion of the popular vote. They guarantee women's presence by revising the mechanisms of election to mandate a minimum number of female representatives. This proportion, however, is often very low: some reserved seats policies mandate as little as one or two percent of all seats, although there are important exceptions, like thirty percent policies in Rwanda and Tanzania. These measures first appeared in the 1930s in India, but have been adopted as recently as 2009 in Egypt. Indeed, they have become an increasingly prominent solution in countries with very low levels of female parliamentary representation. They are concentrated geographically in Africa, Asia, and the Middle East, for example in countries like Rwanda, Uganda, Bangladesh, Pakistan, Jordan, and Afghanistan. In some states, there are no quotas at the national level, but quotas are used very effectively at the local level, as in India and Namibia.

Party quotas are measures adopted voluntarily by political parties to require a certain proportion of women among their parties' candidates. They are introduced through changes to individual party statutes and introduce new criteria for candidate selection to encourage party elites to recognize existing biases and consider alternative spheres of political recruitment. Given their origins with parties, these quotas differ from reserved seats in that they concern slates of candidates, rather than the final proportion of women elected. Further, they generally mandate a much higher proportion of women, usually between twenty-five and fifty percent of all candidates. They were first adopted in the early 1970s by various left-wing parties in Western Europe. Today they are the most common type of gender quota, appearing in parties across the political spectrum and in all regions of the world. They continue to be the most prevalent measure employed in Western Europe, for example in countries like Germany, Sweden, and the United Kingdom. However, they also frequently coexist with legislative quotas in Latin America in states like Brazil, the Dominican Republic, and Mexico.

Legislative quotas, finally, are measures passed by national parliaments that require all parties to nominate a certain proportion of female candidates. They differ from reserved seats in that they apply to candidate lists, rather than the final proportion of women elected. Legislative quotas involve reforming the constitution or the electoral law to alter the meanings of equality and representation that inform candidate selection processes by legitimizing affirmative action and recognizing 'gender' as a political identity. Similar to party quotas, they address selection processes, rather than the number of women actually elected. Unlike party quotas, however, they are mandatory provisions that apply to all political groupings, rather than simply to those who choose to adopt quotas. Legislative quotas typically call for women to constitute between twenty-five and fifty percent of all

candidates. They are the newest type of gender quota, appearing first in the early 1990s, but have become increasingly common as more countries are adopting quota policies. With some notable exceptions, these measures tend to be found in developing countries, particularly in Latin America, for example in Argentina, Brazil, and Mexico, and post-conflict societies, primarily in Africa, as in Burundi and Liberia; the Middle East, as in Iraq; and Southeastern Europe, as in Kosovo and Bosnia-Herzegovina.

Gender Quotas and Policy Adoption

The diffusion of gender quota policies raises questions about how and why these measures have been adopted in diverse countries around the world. The global reach of any policy is unusual, but the rapid spread of quotas is especially striking, considering that many people, including some feminists, voice strong and convincing objections to quotas per se as a strategy for increasing women's political representation (Bacchi, 2006). Some argue against quotas on the basis that they are undemocratic, because they violate the notion that there should be 'free choice' in who is nominated or elected to political office. Others contend that quotas are unfair because they do not allow men and women to compete openly for seats and, as such, discriminate against men. Still others claim that quotas are demeaning to women, because they suggest that women are not capable of winning office 'on their own'. In addition to this normative hostility, the diffusion of quotas is puzzling because it contradicts expectations about the role of self-interest in politics. More specifically, quotas for women appear to challenge the status of the same male politicians and party leaders who pass these policies, as they require that men cede seats to women as a group.

Quotas have nonetheless been accepted in countries around the world. A survey of these cases suggests at least four possible explanations related to who supports quota policies and why they are ultimately adopted (Krook, 2009). The first is that women mobilize for quotas to increase women's representation. Usually, this occurs when women's groups realize that quotas are an effective, and maybe the only, means for increasing women's political representation. The particular women involved in quota campaigns nonetheless vary enormously across cases and may include women's organizations inside political parties, women's movements in civil society, and even individual women close to powerful men, like first ladies or women in top party leadership positions. In all of these instances, however, women's groups pursue quotas for both normative and pragmatic reasons. They believe that there should be more women in politics, but in the absence of any 'natural', automatic trend towards change, they recognize that this is likely to be achieved only through specific, targeted actions to promote female candidates.

The second explanation is that political elites adopt quotas for strategic reasons. Various case studies suggest, for example, that party elites often adopt quotas when one of their rivals adopts them (Caul, 2001). This concern may be heightened if the party seeks to overcome a long period in opposition, having lost a long string of elections, or suffered a dramatic decrease in popularity. In other contexts, elites view quotas as a way to demonstrate some sort of commitment to women without really intending to alter existing patterns of inequality (for example, by deliberately designing very weak quota regulations), or alternatively, as a means to promote other political ends, like maintaining control over political rivals within or outside the party by using it as a pretext to remove male challengers. If these motives are correct, the adoption of quotas

may be less about empowering women in politics and more about how quotas fit in with various other struggles among male political elites.

The third explanation is that quotas are adopted when they mesh with existing or emerging notions of equality and representation. Evidence indicates that gender quotas are compatible in distinct ways with a number of normative frameworks. Some scholars view quota adoption as being consistent with ideas about equality and fair access. They point out that left-wing parties are generally more open to measures such as quotas because these match with their more general goals of social equality. Others interpret quotas as a method to recognize difference and the need for proportional representation. Quotas for women are thus a logical extension of guarantees given to other groups based on linguistic, religious, racial, and other identities. A final observation is that quotas tend to emerge during periods of democratic innovation. In these countries, quotas may be seen as a way to establish the legitimacy of the new political system during democratic transition or the creation of new democratic institutions. Taken together, these arguments analyze quotas in relation to their 'fit' with features of the political context: they do not reflect principled concerns to empower women or pragmatic strategies to win or maintain power.

The fourth explanation is that quotas are supported by international norms and spread through transnational sharing. Over the last ten years, a variety of international organizations have issued declarations recommending that all member-states aim for thirty percent women in all political bodies. These norms shape national quota debates in at least four ways (Krook, 2006b). In some cases, international actors impose quotas by deciding to apply quotas themselves when organizing new elections, or by compelling national leaders to do so themselves through heavy pressure from the international community. In other instances, local women's movements and transnational non-governmental organizations share information on quota strategies across national borders. In still others, international events provide new sources of leverage in national debates, shifting the balance in favor of local and transnational actors pressing for quota adoption. However, in a limited number of cases, international actors seek to prevent quota adoption, despite mobilization by local women's groups and transnational non-governmental organizations (NGOs) in favor of these policies, arguing that quotas do not constitute international 'best practice' for elections.

Gender Quotas and the Election of Women

Quota measures are diverse, and thus differences in their impact are to be expected. However, pinpointing why some quotas are more effective than others is a complicated task: in addition to features of specific quota policies, which affect their likelihood of being implemented, quotas are introduced when variations already exist in the percentage of women in national parliaments. Cross-national variations are thus the combined result of quotas and other political, social, and economic factors that were often at work before the quotas were established. As a result, quotas do not simply lead to gains proportional to the quota policy, but also interact, both positively and negatively, with various features of the broader political context.

In an attempt to untangle these effects, scholars outline three broad explanations related to the impact of quotas on the election of more women to political office (Krook, 2009).

The first focuses on the details of the quota measures themselves. Some studies assert that the impact of quotas is closely connected to the type of measure involved. Most agree that reserved seats generally produce small changes in women's representation, because they are often set at a very low level. Some claim that party quotas are more effective than other types of quotas because they are voluntary measures, adopted for reasons of electoral advantage, while others insist that legislative quotas are more effective because they bind all political parties, rather than merely those who choose to adopt quotas (Jones, 1998).

More recent work delves deeper into variations within and across types, seeking to understand why specific quota measures are more or less effective in achieving changes in women's representation. These scholars argue that the impact of gender quotas stems from the wording of the quota, whether the language used in the policy strengthens the quota requirement or reduces ambiguity or vagueness regarding the process of implementation (Schmidt & Saunders, 2004); the requirements of the quota, whether the policy specifies where female candidates should be placed and to which elections the policy applies (Jones, 2004; Murray, 2004); the sanctions of the quota, whether the policy establishes organs for reviewing and enforcing quota requirements and procedures for punishing or rectifying non-compliance (Baldez, 2004); and the perceived legitimacy of the quota, whether the policy is viewed as legal or constitutional from the point of view of national and international law (Russell, 2000).

A second explanation relates the impact of quotas to the 'fit' between quota measures and existing electoral institutions. Most studies in this vein focus on characteristics of the electoral system, examining how electoral rules facilitate or hinder the potentially positive effect of quotas on women's representation. They observe that quotas have the greatest impact in proportional representation electoral systems with closed lists and high district magnitudes (Matland, 2006), although they also identify idiosyncratic features of particular electoral systems that negatively affect quota implementation, including the possibility for parties to run more than one list in each district, the existence of distinct electoral systems for different types of elections, and the chance for parties to nominate more candidates than the number of seats available (Htun, 2002; Jones, 1998).

Other scholars consider features of the political party system, as well as the characteristics of parties themselves, to discern partisan dynamics that aid or subvert quota implementation. They argue that quotas are more likely to have an impact in party systems where several parties co-exist and larger parties respond to policy innovations initiated by smaller parties, as well as in parties with left-wing ideologies where the party leadership is able to enforce party or national regulations (Kittilson, 2006). Still others observe higher rates of implementation across all parties in countries where the political culture emphasizes sexual difference and group representation, and lower rates of compliance in countries where the political culture stresses sexual equality and individual representation (Inhetveen, 1999).

A third explanation, lastly, outlines the actors who support and oppose quotas and their respective roles in guaranteeing or undermining quota implementation. Much of this literature focuses on political party elites as the group most directly responsible

for variations in the impact of quotas, since the effective application of quotas largely hinges around the elites' willingness to recruit female candidates (Murray, 2004). Most accounts expose the ways that elites seek to mitigate the impact of quotas from the passive refusal to enforce quotas to more active measures used to subvert their intended effect. Such measures can go as far as committing large-scale electoral fraud and widespread intimidation of female candidates, as in Bolivia where male names were given feminine forms or in Pakistan where female candidates sometimes received death threats (Krook, 2009).

Many also mention other actors who play a direct or indirect role in enforcing quota provisions, including women's organizations both inside and outside the political parties who pressure the elites to comply with quota provisions, distribute information on quota regulations both to the elites and the general public, and train female candidates to negotiate better positions on their respective party lists (Krook, 2009); national and international courts which provide an arena to challenge non-compliance and require parties to redo lists that do not comply with the law (Jones, 2004); and ordinary citizens who engage in public scrutiny of parties' selection practices through reports and reprimands that lead the elites to honor and even exceed quota commitments (Baldez, 2004).

Gender Quotas and the Empowerment of Women

Existing patterns of quota adoption and implementation leave many skeptical that these policies will prove beneficial for women. Indeed, evidence from many cases suggests that quotas are not so much a feminist demand articulated by a new global women's movement, but rather reflect more a cynical attempt among elites to mask other struggles under the guise of concern for the political status of women (Krook, 2008). Further, quotas appear to contradict a number of other recent trends in international and feminist politics, namely rising neo-liberalism, a supposed decline in women's movement activity, a growing doubt about the unity of 'women' as a category, and ongoing challenges to links between the numbers of women elected and attention to women's concerns in public policy.

These tensions have led scholars and activists to outline four possibilities in terms of what quotas might mean within larger political processes, and thus for women as a group. The first is that quotas contribute, within a global context of growing neo-liberalism, to an increasing separation between political empowerment, on the one hand, and social and economic empowerment, on the other (Phillips, 1999). In this scenario, the global move towards deregulation of social and economic processes has, ironically, been accompanied by increased regulation of political processes. This has led to a parting in theory and practice between concerns to combat inequalities in the social and economic sphere and concerns to promote equality in the political sphere. From this perspective, quotas appear to be a major concession to the women's movement demands, but in fact serve two decidedly non-feminist ends: to demobilize feminists through the guise of empty promises, and to mask enduring – and, some might argue, more pressing – inequalities among women themselves, particularly along class and racial lines.

The evidence for these claims is mixed. Although neo-liberalism is often associated with the end of special measures to help under-represented groups, concerns to

improve economic efficiency have in fact bolstered the case for quotas. Indeed, international actors like the United Nations often explain their support for these measures on the grounds that the increased representation of women contributes to greater gains in social and economic development (Krook, 2009). In practice, therefore, quotas and neo-liberalism are not mutually exclusive, but instead often partners in the pursuit of a new world order. Similarly, the passage of quota policies has varied effects on the women's movements: while in some countries quotas result in a decline in the women's movement activity (Gaspard, 2001), in others they spur continued mobilization to ensure that quotas are implemented in line with the spirit of the reform (Jones, 2004). As a consequence, gender quotas may undermine the feminist cause, but also may lend renewed energy to feminist organizing.

A second possibility, often raised by feminist critics of quotas, is that these policies result in the election of more women, but only those who will reinforce rather than challenge the status quo. This argument aims to expose why quota policies, which appear to be a radical departure from politics as usual, are often adopted relatively quickly by party leaders and nearly unanimously by national parliaments. To support this claim, most point to the rules for implementing these provisions, which often place considerable autonomy in the hands of party leaders and/or confer extensive discretion to electoral authorities (Htun, 2002). While some parties ignore the requirements imposed by legislation by claiming that they cannot find a sufficient number of qualified female candidates (Murray, 2004), others simply use this opportunity to select a slate of female candidates who are decidedly non-feminist (Abou-Zeid, 2006). Still, others challenge these policies in various kinds of courts, which occasionally overturn quotas on the grounds that they violate basic principles of equality and representation when principles of positive action are not guaranteed by the constitution, or merely refuse to intervene to ensure proper quota implementation.

Although some studies suggest that women elected through quotas are more loyal to party leaders than women who win open seats (Cowley & Childs, 2003), the presence of quotas does not always preclude the ability of women to represent women's concerns. Indeed, in some cases these policies confer a special mandate on women who are elected this way, precisely because their election is intended specifically to improve the representation of women as a group (Schwartz, 2004). Further, while many elites and some male aspirants do seek to subvert the impact of quota provisions through legal or constitutional challenges, some of these efforts (such as misreading of the electoral provisions, instances of electoral fraud, or the threat of court cases) in fact reinvigorate quota campaigns. In a growing number of cases, these renewed efforts lead to new specifications of the quota provisions (Krook, 2009), which can result in dramatic changes in the numbers and types of women elected.

A third expectation is that quotas serve to reify 'women' as a political category. While this creates the false impression of a unified group that does not in fact exist (Mansbridge, 2005), it also restricts the scope of women as political actors, as well as the recognition of the diverse needs of women as a group, by anticipating that women can only represent 'women's issues'. In some cases, these suspicions seem to be borne out: both anecdotal and hard evidence suggest that female candidates are often viewed, or at least perceive themselves to be viewed, as representatives of women, rather than

as representatives of other groups (Childs & Krook, 2006). By contrast, male candidates are rarely seen as advocates only of men – indeed, they are rarely considered as such – but instead as representatives of a host of other social and economic identities.

All the same, quotas vary importantly in the degree to which they essentialize women: some measures are sex-specific, indicating that women are the group that requires special treatment, while others are gender-neutral, providing for a minimum representation of both women and men. In addition, the proportion provided for ranges enormously across quota policies, from as little as one percent to as much as fifty percent, establishing different opportunities for the election of a diverse group of legislators. As a result, some quota policies may create wider or narrower definitions of ‘women’, opening up or restricting the capacity for those elected through quotas to pursue a broad range of policies that might benefit women as a group.

A fourth concern with regard to gender quotas is that they reduce women’s effectiveness as political actors. According to this account, these effects are felt both individually and collectively. On the one hand, women elected both with and without the quota face the possibility of being taken for ‘quota women’, as people who did not earn political office ‘on their own’, thus reducing their esteem in the eyes of voters and their colleagues (Goetz & Hassim, 2003). On the other hand, these perceptions lead – either implicitly or explicitly – to a reduced scope for action, causing many quota and non-quota women to disavow their association with what are considered to be a ‘narrow’ set of female concerns (Childs, 2004).

Some evidence does indeed support this claim: some women do report a sense of decreased efficacy as a consequence of gender quotas. However, many more gain increased confidence over the course of their tenure and bring a range of women-centered issues to political attention. In numerous cases, this influences the political engagement of female constituents, who not only contact their representatives with greater frequency (Childs, 2004; Kudva, 2003) but who also increasingly consider running for political office themselves (Goetz & Hassim, 2003). These patterns suggest that quotas do sometimes negatively affect women’s abilities as political actors, but also often generate a host of positive externalities both for individual women and for women as a group.

Conclusions on Gender Quotas

Gender quotas constitute a growing global phenomenon: more than one hundred countries have witnessed the adoption of quotas, and nearly twenty more are currently considering quota reform. While all quotas share the same basic objective of increasing women’s political representation, these measures are diverse, appearing as reserved seats, party quotas, and legislative quotas, and mandating that women form between one and fifty percent of all candidates. Further, while the overwhelming majority of quota policies have been adopted during the last fifteen years, the specific actors involved in quota debates vary greatly, spanning groups at the civil society, state, and international and transnational levels. Despite their apparently radical challenge to politics-as-usual, patterns of adoption indicate that quotas can reach the political agenda for both principled and pragmatic reasons: Actors may be concerned about empowering women as a group, but may also recognize that quota adoption can serve

other political ends like appealing to female voters and thereby increasing a party's electoral chances.

Moreover, gender quotas can serve both feminist and non-feminist ends. A closer look at the effects of quotas on the election and empowerment of women suggests that particular measures may in fact 'mean' different things within distinct political contexts. Despite their enthusiasm for increased female political representation, many feminists express doubt about the intentions of quota reform. They observe that quotas rarely achieve their stated goals, and may even subvert them. Nonetheless, substantial evidence points to a range of positive implications of quota reform. These patterns suggest that gender quotas have a somewhat complicated relationship with feminist projects of empowerment: while gender quotas can reach the political agenda – at either the party or the national levels – for a variety of reasons, and can serve a number of distinct ends, they often renew feminist engagement with the formal political sphere, with crucial and positive consequences for women as a group.

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Women, Politics, and Gender Quotas

Valentine M. Moghadam

The argument for gender quotas – made by women’s rights activists across the globe – has come about in response to women’s continued collective marginalization from political power. According to data from the Inter-Parliamentary Union (2005), the global average for women’s parliamentary representation is 18 percent, with high rates in the Nordic countries, Rwanda, and Argentina, and low rates in the Arab region and Iran. In the vast majority of countries, political power – legislative, juridical, and executive – rests in the hands of men. In recent decades, therefore, the worldwide growth of a population of educated, employed, mobile, and politically aware women, combined with the diffusion of the UN-sponsored global women’s rights agenda, has increased calls for women’s political participation and representation. One of the mechanisms to realize this objective is the gender quota. Feminist groups around the world favor the implementation of the gender quota – which may come in the form of a constitutional quota, an electoral quota, or a political party quota – but it remains both controversial and elusive, especially in the Middle East.

This article examines the case for gender quotas, provides a conceptual and comparative context for the discussion of its appropriate use in the Arab world, and draws attention to the wider implications and ramifications of women’s political representation.

Conceptual Background

Political scientists have developed a prodigious body of work arguing that in order for historically marginalized groups to be effectively represented in institutions, members of those groups must be present in deliberative, or decision-making, bodies (Weldon, 2002). These would include political parties, parliaments, and national and local governments. And yet, across history, culture, and societies, women as a group have been marginalized from key decision-making arenas in the government sector (national and local government) and the leadership of political parties, as well as in other domains.¹ This is indicative of the gendered nature of politics.

Gender refers to a structural relationship between women and men, which historically has manifested itself as a relationship of asymmetry, domination and subordination, or unequal power relations, between men as a group and women as a group. Here we distinguish the structural/collective from the individual. Across recorded history, individual women may have been more powerful than individual men, but in no society were women as a group more powerful than men as a group. It stands to reason, therefore, that the involvement of larger numbers and proportions of women in

¹ These other domains include civil society (including professional associations and trade unions), the judiciary, academia, the media, and corporate boards.

decision-making both reflects and reinforces changes in gender relations as a structural shift, one characterized by the empowerment of women as a group.

Women's participation in formal politics has been increasing, though in variable ways. In the early 1990s, for example, a precipitous decline occurred in Eastern Europe and the former Soviet Union following the collapse of communism and the emergence of liberal democracies. In a number of regions, however, gender quotas have been installed to ensure equitable representation by women. Women have been elected heads of government or state, and women's presence as senior officials in government agencies also has increased. Today, feminist social scientists argue that a polity is not fully democratic when there is no adequate representation of women (Phillips, 1991, 1995; Eschle, 2000; Moghadam, 2004). The Beijing Platform for Action (para. 181) states that: "Achieving the goal of equal participation of women and men in decision-making ... is needed in order to strengthen democracy and promote its proper functioning".

The global women's rights agenda is a key factor in the progress that has been made, and is found in a number of international instruments sponsored by the United Nations. The key ones are the Convention on the Elimination of All Forms of Discrimination Against Women (adopted in 1979, in force in 1981); the Beijing Declaration and Platform for Action (September 1995), which calls for women's empowerment and human rights in the family, economy, and polity; and Security Council Resolution 1325, on women, peace, and security (October 2000). Goal 3 of the eight Millennium Development Goals, adopted by the international community in the year 2000, pertains to ending gender inequalities in literacy, employment, and decision-making. Governments have signed onto these documents, which hold strong moral legitimacy, especially for feminists and other advocates of women's participation and rights. Broad, long-term structural change is certainly a major determinant of women's political participation, but policy also matters. This is why some developing countries have higher rates of women's political participation in formal political structures than do some of the most developed countries. For example, the application of the gender quota explains why Argentina has a 35 percent female share of parliament, while the United States, which does not have a gender quota, reports a mere 16 percent female share (Inter-Parliamentary Union, 2008). The UN now recommends a benchmark of at least 30 percent female representation for reasons of both equity and impact. Research shows that women need to be at least a large minority to have an impact, and women's issues receive more support when women attain a "critical mass" (Paxton & Hughes, 2007).

Research and advocacy have focused on a number of factors enabling women to advance within political parties, parliaments, or governments: the nature of legislative structures and electoral systems; the strength of civil society organizations; the adoption of women-friendly work policies; social capital and women's networking; and gender quotas.

These macro- and meso-level factors appear to work in tandem: the broad structural changes have resulted in a growing population of educated and employed women with the capacity to enter the political process or to organize and mobilize around specific grievances or goals; and women's movements and organizations lobby governments

and advocate publicly for women-friendly policies, more rights, and equitable representation. At least two transnational feminist networks, along with numerous nationally-based women's groups, have launched campaigns for gender parity in the political process globally. The Women's Environment and Development Organization (WEDO) joined forces with another U.S.-based international network, the Women's Learning Partnership for Development, Rights, and Peace (WLP) to launch the 50/50 campaign, whose objective is to increase the percentage of women in local and national politics worldwide to 50 percent. Since its inception in June 2000, the campaign has been adopted by 154 organizations in 45 countries (Paxton & Hughes, 2007).² The confluence of the global women's rights agenda and women's movements has created a global opportunity structure conducive to the adoption of policies, programs, and resources in support of women's participation in decision-making.

Yet, formidable obstacles remain, operating at economic, political, and cultural levels. Underdevelopment, poverty, and conflict are barriers to women's political participation, and prevent the creation of an adequate supply of women political actors or leaders. Gender-based gaps in educational attainment, employment, and income impede women's access to economic resources, creating obstacles to funding political campaigns. Authoritarian regimes are more likely to be shaped by patriarchal norms and less likely to involve women in political participation. In such countries, discriminatory laws may prevent women from attaining leadership positions in governance. Social and cultural views about women in society – or traditional gender ideology – continue to exert a strong influence on women's access to leadership and decision-making. The persistence of the sexual division of labor – as both ideology and a form of social organization – is remarkable, given women's increasing educational attainment and social participation. Family responsibilities are consistently cited as major stumbling blocks for women's career advancement in politics and other domains, especially in the absence of adequate institutional policies. This is why feminists argue that institutional changes and reforms, in addition to gender quotas, are needed to expand women's public presence. Childcare centers, paid maternity leaves, and paternity leaves could level the playing field, allow women to catch up to men, and compensate for past marginalization and exclusion (Phillips, 1995; Lister, 1997).

Last but not least, risks associated with public and leadership roles should be noted. In many countries, ascension to positions of power or public visibility carries with it various risks, from harassment and loss of privacy to physical attacks, kidnapping, or assassinations. In the most conservative societies, women who dare to enter the public domain without conforming to certain patriarchal norms may face substantial risks.

Comparative Data

A growing literature examines women's roles in formal politics, especially in national parliaments, while women's political participation and representation are measured in a number of international datasets, including those of the Inter-Parliamentary Union (IPU), the UNDP's Human Development Report, and the UN's statistical database, *The World's Women: Trends and Statistics*.³ These datasets, with their comparative statistics, provide general support for the hypothesis linking women's political participation to high human development or to the application of quotas, at least since the early 1990s. Thus, the Nordic countries have consistently ranked highest in terms of both human

2. For more information see: <http://www.wedo.org> and <http://www.learningpartnership.org>

3. For more information see: <http://www.ipu.org/wmn-e/world.htm>; <http://hdr.undp.org/en/>; <http://unstats.un.org/unsd/demographic/products/indwfm/wpub2005.htm>

development and women's political participation – and most of them also have adopted quotas to ensure women's participation in political parties, parliamentary elections, and cabinets. In contrast to the United States' 16-17 percent female parliamentary participation, the Nordic countries have had a roughly 41 percent female share for at least a decade and up to December 2008. Research on Latin America shows that the wave of national quota legislation since the 1990s improved women's political situation in some countries. In 2007, Argentina, the first country in the world to adopt a national quota law, led the region with 36 percent women in its lower house.

At the opposite end of the spectrum lie the countries of the Middle East and North Africa, with historically low levels of female participation in formal politics. The average 10 percent female representation is evidence of the masculine nature of the region's political processes and institutions. Yet even there, differentiation should be noted. According to IPU data for 2008, Tunisia had the highest female proportion in the region, with a 23 percent female share of parliamentary seats. Comparing Tunisia to other countries, Tunisia's share was higher than that of Uruguay and Chile (12 percent), Mexico (16 percent), the Philippines (18 percent), and Israel (13 percent), though lower than Argentina's (36 percent) or South Africa's (30 percent). Enabling factors in Tunisia included a relatively high rate of female labor force participation, the existence of strong women's organizations and networks, and a government that, while authoritarian, presents itself as a champion of women's rights (Moghadam, 2003). Other intra-regional variations should be noted too. In 2002, some Moroccan parties introduced a quota, raising women's political representation to 11 percent. In recent years, Iraq introduced a 25 percent quota, which Iraqi women activists welcomed (though they had asked for 30 percent), but the continuing conflict and lack of security prevent women from fully participating in the political process.

Elsewhere in the so-called Muslim world, variations in women's parliamentary representation suggest differences in political histories, social structures, and state policies. These factors explain the disparate rates, as of 2008, of Azerbaijan (11.4 percent), Indonesia (11.6 percent), Tajikistan (17.5 percent lower house; 23.5 percent upper house), Pakistan (22.5 percent), and Nigeria (7.0 percent). Interestingly, Muslim women do better in the parliaments of the European democracies. Research by Melanie Hughes (2008) shows that while minority women's political representation is generally low across the globe, women of Muslim and especially North African extraction are over-represented in the Netherlands, Belgium, and Sweden. Among other factors, quotas help minority women, argues Hughes.

The election of women as heads of state or government does not seem to follow any particular pattern. Of course, the Nordic countries have had strong representation of women at the highest levels of government, including president, prime minister, and cabinet members. But when one considers other women leaders – e.g., Indira Gandhi of India, Golda Meir of Israel, Benazir Bhutto of Pakistan, Violeta Chamorro of Nicaragua, Margaret Thatcher of the United Kingdom, Tansu Ciller of Turkey, or Gloria Arroyo of the Philippines – there appears to be no correlation with economic/human development or the strength of the women's movement. Instead, such women leaders come up the ranks through dynastic family connections (Gandhi, Bhutto, Chamorro) or through exceptional pathways in a political party (Meir, Thatcher, Ciller, Arroyo). In contrast, the

election of women presidents in Finland, Ireland, Chile, Sierra Leone, and Argentina is at least partially explained by the strength of women's mobilizations in those countries, along with the prominence of the individual women elected as leaders. Increasingly, one observes prominent women in political party leadership, from Segolène Royale, who was the French Socialist Party's presidential candidate in 2006, to Louisa Hanoun, who leads the Socialist Workers' Party in Algeria and has been her party's presidential candidate. In the United States, Hillary Clinton's attempt to be the Democratic Party's presidential candidate in 2008 reflected a number of influences: family ties (her husband was former president Bill Clinton), white women's mobilizations, and her own record as senator from New York.

No woman has attained the position of head of state or government in the Arab region or in Iran. Moreover, cabinet positions remain overwhelmingly male-dominated.

Local Governance

The arena of local governance and of women's roles within it is less researched than that of national politics and governance. However, participation of women in local governance is important because decisions are made regarding everything from taxation and social spending to quality of life, including local schools, street lighting, housing, sanitation, zoning, transport, and policing. These are decisions that directly affect women, children, men, and families; as such, it is important that women be well represented. Data collected by the United Cities and Local Governments, a network created at a meeting in the Republic of Korea in 2004, suggest that women are largely excluded from mayoralties, though they do better as local councilors.⁴ However, the data are sometimes inconsistent, and thus should be used with care. Other sources of data for participation in local governance come from the United Nations' regional commissions, agency reports (e.g., UNICEF, 2007) and from the country reports submitted to the Committee on the Elimination of Discrimination Against Women.⁵ Unlike the Inter-Parliamentary Union's database, there is no single source of information and data on women in local politics.

Some countries show a large disparity between women's representation in local and national governance. In South Korea, women's participation in local governance is almost negligible; the 2002 local elections resulted in a 3.1 percent female share in the regional councils and a 1.9 percent female share in the city/county/district councils. In contrast, at the national level, women were 13.7 percent of those elected to the 2004-2008 National Assembly.⁶

Available data for Sub-Saharan Africa shows high levels of women's representation in local governance in South Africa, Tanzania, and Uganda, which are consistent with their national level representation and appear to be related to the presence of quotas. In Tanzania, for example, women constituted 35.5 percent of councilors at the local level in 2004. At the federal level, their share was 30.4 percent. In both cases, high representation was the result of "special seats" reserved for women.⁷

Among the Arab countries, while a growing number of women are running for local (as well as national) office, only Tunisia and Yemen appear to have registered a significant female presence in local governance. In Yemen's first-ever local elections held in

4. For more information see: <http://www.cities-localgovernments.org/uclg/index>

5. The UN regional commissions are: Economic Commission for Latin America and the Caribbean (ECLAC), Economic Commission for Africa (ECA), Economic and Social Commission for Asia and the Pacific (ESCAP), Economic Commission for Europe (ECE), and Economic and Social Commission for West Asia (ESCWA). CEDAW reports are submitted periodically to the committee charged with monitoring compliance, and may be obtained through the UN website.

6. For more information on the CEDAW Report for Korea (March 2007) see: <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>

7. For more information see the CEDAW Report for Tanzania (April 2007, p. 17) <http://www.unhcr.org/refworld/country,,CEDAW,TZA,,4744,0a962,0.html>

February 2001, some 120 women ran as candidates with 35 winning seats, representing a surprising 29 percent female share in this conservative and low-income country.⁸ In 2004, Tunisia's female share of municipal seats was about 20 percent.⁹

Elsewhere in the Middle East, Iran appears to be one case whereby women are more active at the municipal than at the national level. While women comprise only 8 out of 286 parliamentary seats, or a mere 2.8 percent share, the municipal elections of December 2007 brought more than 5,000 women to local governance in about 3,300 councils across the country. Women did exceptionally well, and better than male candidates, in the cities of Shiraz, Arak, Hamedan, Zanjan, and Ardebil; and they won a large number of seats in Urumiyeh and Qazvin (Ghammari, 2008).

India represents a striking example of high female representation in local governance, due to a 33 percent "reservation" (quota) that was established for women's participation across Indian states. While efforts to achieve reserved seats at India's state and national levels have stalled, two constitutional amendments passed in 1992 require that one-third of all seats in both rural and urban councils must be filled by women. The seventy third amendment also granted more powers over governmental services and projects to the three tiers of rural councils, or *panchayats*, at the village, block, and district level (Nanivadekar, 2005). While most Indian states have at least 33 percent women as a direct consequence of reservation, some states have even exceeded the quota.¹⁰ In Kerala and West Bengal, for example, 35-36 percent of elected women representatives at the local bodies were women.¹¹ In contrast, the female share of parliamentary seats at the federal level was just 9.1 percent in 2008.

In Europe, data for the period 2000-2005 from the Economic Commission for Europe (ECE) show that only in Moldova is women's participation at the local governance level very high – at 57 percent, perhaps the highest in the world. In Latvia, Finland, Norway, and France, women represent 30-42 percent of municipal councils and local governing bodies. Everywhere else, for which there are data, the figures are below 30 percent.

Given the data inadequacies, it is difficult to draw conclusions about women's participation in local governance. The world average for women's parliamentary representation is 21 percent (Inter-Parliamentary Union, 2008) and for women councilors it is similarly 21 percent (UCLG, 2003-04). Regionally, women are less represented at the local than at the national level in the Middle East and North Africa (2.1 percent versus 9.7 percent female shares), and in the Nordic countries (Finland has the highest percentage of women councilors, but at 34 percent it is less than the Nordic parliamentary average of 41 percent female share). For other regions there appears to be more symmetry, although it may be the case that in sub-Saharan Africa, women are actually better represented at the local level than at the national (Fallon, 2008), at least as far as councilors are concerned. This is clearly an area that requires further investigation.

Engendering Democracy

Can the "democracy deficit" in the Arab region and Iran be linked to the absence of women from political power? Conversely, could the adoption of gender quotas and a substantial increase in women's political participation lead the way toward democratization and a rights-based development in the Arab region?

8. For more information visit <http://www.accessdemocracy.org>

9. For more information visit <http://www.cities-localgovernments.org/uclg/index>

10. CEDAW Report for India, C/IND/2-3, 19 October 2005, pp. 52-55 accessible online on <http://daccessdds.un.org/doc/UNDOC/GEN/N05/572/16/PDF/N0557216.pdf?OpenElement>.

11. CEDAW Report for India. See also statistical profile of women and men on Government of India website: <http://www.mospi.gov.in>

A lively debate has ensued among political scientists of the Middle East regarding the relations between Islam, attitudes toward women and gender equality, and the democracy deficit in the region. The World Values Survey's fourth wave included a number of Muslim-majority countries, and among its principal findings were high support for democracy and for Islam, but low support for gender equality (El-Braizat 2002; Inglehart & Norris, 2003; Jamal, 2005; Tessler, 2007).¹² For example, the Muslim Brothers of Egypt call for "the freedom of forming political parties" and "independence of the judiciary system", but they also call for "conformity to Islamic Sharia Law", which is not conducive to gender equality or the equality of Muslim and non-Muslim citizens in all domains (Brown, Hamzawy, & Ottaway, 2006). A more optimistic assessment was offered by the Arab Human Development Report 2005, which focused on women's status and empowerment. It reported public support for women's leadership in politics and the judiciary, but the survey on which the findings were based has been called methodologically flawed (Mark Tessler, personal communication, October 26, 2008).

Commentators of the Middle East emphasize the need to establish "the core of democracy – getting citizens the ability to choose those who hold the main levers of political power and creating checks and balances through which state institutions share power" (Carothers & Ottaway, 2005, p. 258). Such commentators envisage a scenario in which political parties are allowed to form and compete with each other in elections, and they have focused on the participation (and transformation) of Islamist parties as key to the transition to democracy. However, there are two problems with such a view. One is that the democratic process is usually understood in the minimalist sense of power-sharing through regular elections rather than in a more expanded notion of strong institutions that defend citizen participation and rights. The second problem is that such commentators on the democratic deficit in the Middle East tend to overlook what are in fact a key constituency, a natural ally, and social base of a democratic politics – women and their feminist organizations.

In the Arab region and Iran, questions of democratization and questions of women's rights have emerged more or less in tandem. They are closely intertwined and mutually dependent, and the fate of one is closely bound to the fate of the other. There are at least three reasons why I make this claim.

12. The World Values Survey measures sociopolitical and cultural attitudes and change across the globe. For details on the different survey waves and country or regional results, see: <http://www.worldvaluessurvey.com>.

13. AFTURD, Declaration: Fighting Against Attempts at Regression, issued on the occasion of Tunisian Women's Day, 26 September 2008. Received by the author from the organization.

One is that women in the Arab region and Iran – and especially the constituency of women's rights advocates – are the chief proponents of democratic development and of its correlates of civil liberties, participation, and inclusion. The region's feminists are among the most vocal advocates of democracy, and frequently refer to themselves as part of the "democratic" or "modernist" forces of society. For example, a Tunisian feminist lawyer has said: "We recognize that, in comparison with other Arab countries, our situation is better, but still we have common problems, such as an authoritarian state. Our work on behalf of women's empowerment is also aimed at political change and is part of the movement for democratization" (Member of the Tunisian organization Femmes Démocrates, personal communication, September 9, 2004). In 2008, a prominent Tunisian feminist organization, L'Association des Femmes Tunisiennes pour la Recherche sur le Développement (AFTURD), issued a statement declaring "that no development, no democracy can be built without women's true participation and the respect of fundamental liberties for all, men and women".¹³

A second reason is that women have a stake in strong and sustainable democracies, but – as we have seen – they can be harmed by weak or exclusionary political processes. Women can pay a high price when a democratic process that is institutionally weak, or is not founded on principles of equality and the rights of all citizens, or is not protected by strong institutions, allows a political party bound by patriarchal norms to come to power and to immediately institute laws relegating women to second-class citizenship. This was the Algerian feminist nightmare, which is why so many educated Algerian women opposed the Front Islamique du Salut (FIS) after its expansion in 1989. Here, a political grouping with patriarchal and theocratic tendencies almost came to power through an electoral process in 1991, which alarmed feminists as well as sections of Algeria's political elite. When the ruling party and the military annulled the results of the election, the FIS began an armed uprising, launching a horrific civil conflict and numerous terroristic actions during the 1990s (Moghadam, 2003). Many Arab feminists are aware that they can be harmed by an electoral politics that occurs in the absence of a strong institutional and legal framework for women's civil, political, and social rights of citizenship. Hence lies their insistence on egalitarian family laws, criminalization of domestic violence, and nationality rights for women – along with enhanced employment and political participation.

A third reason is that a democratic system without women's human rights and gender equality – a “male democracy” or “democratization with a male face”, as Eastern European feminists called their own process in the early 1990s (Heinen, 1992) – is an incomplete and inferior form of democracy.

There is evidence that women, and more precisely employed women, have different political preferences to that of men, with a tendency to vote in a more leftward direction, in particular supporting public services (Huber & Stephens, 2000; Inglehart & Norris, 2003). A plausible connection also may be made between the sustained presence of a “critical mass” of women in political decision-making and the establishment of stable and peaceful societies. If the Nordic model of high rates of women's participation and rights correlates with peaceful, prosperous, and stable societies, could the expansion of women's participation and rights in the Arab region and Iran also lead the way to stability, security, and welfare in the region, not to mention effective democratic governance?

Among the social forces in the Arab region, it is arguably the “modernizing women” of the Arab region and Iran, and especially those in favor of women's rights, who are the principal agents of genuine democratization. An increase in their social participation, especially in political and juridical decision-making, may very well accelerate the democratic transition.

One of the surest ways to increase women's political participation and representation is the gender quota. In many countries around the world, quotas have been adopted by political parties to guarantee the election of women candidates. Countries without strong political parties have established constitutional quotas or electoral quotas. In those countries with large numbers of women parliamentarians, legislation has been adopted to punish domestic violence and sexual harassment, and to enhance children's welfare and environmental protection.

Conclusions

Since at least the Beijing conference, women's under-representation in formal politics has been placed on the global agenda, and various mechanisms, such as gender-based quotas, have been proposed to ensure and enhance women's political participation and representation. Why women's political participation matters may be summarized as equity and impact? Social justice and equity require greater participation by marginalized or under-represented social groups, one of which is women. The demands of the global women's movement have included greater access to economic and political decision-making to achieve equality but also to make a difference in societies and in the world.

Political theorist Ann Phillips (1991) has explained that women have interests, experiences, values, and expertise that are different from those of men, due principally to their social positions. At the very least, therefore, women must be represented in formal politics. As political philosopher Nancy Fraser (2004) has noted, the contemporary emphasis on women's involvement in decision-making reflects the evolution of women's demands from redistribution to recognition and now to representation. In fact, these three demands are not separate or mutually exclusive. Today's call for gender quotas is a call for redistribution (of power and resources), for recognition, and for representation – all at once.

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Women in Arab Parliaments:

Can Gender Quotas Contribute to Democratization?

Drude Dahlerup

Introduction

The Arab region has the lowest representation of women in parliament in the world: ten percent. Yet, seen in a ten-year perspective, the Arab region has witnessed the highest rate of increase, having started from a very low position. All over the world gender quotas are being adopted in order to rapidly increase women's political representation. The Arab world is part of this new trend, and today eleven Arab countries have adopted electoral gender quotas. Globally, women are still vastly under-represented in politics. Only 19 percent of the seats in the world's parliaments are occupied by women, 81 percent by men (Inter-Parliamentary Union, 2010).

This article will analyze the use of gender quotas in the Arab countries in a global perspective. It will show that many different types of gender quotas are in use and that it is important to scrutinize the effects of various types of quotas. It is argued that this amazing new world-wide trend rests on a new understanding of why women are under-represented, different from previous explanations which have focused on women's lack of resources. In the new discourse, which was introduced by the Platform for Action adopted by the world's governments at the Fourth UN World Conference for Women in Beijing in 1995, the focus is being directed towards the political institutions and the political parties themselves and the way they tend to exclude women. In this way, the complex relation between processes of democratization and the inclusion of women in public life has reached the global agenda.

The Recent Adoption of Electoral Gender Quotas

Electoral gender quotas are defined here as an equality policy measure, the aim of which is to rapidly change an unwanted under-representation of women in the political institutions. Quotas for other categories, such as ethnic or religious groups, are well-known in the Arab world, as in Lebanon and Jordan. While quotas for ethnic or religious groups may be attached to different electoral districts, due to the geographical concentration of various groups, quotas for women are cross-cutting, since women obviously are present in all social groupings and live in all geographical areas (Phillips, 1995; Htun, 2004). Gender quotas may be constructed as a gender neutral policy, setting a minimum and a maximum representation for both sexes, or may stipulate a minimum representation for women.

Today, around 50 countries have adopted electoral gender quotas in their constitutions or electoral/party laws (International Institute for Democracy and Electoral Assistance IDEA, n.d.). In many post-conflict countries the inclusion of women is seen today as an important part of the process of reorganization and reconciliation as we have seen in Rwanda, Uganda, and South Africa, to mention just a few.

In around 40 additional countries, individual political parties have themselves adopted provisions for gender quotas regulating the gender composition of their candidate lists. Usually, leftist parties have been the first to adopt such voluntary party quotas. In several cases, such as Belgium, Bosnia-Herzegovina, and Spain, voluntary party quotas were the first step, followed later by quota legislation, which is binding for all political parties in a given country. Gender quotas are adopted for the national as well as for the regional and local levels, though sometimes in different forms (Dahlerup, 2006). There has been a rapid diffusion of electoral gender quotas in the past 10-15 years, even if a few countries, such as Pakistan, Sudan, and Egypt, have made use of gender quotas prior to this development. Research by Richard Matland (2006) and Drude Dahlerup (2007) on the diffusion of quotas has shown that today gender quotas are being adopted by all types of political systems.

Women's Representation Worldwide

Partly thanks to quota provisions, Rwanda has assumed the position of number one in the world rank order in terms of women's parliamentary representation. In the first Rwandan election after the 2003 reform, women received forty-nine percent of the parliamentary seats, and in 2008 Rwanda became the first parliament in the world with a female majority, fifty-six percent. Several countries in the global south are now challenging the five Scandinavian countries: Denmark, Finland, Iceland, Norway, and Sweden, which for so long were alone at the top of the world ranking, today having an average of 42 percent women. Argentina, Costa Rica, Angola, Mozambique, and Spain are among the new countries to have passed the 30 percent threshold, all through the use of electoral gender quotas. However, it is also possible to attain a very high representation of women without quotas, as in the cases of Finland and Denmark. In general, the electoral system of proportional representation (PR) is more favourable to the inclusion of women than single member constituency systems, since under the latter system each party only nominates one candidate, usually a man.

Quotas certainly do not solve all of the problems for women in politics – such as the high costs of campaign financing, intimidation, and harassment. In her study of women parliamentarians in Morocco, Hannah Darhour (2008) concludes that gender norms and other structural constraints prove to be impossible to overcome merely through the use of a quota. The effect of quotas on the effectiveness of women parliamentarians after the elections is not dealt with in this article. However, in terms of numerical representation, research has shown that under certain conditions and with systems that are compatible with the electoral systems in place, electoral gender quotas may lead to considerable improvements, even to historical leaps in women's political representation (Dahlerup 2006, 2007; Norris, 2007).

Two Discourses on Women's Under-Representation

Why are women under-represented everywhere in the world, seen in relation to

women's share of the population? And why is women's representation especially low in the Arab world? In the public debate we find different diagnoses of this problem. Some see women as the problem – women lack the qualifications needed, it is argued – while other point to the role of the political parties as the gatekeepers to elected positions. Two contrasting modern discourses on women's under-representation have been identified by Dahlerup and Freidenvall (2005). Both discourses see women's under-representation as a problem and seek measures to remedy the situation. Consequently, the traditional positions – that gender is irrelevant in politics or that politics is a man's business – are disregarded here as out of date. The two modern discourses are presented as two ideal types based on different perceptions of historical change, different goals, different diagnoses, and different strategies.¹

A. The Incremental Track Discourse

1. General perception: Equality will come about in due time.
2. The goal: More women in politics.
3. Diagnosis of why there are very few women in politics: Women lack resources and public commitment.
4. Strategy: Either no action at all or policies to increase women's resources.

B. The Fast Track Discourse

1. General perception: Equality does not come about of historical necessity; backlashes may occur.
2. The goal: Gender balance, parity democracy.
3. Diagnosis of why there are very few women in politics: Discrimination and various mechanisms of exclusion.
4. Strategy: Active measures, such as setting up targets and adopting quotas.

Dahlerup and Freidenvall (2005) argue that these two tracks are based on different logic. The incremental track discourse rests on the perception that equality – which in both discourses is stated to be the goal – will come about as a country develops. It is based on the time-lack thesis, according to which women's under-representation is primarily an effect of women's historical lack of resources and of old prejudices, which will disappear in due time as society develops.

In contrast, the fast track discourse rests on the understanding that male-dominated societies and organizations have an embedded tendency to reproduce male dominance. Open discrimination and structural mechanisms of exclusion are institutionalized in the norms and practices of political life and, consequently, active measures to break with these structures are needed in order to make political life more inclusive for women. Within this discourse, gender quotas do not discriminate against men, as is sometimes argued by quota opponents, but is rather a correction of and a compensation for the discrimination women are subject to.

The UN Platform for Action, Beijing 1995, came close to the fast track model. Firstly, it offers a new diagnosis of women's under-representation, focusing not on women's

¹ A discourse is defined here as a coherent set of arguments, that includes the perception of possible actions though not the actions themselves.

lack of resources but on 'discriminatory attitudes and practices' and 'unequal power relations': "... [T]raditional working patterns of many political parties and government structures continue to be barriers to women's participation in public life" (Art. 182 and 185). Secondly, it states a more radical goal, namely that of 'equal participation' and 'the equitable distribution of power and decision-making at all levels' (Art. 189). Thirdly, in terms of strategy, affirmative actions are recommended, even if the controversial word 'quotas' is not used directly.

Often, many different motives are found behind the adoption of gender quotas. The growing body of research on the many new cases of gender quotas in post-conflict countries as well as in countries in the process of (re)democratisation reveals, not surprisingly, a lot of mixed motives and muddled compromises behind the adoption of gender quotas, as in the cases of Afghanistan, Iraq, Pakistan, and Uganda (Rai et al., 2006; Tripp et al., 2006; Norris, 2007).

The Scandinavian countries and European countries in general have, until recently at least, been characterized by the incremental track model. Even women's organisations have previously adhered to this model to a large extent, pushing primarily for women's education, labour market participation, and larger commitments in the public sphere as preconditions for political representation. But if today women are as educated as men and participate almost as much as men in social movements and civic life, why is women's political representation still so much lower than that of men? Could it be that the problem is not women but the way the political institutions and political parties work?

Variations in Women's Representation in Arab Parliaments

Even if Arab parliaments on the whole show the lowest average in women's representation, significant variations can be found within the region. Table 1 shows a variation from 27.6 percent in Tunisia to zero in Comoros, Oman, Qatar, and Saudi Arabia, the last country being the only one in the world where women are in reality deprived of the right to vote. In Lebanon, women's representation dropped even further at the 2009 election. How can we explain these differences?

Differences in electoral systems cannot explain the large variations between Arab states. This corresponds to Pippa Norris' conclusion that the link between electoral systems and women's representation is stronger among post-industrial societies than among industrial and agrarian societies (Norris, 2004). Furthermore, the general level of civil and political rights does not correlate with the level of representation for women, studied here through the use of IDEA's distinctions between free, partly free, and not free elections.² But party competition seems to be of importance for women's representation, since there is competition between political parties in most of the top ten countries in Table 1 (two of the countries are in civil war), whereas this is only the case for half of the countries among the lower ten.³ The adoption of gender quotas, it seems, is linked to party competition, since quotas are almost exclusively found in systems with competition between political parties in election. However, it should be noted that not all Arab countries with party competition in elections have adopted quotas, as the cases of Lebanon and Syria show.

2. It should be noted that no Arab country is listed as having totally 'free elections' according to www.idea.int

3. The definition of party competition used here (after Abou-Zeid 2006:171) is broad and does not exclude a ban on some political parties, like the ban on the Muslim Brotherhood in Egypt.

Table 1. Women in Arab Parliaments

Lower or Single House

Country	Women in Parliament in % (Most Recent Election)	Women in Parliament in Numbers (Women/All)	Electoral System	Party Competition in Elections	Gender Quotas
1. Tunisia	27.6 (2009)	59 / 214	Mixed	Yes	Yes
2. Iraq	25.5 (2005)	70 / 275	PR	Yes	Yes
3. Mauritania	17.9 (2006)	17 / 95	Plurality/maj.	Yes	Yes
4. Sudan ¹	14.7 (2005)	66 / 450	N.A.	N.A.	Yes
5. Djibouti	13.8 (2008)	9 / 65	Plurality/maj.	Yes	Yes
6. Palestine O.T.	12.9 (2006)	17 / 132	Mixed	Yes	Yes
7. Syria	12.4 (2007)	31 (250)	Plurality/maj.	Yes	No
8. Morocco	10.5 (2007)	34 (325)	PR	Yes	Yes
9. Somalia	7.8 (2004)	21 (269)	N.A.	N.A.	Yes
10. Kuwait ²	7.7 (2009)	(5/65)	Plurality/maj.	No	No
11. Algeria	7.2 (2007)	28 (389)	PR	Yes	Yes
12. Jordan	6.4 (2007)	7 (110)	SNTV	Yes	Yes
13. Lebanon	3.1 (2009)	4 / 128	Plurality/maj.	Yes	No
14. Bahrain	2.5 (2006)	1 / 40	Plurality/maj.	No	No
15. Egypt	1.8 (2005)	8 (442)	Plurality/maj.	Yes	Yes (2010)
16. Yemen	0.3 (2003)	1 (301)	Plurality/maj.	Yes	No
17. Comoros	- (2009)	0 / 33	Plurality/maj.	Yes	No
17. Oman	- (2007)	0 (84)	Plurality/maj.	No	No
17. Qatar	- (2008)	0 (35)	N.A.	No	No
17. Saudi Arabia	- (2005)	0 (150)	N.A.	No	Women cannot vote

Notes: N.A. = at present no provisions for direct elections. Libya and the United Arab Emirates have no equivalent to a national parliament.

1. Sudan: All members of the National Assembly were appointed by decree in 2005. Later, non-stationary changes (80 women out of 443, 18.1 percent) are not included here since this table in general shows election day figures.

2. Kuwait: Four women candidates were elected in 2009, and one woman was appointed as cabinet minister, and in that capacity also sits in parliament.

Key to electoral systems. PR: Proportional Representation system with party lists including several candidates; Mixed: Mixed Member Proportional, a combination of PR and plurality/majority systems, often half-half. Plurality/majority:

Electoral system based on single member constituencies – each party presents only one candidate and the candidate with the highest vote totals wins the seat. Variations of plurality/majority systems are the two round systems (Mauritania, Egypt and Comoros) and the block vote (Syria, Lebanon). SNTV means single non-transferable vote (Jordan).

Many Types of Gender Quotas

Quota advocates have sometimes failed to pay attention to differences in quota systems and, consequently, there are examples of quota systems that do not function well. Perhaps some quota systems were never intended to lead to major changes, and thus remain a purely symbolic gesture.

One less effective example is the quota legislation in France, which was introduced after a long philosophical debate about '*parité*' (i.e. parity). The law demands fifty percent men and fifty percent women among each party's candidates for elections to the National Assembly. The difficulties in combining a single member constituency electoral system with an effective candidate gender quotas system were illustrated here by the disappointing result of only 12 percent women being elected in the first election after the introduction of gender quotas in 2002 and only 19 percent in the following election in 2007 (Krook et al., 2006; Sineau, 2008). Research has shown that

the women candidates were overwhelmingly nominated in non-winnable seats, e.g. in constituencies where their party used to be weak (Murray, 2004). In contrast, in the local elections, the French quota law resulted in a historical leap from 26 to 49 percent of women. Behind this success lies the fact that French local councils above a certain population size use proportional representation and that sanctions for non-compliance with the quota rules are very effective, namely the rejection of candidate lists by the Electoral Commission. In order to prevent the rejection of their lists, the political parties worked seriously and successfully to recruit women candidates. In fact, this is the basic idea behind gender quotas – that those controlling the nominations make more serious efforts to recruit female candidates than before. In accordance with the fast track discourse, gender quotas focus on the actions of the political parties.

I have often heard the argument that women do not vote for women candidates and, consequently, it does not pay for political parties to nominate women. When this argument is put forward, I usually ask for evidence. Is this not just a myth? With secret ballots we cannot directly know how women and men vote. Survey data, for instance exit polls, are needed in order to answer this question, and this only makes sense in systems that allow for voting for individual candidates (open lists), not just for party lists (closed lists). In the few cases where data are available, the results have proved to be the opposite of conventional wisdom. In Finland (the proportional representation system with mandatory personal voting), more male than female voters vote for a candidate of their own gender: In 2007, 72 percent of the male voters against only 53 percent of the female voters voted for a candidate of their own gender. At this election 40 percent of all candidates were women, and the result was 42 percent women in parliament. In 1970, as many as 93 percent of the male voters voted for a candidate of their own gender against only 40 percent of the female voters (Hart & Holli, 2009, p. 17). It is, in fact, the male voters who seem to be the main problem for female candidates. It is true that women voters do not constitute a uniform group, all voting for women candidates. But even if many male voters argue that the gender of the candidate is of no importance for them, much fewer male voters than female voters in fact vote for female candidates.

Types of Gender Quotas in the Arab World

Table 2 shows the types of gender quotas in use in the Arab region at the national level. A distinction is made between: first, reserved seat quotas, which require the election of a stipulated number of women; second, legislated candidate quotas, which by law require a certain minimum of women, or of each sex, among the candidates of all party lists for the election; and, thirdly, voluntary party candidate quotas, in which individual political parties have written into their statutes the requirement of a certain minimum of women, or of each sex, on the party's electoral lists in all of the districts.

Table 2 shows that a quota system in the form of reserved seats is the most commonly used quota system among the eleven Arab countries presently using quotas. The newly adopted Egyptian quota law from 2009 is also a reserved seat system. Legislated candidate quotas are in use in Mauritania and the Palestinian Authority, whereas voluntary party quotas have been adopted by major parties in Algeria and Tunisia. Globally, a reserved seat quota system is also the most commonly used quota system in Asia and in Sub-Saharan Africa. In Latin America, the leading region in terms of

Table 2. Types of Electoral Gender Quotas in Use in Arab Countries
(year of introduction)

Quota Types		
Reserved Seats (Electees)	Legislated Candidate Quotas for All	Voluntary Party Candidate Quotas
Iraq: (25%) (2004) ¹	Mauritania: Rank order rules (20%) (2006)	Algeria (FLN, HMS) (both 2002)
Djibouti 10% (2002)	Palestine: Rank order rules (20%), only PR lists. (2005)	Tunisia (RCD) (2004)
Egypt I: 30/360 = 8% (1979-84)		
Egypt II: 64/404 = 16% /(2009) ²		
Jordan 6/110 = 6 % (2003)		
Morocco 30/325 = 9% (2002)		
Somalia 12 % (2004)		
Sudan 60/450 = 13 % (1978 with variations)		

Source: Abou-Zeid 2006, updated; Stockholm University, Inter-Parliamentary Union and International IDEA: www.quotaproject.org

1. According to the Iraqi constitution 25 percent of those elected shall be women. For the 2005 election (closed lists), rank order rules required that no fewer than 1 out of the first 3 candidates, and no fewer than 2 out of the first 6 candidates should be women. In addition, some non-elected women (best loser system) were moved up in order to fulfil the 25 percent quota rule. In the 2010 election an open lists system was applied, and the candidates will be elected according to their personal votes. However, according to the electoral law art. 3, par.3, at least 25 percent of the winners must be women. The result has not yet been released (March 2010).

2. The Egyptian law will be implemented during two parliamentary cycles, beginning with the general election 2010, and will only apply to the Lower House. From 28 governorates two women will be elected, one of whom will represent labourers and farmers, in accordance with the present 50 percent quota provision for these groups. In Cairo and Alexandria, due to the higher population, in total 8 more seats will be added.

the diffusion of gender quotas, legislated candidate quotas are most widespread. In Southern Africa and in Europe, voluntary candidate quotas are the most commonly used quota system, even if the number of countries with legislated candidate quotas is at present increasing in Europe, with different minimum requirements: France (50 percent), Belgium (50 percent), Armenia (15 percent), Macedonia (30 percent), Bosnia-Herzegovina (30 percent), Spain (40 percent), and Portugal (33 percent) (Dahlerup, 2006; European Parliament, 2008).

Low Echelon Quotas

The level of the quota requirements in the Arab region are, as shown in Table 2, relatively low. The Arab quota provisions can be referred to as low echelon quotas, in contrast to the high echelon quotas in the Scandinavian countries, which were introduced voluntarily by left and center political parties at a time when women had already obtained 25–30 percent of the seats in parliament (Freidenvall et al., 2006). Low echelon quotas may be seen as an important beginning, provided they do not remain that low. Could it be that it is more difficult to move from zero to 10 percent women than from 10 to 25 or from 25 to 40 percent?

While the most common candidate quota requirement globally is 30 percent, Mauritania and the Palestinian Authority use 20 percent. As for the reserved seat systems, the requirements, when calculated in percentages, are all below 20 percent in the Arab countries, with the exception of Iraq's 25 percent. Lowest is Jordan's requirement of only six women, which equals six percent. It is understandable that

such low figures have been subject to much criticism from women's organizations. In Algeria, the FLN has a party quota requiring that two of the first five names on the lists in each province must be women. The Peace Party, HMS, has decided that one-fifth of the candidates at the regional level are to be women, whereas in districts with small magnitudes, one of every three candidates should be a woman. In Tunisia, the ruling party, RCD, has earmarked 25 percent for female candidates.

The Order on the Electoral List

Without rules about how women and men candidates should be placed on the electoral lists – the so-called rank order rules – a demand of 30 or even 50 percent women may result in no women being elected at all, namely if all of the female candidates are placed at the bottom of the list. Consequently, in order to be successful, candidate quota systems, be they legally binding or voluntary, must include rank order rules. In Iraq, which has the highest number of women elected but which also represents the most controversial case – being under American rule – the rank order rules are such that at least one of the first three candidates on the list must be a female, no fewer than two of the first six candidates on the list must be female and so forth throughout the list. In the Palestinian Authority elections, the election law of 2005 requires at least one woman among the first three on the lists, at least one woman among the next four and at least one woman among every five for the rest of the list. However, the quota rules only refer to candidates nominated on party lists elected under the proportional representation system (PR), not to the district candidates. Consequently, all of the 17 women (12.9 percent) elected in 2007 ran as candidates on the PR-lists. The most elaborate rank order rules are to be found in Mauritania, where the rank order rules are adjusted to the size of the electoral districts (International Institute for Democracy and Electoral Assistance IDEA, n.d.).

A New Glass Ceiling?

There is concern within feminist circles that reserved seats may become a glass ceiling for women. With reserved seats “women have got their share”, and the political parties refrain from nominating more women than the prescribed number to be elected. In Jordan, the six reserved seats are allocated to those non-elected women candidates who have achieved the highest percentage of all of the votes cast in their respective constituencies. In the 2003 election, no woman was elected and in the subsequent election, only one woman was elected to a general seat without reservation, making the total number of women in the Jordanian parliament seven in 2007. So the Jordan case seems to support the glass ceiling theory. It should be noted that this system disfavours women candidates in the large cities.

Also in Morocco, women's organizations, among them *l'Union de l'Action Feminine*, argue that the unique Moroccan system – which reserves 30 seats on a special list for women elected nationwide – leads the political parties to abstain from nominating women for the district seats, and especially for ‘safe’ district seats, e.g. seats with good chances of being elected. The electoral result confirms this concern, since only four additional women were elected from general district seats in 2007, making the total number 34 women. However, the case of Rwanda shows a different outcome: Here 24 women shall be elected on the basis of reserved seats – two for each district. But almost the same number, 21 women in all, were elected to general district seats, e.g.

not reserved seats, for this small parliament of 80 members in the election of 2008, making Rwanda the first country in the world with a female majority (56.3 percent). So, in this case, there was no glass ceiling that prevented women candidates from being nominated and elected for general district seats. Glass ceilings can be broken.

The political parties are the gatekeepers to elected positions in party based political systems, because it is the political parties who control the nominations. The voters choose between the candidates presented to them by the political parties. It is also the political parties that decide which candidates are nominated for so-called good or 'safe seats', e.g. in an electoral district which used to be a stronghold for that particular party. Pressure from women's organizations has proved to be essential for the increase in women's representation in all countries with high representation of women. To use a formulation by Melanie M. Hughes and Pamela Paxton (2008), stasis or growth in women's political representation is the result of the balance between forces of change and forces of resistance. In a very interesting argumentation, they identify 'critical periods' and 'continuous forces' as well as 'episodic forces', for instance the introduction of gender quotas, as being behind increases in women's representation (Hughes & Paxton, 2008).

The Inclusion of Women and the Process of Democratization

The Arab Human Development Report (UNDP, 2002) emphasized the importance of the inclusion of women for the process of development. The report acknowledged the substantial progress made by Arab countries over the past three decades, but stated that the region has not developed as quickly as comparable nations in other regions. The report identified three areas where Arab institutional structures hinder development: governance, women's empowerment, and access to knowledge: "As women number half or more of any population, neglecting their capabilities is akin to crippling half the potential of a nation" (UNDP, 2002, p. 98). This is a thought-provoking argument, since it sees women's education and the inclusion of women in public life as a crucial factor in itself for development in the region. This argument is not only new and radical in an Arab context.⁴ In Western history the sequence of development has usually been depicted in this way: First development, then democracy, and only after that can we begin to talk about equality between women and men. The UNDP is turning this traditional approach to historical development upside down. But one may ask: how is this interrelation between development and the empowerment of women to be understood?

4. This argument is, of course, contested, by some such as Galal Amin. His counterargument is, nevertheless, not to be taken very seriously: "...empowering women.... could lead to their losing the ability to enjoy motherhood" (2006:34). On the contrary, one may argue that empowering women in politics could lead to new policies that could improve the conditions of all mothers in the country.

Firstly, today a philosophical and normative link is made between democracy and the inclusion of women, as in the following quotation from the Beijing Platform for Action: "Achieving the goal of equal participation of women and men in decision-making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning" (Art. 183). The philosopher Iris Marion Young (2000) described this connection in her book *Inclusion and Democracy* in the following way: "The normative legitimacy of a democratic decision depends on the degree to which those affected by it have been included in the decision-making processes and have had the opportunity to influence the outcomes", and she added "... on equal terms" (pp. 5-6, 23).

In addition to this normative argument – no democracy without the inclusion of women – the link between the inclusion of women in decision-making and processes of democratization can also be made at the meso level, focusing on the organization of politics. How should we understand the above cited sentence from the Beijing Platform for Action? How can the inclusion of women be important for the proper functioning of democracy?

Demands for gender quotas force us to pay attention to the way nominations and elections take place today. One of the democratic potentials of this new global gender quota trend is that it may open up what has been called ‘the secret garden of nominations’. New questions have to be asked: Who controls the nominations? Why are many more men than women nominated to ‘safe seats’, e.g. seats to which election is almost guaranteed? Are nominations made by an ‘old boy’s network’? By demanding formalization of and transparency in the process of nomination, electoral gender quotas may contribute to processes of democratization all over the world.

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The Proposed Gender Quota in Lebanon:

Legal Crisis or Democratic Transformation?

Mark El-Makari*

Fifty years after the consolidation of equality between men and women with respect to the right to vote and run for public office with the 1953 Electoral Law, the reality of women's representation in parliament remains far removed from democratic ideals and the aspirations of civil society. As the late Lebanese lawyer and human rights activist Laure Moughaizel stated for a woman to enter parliament in Lebanon, she must be clad in black. Moughaizel's statement is more true today than any time in the past, considering that since 1963 only nine women have joined parliament, most often to fill the seats left empty by a dead husband or a father, or else through kinship relations. Alarming, since 2005 Lebanon has ranked 122nd worldwide for women's participation in national parliaments (Inter Parliamentary Union, 2005), and this behind Iraq which ranked 28, Tunis 36, Sudan 70, Syria 85, Morocco 91, Algeria 115, and Jordan 118, tying with the Libyan Arab Republic, and coming in at two ranks ahead of the Islamic Republic of Iran.

One possible reason for this under representation of women is the disinterest of the Lebanese legislator to deal with this problem by applying a policy of affirmative action that could strengthen women's participation in representative councils. It is important to note here the discrepancy between Lebanon's general and very timid legal landscape on the one hand, and international recommendations and charters on the other. The fourth article of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by Lebanon according to Law no. 572 on 24/7/1996, allows member states to take temporary measures to advance gender equality. Nothing significant has been done in this regard. The discrepancy between Lebanese laws and Lebanon's international commitments also appears upon comparing trends in women candidacy and actual representation with the general recommendations that came out of the 1995 Beijing Conference of 1995. The latter has set as one of its goals a ratio of 30 percent in terms of women's participation in representative councils. Lebanon, as a signatory to the Beijing Platform of Action, has taken no steps towards achieving this goal.

The long awaited draft law prepared by the National Commission on Parliamentary Electoral Law Reform (NCELR) that was established by a ministerial decree dated 8/8/2005 included a quota system for women in national elections. Article 64 stipulated that it is obligatory for every list in all districts that fall under proportional representation to

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include among its members a percentage of women no less than 30 percent. The draft law also set a time limit for the adoption of this measure by stipulating that this text is implemented temporarily and for three parliamentary elections only.

The inclusion of the quota system in this draft electoral law constituted a first victory for the cause of women's rights in Lebanon and a fundamental step towards the consolidation of their participation in representative councils. However, the introduction of the quota system in Lebanon is fraught with problems both at the theoretical and practical levels.

The principle of gender quotas raises a legal debate in terms of how much it respects and concurs with the principle of equality established in the Lebanese Constitution. The principle of equality is consecrated in Articles 7 and 12 of the Lebanese Constitution and in Section g (3) of the constitution's preamble as well as in the international treaties mentioned in the preamble. In order to grasp the problem from all its various angles, one must tackle the nature of the quota, which is a form of positive discrimination brought about by a transformation in the concept of equality, shifting it from the notion of "equality – principle" to "equality – objective".

Theoretical Framework: The Nature of the Quota and its Repercussions on the Principle of Equality

It is needless to say that despite their importance, many principles and theories need not be universalized, since they remain directly linked to certain societies and their particular legal systems. Hence, what is acceptable for one society with regards to the principle of equality and its agreement with the quota may not be suitable for another society with other legal specificities.

1. The Quota as a Form of Affirmative Action

a. Defining Affirmative Action and Establishing its Particularities

Affirmative Action¹ is "an obligatory program requiring a preferential distribution of resources and services to members of a minority or a disenfranchised social group in order to compensate for a deficiency in social equality from which it suffers" (Levade, 2004, p. 59). In other words, affirmative action relies on breaching the principle of equality in order to strengthen the same principle.

The theory of affirmative action first appeared in the United States.² It can be defined as "a set of procedures of a general or particular nature, mostly applied in the late 1960s through an initiative by various federal administration apparatuses to grant members of various groups – which had in the past suffered from discrimination with varying degrees – preferential treatment in the distribution of some scarce resources" (Sabbagh, 2003, p. 2). These groups include ethnic minorities (e.g. blacks and Hispanics), and women. The applied affirmative action measures aimed at rectifying the low representational levels of those groups in American society.

The development of the concept of affirmative action coincided with the transformation of the concept of equality from "the equality of opportunities" to "the

1. The French have used the term "discrimination positive i.e. positive discrimination" but some writers saw that the translation should rely on the initial theory of "affirmative action" as adopted in the United States and for which the correct French translation should be "action positive". These same writers recommend replacing "discrimination" with "action" to avoid the negative connotations of the former word. See Stasse (2004) & Perreau (2004).

2. The principle of affirmative action in the US came through two decrees: the first by President Kennedy (no. 10925, 6/3/1961), and the second by President Johnson, (no. 11246, 24/9/65).

equality in outcomes". Indeed, this transformation coincided with the introduction of affirmative action for the first time in US public discourse in the early 1960s. In March 1965, the US Ministry of Labor published a report written by the then minister Daniel Patrick Moynihan entitled: "The Negro Family: the Case for National Action" also known under the name, "The Moynihan Report". This report clearly indicated the government's need to take positive measures to reduce the wide gap between the principle of equality which is theoretically enjoyed by all American citizens on the one hand, and the discrimination suffered by a portion of the population, namely racial, ethnic minorities and women, on the other hand. American president Johnson's speech that same year at Howard University, where the majority of the students were black, emphasized this orientation and the need to target every public policy "not just to guarantee equality in the law – hypothetical equality – but also to accomplish equality in reality in terms of results accumulated by each of the two racial camps" (Sabbagh, 2003, p. 35). Thus, the first actual legal step, through affirmative action, came about in 1969 to embody this trend after the painful racial incidents witnessed in most of the American states. These procedures aimed at tackling the low representation of blacks in companies under contract with the state in the fields of public works, in a framework known as the "Philadelphia Plan" launched by the American government on January 22nd, 1969. That is how the principle of affirmative action first found its footing in the US as one of many means to integrate the various groups under the state, while following the slogan of "fair representation".

Although the policies of affirmative action were born of a special and particular social context governed by profound racial discrimination in the US, many nations around the world adopted these policies in various forms and domains, particularly in the field of employment, public service, and higher education.

Because affirmative action attempts to remedy poor representation, it was inevitable that this strategy be directly and firmly tied to the election process, especially concerning the representation of women who were unable to match men in politics, for a variety of reasons, be they economic, educational, or social. The policy of affirmative action was adopted in electoral laws and entailed allocating to women an obligatory minimum percentage of parliamentary seats or on candidates' lists, as will be discussed later. Yet, this legal institution raises several issues that require further study.

b. Problems of the Quota: Between Adoption and Rejection

It is common knowledge that the quota has been adopted in many developed and developing countries. Electoral quota is adopted on the level of the parliament by more than 50 states around the world.³ Obviously actions towards this end have been accompanied by numerous debates involving the rejection of the quota based on the argument that it is contrary to the principles of merit and equality, or that it constitutes a temporary solution for the problem of representation. Within this course/trajectory, it was inevitable that the gender quota became a source of ongoing debate, which continues to bear on the discussions and programs of various political and civil groups, even women's organizations. It must be noted that both proponents and opponenets of the quota advance their own reasoning. This makes the study of these arguments, whether for or against the quota,⁴ necessary for constructing political, social, and legal frameworks for this issue.

3. See www.quotaproject.org

4. For a comprehensive enumeration of arguments in support of and against the quota, see Karim (2003), pp. 80-85.

The first argument in favor of adopting a gender quota is that the gender quota consolidates women's participation in politics and representational councils. When applying this argument to the Lebanese situation, we find that the quota could constitute an essential incentive for supporting participation in politics. Indeed, successive parliamentary elections have shown that women's participation is almost non-existent in Lebanon. In the 1992 elections for instance, there were four women candidates, of which three won, and those were Nayla Moawad, Bahiya Hariri, and Maha al-Khoury Assad. In the 1996 elections, there were 11 female candidates in all of Lebanon, of which only three won, and these were Nayla Moawad, Bahiya Hariri, and Nohad Said. In the elections of 2000, there were 18 female candidates, of which three won, and these were Nayla Moawad, Bahiya Hariri, and Ghinwa Jalloul. As for the 2005 elections, the number of women candidates dropped to 14, of which six won, namely Nayla Moawad, Bahiya Hariri, Solange Gemayel, Sitrida Jaajaa, Ghinwa Jalloul, and Gilbertte Zuwayn. In 2009, eleven women ran and only four won: Bahiya Hariri, Gilbert Zweyn, Sitrida Geagea, and Nayla Tueini. In analyzing these results, one notices that the percentage of women's participation on the level of candidacy increased from four candidates in 1992 to 18 in 2000 and then dropped in 2005 and 2009 respectively.

These numbers undoubtedly warn of the fragile reality of women's participation in Lebanese politics and highlight not only the need to encourage women to participate but also the necessity of adopting positive measures aimed at encouraging women to run for office and engage in electoral and political activities. Such measures may challenge the dominance of familial ties which continue to determine the representation of women in parliaments until today and ensure more gender equality.

According to advocates of the quota, it is impossible to accomplish these goals except by amending the electoral law to provide for a gender quota. This would constitute within the immediate future a more realistic and easier solution than awaiting a radical change in culture and in society's attitudes towards women.

Opponents of the quota see that the quota is contrary to the principle of political elite formation based on merit (meritocracy) because it relies on the principle of "imposition" (whether on the level of candidacy or seats) solely on the basis of gender. This imposition limits and denies voters' freedom of choice and is therefore undemocratic. Because this argument is important and perhaps worth considering, it is important to indicate a few points that highlight the debates surrounding it.

First, this argument is undoubtedly valid when the quota is imposed on the number of seats in parliament, thereby "reserving" them for women without regard for their merit and their capability to draw voters according to their political agenda and personal characteristics or qualities. But if the quota is adopted at the level of candidates (as is proposed in the draft law prepared by the NCELR in Article 64), whereby a particular percentage of women on electoral lists is required without guaranteeing their entry into parliament, the argument that representation is being imposed does not hold, for the final choice in this case remains with the voter, who can judge the merit and capability of one woman candidate against another.

Second, according to a study by Marguerite Helou (2002), statistics on the political behavior of women in the parliamentary elections have shown that voting for women candidates is not done on the basis of their sex but on the same bases that govern voters' choice of male candidates. The study showed "that the determining factors in defining voters' choice for women are the same as those that govern male voters' choice for all candidates" (Helou, 2000, p. 248). Accordingly, it is accurate to say that with or without the adoption of the quota, merit ranks low on the list of factors governing voters' choices, such as clientelism, sectarianism, and money – all of which play a greater role in the formation of political elites in Lebanon.

It is important to stress one last argument related to the nature of the political and social make-up of the Lebanese system. The adoption of the principle of the gender quota in Lebanon can burden the voter's choice with an additional constraint, i.e. a new quota over and above the many that already govern his/her electoral choices, namely the sectarian and regional quotas. This argument is perfectly true in the case where the quota is introduced within the framework of a majoritarian electoral system with small or medium size districts. In this case, sectarian and regional belongings play an essential role in defining the voter's choice, and accordingly the gender quota would complicate their array of choices and limit their freedom. By contrast, if the quota is adopted at the level of large districts with proportional representation, which is the suggestion made by the NCELR, the two factors of sectarianism and regionalism are automatically weakened and room is made for other factors related more to the political agendas of candidates.

The major problem related to the issue of the quota issue lies in the contradiction between the quota as a legal institution and the principle of equality, and consequently in its inevitable contradiction with the Lebanese Constitution, which consecrates the principle of equality along with many other texts and international treaties.

2. The Quota and the Principle of Equality

The principle of affirmative action has raised many debates and intellectual polemics mostly revolving around the extent to which this legal institution accords with the principle of equality (Stasse, 2004; Sabbagh, 2003; Favoreu, 1996). Opinions are divided into two different views of equality: equality – principle, meaning equality in opportunities, and equality – objective which means equality in outcomes. These diverging views are present in the Lebanese case even if still in their nascent stages.

a. The Constitutionality of the Gender Quota

French jurisprudence defines positive discrimination as "a methodology that requires the formation of breaches to the principle of equality in order to strengthen equality by giving some a preferential treatment" (Levade, 2004, p. 59). Accordingly and in principle, positive discrimination relies on breaching the principle of equality and hence one must question whether the proposal of a gender quota, as it figures in the draft electoral law prepared by the National Commission, contradicts the principle of equality as stipulated in the Lebanese Constitution. It is therefore inevitable for us to look into the possible positions that can be taken by the Lebanese Constitutional Council (LCC) if such a step were to be put forth.

It is obvious that the topic of the constitutionality of affirmative action in general and of the gender quota in particular have never been presented to the LCC due to the absence of a quota in all electoral laws adopted in Lebanon. Consequently, one must seek help in this regard in the interpretations made by the French Constitutional Council (FCC) which looked three times into the constitutionality of laws aiming at amending some electoral laws in France in order to strengthen women's participation.

The first and most important ruling is Ruling no. 146, dated 18/11/1982, regarding the decision to amend the parliamentary electoral law and the law for electing members of municipal councils, as well as concerning the conditions for the registration of French expatriates on electoral laws, which requires the imposition of a 25 percent quota for each of the two sexes on all electoral lists.

The FCC resolved to annul the contested law for being unconstitutional. In Ruling no. 407 dated 14/1/1999, the Council based its decision on the same legal criterion, namely to annul a law that imposed a gender quota on electoral lists. This ruling constituted an entry point into amending the French Constitution by introducing an additional clause stipulating that "this law favors equal access of women and men to electoral functions".⁵ Following this amendment, the law of June 6, 2000 concerning the introduction of the principle of parity between men and women was applied to electoral lists.⁶

Now that the principle of quota is about to become a part of the Lebanese electoral law, it is important to ask whether this principle concords with constitutional laws and whether the LCC will annul the principle in question.

The principle of equality is constitutionally consecrated in Lebanon and it is also mentioned in several legal texts. It is also one of the foundations for constitutional exegesis. Article 7 of the constitution stipulates that "all Lebanese are equal before the law and enjoy the same civil and political rights and bear the same public duties and responsibilities without discrimination between them". Article g (3) of the constitution's preamble stipulates that "Lebanon is a parliamentary democratic republic founded on social justice and equality in rights and duties among all citizens without discrimination against or favoritism towards any of them." Moreover, this principle is consecrated according to the charters of the United Nations, the Arab League, and the International Bill of Rights, whose provisions have become "equal to those of the constitution" since the issuance of the two LCC decrees (97/1 and 97/2 dated 12/9/1997), concerning the law for extending the terms of municipal councils and the law of *makhateer* (i.e.) respectively. As for the LCC's interpretation, it consecrated the principle of equality in many of its decrees, including 92/2 dated 24/11/1999 and 2000/1 dated 1/2/2000.

Although the principle of quota has never been presented to the LCC for consideration, the principle of discrimination has been put forth once in Decree no. 2001/2 dated 10/5/2001, regarding the law which regulates non-Lebanese nationals' acquisition of real estate in Lebanon. The interpretation of the LCC allows the possibility for bypassing the principle of equality in two cases only: first, when different and particular legal situations exist between individuals, and second, when bypassing serves the public interest. According to the LCC, both cases require a pre-requisite that the bypassing

5. Article 3, (5) of the Constitution of 1958.

6. The constitutionality of this law was contested by a sweeping majority after a vote in the French parliament. The FCC established nevertheless and contrary to this vote, the constitutionality of this ruling in two previous rulings mentioned above, no. 429, dated 30/5/2000 in accordance with the amendment Clause 3 of the French Constitution.

of the principle of equality be tied to the purpose of the legislation. Upon reading this interpretation, some may doubt the constitutionality of the quota: are gender differences “different and particular legal situations between individuals” and consequently can justify bypassing the principle of equality? Is encouraging women’s participation in elections in the public interest or for the higher good? And does the gender quota concord with the purpose of the legislation to which it was added, namely electoral legislation?

To answer these questions and to know the extent to which this solution can be implemented on legal grounds regarding the gender quota, we must return to the French decree 51, from which the Lebanese decree has been replicated. The FCC decree states that the breaching of the principle of equality cannot be justified except when “different legal situations exist” meaning that one must apply homologous regulations on homologous situations and different regulations on different situations as long as all this concords with the public interest and the purpose of the law. French jurisprudence has looked closely into the explanation of these statements and has relied on a precise and narrow explanation for it in order to clearly frame this exception: discrimination in rules and breaching the principle of equality are possible as long as this discrimination does not fall under categories prohibited by the constitution, such as race, origins, religion, creed, and sex. The Lebanese constitution for its part underscores the importance of religious belief and social equality and prohibits discrimination in general (preamble, para. c), especially through international charters and the International Bill of Human Rights, which are mentioned in its preamble (para. b). Consequently, any legal text that includes a breach of the principle of equality on the basis of one of these criteria, which is the case of the law that institutes a gender quota, is unconstitutional. As for the public interest, which certainly falls under the constitutional bounds above mentioned, the interpretation of the FCC has given examples: due procedure of justice (Decree no. 127), the continuity of public services (Decree no. 229), and economic growth and the creation of new job opportunities (Decree no. 405). Therefore, encouraging women to participate in politics is not a matter of public interest according to the interpretation of the constitutional council regarding exceptions to the principle of equality.

In accordance with what we have discussed above, the amendment of the constitution becomes a necessary precondition for the adoption of a gender quota in the parliamentary electoral law in Lebanon. Such an amendment could be made by adding a new clause to Article 7 of the constitution, similar to what happened in France in 1999. This would allow legislators to work on strengthening women’s participation in representative councils.

In spite of the existing legal contradiction between the gender quota and the principle of equality consecrated in the constitution, the general Lebanese legal terrain contains factors which can alleviate the degree of this contradiction.

b. Between the Spirit and the Word of the Law: “Equality – Objective”?

The quota is not alien to the Lebanese legal culture; it is in fact at the heart of its political culture. Indeed, the Lebanese system is a consociational democracy based on a proportional (not equal) power sharing formula by the various sects. Ever since the first electoral law was passed in Lebanon in 1922, the Lebanese electoral system

has been characterized by a distribution of seats based on sectarian and regional quotas. This trend has been consecrated in all consecutive electoral laws since 1922 until this day, including the constitutional amendments of 1990. The amended Article 24 of the constitution states that until a new non-confessional electoral law is adopted, “parliamentary seats are distributed equally between Muslims and Christians, proportionally among the various sects of both groups, and proportionally among different regions”. The consecration of the principle of sectarian and regional quota in the constitution may have positive repercussions on the acceptance of the gender quota by the Lebanese in general and by the legal establishment in particular, since they are already “accustomed” to the principle of quota.

Within this framework it is relevant to look at what happened in Belgium, where the society is heterogeneous and the system is based on the representation of all social groups equally, especially on the basis of language. The Belgian legislator introduced the gender quota through the imposition of a maximal limit of two thirds for each gender on the electoral lists and so according to a decree dated 24/5/1994. No one contested this law before the Supreme Court, which is specialized in monitoring the constitutionality of laws, in spite of the fact that it did breach the principle of equality consecrated in the constitution. Indeed, jurisprudence explained the situation by stating that “Belgium is a federal, multi-sectarian country which has introduced this structure (the quota) to its legal system: not only in public service but at the level of organizing constitutional authorities” (Favoreu & Philip, 2005, p. 526).

From an international perspective and in the second half of the 20th century, the subject of furthering equality, more specifically equality between the sexes, was added to the agenda of the United Nations, which witnessed an effective dynamism aimed towards this end, moving from a formal equality to an actual equality. Most important among the steps taken was the decision by the UN General Assembly in 1979 to endorse CEDAW which Lebanon ratified in 1996 according to Decree no. 572 dated 24/7/1996.

The principle of affirmative action as one path towards furthering gender equality formed an essential pivot in the CEDAW convention. The first paragraph of Article 4 of CEDAW states the following: “Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.” Moreover, Article 7 of CEDAW urges all member states to take appropriate measures to end discrimination between men and women in political and public life. The three reports presented by Lebanon⁷ in accordance with Article 18 of the convention emphasize the low level of participation by women in representative councils, especially the parliament. The third and last report presented on 7/7/2006 indicates the possibility of adopting a gender quota by the National Commission of Lebanese Women (NCLW) in its proposal of an electoral law.

The Fourth World Conference on Women held in Beijing in 1995 gave new impetus to the commitment of the UN towards this goal. Lebanon was an active and committed

7. Report no. 1 dated 2/9/2004; Report no. 2 dated 11/2/2005; Report no. 3 dated 7/7/2006. See: www.un.org/womenwatch/daw/cedaw

participant in that conference and stated its commitment to accomplishing most of its recommendations. Clause b of Paragraph 190 of the Beijing platform for action states that governments must implement procedures when necessary for electoral laws, which could encourage political parties to seek the representation of women in representational and non-representational positions equally and according to similar percentages as men. In 1999, the Lebanese state expressed its commitment to accomplish this goal in the unified report included in the work methodologies of Beijing, whereby it sets as a necessary objective the increase of women's participation in decision-making positions to a percentage of no less than 30 percent in 2005.⁸

The Practical Framework: Kinds of Quota and Mechanisms for their Implementation

The adoption of the gender quota in some countries was merely a symbolic accomplishment which did not lead to the advancement of women's participation in politics and representative councils, the goal for which quotas were introduced in the first place. For instance, in Bolivia and Paraguay the percentage of women's representation in parliament remained unchanged after introducing the quota into the legislative system. In other countries such as Brazil and Mexico, the percentage decreased after the implementation of the quota into the legislative system. In still other countries, the quota made only a slight change in the percentage. Consequently, it becomes obvious that the effectiveness of the quota and its relevance remain governed by several factors related to the particularities of the electoral system in which it is implemented and by the many concomitant legal and institutional factors. Theses include: the adopted electoral system (proportional, majoritarian or mixed), closed or open lists, the size of electoral districts, the adoption of preferential voting system or not, the arrangement of candidates on the list, the penalty imposed upon non-compliance with the quota, etc. All these factors will constitute the focus of the research that follows, through a study of the proposal submitted by the National Commission for Electoral Law Reform (NCELR) and ways of applying it in Lebanon.

1. The Gender Quota in the Proposed System

The quota system proposed in Article 64 of the draft law prepared by the NCELR in Lebanon carries several positive points, which make it more in accordance with democratic principles and electoral principles. Yet, the provisions of Article 64 are prone to remain symbolic and open to manipulation because they lack the necessary legal mechanisms which would have guaranteed their effectiveness.

The suggested quota system in the proposed law for the election of members of the parliament prepared by the NCELR carries several positive points, which make it more concordant with the principles of democratic elections. These consist of the adoption of the quota at the level of candidates, its imposition within the framework of a proportional system in large districts, its adoption as a temporary procedure, and the inclusion of harsh penalties in case of non-compliance. What follows are comments on each of these four aspects.

First, the adoption of the proposed law for the quota system at the level of candidates (rather than seats) safeguards the voter's freedom of choice and encourages women candidates to make maximum personal efforts to enter parliament. By contrast, the

8. For more information on the Lebanese Republic's response to the questionnaire sent to governments concerning the implementation of the Beijing platform for action (1995) and the results of the 23rd special session of the General Assembly (2000), see: the Regional Arabic Conference 10 years after Beijing: A call for Peace, Beirut 2004, www.escwa.org.lb

quota system imposed on seats constrains the choice of the voter and constitutes a serious breach of the principle of equality as it also makes women less eager to engage in electoral races since their parliamentary seats will already be guaranteed no matter what happens.

Second, the draft law is notable for its complete harmonization between adopting the gender quota on the lists of a proportional system on the one hand, and large districts (governorates) on the other hand. Proportionality makes voting fundamentally tied up with political, intellectual, and rational factors whereby the electoral agenda overshadows the political loyalties of candidates, namely their belonging to a political family or particular sect. Concerning districts, the larger the district the further the voter is from the candidate and consequently the freer he/she is from the constraints of the region, the local leadership (*za'ama*) and the sectarian authority. This allows his/her choice to become based on intellectual and political factors because in this case the relationship between the candidate and the voter loses its personal dimension. International experiences have proven that the percentages of women in parliament in electoral systems that adopt proportionality exceed by twofold the percentage of women's participation in majoritarian electoral systems (Norris, 2006), 10.5 percent being the latter and 19.6 percent the former (Inter Parliamentary Union, 2005).

Third, the proposed quota system conforms to one of the main conditions for the gender quota and for policies of affirmative action by suggesting that the quota be a temporary measure for three consecutive electoral terms (Article 64), until the accomplishment of the goals for which the quota was first established. This aspect guarantees that the quota is not transformed into a fixed and eternal basis for discrimination.

Fourth and last, the writers of this draft law have suggested the imposition of harsh penalties on lists which do not respect the quota, including disqualifying the entire lists by concerned official authorities and so according to Article 66 of the proposed law. While such a penalty is undoubtedly among the harshest of its kind, it may lead to placing women's names on lists merely as tokens, regardless of their qualifications and simply to render the list acceptable to electoral authorities. It is therefore better to adopt a different penalty that is more just and less categorical.

In spite of the positive attributes of the draft law proposed by the NCELR, the law lacks a few basic components which could better guarantee the effectiveness of the quota and its relevance, and prevent it from becoming a symbolic legal mechanism devoid of all impact. Noticeable in this respect is that the proposed law includes a number of negative points, which must be remedied in order for it to accomplish its goals. These lie in the arrangement of candidates' names on the lists and the intersection of the quota with the system of preferential voting.

First, concerning the order of the candidates on electoral lists, the NCELR could have adopted what is termed as 'double quota', to be implemented within the proportional system. This system requires that the names of women candidates be placed high on the list according to a particular order (for instance a woman's name after each two men's names). If complete freedom is given to the decision-makers on the list, as is

recommended in the new draft law, they may place women's names at the bottom of the list in a way that severely jeopardizes their chances of winning, given that an advantage is always given to those names appearing high on the list. The system of double quota safeguards against preferential voting consecrated by the draft law as we shall see in what follows.

Second, the proposed law adopted the system of preferential voting by giving the voter the option to use two preferred votes, which could lead to the rearrangement of candidates' names on the list according to the wish of the voter, i.e. contrary to the will of those powerful candidates in the list. This system completely goes against the system of double quota and palliates directly the effectiveness of the quota and its relevance. This is due to the fact that preferential voting makes the possibility of women entering parliament exclusively contingent on the will of the voter, i.e. it paralyzes the applied system of affirmative action. Consequently and in order to guarantee the effectiveness of the quota, it is better to annul the system of preferential voting.

2. Means and Mechanisms Pertaining to the Quota

Aside from the pure institutional and legal factors which govern the effectiveness and relevance of the gender quota and with which we have already dealt, the implementation of the quota is also governed by other factors impacting directly and indirectly the aims for which the quota has been set. Most important among these factors is the penalty imposed in case of non-compliance, the voluntary quota which political parties can impose on themselves, and the role of civil society in overseeing the implementation of the quota.

a. Penalties for Non-Compliance

Undoubtedly, the relevance of the quota and its ability to lead to a serious improvement in women's participation depends principally on the existence of penalties without which the rules of the quota remain formal and symbolic. It should be noted that the implementation of penalties in Lebanon differs from that in other more politically advanced nations, which have integrated the quota into their electoral laws. In such nations, the political forces are composed of stable and organized parties which compete for power in a democratic fashion. In France for instance, the penalty for non-compliance with the principle of parity between the sexes, which was introduced into the electoral system according to the law dated 6/6/2000, is such that parties in infringement of the quota law cease to receive financial assistance from the state. Obviously, this model cannot be replicated in Lebanon because political parties are not structured institutions but rather revolve around sects, a region, or a prominent person and because they are loosely organized. Consequently, and while awaiting the development of political parties in Lebanon, penalties must be implemented outside the party framework where they can take several and various forms.

The NCELR's suggested penalty to disqualify the list categorically as mentioned above, has several shortcomings and therefore should be replaced with other penalties such as leaving those seats which are legally allocated to women empty in case the members of a given list bar women's participation in that list. Such a penalty would lead to the filling of the empty seat with a candidate from another competing list, thus causing the list which received the highest votes to lose one or more seats. This penalty seems

most appropriate to the principles of democracy because it avoids inserting women into lists merely to “fill the gaps” as is often the case when applying the penalty of list disqualification. Also, a penalty could be introduced to deprive a list which does not implement the quota of material assistance from the state, and to give this assistance to other lists which do comply with the required quota. This assistance might include relieving list members of the candidacy fee or other forms of benefits, knowing that such assistance loses its effectiveness when applied within a political environment plagued by bribery and where the costs of electoral campaigns can reach exorbitant heights.

b. The Voluntary Quota in Political Parties

The voluntary quota implemented by political parties according to their own internal regulations (charters, constitutions, bylaws) represents a second kind of gender quota. In this case, the quota can be applied to the total number of those seeking candidacy, all of them members of a party. It can also be directly applied to candidates whereby the party allocates a particular percentage for women from all those who present their candidacy. This kind of quota has been adopted by 161 parties in 73 states. In France, for example, the Socialist Party adopted this measure in 1990 by a percentage of 50 percent for each of the two sexes on its electoral lists. In Denmark, the Socialist People's Party was the first party in the world to adopt the quota in 1977 by a percentage of 40 percent which was then annulled in 1996. That same party adopted a 40 percent quota on candidates for the European parliamentary elections, which was then annulled in 1999. In the Arab world, the voluntary quota was adopted in Algeria where the National Liberation Front implemented a ratio of two women out of the five highest ranking women candidates in all of the 48 districts; the Movement of Society for Peace adopted a percentage of 20 percent at the level of all candidates in all districts and a percentage of 33 percent on candidates in small districts. Moreover, the Socialist Union of Popular Forces in Morocco adopted a quota of 20 percent on lists. In Tunisia, the Democratic Constitutional Rally adopted a quota of 25 percent on candidacy.

In Lebanon, however, none of the current political parties has yet adopted the principle of the gender quota, whether on the level of leadership positions inside the party or at the level of candidates. This shortcoming is a result of the nature of political life in Lebanon which still revolves around traditional structures such as the sect, the family, and the *za'im* (i.e. local leader). It must be noted, however, that the bylaws and constitutions of some Lebanese political parties include a number of principles dealing with women and their political participation, without any clear or specific mechanism to ensure this participation.

For instance, the charter of the Free Patriotic Movement (FPM) states in principle that: “men and women are equal in rights and obligations, since women are fundamental partners in the building of society and in political decision making”. The FPM also aims to “eliminate all legal and social distinctions between men and women and promote equality through practice on the basis of competence and aptitude”.⁹ This particular clause indicates clearly that the writers of this charter have either intentionally or unintentionally avoided the principle of gender quota and have instead adopted the principle of merit as the sole criterion for women's participation, without any mention

9. The full text of the Charter of the Free Patriotic Movement is available at: <http://www.tayyar.org/Tayyar/FPMParty/CharterNLogo/Charter.htm>

of how to advance this participation through specific procedures which could lead to accomplishing equality in opportunities. Also, the founding bylaws of the National Liberal Party, which was last amended in 1998 (amended in 19/2/1967, 17/7/1987 and 12/9/1998) does not mention the issue of women's representation, only the principle of absolute equality.

The quota system proposed by the NCELR, in spite of its many shortcomings, does represent an essential progress in terms of advancing women's representation in politics. However, over and above the necessity of amending it with the many provisions above mentioned, this quota system needs the support of civil society which must shoulder the task of facilitating the implementation of the quota and making it more efficient to guarantee the desired outcome. Civil society carries an essential responsibility to support women candidates in all possible ways and, more importantly, in supporting their electoral campaigns logistically and morally when necessary.

The temporary and provisional nature of the quota makes the involvement in civil society a matter of utmost necessity and urgency especially during the first three electoral terms following the adoption of the proposed law. Moreover, civil society has a vital role to play in the public dissemination of information about the quota, as well as in encouraging women's participation in politics and in representative councils. This can be done through collecting statistics, organizing conferences and workshops, and by assisting and encouraging parties to implement the quota in their bylaws.

In conclusion, amidst political contentions and profound disagreements in Lebanon, it remains to be noted that the complete avoidance of the draft law prepared by the NCELR regarding the parliamentary electoral law is deeply regrettable. This proposal has many attributes that can contribute to strengthening democracy and transparency and guaranteeing fair representation. Therefore, it is the task of civil society and the makers of public opinion to remind the public and stakeholders of the draft law prepared by the NCELR, and to work on bringing it up again for debate, and highlighting its many positive aspects.

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Women in Power and Decision making Positions:

Conditions and Restraints

Azza Charara Baydoun

Women today are considered to be outside the political and administrative power structures and their participation in the decision-making process is non-existent. As far as their participation in the political life is concerned they are still on the margins. The existence of patriarchal society in Lebanon as well as the absence of governmental policies and procedures that aim at helping women and enhancing their political participation has made it very difficult for women to be accepted as leaders and to be granted votes in elections (UNIFEM, 2002).

This above quote is taken from a report that was prepared to assess the progress made regarding the status of Lebanese women both on the social and governmental levels in light of the Beijing Platform for Action – the name given to the provisions of the Fourth Conference on Women held in Beijing in 1995. The above quote describes the slow progress achieved by Lebanese women in view of the ambitious goal that requires that the proportion of women occupying administrative or political positions in Lebanon should reach 30 percent of the total by the year 2005!

Whenever there is talk addressing the political participation of women, a question is often asked: Why are Lebanese women lagging behind in accessing decision-making positions despite the fact that they have made important achievements at the level of education, employment, and social engagement?

According to statistics issued in 2007 by the Central Administration for Statistics the illiteracy rate

among females over ten years of age has decreased from about 60 percent in 1970 to about 12 percent. In addition, the net enrollment rate of girls has increased in primary education where it is now equal to that of boys – around 93 percent. In some specializations, the proportion of female enrollment and graduation at the tertiary level exceeded that of males. Moreover, the proportion of female dropouts at all levels has decreased and it is sometimes lower than that of their male counterparts.

The female labor force surpassed the 20 percent mark for all age groups. The figures are double when considering women in the 25-29 age bracket (42.6 percent). Women constitute the majority of employees in the fields of education, health, media, and the arts. Indicators show that the situation of women in our society is improving and Lebanese women fare much better than women in neighboring countries. But the fact remains that the increased participation of women in the labor force did not bring about any real change with regards to decision-making positions in the administrative

field nor did it lead to an increase in the proportion of women in leadership positions in politics when compared to the same neighboring countries. One does not need more than a preliminary observation to find the answer to the above-mentioned paradox. Education is no magic formula that enables one to take the lead. Also a person's profession, irrespective of how important it is, does not confer on her or him leadership qualifications. In addition, the mechanisms for access to power in our society do not require an advanced educational degree nor do they require ample experience in certain professions or occupations. An advanced degree and professional experience only count when two qualified candidates are competing for the same position under the strict rules and mechanisms that govern the selection of political leaders.

But what are these rules and mechanisms? The mechanisms that govern access to positions of power or decision-making positions, especially political ones, in Lebanon, are still restricted to the rules of sectarian quotas. These rules make one's religious sect, family, and region (i.e. affiliation by birth) factors that govern one's access to positions of power. Some of these rules are openly stated; the high-ranking positions in the country, namely the office of the President, the Prime Minister, Speaker of the Parliament, the army commander, etc. are reserved for members of specific religious groups (e.g. the President is Maronite, the Prime Minister is Sunni, etc.).

This confessional quota system is based primarily on the "fair" distribution of governmental seats among the eighteen officially recognized religious sects in the country. Other "natural" (as opposed to societal) factors/affiliations also taken into consideration are related to place of birth, family, region, etc. The selection of a person in a position of authority is thus the result of the balance between all of these factors and reflects the weight of each one of them within the whole.

This means that a person, male or female, who announces his/her candidacy to one of the positions of power or decision-making positions is actually

declaring his/her allegiance to the sect, family, village, town, or neighborhood he/she was born into. This also means that the person appointed to one of the leading governmental positions is chosen not because of his/her educational or professional efficiency but primarily because of his/her sectarian and other related types of affiliations.

Moreover, in Lebanon, like any country that is governed by a patriarchal system, belonging to a particular sect or to a particular family is inherited through the male line of kinship (bloodline). This inheritance is given to the person, man or woman, through his/her paternal lineage only and is preserved along the male lineage. By contrast, a women's lineage or affiliation changes through marriage, as does her sectarian, regional, and familial affiliation (except in the case of endogamous marriages). Therefore, the appointment of males in decision-making positions in governmental institutions or in parliamentary or municipal electoral lists or even in parties and trade unions at times, has clear benefits for all actors, whether political authorities, decision-makers, or recipients and beneficiaries, i.e. citizens under this system. By contrast to the appointment of men in administrative decision-making positions, or to inviting them to participate in the electoral lists, women are official representatives of neither the sectarian communities and families nor the geographical areas.

Families who have no male heirs are the exception to this generalization. In such cases, a woman (i.e. the widow or daughter or etc.) may run for a parliamentary position or for a position in the local municipality, in order to preserve the "right" of the male heir to run for a parliamentary seat when he (i.e. her young son or brother etc.) is eligible to do so when he comes of age.

The Lebanese State in its capacity as the overall representative of the Lebanese society and whose function comprises the fostering of interests of all groups indiscriminately is bound by the same sectarian restrictions. This for example is evident in the make up of the National Commission for Lebanese Women (NCLW) and the nomination

and appointment of its members. The NCLW is the highest national women's official body in the country. It was established in 1996 in compliance with the global resolution put forth during the Beijing World Conference on Women that called upon all governments to establish a national body to ensure woman's advancement in each of the participating countries. Law No. 720/98 that decrees for its establishment stipulates that the NCLW should consist of members known for their "active and effective participation in women's issues and affairs" as well as of female deputies and ministers. The latter can serve as ex-officio members throughout the period that they are in office. This commission has an advisory role that it renders to the government and to all official administrations and public institutions dealing with matters related to women's affairs. These tasks include expressing opinions and remarks as well as proposing comprehensive plans to the government in order to achieve the goals for which it was created.

The NCLW consists of an elite group of Lebanese women who are prominent in various professional fields and a few activists from civil society. Their appointment was less related to their interest in women's political and partisan rights, and more to the fact that they represent the sects and families that they were born into, or the sects and families that they are affiliated to by marriage. This is the case despite the fact that the law that decreed the establishment of the NCLW stated explicitly that appointed women should be known for their activism /work on women's issues. The majority of members are newcomers who have recently adopted the cause of women.

Justifications for the appointment of these women follow the same logic applied when appointing men. It is assumed that because they are women (biologically or by nature), they are prone to embracing women's issues and fighting for their rights the same way that men defend and uphold the interests of their sects because of their natural affiliation to those sects.

The Lebanese women's movement was not called upon to participate in the NCLW nor was its

work an inspiration to the commission when implementing its agenda. It is important to note here that given that the members serve for a term, every time the appointed members of the commission start familiarizing themselves with women's concerns and start working on some aspects of "women's cause", their term comes to an end. It should be noted here that women in the women's movement have not struggled, neither individually nor collectively, to become members of the NCLW. In our opinion, they should have because they are entitled to it. The formation of the NCLW is basically the fruit of their struggle over the years, if not its inevitable result.

Examining the status of female leadership represented by the NCLW clearly reveals the limitations inhibiting the access of women to decision-making positions, namely sectarianism and family and regional interests. This sectarianism is guilty of sabotaging the state's role of representing actively the interests of social groups. The sectarian system does not only exclude women from leadership positions, but also continues to undermine the role of a leading women's body (i.e. NCLW) that was created as a result of different factors: the struggle of the women's movement in our country, and the Lebanese state's responsiveness to the international will.

Women who are members of non-governmental organization (NGOs) and women associations are divided on matters related to positions of power and decision-making positions. Some concentrate on propaganda and media, demanding the participation of women in positions of power and decision-making during events of political, administrative, syndicate, and municipal appointments and nominations. These are often armed with international conventions that the Lebanese state is signatory to through the United Nations agencies. They suggest the quota system as a framework for this participation. For instance, the Lebanese Women's Council, on every electoral event or ministerial or administrative appointment, relentlessly calls for giving women their share in nominations and appointments. Other women groups, and in order to achieve the same goal, focus

on working with women at the grassroots level all over the country. They do so within the available frameworks, in order to mobilize women and motivate them to participate in the political process both as voters and candidates during the election season and in broader political life.

In my opinion, the Lebanese women's movement should not be satisfied with small gains when lobbying for women to reach positions of power and decision-making positions. Nor should Lebanese women be content when a few women, even if qualified, are appointed once in a while in administrative positions or scattered on electoral lists based on some distribution of spoils. Anyway, these cases remain scarce. Indeed, there are instances when some of these elected or appointed women were actually opposed to women's rights in Lebanon. The best example is when, in 1998, female deputies in parliament opposed the women's movement demand for an optional "civil personal status laws" (known as president Hrawi's civil law) to replace the existing sectarian laws on marriage.

This latter model of female representation will always be ineffective given that it is based on religious sectarianism and is governed by the traditional patriarchal structures that marginalize and exclude women. The situation will not change as long as women in positions of power do not challenge these structures.

There are two approaches to the question of women reaching positions of power and decision-making positions. The first approach is current and is based on the gains that women acquired since the beginning of their movement, namely the recognition of the specificity of their issues. Since the decision to create the NCLW is part of this recognition, the Commission is the ideal platform to bring forth the concept of women's political and public leadership and to promote non-discrimination against women.

Since one of the slogans of the women's movement is "reaching decision-making positions", the struggle of women activists in the women's movement to hold the majority of positions

within the NCLW is vital to activate the leadership role that it was deprived of due to the sectarian considerations that governed its formation. This majority within NCLW is one of the most important ways to reach decision-making positions. We must not forget that the Commission has a consultative role with decision-makers in so far as policies and strategies related to the Lebanese women are concerned. If this authority is properly activated, women will de facto be in a decision-making position. It is a position where women can prove, through actual practice, their competence not only in taking up women-related decisions but in leading the society in other areas as well.

We note, in this context, that Wafaa Al-Dikah Hamzeh, one of the first two Lebanese female ministers ever to be part of Cabinet in 2004, was a founding member of the NCLW. She witnessed its first three mandates and was for three terms a member of its executive bureau (Minister Hamzeh said, in several newspaper interviews, right after her appointment, that her membership in the Commission was one of the reasons for her appointment as Minister.) Thus, choosing a minister from this women's body reflects the importance of its leading position for the women's movement and Lebanese women in general. It also serves as a factor conducive to the conceptualization of the NCLW as a stepping stone to other leading posts, the parliament being one of those. In my opinion, the NCLW is a body that came about due to local and international circumstances but serves presently as the ultimate testing ground for Lebanese women to prove their competence in leadership.

The second approach is strategic for it calls for incorporating the women's cause in all issues related to it in societal frameworks that promote social change i.e. women non-governmental organizations and its allies working under the Human Rights umbrella in civil society. This approach sees in the arrival of women to positions of power and decision-making an aspect of a much broader struggle to promote justice between people in general and men and women in particular. The second approach also aims to promote "looking at the world through the eyes of women" (as the

Beijing slogan calls for). It tries to bridge the gap between understanding reality as formulated by males historically according to their interests, and reality as experienced by women from their own stances and outlooks.

This approach further aspires to shift the prevalent standpoint vis-a-vis decision-making positions from an exclusive perspective to an inclusive one where the interests of women as well as the interests of all social groups, irrespective of age, gender, or creed are included in the development process of our society.

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Women Quota in Lebanon:

A False Promise?

Marguerite Helou

Demands for the adoption of women quota in public office, whether these positions are by election or appointment, were late in materializing and reaching the agenda of policy-makers in Lebanon. Persistent efforts by some civil society organizations since the 1990s and the appointment of a human rights activist as a Minister of Interior in 2008 led to the submission of two official proposals to this end as part of a general electoral reform. Nothing has materialized so far. The first proposal, calling for a women quota on parliamentary electoral lists, was aborted by Parliament in 2008. The second, calling for the allocation of seats for women on the municipal councils was approved by the Council of Ministers on January 29, 2010 but still awaits adoption by Parliament.¹ In light of the prevalent frustration with the decision-makers' failure to seriously act on this issue, the following sections of this paper aim at providing an assessment of the contributions that the two suggested quota proposals may have made to the enhancement of women representation in public office at the national and local levels respectively, as well as highlighting the factors influencing the decision-making process on this issue.

1. Women Quota: Reaching the Agenda of Decision-Makers

The first official attempt at dealing with female under-representation in the political arena appeared in the electoral law proposal submitted in June 2006 by the National Commission for Electoral Law Reform (NCELR), a commission formed by the government headed by Prime Minister Fouad Seniora in 2005² and entrusted with the drafting of a new electoral law for Lebanon. However, this law proposal was never discussed or voted upon either by the government which asked for it or by Parliament before September 2008. Adopting a mixed system of voting and an open quota system, the submitted law proposal provided for the obligatory inclusion of a minimum of 30 percent female candidates on each list running in the larger electoral districts (i.e. *mouhafaza*)³ in which the proportional system of voting is to be implemented, and left free gender competition open in the smaller electoral districts in which the majority voting system is to apply. However, this part of the suggested reforms never saw the light and was not included in the electoral law adopted by the Lebanese Parliament in 2008.

The second official attempt at guaranteeing more female representation in elected bodies was the approval of the Minister of Interior's proposal by the Council of Ministers, in its session held on January 29, 2010, to allocate 20 percent of the seats on the municipal councils for women. However, the women quota was only one on a

1. While this article was under publication Parliament failed to adopt the proposed reforms of the municipal elections law which included the women quota.

2. Decree no. 58 dated 8/8/2005.

3. Lebanon is divided regionally into six administrative governorates called *muhafazat*, each of which is divided into smaller districts called *kada'*.

list of suggested reforms to be introduced to the law on municipal elections. As such, it still awaits the Council of Minister's approval of the other proposed reforms before the law proposal is sent to Parliament for discussion and adoption. Due to the nature of the disputed areas of reform, the time it is taking the Council of Ministers to decide on them, and the need for Parliament's adoption of the government's law proposal, Lebanese women may be left with a dim hope concerning the implementation of this quota in the upcoming municipal elections due to take place in May 2010.

2. Assessment of the Quota Proposed by the National Commission for Electoral Law Reform (NCELR)

The National Commission for Electoral Law Reform (NCELR), known also as the Boutros Commission, introduced a complete set of reforms for the electoral process. Although the NCELR's reforms have fallen short of the expectations of those demanding radical change (e.g. a non-confessional parliament, Lebanon as one electoral district with a proportional system of voting, etc.), most, if not all of the proposed reforms would have reflected positively on women's ability to run in freer competitive elections with relatively better chances of winning had they been adopted.

Guided by the goal of creating the conditions capable of ensuring equal opportunity for all candidates, regardless of gender and social class, the Boutros Commission proposed the following reforms:

- The creation of an Independent Commission for Overseeing the Elections (ICOE). This aimed at "ensuring the good implementation of the principles of neutrality and integrity in carrying out the elections and removing the electoral process from the influence of the political authorities".⁴ The ICOE was to be entrusted with the preparation for the administering and supervision of the electoral process, in addition to working on the development of a democratic culture and raising electoral awareness. Such a commission with a broad spectrum of functions and authorities would have acted as a major obstacle to the prevalent intervention by the dominant ruling elite to regenerate itself to the exclusion of others, including women.
- The organization and control of electoral financing and campaign spending as well as the organization and control of electoral propaganda and advertising. The proposal of the Boutros Commission dealt with this in detail stipulating for feasible measures and mechanisms to ensure good implementation. In a country where prominent political figures own or control major mass media channels, and which had always ranked among the highest worldwide on the electoral cost per head, some reforms would have paved the way for the achievement of the ever-lacking equality in opportunity among candidates regardless of gender or social class.
- The division of electoral districts into two categories and the adoption of the mixed system of voting: a) the large electoral districts at the level of *muhafaza* in which the closed list, proportional representation, and preferential vote were to be applied, and the small electoral district at the level of *kada'* in which the majority vote was to be applied. Of the 128 parliamentary seats, 51 seats were to be filled by the proportional system of voting in the large districts and 77 seats were to be filled by the majority vote in the small electoral districts.
- Decreasing the electoral age from 21 to 18 years to enhance the participation of the young segment of the population in the electoral process.
- In addition to keeping the race open to women in the small districts with the majority

4. Report submitted to the Council of Ministers on 31/5 /2006, www.elections-lebanon.org

voting system, the NCELR proposal stipulated for a women quota of an obligatory minimum of 30 percent women candidates on each list running in the large districts with the proportional system of voting. This was to be a temporary measure and for three successive elections only.

This proposed form of quota, intended to ensure female candidacy while preserving the electorates' freedom in choosing their representatives, was not likely to achieve the goal of ensuring more female representation in parliament for the following reasons:

- By limiting the quota to the large districts, the 30 percent quota proposed by the Boutros Commission will apply only to the 51 seats to be filled at the *muhafaza* level and not to the total of 128 parliamentary seats. As such, if all the 30 percent candidates win, this quota system would have brought 15 women to parliament, i.e. 11 percent of the total and not 30 percent which amounts to 38 women parliamentarians. As a signatory of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the 1995 UN Beijing Platform for Action respectively, Lebanon, even with the adoption of this reform, would have stayed far from achieving the 30 percent goal set by these two conventions.

- The division of the already confessionally distributed parliamentary seats between large and small electoral districts decreases the share of each sect in each district. This will inevitably increase the intensity of the electoral battle in the small districts thus decreasing, if not eliminating, the chances of women and minorities in winning the competition, considering that traditional, feudal, sectarian, or familial powers are usually represented by "male candidates" capable of ensuring victory in tough battles.
- As the electoral history of Lebanon shows, electoral competition was rarely, if ever, restricted to that among party lists based on party national programs. Electoral coalitions and list formation in Lebanon can be best described in the words of essayist Charles Dudley Warner who wrote in 1871 that "politics makes strange bed-fellows" (cited in Shafritz, Russell, & Borick, 2007, p. 73). Electoral coalitions in Lebanon, in addition to making the strangest bed-fellows, may not necessarily lead to alliances at the national level. For instance, allies in one district may be deadly foes in another, thus increasing the intensity of the electoral battle in which women are neither politically nor culturally perceived as capable of winning.

- Article 64 of the NCELR electoral law proposal, which provides for the women quota on electoral lists, does not stipulate any special rank ordering of candidates on those lists (e.g. every third name on the list must be that of a female candidate). Given that most parties have an estimate of the size of their supporters, the NCELR's failure to impose such ranking may lead to the placing of women candidates at the bottom of the list. This is likely to deprive women candidates of the chance of being among the winning candidates upon the distribution of seats proportionally among the winning lists.

- In light of the various social, cultural, sectarian, and political obstacles that have for long hindered women participation in Lebanese political life, the preferential vote provided for in the law proposal is unlikely to work in favor of female candidates. What adds to our conviction is the fact that Lebanese women never did, and are not expected, to act as a voting bloc for women candidates for reasons that will be discussed in the following sections.

- Since the number of seats allocated for some sects are very few (see table 1) and in the case of some minorities are no more than one seat in some districts, to what extent

TABLE I

Muhafaza	Total number of seats	Distribution by sect	Minimum number of women on each list after rounding
North	11	4 Sunnis	3
		4 Maronites	
		2 Greek Orthodox	
		1 Alawite	
Mount Leb/North	6	5 Maronites	2
		1 Greek Orthodox	
Mount Leb/South	7	3 Maronites	2
		1 Shiite	
		1 Sunni	
		2 Druze	
Beirut	9	3 Sunnis	3
		1 Armenian Orthodox	
		1 Armenian Catholic	
		1 Greek Orthodox	
		1 Shiite	
		1 Druze	
		1 Evangelical	
South	9	6 Shiites	3
		1 Maronite	
		1 Sunni	
		1 Greek Catholic	
Beqaa	9	1 Greek Orthodox	3
		2 Sunnis	
		3 Shiites	
		1 Maronite	
		1 Greek Catholic	
		1 Armenian Orthodox	
TOTAL	51	51	15

can one require that a sect take a woman as its candidate? Moreover, what if a sect refuses to nominate women candidates based on a religious *fatwa* (edict)? Wouldn't this raise a dilemma between the call for respecting human rights (among which is the right of belief and its exercise) on the one hand, and the call for gender equality on the other? And, if as a result of this, women candidacy was limited to certain sects, wouldn't this lead to inequality among Lebanese women due to their belonging to different religious denominations?

- Finally, and in the light of the confessional distribution of parliamentary seats, what are the guarantees that the nomination of women candidates will not become an

instrument of pressure used by electorally strong groups/sects on the list against the weaker ones i.e. by making the inclusion of specific groups/sects on the list conditional on their nomination of female candidates to meet the requirement imposed by the law? Wouldn't this impact negatively on the concepts of equality and true representation among, as within, sects?

In September 2008, the Lebanese Parliament passed a new electoral law. This law maintained the bloc vote system at the level of the small electoral districts (*kada'*) and dropped the mixed electoral system and the proportional representation at the level of *muhafazat*. Automatically, the 30 percent women quota was disregarded due to the impossibility of implementation and calls for replacing it by a reserved seat quota were not successful. However the new law adopted some of the above mentioned reforms which promised more equality of opportunity among candidates. As such, it was hoped that more women will be encouraged to run for the 2009 elections. Unfortunately this was not the case. The number of women candidates in the 2009 parliamentary elections was almost equal or less than that in previous elections held since 1996. Moreover, the number of female winners in the 2009 parliamentary elections (3 women) was half the number of winners in the 2005 elections (6 women). This was due to a variety of factors, mainly the intensity of the electoral battle and the cost incurred by the requirements for financial controls introduced in the electoral law (such as hiring a chartered accountant, opening a special bank account, etc.) which, in addition to catching them unprepared, added to the cost of the electoral campaign especially for independent women candidates.

Noteworthy here is the fact that the 2009 elections witnessed the withdrawal of two women parliamentarians from the electoral battle in favor of their sons who have come of "political age". Since both were widows of Lebanese Presidents who were assassinated upon assuming office, their withdrawal was considered by many as a consecration of the widely held belief that women enter parliament only to reserve the father's seat until the legal male heir comes of age.

3. Assessment of the Proposed Quota on Municipal Councils

Adoption of a women quota in Lebanese municipal councils may be easier than adopting it in parliament since the confessional distribution of seats does not apply to the election of local councils. This may explain the Council of Ministers' approval of the 20 percent quota of the seats on those councils. Although some considered this a step backward from the previously proposed 30 percent, it can still be considered a step forward since it reserves 20 percent of the seats for women and not at the level of candidacy only. In countries like Lebanon, characterized by a highly patriarchal culture and a clientelist system that never tended to favor female representation in decision-making positions, a reserved seats quota is needed. The question however remains whether this quota is going to improve women representation without jeopardizing other important aspects of municipal elections and functioning. The answer to this question is dependent on whether other reforms, mainly the implementation of a proportional system of voting, are adopted or not.

Indeed, adoption of the women quota in municipal councils without the adoption of the proportional representation system is likely to lead to worse problems than the

one it intends to remedy. First, there is the problem of true representation. A woman candidate with far less votes than a male candidate may end up assuming office because the seat has to be filled by a woman. The negative implications of this on the work of the council and its relation with the public may be similar to those that have characterized the Lebanese administration when confessional distribution of public office was in effect.

Second is the problem of equality of women within and among sects. Previous research on the parliamentary and municipal elections held in 1996 and 1998 respectively has shown that in mixed areas some dominant fundamentalist groups may support the candidacy of women from other sects rather than those of their own. This was apparent in:

- a) the support provided by fundamentalist Sunni groups in the Tripoli area (in the *muhafaza* of the North of Lebanon) to Christian female candidates who won in the parliamentary elections of 1996 and the municipal elections of 1998 respectively while these same groups vehemently opposed Sunni female candidates and;
- b) in the support provided by fundamentalist Shiite groups in the South for a Sunni female candidate in the parliamentary elections of 1996 while they denied Shiite female candidates such support. As such, a women quota without closed lists and proportional representation may make it easier to exclude a female candidate running independently than when she is part of a coalition on a closed list. Such a quota may enhance inequality among women from different sects running in the same area, as among women from the same sect but running in areas with different confessional structures.

Despite the above mentioned problems, it is the hope of gender equality supporters that the quota for the municipal elections will not share the fate of its predecessor and get aborted at some stage in the decision-making process. Encouraging women to engage in local councils is a necessary first step towards the creation and training of a new female political elite especially with the historical failure of Lebanese political parties in assuming this role.

4. Factors Hindering the Adoption of Women Quota

Discussion of factors obstructing women's access to public office by election or appointment has been extensive in the literature on the subject. They can be summarized under four major categories:

Political factors emanating from a) the confessional, clientelist, and feudal character of the Lebanese political system, b) the fact that the political competition in Lebanon is in large part one among traditional *za'ims* and feudal lords (traditional or modern) rather than among political parties and national programs, c) the lack of serious political will to enhance gender equality, and d) the prevalent conflictual political culture where everything is seen through a confessional lens, which leads to the classification of simple basic issues as matters of high politics.

Socio-cultural factors have also worked against a broader female representation in political decision-making positions. First among those factors is the patriarchal, religiously-based culture, and the ensuing gender-based role perceptions. Second is the highly divided culture along sectarian, regional, and family lines and the perception of women as being incapable of representing, protecting, and serving the interests of such

groups. Finally is the prevalent negative view of politics as a dirty field from which women have to be shielded.

Added to the political and socio-cultural obstacles are the economic and legal ones. Economic obstacles are most apparent in the high cost of electoral campaigns that may be beyond the reach of many women, mainly those who lack financial independence. The legal obstacles have always emanated from the adopted electoral laws that never provided for legal mechanisms needed to ensure equal opportunity among all candidates. They also emanated from the sectarian personal status laws that help consecrate the prevalent family structures and power relations.

Despite the role of these factors in influencing the attitudes and positions of the male decision-makers with regard to enhancing female representation in political decision-making positions, little attention, if any, has been paid to another important factor i.e. the nature and extent of the role played by the civil society in general and non-governmental organizations (NGOs) working on women rights and gender equality in particular in the decision-making process. While this sector is seen by many as sizeable, dynamic and active, no serious research has been carried out to assess its effectiveness as an influential pressure group impacting on decision-makers and policy content on the one hand, or as an agent of societal and cultural change on the other.

This sector is not without serious flaws that have weakened its ability to push for women quota earlier on. Despite the long lists of NGOs working on improving the status of women, only very few qualify as active pressure groups on the political level. Most NGOs suffer from lack of coordination and agreement on the issue of women quota as an instrument for enhancing female participation in public office. The relations among most NGOs can be described more as competitive rather than cooperative. Though competition may be highly valued as an incentive for better performance, it must not have negative effects on any needed coordination, or lead to duplication of work resulting in the waste of badly needed money, time, and effort.

Very few NGOs have been able to establish channels with policy-makers, and most lack effective means to influence them. This is in large part due a) to their inability to bring women to act as a voting bloc capable of influencing politicians' behavior, and b) to their lack of a media strategy, or at least a well designed one, that can help them raise public awareness, reach as broad an audience as needed, and mobilize public support for their cause. The best indicators of this weakness can be found in the very small numbers of women NGOs who respond to calls for any kind of peaceful protest, demonstration, sit-in etc ... , as well as in the inability of most of those NGOs to attract men or new blood into their organizations.

Not only do women NGOs lack coordination among themselves, they, with the exception of very few, lack coordination with other NGOs working on other highly related issues in the field of human rights as with the National Commission for Lebanese Women (NCLW), the mechanism created to help monitor government compliance with and respect for its obligations under CEDAW and related conventions. This has resulted in keeping the women issues isolated from the broader context and

most importantly in depriving NGOs from the mutual help, exchange of knowledge and expertise, and the support such organizations can provide each other with. Excessive NGO specialization and concentration on gender specific issues is needed, but this must not be done in a vacuum. It should be part of a holistic approach to secure rights for women.

The above, coupled with a lack of needed funds, outdated management and planning, as well as lack of rotation of power in some women NGOs, have resulted in their success being dependent in large part on the existence of a serious political will to act on guaranteeing gender equality in practice as in theory and according to constitutional principles. Unfortunately, this did not happen until lately and only among few decision-makers. How successful those decision-makers will be in leading the change remains to be seen.

Conclusion

This article aimed at analyzing the two proposals for introducing a women quota in elected national and local councils in Lebanon which have reached the decision-making agenda. By assessing the actual contribution they may, or may not, make towards enhancing female participation in public office, the paper aimed at directing the attention of those concerned to the weaknesses and flaws that must be avoided regarding any future reform of the electoral law governing parliamentary elections and regarding the currently discussed reform of the law on municipal elections, in order to ensure that true female representation at those two levels become a reality and not a false promise.

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Electoral Law Proposal for a Women's Quota in the Lebanese Parliament

Kamal Feghali

This article is an abridged version of the two electoral law proposals "Women Quota in the Lebanese Parliament" prepared by Kamal Feghali (pollster, election specialist, and head of The Bureau for Statistics and Documentation) in July 2008 upon the request of the Woman and Child Parliamentary Committee with the participation of several women's organizations and associations. The editorial team of Al-Raida, and for the purpose of this issue, decided to translate and summarize the two draft laws to make them accessible to our readers.

Despite the fact that since 1953 Lebanese women enjoy full political rights, female participation in decision-making and representation in national and local elected councils is still very low (4.7 percent in national parliament). Considering that Lebanon is signatory to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the 1995 Beijing Declaration which provides for a minimum of 30 percent female representation in elected and appointed political bodies, Lebanon is committed to adopt temporary measures aimed at enhancing equality between men and women.

The following two proposals were submitted in August 2008 to introduce the women quota without jeopardizing the existing regional and sectarian distribution of seats in parliament.

The First Proposal

The first proposal entails the adoption of a women quota of a minimum of 30 percent and its gradual implementation. The first stage starts with temporarily reserving a 10 percent of the seats for the first electoral session, i.e. the temporary allocation of 14 parliamentary seats out of the current total number of 128. Table1 shows the proposed distribution of the 14 seats.

The distribution of seats

The gender distribution will be added to the regional and sectarian distribution of seats already in effect. The 14 seats are to be exclusively reserved for women. Only women are entitled to compete for the seats allocated for women. As for the remaining 114 seats, men and women can compete without discrimination.

Candidacy

Only women can run for the seats reserved for women according to the geographical and confessional distribution of those seats. For example, one Maronite seat is reserved for women in the Keserwan district, where 5 seats are reserved for Maronites. Consequently, women and men from the Maronite confession can run for the other four seats reserved for Maronites in the district, and the first four candidates win. Only Maronite women can run for the seat reserved for women and the first among them wins.

Criteria for the distribution of seats

Out of the 128 seats in the Parliament, the seats reserved for women are distributed on the basis of the following criteria:

On the basis of religion and confession

The 14 seats reserved for women will be distributed

equally among Muslims and Christians. The 14 seats reserved for women will be distributed proportionately among the major confessions in the two religions.

Out of the 14 seats 7 seats are reserved for Muslims: 3 seats will be allocated for the Sunnis, 3 seats for the Shiites, and 1 seat for the Druze. For Christians, 7 seats will be reserved and distributed as follows: 4 seats will be allocated for the Maronites, 1 seat for the Greek Orthodox, 1 seat for the Catholics, and 1 seat for the Armenian Orthodox communities.

At the district level

The quota will be implemented in the district where the maximum number of seats is reserved for a particular sect. For the Sunni seats for example, the priority is given to Beirut District III and to the Tripoli District, each one having 5 seats for the Sunnis. Priority will be given to the urban district rather than to the rural one for social reasons. For the third Sunni seat for example, priority is given to the city of Sidon rather than to the rural district of Akkar. Priority will also be given to the district where the voters from a specific confession constitute the absolute majority: For the Druze

Table 1

	Distribution of total seats												Proposal for confessional distribution of parliamentary seats for women						
District	Number of seats	Sunnis	Shiites	Druze	Alawit	Maronites	R. Catholics	R. Orthodox	Evangelical	Armenian C.	Armenian O	Minorities	Sunnis	Shiites	Druze	Maronites	Catholics	Orthodox	Armenian O.
Beirut I	5					1	1	1		1	1								
Beirut II	4	1	1								2								1
Beirut III	10	5	1	1				1	1			1	1						
Akkar	7	3			1	1		2											
Tripoli	8	5			1	1		1					1						
Minye-Denniye	3	3																	
Becharre	2					2													
Zghorta	3					3													
Koura	3							3											
Batroun	2					2													
Chouf	8	2		2		3	1									1			
Aley	5			2		2		1							1				
Baabda	6		2	1		3										1			
Maten	8					4	1	2			1					1			1
Keserwan	5					5										1			
Jbeil	3		1			2													
Saida	2	2											1						
Zahrani	3		2				1												
Tyr	4		4											1					
Jezzine	3					2	1												
Nabatiyeh	3		3											1					
Marjeyoun& Hasbaya	5	1	2	1				1											
Bint Jbeil	3		3																
WestBekaa &Rachaya	6	2	1	1		1		1											
Zahle	7	1	1			1	2	1			1						1		
Baalbeck &Hermel	10	2	6			1	1							1					
Total	128	27	27	8	2	34	8	14	1	1	5	1	3	3	1	4	1	1	1

seat, for example, priority is given to the district of Aley which is the only district in Lebanon where the Druze voters are the absolute majority. It is important to note that the quota must not be implemented in a district which has only one seat for a specific confession. Moreover, the quota implementation must preserve a balance among districts and guarantee a maximum of one seat for women in each district.

Distribution of seats when a quota for women can be introduced

For the Sunnis: Beirut third district, Tripoli and

Sidon. These are the three main cities where the Sunnis have an important electoral impact
For the Shiites: Baalbeck, Tyr and Nabatieh (The priority is given to Nabatieh for being the center of the Nabatieh district)

For the Druze: Aley (The only district where the Druze voters are the absolute majority)

For the Maronites: Keserwan, Matn, Chouf and Baabda (The main districts for Maronites are in Mount Lebanon)

For the Orthodox: Koura district

For the Catholics: Zahle district

For the Armenian Orthodox: Beirut second district

Table 2

	Distribution of total seats												Proposal for confessional distribution of parliamentary seats for women						
District	Number of seats	Sunnis	Shiites	Druze	Alawit	Maronites	Catholics	Orthodox	Evangelical	Armenian C.	Armenian O	Minorities	Sunnis	Shiites	Druze	Maronites	Catholics	Orthodox	Minorities
Beirut I	5					1	1	1		1	1							1	
Beirut II	4	1	1								2								
Beirut III	10	5	1	1				1	1			1	1						
Akkar	7	3			1	1		2					1						
Tripoli	8	5			1	1		1					1						
Minye-Denniye	3	3																	
Becharre	2					2													
Zghorta	3					3													
Koura	3							3											
Batroun	2					2										1			
Chouf	8	2		2		3	1												
Aley	5			2		2		1							1				
Baabda	6		2	1		3										1			
Maten	8					4	1	2			1								1
Keserwan	5					5										1			
Jbeil	3		1			2										1			
Saida	2	2																	
Zahrani	3		2				1												
Tyr	4		4											1					
Jezzine	3					2	1												
Nabatieh	3		3											1					
Marjeyoun& Hasbaya	5	1	2	1				1											
Bint Jbeil	3		3																
WestBekaa & Rachaya	6	2	1	1		1		1											
Zahle	7	1	1			1	2	1			1						1		
Baalbeck & Hermel	10	2	6			1	1							1					
Total	128	27	27	8	2	34	8	14	1	1	5	1	3	3	1	4	1	1	1

The Second Proposal

The second proposal entails a gradual adoption of the minimum 30 percent of the total number of parliamentary seats. It involves reserving temporarily 10 percent of the seats i.e. 14 seats will be temporarily reserved for women. This number will not be taken from the original 128 seats but will be added to it thus increasing the number of the members of Parliament to 142 members, provided that the seats are distributed according to the enclosed table (see Table 2).

Distribution of seats

The gender distribution of seats will be added to the sectarian and regional distribution already in effect. The 14 seats will be exclusively reserved for women. Only women are entitled to compete for the seats allocated for women. As for the rest of the 128 seats, men and women can compete without discrimination.

Candidacy

Only women can run for the seats reserved for women according to the geographical and

Table3: The Proportional Distribution of Seats According to Religion and Caza

District	Muslims	Christians	Total	Muslims	seats	Christians
West Bekaa-Rachaya	100200	32262	132462	3,1	1,6	5,0
Zahle	73331	100900	174231	2,2	5,1	6,6
Zahrani	81358	26560	107918	2,5	1,3	4,1
Jezzine	13766	46886	60652	0,4	2,3	2,3
Tyr	167483	12883	180366	5,1	0,6	6,8
Saida	56961	5225	62186	1,7	0,3	2,4
Batroun	4064	56127	60191	0,1	2,8	2,3
Denniye-Menye	96767	15801	112568	3,0	0,8	4,3
Koura	9505	50124	59629	0,3	2,5	2,3
Becharre	28	48080	48108	0,0	2,4	1,8
Zghorta	9694	67681	77375	0,3	3,4	2,9
Tripoli	194076	23828	217904	5,9	1,2	8,3
Nabatiyeh	133809	5525	139334	4,1	0,3	5,3
Bent Jbeil	121094	15451	136545	3,7	0,8	5,2
Marjeyoun-Hasbaya	132330	24821	157151	4,0	1,2	6,0
Baalbeck-Hermel	272801	46904	319705	8,3	2,3	12,1
Beirut	367003	213721	580724	11,2	10,7	22,0
Chouf	123532	75964	199496	3,8	3,8	7,6
Maten	10577	170473	181050	0,3	8,5	6,9
Baabda	77380	90847	168227	2,4	4,5	6,4
Jbeil	18594	63054	81648	0,6	3,2	3,1
Aley	73989	54559	128548	2,3	2,7	4,9
Keserwan	1939	92850	94789	0,1	4,6	3,6
Akkar	185733	77887	263620	5,7	3,9	10,0
Total	2326014	1418413	3744427	71,0	71,0	142,0

confessional distribution of those seats. For example, one Sunni seat is reserved for women in the Tripoli district. Consequently, women and men from the Sunni confession can run for the other five seats reserved for Sunnis in this district and the first five of the two genders win. Only Sunni women can run for the seat reserved for women and the first among them wins. Moreover, women and men can run for the Orthodox, Maronite, or Alawite seats.

Criteria for the distribution of seats

The seats reserved for women are to be distributed on the basis of the following criteria:

On the basis of religion and confession

The additional 14 seats reserved for women will be distributed equally among Muslims and Christians. The 14 seats reserved for women will be distributed proportionately among the major confessions in the two religions.

Out of the 14 seats, 7 seats are reserved for the Muslims: 3 seats will be allocated for the Sunnis, 3 seats for the Shiites, and 1 seat for the Druze. For Christians, 7 seats will be reserved and distributed as follows: 4 seats will be allocated for the Maronites, 1 seat for the Greek Orthodox, 1 seat for the Catholics, and 1 seat for the Armenian Orthodox communities.

Criteria for the regional distribution of seats:

The quota will not be implemented in districts which suffer from lack of representation. Priority should be given to the urban districts rather than

to the rural ones due to social reasons. Priority should also be given to the districts in which the voters of a specific confession represent the absolute majority. There is a need to take into consideration the voters of a particular confession in the districts where no seats were allocated for them and compensate this lack in the districts of the *Mouhafaza*.

The distribution of seats

For the Sunnis: Beirut third district, Tripoli, and Akkar.

For the Shiites: Baalbeck-Hermel, Tyr, and Nabatiyeh

For the Druze: Aley

For the Maronites: Jbeil, Keserwan, Baabda and Batroun

For the Orthodox: Beirut

For the Catholics: Zahle

For the minorities: Matn

Remark:

Along with the two quota proposals, Feghali submitted 2 proposals concerning the amendment of Article 24 of the Constitution to allow for the introduction of the women quota and adding it to the already existing sectarian and regional distribution of parliamentary seats. The amendments were prepared in anticipation of objections to the proposed women quota, considering that it constitutes a breach of the principle of equality among the Lebanese, as consecrated in the Lebanese constitution.

Unjustifiable Means to Unjustifiable Ends

Delegitimizing Parliamentary Gender Quotas in Tunisia

Kristine Goulding *

Introduction

The Tunisian government, since independence in 1956, has been a major factor in creating and maintaining space for the women's movement both in the domestic and political spheres. The state has been the chief agent of change, not only in introducing legislation, but also in seeking to alter the productive and reproductive roles of women (Murphy, 2003) – a process which has been mirrored in other states throughout the Middle East under the blanket term of “state-sponsored feminism” (Murphy, 2003, p. 169; Brand, 1998, p. 9). The process of “instigation from above” (Hatem, 1999, p. 78) has both secured the state's support of women's right as well as transformed gender into a political instrument. The women's movement in Tunisia enjoys the ideological and financial backing of the government, and has become part of a political strategy to enhance the legitimacy of the state. In short, the caprices (and benevolence) of President Ben Ali's ruling *Rassemblement Constitutionnel Démocratique* (Constitutional Democratic Rally, RCD) have come to define the scope and magnitude of the rights of women, a process through which the feminist agenda has become closely (and dangerously) tied to the ruling party's political agenda.

To mark the 20th anniversary of the Change (Zine el-Abidine Ben Ali's ascent to power on November 7, 1987), Ben Ali addressed the nation in his State of the Nation speech, outlining key changes about the position of women in the political sphere. He called on political parties to work to increase the rate of women's presence on the lists of candidates they sponsor in legislative and municipal elections, thus materializing the national choice to reinforce women's presence within constitutional institutions. He announced that the RCD has increased the ratio of women on the RCD lists of candidates for legislative and municipal elections to at least 30 percent, up from 22.8 percent in previous years. This move has secured Tunisia as perhaps the most progressive Arab state in the realm of women's rights, and has placed women in a position to contribute to public life and to participate in building the future of the nation. This sort of quota is seen as a way of promoting equality and redefining citizenship in a more inclusionary manner, as well as strengthening the ruling party's legitimacy in legislative and municipal councils by including more voices (Krook, 2008).

However, despite the laudable gesture of including more women in elections (and the associated heightened levels of female political participation), the implications of state-

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sanctioned feminism are far-reaching. Of primary interest is the lack of ideological change resulting from the government's narrow-minded approach to feminism, and the lack of diversity associated with that feminism. In short, state-sponsored feminism tied directly to national political interests mirrors state interests and cannot be considered a manifestation of progressive feminist reform. The government's trusteeship of the women's movement stifles the creation (and advancement) of new ideas. As a result, even though more women are given space to pursue equality and voice their opinions, they will fail to develop an independent agenda because of the limited role that dissident voices can play. The idea of space being "given", or a women's agenda "set" by a trustee government undercuts the evolution of an independent Tunisian feminist agenda.

Further, many of the newly-active women in the RCD strike what Turkish sociologist Deniz Kandiyoti (1988) calls a "patriarchal bargain", by which they collude in their own gender subordination to achieve some sort of (limited) power within a masculinized power system. Tunisia's type of state-sponsored feminism brings to power women who parrot the views of the government (and the ruling male class) – a generation of "yes women" who defeat the goal of encouraging unique female voices. Essentially, many of the women who are serving in the legislature and municipal governments act as tools of the (masculinized) state, reproducing patterns of power and entitlement without promoting change.

Using Kandiyoti's "patriarchal bargain" as a theoretical framework, as well as American political scientist Mona Lena Krook's (2008) analysis of the impact of gender quotas on women as political actors (and the implications of gender quotas for promoting an independent feminist agenda), this paper will contend that the women who are encouraged to become politically active are primarily those who subscribe to the "state-sponsored" brand of feminism promoted by the current regime – those who function within the pre-existing masculine social order. More "radical" women who want to affect change are not supported by the state structure and thus their voices are not acknowledged in the political discourse. Ultimately, this paper will address the central thesis that gender quotas are rendered meaningless if established under an authoritarian state structure that stifles plurality of opinion, contending that such quotas bring to power more of the same "token women" (Dahlrup, 2005, p. 149) who do not, and cannot, challenge established patriarchal norms. The concluding comments will question the capacity of current political structures to adopt proportional female representation given the lack of pluralism within the feminist movement and political parties.

Problematizing Gender Quotas: The Masculinization of Feminist Practice

Gender quota laws are adopted to regulate the selection or election of women to political office, and are seen as a way to incorporate women into public life (and by extension, improve women's overall social, economic, and political status). Quotas appeal to the idea that women's experiences are distinct, and that women in the government bring distinct and insightful attributes that encourage a more compassionate and less corrupt society (Tinker, 2004). Reserved seats place the burden of recruitment not on the individual women, but rather on those who control the

recruitment process – the political parties who act as the gatekeepers to politics. Quotas shift the classic liberal notion of equality (based on the notion of “equal opportunity” or “competitive equality”) to one of “equality of result” (Dahlrup, 2005, pp. 144-145) – providing active equality measures that break down structural barriers (either overt or underlying) which may prevent women from competing equally in an election.

At the same time, however, gender quotas are seen as undemocratic and undermining the principle of equality, as the election of women can be seen as preferential, based on their gender and not their qualifications. Quotas reaffirm the boundaries of culturally acceptable feminine conduct and exert pressure on women to articulate their gender interests within the terms set by national discourse. In that sense, different schools of feminisms are never autonomous but bound to the national contexts which produce them (Kandiyoti, 1996). As Krook (2008) points out: “...it is crucial to acknowledge that the adoption of gender quotas does not always stem from principled concerns to empower women in politics. Rather, most quota policies are the result of combined normative and pragmatic motivations, pursued by varied but multiple groups of actors who support reform for various and often conflicting reasons” (p. 353).

Kandiyoti (1996) highlights the fact that social institutions do not merely reflect a monolithic patriarchal logic, but rather are the site of power relations and political processes through which gender hierarchies are both created and contested. Simply because the majority of women’s organizations who feed female politicians into the government have developed through government sponsorship, they need not necessarily mirror the patriarchal priorities of the state. To the contrary, the patriarchy endemic to many women’s organizations (and the politicians who mirror the patriarchal beliefs) is in a way organically created by the women themselves who are trying to play by the masculinized “rules of the game” (Kandiyoti, 1988, p. 274). Therefore, the lack of diversity within female candidates stems not only from the masculine structures of the government, but also from those women who try to emulate, maintain, and therefore reproduce the structures that limit them.

In exchange for protection and the chance to move upward in the current system, many women will barter their submissiveness and propriety in return for becoming part of the system – maintaining the stability of the system as long as they can be a part of it (Kandiyoti, 1988). In this way, women reproduce the same systems which limit the potential of their power. As Kandiyoti (1988) points out succinctly: “...women in areas of classic patriarchy often adhere as far and as long as they possibly can to rules that result in the unfailing devaluation of their labor. The cyclical fluctuations of their power position, combined with status considerations, result in their active collusion in the reproduction of their own subordination” (p. 280).

Tunisian Women’s Rights in a Historical Context

Extensive literature tracing the progression of women’s rights throughout Tunisian history establishes the limitations that a corporatist political system places upon state feminism.¹ Nevertheless, Tunisia has historically boasted of having one of the most progressive state policies regarding women in the Arab world – policies that have allowed women to participate in nationalistic struggles and nation-building since the early twentieth century. Since President Habib Bourguiba proclaimed the *Code*

1. See Murphy, 2003; Charrad, 1996; Labidi, 2005; & Moghadam, 2005.

du Statut Personnel (Code of Personal Status, CSP)² in August 1956, the Tunisian government has worked to “remove all injustices” and promulgate “laws rehabilitating women and conferring upon them their full rights” (as quoted in Curtiss, 1993, p. 50). Bourguiba was dedicated to a vision of a nationalist, secularist, and socialist society in which all citizens participated – a requisite of which was to enable women to become active in the public sphere. The CSP, which established the social and moral equality of women in the eyes of the law, paved the way for women to move out of the domestic sphere and into the public view as productive members of society (Murphy, 2003). In short, the CSP provided a framework of protection from gender-based discrimination for women.

Furthermore, Bourguiba and his government attempted to promote further social change through the creation of programs and institutions expressly designed to meet the needs of women, specifically the *Union Nationale de la Femme Tunisienne* (National Union of Tunisian Women, UNFT). The UNFT acted as the exclusive channel for women to be elected onto the lists of candidates for Bourguiba’s Neo-Destour party in local and national elections. Nevertheless, despite his commitment to women’s emancipation, Bourguiba restricted the expression of women’s interests to this organization by establishing a firm grip over whom and what was permissible – and who and what was strategic for his regime. As Murphy (2003) points out: “It was in line with his corporatist model of government to do so, and linked the achievement of legal and social reforms for women to their continuing support for his regime” (p. 173). Advocates of Tunisia’s women’s rights model have lauded Bourguiba for his progressive viewpoints on women, pointing out that his support for women’s rights was not a response to pressure from below, but rather initiated from the top. The pitfall to this archetype, however, was that these women’s organizations did not develop independently by challenging the state’s perspective, but rather were developed by and for state interests – feminism “given” rather than feminism “secured”. A group of middle-class, government-supporting political elites became responsible for articulating and negotiating the interests of women, effectively limiting the scope of voices heard in the government. As Murphy (2003) aptly notes:

The downside to state feminism is that any improvement in the economy and political options available to women is tied to the state’s willingness and ability to enforce that availability. Top-down changes do not alter the fundamental social structures that create discrimination, underrepresentation, and subordination, and as soon as the state weakens or withdraws, those structures can reassert themselves. Indeed, even when the state appears to be actively advancing women’s interests, those same social structures can shape that advance and undermine it from within. (p. 176)

The Ben Ali Era of Women’s Rights

Zine el-Abidine Ben Ali seized power in a constitutional coup on November 7, 1987 and quickly sought to advance further the equality of women in the public and private spheres. His ruling party, the RCD, pushed for a modernizing agenda which set Tunisia apart from the rest of the Arab world and which included the voices of women’s organizations in drafting its National Pact in November 1988. Ben Ali relaxed the strict standards set by Bourguiba which restricted women’s political representation to only

2. For more on the CSP see Tessler et al. 1978. The rights established include, among others, the abolition of polygamy, the establishment of a minimum age of marriage for girls (17) and the right to child custody for the mother in the case of the death of the child’s father.

the UNFT, and within months a number of new women's organizations sprang up.³ The caveat to forming these organizations, however, was that the groups must receive formal recognition and support from the Ministry of Culture. As a result, the new associations existed not to challenge government policies, but rather to contribute to them through institutional structures (Murphy, 2003). The benefit to this arrangement was, of course, that women's interests were (and are) more universally recognized and supported, both ideologically and financially.

Additionally, Ben Ali made a highly-publicized effort to increase the participation of women in higher levels of government and civil service. He introduced a series of amendments⁴ to the CSP on August 14, 1992 which confirmed the principle that women's rights are inseparable from and identical to men's rights, and which eliminated legal provisions that could be interpreted as discriminatory or sexist. Several more amendments were made to the CSP over the next ten years which further strengthened women's position in regards to marriage, childcare, and the home. In the political field, Ben Ali worked for the promotion of women's interests and encouraged women to become active in the economy and in politics. Literacy rates among adult women rose from 55 percent in 1995 to over 64 percent in 2003, according to national statistics, and the rate of women's education has increased exponentially to the point that women now outnumber men in institutes of higher education (World Bank, 2009). In 1999, 11.5 percent of the parliament was female (21 out of 182 members), and the percentage has risen to 22.8 percent in 2004 (43 out of 189 members). As of 2007, there were two women ministers, five women secretaries of state, one woman adviser to the President, and one woman governor, as well as several prominent permanent positions for women in the Ministry of Women and Family Affairs (UN-ISTRAW, 2005). Most recently, Ben Ali's 2007 announcement to increase the ratio of women on the RCD lists of candidates to at least 30 percent continued the tradition of progressive women's rights in Tunisia.

Implications for Feminist Reform

Ben Ali's November 7, 2007 State of the Nation speech was hardly revolutionary, given the country's strong history of women's rights. As he stated clearly: "We have already asserted that Tunisian women are a reflection of modernity, a guarantee for our people's authenticity, and one of the pillars of the Republic. Indeed, without women's citizenship, the very notion of citizenship will be incomplete". However, despite the laudable message, the implications of this announcement are a bit more dubious. Tunisian women, like men, have not been able to exercise fully their rights to free and democratic political processes because of repressive electoral practices in the country, and, as a result, the "freedom" that women have to express themselves is limited. While quotas ensure the presence of more women in the government, most often they are women who say the same things as their male counterparts, and who cannot or do not question the regime. The gender quota system in Tunisia falls into the same trap as that of other authoritarian states: it is used as an excuse to promote other political ends, in this case the continued rigorous control of the RCD over its members and potential opposition parties. The adoption of gender quotas gives the RCD more control over who it selects to run in elections, by giving the leaders free reign to choose more "malleable" candidates who will not question the status quo, help to consolidate power, and enforce central party decisions.

3. See Moghadam, 2005, p. 307. The number of women's organizations increased from 1 in 1956 to 21 in 2001, with many groups exerting influence at the national level.

4. One such amendment include (among others) that mothers may participate in the management of their children's affairs. Other amendments to the penal code criminalized domestic violence. See the 2008 Freedom House Report on Tunisia.

The seats reserved by gender quotas are, in many cases, an easy and highly visible way for the government to demonstrate a commitment to women's rights without necessarily altering existing patterns of representation (Krook, 2008). The organizations that represent women's interests are either affiliated to the ruling party in some way, tied to trade unions that are co-opted into the government structures, or even directly funded and controlled by the Ministry of Culture or the Ministry of Women and Family Affairs. As a result, there is no effective independent organization through which women can challenge the strategies of the government (Murphy, 2003). Women's groups that do not support the agenda of the government, those who lean too far to the right or left, or those that tackle issues outside the approved reach of the government (too radical, too Islamic, or too critical of the government) are often persecuted by the authorities, or co-opted into the larger "feminist agenda" through various women's organizations. Alternatively, these "radicals" are totally ignored by the international media and the Tunisian government.⁵

Consequently, the women's agenda that is promoted within the government is more center-leaning than many of its once-extreme constituents. It seems, therefore, that the aforementioned strategic partnership between the ruling party and many women's organizations has been effective at neutralizing complaints – even if the strategy has not dealt with many of the underlying issues behind their original criticisms. Existing organizations can raise their concerns (to some extent), but they are met with government claims that the legal environment for women is, in the words of President Ben Ali (2007), "continually improving" and that women are benefiting economically and socially from the government's support. In this way, independent, often radical voices are excluded from the government dialogue, despite (and as a result of) the gender quota system. The result is that the efficacy of gender quotas set forth to encourage women to become active participants in their government is hindered by the authoritarian structure in which they exist.

Female candidates, in this case, act as a broader state-building and regime-consolidating tool and part of a larger project to reinforce patriarchal structures. Ultimately, including more women in its party lists is not a threat to the RCD: rather, their presence can do nothing but add national and international legitimacy to the RCD's cause by making the party appear more receptive to the demands of their female constituents. While not always inherently injurious in practice, the principle behind such quotas is that women can be used as agents of the state, and their legitimate interests must take a back seat to the priorities of the male leadership. Kandiyoti's "patriarchal bargain" plays out, as the quest for power in relation to their male colleagues leads many women in the Tunisian system to take the paradoxical bid for increased responsibility at the cost of continued control by men. In this way, the next generation of Tunisian women politicians seemingly will follow the path of "token" women who do not necessarily represent the interests of their gender (whatever those interests may be), but rather adopt the same masculine values as their male colleagues. The problem, therefore, lies in the existing patterns of representation which prioritize certain masculine ideals, seducing men and women alike to reproduce a broken system.

Conclusions of Co-opted Feminism

Since independence, Tunisian women have had their rights determined for them rather than having to struggle to win their freedom at the expense of a gender-

5. See Hachicha, 2005. Hachicha, founder of Tunisia's Parti Libéral Méditerranéen, advocates an end to the one-party state and the establishment of a democratic, multi-party liberal system in its place. She also recounts her difficulties as a politician, an opposition member, and a woman.

discriminating system. In some cases, the state system has been kind to the domestic interests of women through such legal guarantees such as the CSP, and Tunisians are justifiably proud of the advances made in the realm of women's rights. The struggles of individuals both within the government and in civil society, especially in recent years, should not be overlooked or under-appreciated. Nevertheless, the history of feminism in Tunisia as well as the top-down approach of the government has dictated that Tunisian women cannot develop either a culture of, nor mechanisms for, dynamic feminist political struggles. Rather, their consciousness as an interest group remains that of a co-opted elite rather than a mass protest or liberation movement (Murphy, 2003). As a result, female politicians – from the women's organizations who supposedly promote women's interests, to the women candidates who are encouraged to run for office – act as brokers of the state who support the masculine state agenda.

Women politicians in Tunisia face a precarious tension: because of the one-party style of government politics, those who want to have their voices heard firstly must be supporters of Ben Ali and the RCD, secondly must prove themselves to their constituents, and thirdly (if at all) must support their own independent agendas. Unfortunately, the bargain that many make with the patriarchal system (which is reproduced and reinforced by men and women alike) brings to power many “yes women” who do little but reaffirm the control of the RCD over all political life. The gender quota system embellished by Ben Ali's November 7 proclamation, while certainly an effective tool to encourage (or ordain) the participation of women in national and local politics, enforces a “one size fits all” approach to women's rights that stifles the creation of an independent women's movement.

Ultimately, the problem with Tunisian feminism is the repressive structures in which it is situated. Tunisians cannot change their government democratically, and because the authoritarian state circumscribes the political rights of all citizens, the overall impact of women's advancement is reduced. Despite the daily struggles of feminists within the country, their voices have little impact on the dominating state structures and can affect only nominal change. Only when the government commits to a democratic system that allows for free, fair, and competitive elections can the current gender quotas lead to tangible change for the men and women of Tunisia.

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Gender Quotas in Clientelist Systems:

The Case of Morocco's National List

James Liddell

The use of parliamentary quotas to increase women's political participation has gained a lot of traction in women's empowerment discourse. Women's movements worldwide have been working hard to make progress in ensuring a more equal representation of women in parties and parliament alike. So far during this decade, Morocco has emerged as one of the leading models for increasing women's rights in the Arab world. In 2002, an informal agreement among political parties to establish a gender quota for women in parliament quickly gave Morocco one of the highest levels of women's representation in the Arab region. Just two years later, women's groups celebrated one of their greatest victories with the reform of the family code, *moudawana*, in 2004. Both of these events coincided with an increase in the number of women in positions of power.

Despite the increased profile of Moroccan women in public life, the seven year experience of Morocco's national list raises more questions than the answers it provides: Does the quota system encourage women to play a greater role in public service or to simply "occupy a seat?" What are the criteria used for selecting women to be on the national list? How have party leaders manipulated the quota system for their own purposes? How does the candidate selection process reproduce and strengthen clientelist practices? Once in parliament, do women MPs focus on the concerns of other women or are they constrained by many of the same informal rules and partisan loyalties as male MPs? Who do they represent?

Parliamentary quotas have been effective tools for empowering women through politics in many disparate corners of the world. However, as with any development initiative, context matters. Since every parliament has its own power dynamics, any benefits to be gained by increasing the presence of women in politics are largely dependent on the nature of how such political institutions function in a local setting. My argument is that increasing the representation of women in institutions which are not popularly viewed as representative is not empowering. Rather, it acts as a surface reform taking pressure off male elites to genuinely empower women in decision-making positions.

The Moroccan Parliament, like many other parliaments around the world, functions not as a representational system but as a clientelist one. By using the frame of a clientelist system in which political competition is contained within clearly defined boundaries, and largely separated from the concerns of average citizens, it becomes more difficult to imagine that gender quotas can act as genuine levers of empowerment. By

examining the case of Morocco, the goal of this article is to encourage a deeper look into the fundamental assumptions behind women's empowerment initiatives relying on gender quotas.

Contradictory Messages

The literature on gender quotas for women in parliament varies according to different countries' experiences and patterns of political development. In many ways, though, quotas come off as a sure bet for raising the representation of women in political institutions. For women's groups and international institutions alike, the notion that increasing women's political participation is a necessary step in order to overcome inequality in political institutions almost goes without saying. The extent to which such increases in participation lead to genuine empowerment, however, is not as clear.

The Arab Human Development Report (AHDR) (2005), invoking the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), is vocal in its support for quota systems to overcome "historic" barriers facing women (pp. 184-185). But, shortly thereafter, the authors of the AHDR go on to state that such measures "fall short if there is no true democratic representation of citizens as a whole" (p. 213), and should only be an "interim step" (p. 205). Such a qualified and cautious assessment would be reassuring if the authors of the report didn't go on to contradict themselves in their conclusions.

In the beginning of the report, the AHDR warns of a "democratic façade" (p. 22) in which authoritarian Arab rulers implement new initiatives aimed at women in order to create a veneer of empowerment that would stave off pressure from Western governments. Yet, later on, the authors readily use the number of women in Arab parliaments as an indicator for the empowerment of women within their respective legislatures. From their discussion of parliamentary quotas, the authors paint them simultaneously as a necessary step and part of the problem.

The writings of Moroccan women's activists responsible for advocating for greater political inclusion also reflect this duality – unequivocal support for gender quotas combined with the acknowledgement of major obstacles to true empowerment. Khadijah Errebah, whose organization Association Démocratique des Femmes du Maroc (ADFM) has led the fight for quotas, is the most optimistic, stating that a quota system has the potential to "break the vicious circle produced by inequality and create new political relations based on true fairness and democracy" (2003, p. 57).

Rachida Tahri (2003), also of the ADFM, lays out the historic and successful steps taken by a coalition of women's groups over ten years in order to secure greater representation for women in politics. At the same time, though, she admits that "most of the political parties believe that they do not need to include female candidates on the local lists [since women have the national list quota system]" (p. 2). Tahri (2003) describes the progress made as both "fragile" and "reversible", lamenting that women are still "absent from decision-making bodies in the legislature" (p. 5).

In her study on women's movements and political discourse, researcher and co-founder of ADFM, Rabéa Naciri (1998), lays out a much more comprehensive story behind the

origins and subsequent successes of women's activism in Morocco. By rightly crediting the movement for past battles won, Naciri (1998) makes a key point: "the capacity of the new civil society organizations to present social and political alternatives... depends on their...ability to remain independent from political institutions" (p. 6). Although remaining autonomous from political parties has been a necessary condition for the women's movement in order to preserve its independence in the past, Naciri (1998) argues that "politics is still seen as the sphere relating to power and the official political institutions, the rest being perceived as fringe activities" (p. 22). From this viewpoint, then, the women's movement has made increasing women's political participation in elected bodies part of its mission to "challenge an established social order and its norms and values in order to change them" (p. 22).

A publication by IDEA titled *Women in Parliament: Beyond Numbers* features several studies that focus on the benefits of increased participation of women in parliament and even provide strategies to maximize their presence in elected bodies (Sabbagh, 2005; Karam and Lovenduski, 2005). Ultimately, however, the studies stress the importance of the political environment in determining the actual opportunities available to women. Likewise, despite coming out in favor of gender quotas, the scholar Drude Dahlerup (2006) emphasizes that "the political empowerment of women in political institutions cannot be discussed in isolation from the importance of these institutions themselves" (p. 15).

Many Arab countries, such as Algeria, Egypt, and Jordan, have parliaments which function as patronage machines – mechanisms of elite circulation and regime support – lacking significant opposition and comprised of a mixture of rural notables, tribal leaders, and urban elites and businessmen loyal to the regime. While such a political equation is certainly not unique to the Arab world, it is a common feature of many Arab states. Situating the Moroccan Parliament and political institutions within the framework of a clientelist system is necessary to provide a more accurate assessment of the potential gains available to women through increased political participation at the national level.

The Case of Morocco

Political Institutions

Morocco is a constitutional monarchy in name, but one in which the king maintains far reaching powers. The king's authority is also bolstered by his role as the "Commander of the Faithful". As both the political and religious leader, the king enjoys widespread legitimacy and authority. The historical role of the monarchy as both arbiter and bearer of patronage has worked as an effective tool for securing the loyalty of elites as well as co-opting opponents.

Despite Morocco's historically multi-party system, most political parties today function primarily as extensive patron-client networks in which people become members based on self-interest and the benefits accrued through group belonging, rather than ideology or a desire for public service. Decision-making is concentrated in the hands of a very small male elite who share an increasing insecurity about ceding power to women and youth. As an extension of the parties that make it up, the parliament is dominated by competing alliance groups traditionally maneuvering

for proximity to the palace and access to government ministries. Historic bouts of confrontation between the leftist opposition and the palace have been severely tempered by co-optation and the parameters of acceptable criticism are laid out very clearly for the remaining opposition, composed primarily of Islamists. Leaders have a keen interest in maintaining this established system of privileges, and incentive structures strongly favor self-interest over initiative. Members of parliament stand little to gain by outshining their party leadership, and upsetting the power balance of alliance groupings without consensus comes with strong repercussions. Although constitutional amendments in 1992 and 1996 have granted the parliament greater powers – oral questioning of ministers and the ability to carry out fact-finding missions – the institution is still popularly viewed as a theater. Many parliamentarians do not even bother to show up most of the time, even during votes on major bills.

Given the perceived self-interest and detachment of political elites, as well as the monopoly of major decision-making in the hands of the palace, it should come as no surprise that Moroccan citizens have expressed a high level of distrust for the political system. During the last legislative elections in 2007, only 37 percent of registered voters came out to vote, of which 20 percent turned in a spoilt ballot. Due to greater transparency in elections, the scission between the political system and the Moroccan people was made public to all. As one Moroccan professor recently exclaimed, “Moroccan people don’t have confidence in elections in general, in local elections, in national elections, because we’ve discovered progressively that the struggle between political parties is not a struggle to make Morocco better” (German, 2009). While Morocco’s historical opposition and current Islamist opposition do enjoy an ideologically charged constituency, most citizens view the parliament and parties as largely irrelevant to their daily lives. Given these circumstances, what, then, are the opportunities for empowerment available to women by increasing their participation and representation in parliament?

The National List Parliamentary Quota System

The parliamentary quota system adopted for women in 2002 was the culmination of a long, concerted advocacy campaign carried out by a coalition of women’s organizations. A National Committee comprised of 20 women branches of political parties and women’s rights and human rights organizations lobbied party leaders, cabinet ministries, and the public to raise support for political and legal proposals granting women greater political participation. Their efforts helped reach a “gentlemen’s agreement” by party leaders in which 30 of the 325 seats in the Chamber of Representatives would be reserved for women elected in one “national constituency” through a national list (Abou-Zeid, 2006; Errebah, 2003; Tahri, 2003).

So far, the implementation of a national list has already led to several notable advances for Moroccan women. First and foremost, the quota system has “jumpstarted women’s integration into the political process” (Abou-Zeid, 2006, p. 191), increasing their visibility and representation in major institutions. As Karam and Lovenduski (2005) maintain, “the very presence of women in a traditional male environment creates gender awareness and alters expectations” (p. 207). By promoting equal representation of women in political institutions, women are

directly challenging patriarchal rejectionists who claim that they are somehow unqualified or do not belong in politics.

In addition to sparking a greater interest of some women to get more involved in politics and run as a candidate, the quota system – along with the family law reform – has also inspired a wave of other initiatives aimed at giving women a greater role in public life. As a result of King Mohammed's belief in women's empowerment and the presence of a socialist-oriented government with close ties to major women's organizations, women have been appointed in greater numbers to senior positions in justice and government. The king took his first female royal advisor and in 2002 appointed 3 female ministers, followed by a record 7 in 2007 (Abou-Zeid, 2006).

Taken together, these accomplishments are certainly indicative of a positive trend of greater women's representation in political institutions and public service. Moreover, the commitment and activism of women's organizations that fought for many of these initiatives is also a testament to the determination of the Moroccan women's movement. When considering the effect of reserved seats in parliament on women's position in national politics, however, a greater interrogation of the implementation of the quota system is necessary before drawing any final conclusions.

To begin with, because most political parties lack internal democracy, candidate selection is often opaque and frequently favors the well-connected and wealthiest, not the most qualified. Through this system, many of the women who gain seats – just like men – owe them to their family connections, personal wealth, or the strength of their alliance groupings.¹ If the strength of patron-client networks (and not necessarily merit) increases the likelihood of “empowerment”, then why wouldn't women parliamentarians be primarily concerned with preserving those same networks which brought them to power instead of pursuing other causes, such as women's rights? As one participant stated in a survey on women's political participation done by the National Democratic Institute (NDI) (2008), “they [women] were not democratically selected, but instead chosen by friends. In parliament, they are not in a position to disagree with men, which just weakens women” (p. 41).

Implicit in the arguments supporting gender quotas at the parliamentary level is the idea that once women enter parliament, they will be more receptive to the concerns of the women's movement. This assumption is flawed for two reasons: first, it assumes that issues held dear by Morocco's most organized (leftist, secular-oriented and urban) women's organizations are the concerns of all women. As the protests over reforming the *moudawana* have made clear, consensus on women's rights issues in Morocco cannot be taken for granted.

Second, it assumes that once in parliament, women will fight for women's issues. To begin with, even proposing an agenda not shared by party leadership – or going against the “rules of the game” (Naciri, 1998, p. 19) – has the potential to jeopardize women MPs' relationships with the men to whom they owe their seats. Criticizing projects emanating from the palace is also off limits. So far, women MPs have

1. Since the quota's introduction in 2002, only two major parties (Istiqlal and the Party for Justice and Development) have adopted selection criteria to decide spots on their respective national lists. These developments, however, do not eliminate clientelism from the selection process.

not used their position to strengthen the government's erratic implementation of *moudawana* reform or the judiciary's severe deficiencies in upholding changes to the family law.

Partisan loyalties also have the potential to hamper cooperation or mobilization on women's issues. Naciri (1998) has described how, when it came to competing to run as candidates in the 1993 legislative elections, the women's movement "fragmented, espousing the quarrels of political cliques" (p. 22). Although ideology now plays an even weaker role in Moroccan politics, partisan squabbling and competition among political clans and alliance groupings certainly does not exclude women MPs. The Moroccan Women's Parliamentary Forum set up in 2005 remained largely ineffective – unable to take unified action on certain issues due to clashing of egos and mutually held suspicions of partisan agendas.

In addition to the common features of a clientelist system predicated on patron-client relations, the rules of the national list itself encourage its conception by male party leaders as a tool for rewarding women clientele. Parties are allowed to name up to 30 women on their national lists. Yet, it is extremely unlikely that more than 10 women from any given party would ever gain seats during elections. This feature (which results in 20-25 superfluous seats per party) enables male party leaders to give women the honorable recognition of being named to a national list, even when there is no chance of gaining a seat. Competition for placement on national lists is fierce and frequently guided by the logic of clientelism. Sometimes, women with long records of party loyalty and service are passed over in favor of more influential and notable profiles, or the wives of men who fit such profiles. For example, the socialist-oriented parties who made up Morocco's historical opposition – Party for Progress and Socialism (PPS) and Socialist Union for Popular Forces (USFP) – have recently opted for notable candidates with little or no party affiliation.

Another feature of the national list which confounds the role of women in the institution of parliament is that it deprives women of an actual constituency. Because they are chosen at the national level, MPs who get elected through the national list do not actually represent any specific group of people. As Drude Dahlerup (2006) argues, electoral systems where women MPs lack constituencies because "their seats are 'added'" are more likely to produce "token" MPs who lack a "power base" rendering them unable to fulfill their proper role as representatives (p. 14).

Surface Reform or Real Empowerment?

The introduction of the national list has coincided with such landmark reforms as the *moudawana* – granting women greater rights to marriage and divorce – as well as the promotion of a record number of women as government ministers. The implementation of the gender quota system itself, however, has resulted in little substantive increase of women in decision-making positions either within their party or the parliament itself. Despite the greater involvement of women in politics, many women politicians lament feelings of "tokenism" and a patriarchal political culture that shows no signs of changing. According to one participant from the NDI (2008) study, "Women are active in politics, but currently no parties are convinced of the [importance of] gender issues; they just use women as pawns and objects. This is

because of machismo and because women are now seen as competition for men” (p. 37).

The implementation of a system by which male party leaders determine which women are eligible to gain access to parliament without any clearly defined criteria has not weakened men’s control over decision-making within parties. When one female party leader inquired about being allowed to run as a local candidate in a contested seat she was told, “Why are you worried when you’re on the national list? See, now you have women in office, you should be happy” (NDI, 2008, p. 38). More and more, it appears that the national list quota system is just the type of surface reform that the authors of the AHDR warned against – a smokescreen used to feign empowerment in order to mitigate outside pressure calling for improving the status of women in Arab countries.

To be sure, changes in the status of women since the ascendance of King Mohammed VI to the throne in 1999 are both laudable and widely supported. The announcement in 2007 that the current government would contain seven ministers was emblematic of the palace’s vision of seeing qualified women in real positions of power. However, only two of the seven women – Yasmina Baddou and Nouzha Skalli – had strong partisan connections, and of those, only the latter had entered parliament through the national list (in 2002). Because many ministers are either directly or indirectly chosen by the palace, gaining access to parliament does not necessarily increase one’s likelihood of entering government.

Conclusion

As this paper has attempted to show, Morocco’s parliamentary gender quota system, so far, has had very limited success as a mechanism for promoting women to decision-making positions within parties or the parliament. Despite an increase in the representation of women in parliament, the implementation of the national list has not come close to fundamentally changing the patriarchal power dynamics in parliament or parties themselves. It is true that gender quotas have been effective means for empowering women in other societies around the world. Looking at the local context in which political institutions function, though, informs assumptions about empowerment and gender quotas with local power dynamics, political culture, and institutional behavior.

Given the constraints inherent in a clientelist system, the impact of a quota system will depend on whether parties become more internally democratic and set clear criteria for selecting women to be on the national list. To the extent that the quota system could serve as a mechanism for cultivating a future group of women leaders, there should be a one-term limit. That is, women should be encouraged to run on local candidate lists after serving a five-year term on the national list. The recommendation of women’s groups for greater party funding for women candidates would go a long way in making this possible as women frequently lack the wealth and personal resources needed to successfully contest a local seat.

Finally, with the recent implementation of a local 12 percent quota for women during the June ’09 municipal elections, more research is needed to see if the

increased participation and interest of women in local politics translates into greater responsibilities within political parties. The experiences of women in municipal politics do offer more possibilities – due to the greater level of proximity – for women's involvement and may be able to inform the larger question of increasing women's political participation in Morocco. Ultimately, however, without longitudinal changes in political culture, a wide-scale renewal of elites, and constitutional changes granting more powers to representational institutions, there is only so much room for maneuvering and empowerment within politics.

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The Quota System in Sudan:

Parties' Perception of Ways to Enhance Female Political Participation

Niemat Kuku

This paper is a short version of the study by Niemate Kuku in which she discusses the quota system in the Sudan. It is important to note that the article was submitted prior to the 2010 presidential and parliamentary elections in Sudan that were held from April 11 to 15, 2010. Originally, the elections were to be held in Sudan from March to April 2009. They were postponed several times. President Omar al-Bashir's party, the National Congress, won the elections and al-Bashir was confirmed as the winner.

Introduction

Elections are considered one of the mechanisms for democratic transformation in any country. With Sudan standing at dangerous crossroads, this mechanism assumes particular importance due to its role in determining the political identity of the country and how it will be ruled in the coming years. The female segment of the population, which constitutes 49 percent of the population, cannot be excluded from political decision-making. In this context, it is important to examine the position of the diverse political parties and find out where they stand on the issue of enhancing women's political participation through the adoption of positive action measures, i.e., the adoption of the women quota.

Political Participation of Sudanese Women: A Historical Background

During the 1940s, the feminist movement in Sudan was linked to the prevalent national and political movements. As Mahasen Abdel Aal (2004), an activist in the Sudanese feminist movement, put it:

Although women's participation in public life during the 1940s was limited, women have proven their natural readiness to play

a role in public life. They were supported by a number of nationalists and scholars who helped raise women awareness and respected their participation in public life. Indeed, prominent women, such as Dr. Khalida Zaher and Mrs. Zarwi Sarkissian, participated in the first students' rally against colonialism and many nurses participated in the first rally organized by the union of workers to defend workers' rights. (pp. 24-25)

With the growing struggle of the Sudanese people for independence represented by the joint and coordinated efforts of the union of male and female workers and students as well as political parties, nurses and teachers took to the streets to defend the union's liberties. Many women organizations were established to raise awareness about women issues and to introduce change in Sudanese society. Not surprisingly, all the activities of the then-existing women organizations were restricted to charity work, combating illiteracy, teaching, sewing, and raising health awareness. Those activities took place mainly in the big cities, such as Omdurman, Khartoum, Damdani, and Al Abiad, and did not spread to the rural areas of the Sudan, which were difficult to reach. Moreover, inherited

traditions, prevalent mainly in rural societies, have hindered the progress of women, especially given the fact that rural women were suffering from discrimination in the field of education. The founding of the Sudanese Women's Union in 1952 is thus considered a turning point in the struggle of the Sudanese feminist movement.

Furthermore, all national forces affiliated with political groups supported the feminist movement. More specifically, all political parties supported the request made by the Women's Union to grant female high school graduates the right to vote in their districts during the 1953 elections. Indeed, 15 graduates voted for their candidates in the five graduates' districts.

The participation of Sudanese women in political life was necessary in order to protect their rights within the context of the right of the Sudanese people to freedom, democracy, and peace. Fatima Al Kaddal, a political activist and university professor, stated that the 1964 October revolution was a historic turning point for Sudanese women who gained their full political rights of voting and running as candidates. This important step led to the election of the first Sudanese female Member of Parliament from the district of graduates, Ms. Fatima Ahmad Ibrahim. The political parties tried to attract women's support during 1964, not out of interest in women's rights issues, but because of the importance the female votes had in the electoral process. Between 1969 and 1985, the army took over once again, and political organizations were abolished, including the Women's Union. In 1970, women became represented in the Committee of the National Pact created by the ruling regime in 1964 to draft a national pact amongst the different political powers. The Sudanese Women's Federation, established in 1971, was affiliated with the Sudanese Socialist Union. It was represented by one member, Ms. Hafissa Ahmad Al Amin, who was also elected Secretary of the Socialist Federation.

The abolition of the Women's Union in 1969 did not stop Sudanese women from fighting for their rights but made them more determined to continue their struggle. While only three associations were

created during the period 1969-1985, the period between 1986 and 1989 witnessed the creation of sixteen associations.

The nineties witnessed an increase in public awareness of women's activities reflected, since 1995, in an unprecedented surge in the quantity and quality of organizations, research centers, and popular groups that deal with women issues. Around one thousand popular associations and women groups had been established by the year 2007. Several international factors, such as funding of civil societies by the international community, have influenced the development of those associations. The organization of international conferences drew the attention of UN organizations operating in the Sudan to the need of holding such conferences in the Sudan. The recommendations of the 1995 Beijing Declaration encouraged women to create associations to tackle international issues related to gender at the local level. Training sessions and conferences were held to discuss many issues of interest to women in addition to local issues, such as the ongoing wars in the country leading to internal displacement to the capital and other cities, as well as emigration to other countries. During that period, women joined forces with civil society organizations to defend their social, economic, and political rights. Indeed, the Sudanese women played an active role at the political level; they participated in rallies, were beaten up, arrested and tracked by the security forces, or were laid off from their jobs. All these factors have contributed to women's recognition of the need to organize themselves. They joined other civil society groups in the national and political battle (secret and public) with special emphasis on the post-peace period. A consolidated women group was founded in 2001 to challenge the governor of Khartoum who had adopted a local law that discriminates against women (an article had been amended in the Labor Law preventing women from working in restaurants, fuel stations, and some public places because it was seen as hurtful to the pride of women). The feminist associations considered that such laws constitute a tough blow to their achievements because the expression "hurts the

pride of women " is a dangerous concept, for it can deprive women of their right to work in many fields. Therefore, in spite of their different political affiliations, women have stood together to fight this law, and they eventually won, for the decision of the governor was frozen by the Constitutional Court.

Sources of Women's Political Rights in Sudan

The Comprehensive Peace Agreement

The Naivasha Peace Agreement, signed in January 2005, was a milestone in the modern history of Sudan. The Peace Agreement (consisting of 6 peace protocols) has several advantages. It helped end the war that had claimed more than 2 million lives, and during which the Sudanese women suffered greatly. The Sudanese women were rendered homeless, or were forced to emigrate, were exiled, raped, or lost their husband and children. They also became fully responsible for the family. In addition, Sudanese women lived in a state of extreme poverty. The Peace Agreement also gave the population in the South of the Sudan the opportunity to control their own provinces and manage their affairs, and granted them the right to participate in the national government that governed the whole of Sudan. In addition, under the Agreement, the population of the south had the right to self-determination by calling for a referendum at the end of the transition period. New concepts related to power and wealth-sharing were introduced in order to put an end to injustice and marginalization. The Agreement

thus paved the way for democratic change and encouraged freedom, human rights, and the right to hold elections during the transitional period of governance in the Sudan.

The Role of the Sudanese Women in the Power-Sharing Protocol

Power-sharing is the right to exercise power and participate in decision-making. In the power-sharing agreement signed in Naivasha, this right was completely neglected. The Naivasha Agreement focused on the technical procedures that allowed the negotiating parties to guarantee power-sharing among themselves without any consideration for any other social force on the Sudanese scene, namely women. This is clear from the level of female inclusion and participation in the various political institutions, i.e. the National Parliament, the Central government and political parties.

Participation in the National Parliament

Despite the fact that the current transitional Parliament was established after the signing of the Peace Agreement, and despite the participation of the Sudan People's Liberation Movement (SPLM) of the South and other political parties, such as the opposition parties (the National Gathering), the participation of Sudanese women in political life has remained insignificant. It actually dropped to 18 percent and failed to reach the 25 percent promised by the SPLM.

Participation in the Central Government

After signing the Comprehensive Peace Agreement of January 2005, women participated in the

Table No. 1: The participation of women in the Parliament from 1992 until 2005

Percentage	Number of men	Number of women	Number of seats	Year
10	180	20	200	1992-1996
5	379	21	400	1996-2000
10	325	3	360	2000-2004
18	370	80	450	2005*

* This council is the National Transitional Council appointed after the signing of the Comprehensive Peace Agreement between the Government and the Popular Movement. The female and male members of this Council were nominated.

governments that were created. Table No. 2 shows the details of this participation.

Participation in Political Parties

Since colonial times, women have played an active role at the national level and have become members in many political parties, mainly in the Muslim Brothers Movement and the Sudanese Communist Party, which was the first political party to welcome female membership. There are no accurate surveys of female membership inside political parties, especially powerful ones. However, women are being increasingly encouraged to become members of political parties, mainly in light of the atmosphere of political openness that has prevailed after the signing of the 2005 Peace Agreement and the return of political parties on the Sudanese scene.

Women's Rights as Stipulated in the 2005 Interim Constitution of the Republic of Sudan

The Interim National Constitution is more detailed and developed regarding the concept of citizen equality than previous constitutions in the Sudan. It reflects an acknowledgement of the close relation between democracy and equal rights of men and women. It guarantees, under the section titled "Rights of Women and Children" the following rights: the equal rights of men and women to enjoy all civil, political, social, cultural, and economic rights, including the right to equal pay for equal work. Moreover, the state shall promote women's rights through affirmative action (articles 23, 31, 32, and 41). In addition, the state shall combat

harmful customs and traditions that undermine the dignity and the status of women. Last but not least, the state shall provide pregnant women with maternity rights, childcare, and medical care.

As far as the other rights and freedoms stipulated by the interim constitution are concerned, they include the right to life and dignity, personal liberty, prohibition of slavery, equality before the law, equal rights of men and women, fair trial, voting, right to own property, right to education, rights of persons with special needs, restriction on death penalty, privacy, prohibition of torture and of cruel and inhuman and degrading treatment, protection of ethnic and cultural communities and the right to public health-care.

Nevertheless, this interim constitution has been criticized on the grounds that no attention was been given to the constitutional text pertaining to women's rights; it only mentioned "affirmative action", whereas the 1998 constitution included the quota system. However, at the time, only a limited number of women affiliated to the Islamic Front benefited from the quota system included in the 1998 constitution. The quota system was a huge advantage for the Sudanese women and should have been included when drafting the current constitution.

Political Parties and the Quota System

A number of forums and discussion groups were held at the behest of certain political parties. These forums expanded to include sixteen meetings with

Table No. 2: The general participation of women at different levels of government following the signing of the Comprehensive Peace Agreement (CPA) of January 2005

Gender	Federal Ministers	Ministers of State	Pro-government Ministers
Male	27	54	147
Female	2	6	20
Total	29	60	167
Percentage	7%	10%	12%

Source: Gender Centre for Research and Training, Sudan Gender Profile, 2005

Table 2 reflects the general participation of women at different levels of government following the signing of the Comprehensive Peace Agreement (CPA) of January 2005.

the additional parties, and members of the Tribune of Women Politicians, under the auspices of the United Nations Development Program (UNDP).

The outcome of these forums was positive, especially with regard to the concept of quotas and each party adopting a specific percentage. These forums also reflected a commitment to include the political participation of women in the upcoming elections.

At these meetings, political parties tackled different aspects of women's issues and agreed on the importance of women's participation in the political field, which started in 1953 when women were granted the right to vote and participate in the public sector. These parties also agreed that democratic transformation and bringing peace to the country were important issues. According to them it was time for women to be elected to parliament and to be given roles comparable to those of men in society by adopting affirmative action measures. Members of the political parties further agreed that the quota system should be highlighted as a mechanism to enhance women's participation in the upcoming elections and develop a parliamentary practice in all executive and legislative bodies. According to them the quota system does not restrict women's rights, but is an attempt to strengthen their role and deal more equitably with the social conditions that negatively affect the electoral process. When genuine equality is achieved, the quota system can be then reconsidered.

Political Commitment: Proposals for the Adoption of the Quota System in the Various Sudanese Parties

All parties confirmed their commitment to the political quota system as a mechanism to strengthen women's participation in the upcoming elections and give them the right to make decisions.

The different political parties have come up with the following proposals:

1. An open quota of 30 percent shall be determined by a constitutional body. It shall be based on all conventions signed by the Sudan, such as the Human Rights Charter and the Beijing International Conference 1990.

2. Political parties unanimously agreed that the constitutional justification for the quota system is found in the 2005 Transitional Constitution, i.e., positive discrimination.

3. Therefore, the quota system may be included in the electoral law, in compliance with the Transitional Constitution, which guarantees women all political rights on an equal basis with men by virtue of articles 5, 32, and 41. Invoking the unconstitutionality of

All above-mentioned parties committed to the 30 percent percentage except the following parties:

- The Democratic Unionist Party, which stressed its commitment to the principle of quotas but did not mention a specific percentage.
- The Sudanese People's Liberation Movement, The Sudan Liberation Movement/Army (Darfur) and the National Congress which confirmed their commitment to the principle of quotas by 25 percent.
- The Unified Democratic Unionist Party which confirmed its commitment to the principle of quotas by 33 percent.

Proposed Quota in the 2008 Elections Law

The electoral system of the National Council (450 seats) is divided as follows:

- Two hundred and seventy members, i.e., 60 percent to be elected by simple majority, to represent geographical districts in each state.
- One hundred and twelve female members, i.e., 25 percent of women elected from women's lists at the state level.
- Sixty-eight members elected from party lists, i.e., 15 percent on the basis of proportional representation.

The adopted method for electing members of the legislative councils to represent women's lists shall be as follows:

- The voter shall cast one vote for one of the women's lists inscribed on the state women's lists ballot, including lists of candidates supported by political parties and independent candidates.
- The women's list with the highest number of valid votes in the state shall be declared the winner.

All candidates of this list become members of the Legislative Council of that state. The party-list shall also be elected at the state level, and its members shall represent the party. Votes shall be counted based on proportional representation.

- The women's list is blocked; one cannot choose amongst women whose name is on the list. This proposal is not based on proportional representation or geographical departments. It is considered a very dangerous suggestion since it allows only one list to win all the seats, which weakens the attempt to change the electoral system in order to adopt the mixed electoral system and reduces the chances of party and ethnic representation.

Proposals, including the following, were afterwards submitted to the Constitutional Commission:

- Nominating women through the party list according to proportional representation to allocate 180 seats for women: 112 seats for independent candidates and 68 seats for the party list. Women shall be placed at the top of the list. When the 68 seats are filled, the list will be composed only of women, and the voter shall be granted two votes to cancel the separate women's list.

- The list must be a pro-government one so that a large number of women – no matter their political affiliations – will be able to participate in the Parliament.

It is worth mentioning that the forum of women members of political parties had submitted an analysis of the constitutional draft and then created a committee and submitted a memorandum which was presented to the constitutional commission in which it had stressed the importance of women's participation through the party list according to the proportional representation.

Elections Management

Political parties mentioned that the upcoming elections, expected to take place in 2009, are crucial in achieving a democratic transition. Therefore, there is definitely a need for the full participation of both men and women so that the upcoming elections would consist of fair member selection. Elections should be based on:

- having a democratic election law,

- protecting public freedoms,

- creating the necessary climate in some areas, such as Darfur and Southern Sudan, for elections nationwide,

- establishing an Elections Commission with the consent of all parties, which would manage the election process (registration and voting), and

- appointing impartial judges who would oversee the election process in addition to international monitoring.

Concluding Comments and Challenges Ahead

The main question to be raised is how the Sudanese women can play an active role on the political scene, specifically in the upcoming electoral process. Although important, the legal texts do not alone guarantee the required participation. Indeed, there are challenges that must be faced, for they are among the factors that have weakened the political participation of women and have hindered, despite the existence of constitutional texts, the full participation of women in the political process and in decision-making. The following obstacles can be highlighted:

1. The Traditional Perception of Women

The traditional attitude towards women, mainly in the conservative rural communities, impedes the political participation of women. Indeed, the Sudanese woman is perceived as a mother, having to raise children and undertake household work whereas men are the only ones entitled to work in the political realm. Even if women dare to nominate themselves for the elections, the chances of winning remain weak no matter what their capacities are, mainly in the geographical districts.

2. Economic Underdevelopment

It is known that the armed conflicts and foreign blockades have affected the economy and the standard of living of a large segment of the population. This has led to emigration from the rural areas, the spread of unemployment because of the deteriorating security situation, and the rise in the cost of living standards. In such conditions, the will to participate in politics – for men and women – decreases.

3. Lack of Awareness

The percentage of awareness in public affairs – except in cultural centers and cities – and the importance of participation in the political field and decision-making have decreased in general in addition to the spread of illiteracy mainly among the female population in cities and in rural areas. Indeed, women were not using the right to vote during the election process, and these matters were not considered matters of priority.

4. Weak Performance of Women Members of Parliament

To be elected member of parliament does not necessarily mean that there is an effective political participation of women if the latter do not play an active role in the decision-making process. Although there were influential women members of Parliament at different stages of our political experiments, men played a more active role than women in the legislative councils in general. Studies have shown that women members of Parliament have avoided confrontation when the council objected to important issues. Moreover, the political and party affiliations were a priority in the overall parliamentary activities of the Sudanese women.

The Sudanese women have been affected by the social changes which have hit the Sudanese society and which led to many changes in the social situation of women, such as the phenomenon of emigration of Sudanese women from rural areas due to wars, and the increase in the number of poor women that hit the cities and its surroundings, in addition to job layoffs under the pretext of public interest. Furthermore, the deterioration of the situation in the rural areas and poverty have led to the deterioration of the traditional sector which forced women to work in the marginalized or informal sector (selling food and tea). The implementation of the policies of free economy has hindered the chances to have access to the main services, such as education, health, drinking water and safe havens and led also to a clear decline in the services of primary health care, especially maternity and childhood.

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Book Reviews

In Search of Fatima: A Palestinian Story, by Ghada Karmi. London & New York, Verso, 2002. 451 pages.

REVIEWED BY HALA KAMAL

Ghada Karmi opens her autobiography, *In Search of Fatima: A Palestinian Story*, with a Prelude which situates Karmi's text at a point marked by the convergence of a personal story with political history. It begins with the date April 1948, which in itself suggests a diary entry as well as an encyclopaedic one. Written from the perspective of Ghada (this name will be used in this review to refer to the author Ghada Karmi as a narrator in her own autobiography) as a 8 year old girl, these opening pages offer a dynamic picture of a family's escape from the imminent danger of death, merging with the Palestinian people's history of dislocation. The opening lines offer an extended image of forced departure and escape: "Shootings, the bullets whistling around the windows and ricocheting against the walls of the empty house opposite, followed immediately ... Every nerve and fibre of her being raged against her fate, the cruelty of leaving that she was powerless to avert" (pp. 1-2).

In the Epilogue, the closing pages of the book, Karmi gives an account of her childhood house in Qatamon as she found it during her visit to Jerusalem in June 1998, inhabited by its new owners: "And there it was. The one with the brick-red roofed veranda, our house without question ... On the wall a plaque that read Ben Porath" (p. 447). Here again, the house stands as a symbol of dispossession, both personal and national. Karmi recounts the change as she visits the house only to find it rented out by its Israeli owner to an American family: the Karmi house is now taken by the Ben Porath family, a situation reminiscent of the re-labelling of Palestine as Israel. The plaque stands symbolically for the historical process of dispossession.

Despite the harsh reality of the Israeli occupation in the land of her childhood, Karmi ends her book on a politically optimistic note based in her belief in the power of her people. Hearing the call to prayer from the Old City, she thinks of the future; and once again her 'Palestinian story' combines the political with the personal: "The story had not ended, after all – not for them, at least, though they were herded into reservations a fraction of what had been Palestine. They would remain and multiply and one day return and maybe overtake. Their exile was material and temporary. But mine was a different exile, undefined by space or time, and from where I was, there would be no return" (p. 451). Karmi shares the experience of exile with the Palestinian people, though unlike their 'temporary' exile couched in resistance, hers is permanent and lasting, the consequence of personal cultural dislocation.

Between the Prologue and Epilogue, Karmi structures her narrative into three parts: "Palestine", "England", and "In Search of Fatima", reflecting the personal chronology of Ghada's life. At the same time, she employs the multiple perspectives of child and adult, of memory and reality, as well as the Arab 'I' as different from the Western 'eye'. Although the opening lines of 'Part One: Palestine' refer to the experience of landing in London airport, it becomes clear that this situation is used as a means of representing the child's (Ghada's) experience of displacement marked by her awareness of the differences between England and her homeland: "The airport was a daunting

place; it had immense halls with polished floors, vinyl and wood, which was the strangest sight of all. In Palestine, floors were tiled or made of stone" (p. 5). Karmi's style is marked by merging the perspective of Ghada (the author as a child of nine in 1949) with that of the author at the moment of writing the book.

As the section on Palestine begins, Ghada's story develops hand in hand with history: "My life began some two months after the start of the Second World War" (p. 6). Although she begins with her birth, Karmi soon moves back in time to explore the turbulent history of Palestine, exemplified by Palestinian resistance to the British Mandate authorities from the mid-thirties onwards, in addition to mounting acts of Jewish terrorism. In her account of the Palestinian stage of her life, Karmi explores her family's involvement in the Palestinian resistance movement, as well as recounting stories of Palestinian suffering. It is the massacre of Deir Yassin that finally pushes the family to leave Qatamon, in an act of forced migration as experienced by the child: "I wanted to stay here at home, despite Deir Yassin (whatever that was) and however bad the shooting got" (p. 118).

Karmi does not only focus on national crisis but offers as well a glimpse of social and domestic life in the Palestine of her childhood, revealing sensitivity towards the position of women in Palestine, in the light of both class and gender location. Exploring her mother's female social circle, Karmi points out her mother's background as a member of a progressive upper middle class (p. 31-32). Her account is marked here by a shift in perspective as she comments on women's gatherings, and denies the veracity of the Western view point: "A western eye might have seen something erotic in this, but it was nothing of the sort..." (p. 31). Yet, at other times, Karmi seems to address her readership from a Western perspective, almost verging on Orientalism, particularly in relation to the time she spent with her grandparents in Syria, for example in her account of circumcision (pp. 135-136), in her description of Muslim prayer (pp. 137-138), and wearing a head cover (p. 139). In viewing Palestinian women's lives, Karmi situates her personal experience as a woman within the larger framework of Palestinian women's history, just as she presents her mother's socialisation in the context of the limited educational opportunities for women of her generation (p. 133), and in that of national women's organisations (such as the Palestine Arab Women's Congress), whose members combined humanitarian work with political activism (pp. 31-33).

Similar to the opening lines of Part One, Part Two titled "England" highlights Ghada's sense of estrangement. However, her life in England was marked by the mother's decision "to create Palestine in London" and "a refuge for lonely Palestinians" (pp. 174, 184), a decision that instead of allowing Ghada a smooth integration into English society, leads to an overwhelming struggle "to establish a new identity" (p. 208). One way of asserting this new, conflicted identity was by breaking Arab-Islamic rules: "The taboos about sex, food and drink I had been taught were all part of what I saw as a war on the body ... So extreme were my feelings that I wanted to dissociate myself completely from what my family stood for. I could see no possible compromise between their position and mine. And since I put it all down to their Arabness, I rejected that too and all Arabs along with them" (p. 305). Yet, the schism was incomplete, since Ghada sensed her need for her family. Karmi's account reflects Ghada's identity dilemma, particularly during Nasser's nationalisation of the Suez Canal and the war waged by Britain, France, and Israel against Egypt in 1956. It is here that she adopts and defends the Arab perspective; at this stage her Palestinian identity seems subsumed within the more generalised 'Arab'. Indeed, from the perspective of the author at the moment of writing, Ghada seems oblivious to "defining moments

in Palestinian history" (p. 367), especially the Palestinian resistance movement of the 1960s. Once again, following the Arab-Israeli Six-Day War of 1967, Ghada finds herself identifying with Arabs: "I started to argue the Arab case passionately, just as I had done before at the time of the Suez crisis" (p. 373).

Karmi suggests that Ghada's identity dilemma was created not as much by herself but by others: "Even had I wanted their acceptance they would have never given it. Their opposition to my stand on the conflict between Israel and the Arabs meant I could never be one of them. But then, whom was I one of? And could I go back to being the split personality that had caused me so much anguish?" (p. 377). Her marriage to an Englishman, John, comes to an end, symbolically, at this moment, with her realisation that the marriage had been but another attempt "in pursuit of a sense of belonging" (p. 363). And at the moment of lost love, she cannot but connect the personal with the political: "the tortured love affair that waited inescapably for me, as for all Palestinians, was the one with Palestine" (p. 380). Thus, Part Two ends with Karmi's articulation of Ghada's dilemma, marked by the development of her identity along the lines of a personal identity forged out of a political reality.

In the last part of the book, Part Three "In Search of Fatima", the author explores Ghada's involvement in political activism, and reveals her recovery of a Palestinian identity, again in response to Israeli attitudes denying Palestinian history after the Six-Day War, in addition to the hostility Ghada faces because of being a Palestinian doctor working in England. Ghada undergoes a transformation leading to involvement in Palestinian political activism in which she finds "an inspiration, an identity, a reason for living" (p. 399). In 1972, she establishes "Palestine Action" together with a small group of sympathisers, which included anti-Zionist Jews and non-Palestinians left-wingers. Similar to her earlier attempt at assimilation into English society through marriage to an Englishman, Ghada now is shown seeking a relationship with an Arab through travelling to Arab countries, Lebanon, Syria and Jordan, in search of her roots. Yet, critical of the double standards of Arab men vis-à-vis women, Ghada abandons this idea, and decides to go to the location of her roots in Palestine. And, from the perspective of the author, Karmi comments on Ghada's condition in the following revealing words: "The truth I could not face as yet was that I was truly displaced, dislocated in both mind and body, straddling two cultures and unable to belong in either" (p. 422).

Karmi concludes this part of her book with an account of her visit to Palestine in 1991 during the first *intifada*. Unlike the rest of the book, this chapter takes the form of a diary, through which we follow Ghada throughout the fourteen days of her stay. The diary covers her impressions from her arrival at Ben-Gurion airport in Tel Aviv to her search for her childhood house in Qatamon. Here the search leads her to "unfamiliar places in an unfamiliar street, filled with strangers" (p. 445); she fails to locate the house. Karmi expresses her search for her childhood symbolically through using in the title the name of her childhood nanny who stayed behind in Palestine, and remains in Ghada's memory as a reminder of her happy life in Qatamon. Fatima is a metaphor for Ghada's Palestine, and the search for Fatima stands for Ghada's search for her own roots. On a second visit in 1998, Ghada manages to find her house, an account of which she gives in her Epilogue.

In Search of Fatima is a work of autobiography and history combined. Photographs of her family accompanying the text illustrate Karmi's own life but also the historical moments and political contexts in which they were taken. Two maps of Palestine, one dating back to the 1940s, and

the other to 1949, when the Karmis left the country, point to the changes brought about by the establishment of Israel.

To a contemporary Arab reader, this book is controversial in the way it at times adopts a western stereotypical image of Arabs, especially when Karmi writes about Ghada's perception of Arab men and women. But this can be seen as reflecting Ghada's life-story, and witnesses to the possible effect of Western stereotypes of Arabs on an Arab raised in Britain.

Finally, I wish to emphasize that in this particular historical moment (2009), reading Karmi's book reveals the plight of the Palestinian people in a continuum. Her family's flight in 1949 proves to be an experience lived by generations of Palestinians. Reading *In Search of Fatima* while watching the news of the recent Israeli war on Gaza gave me a personal insight of the Gazan people's suffering, and simultaneously offered me a visual equivalent of the destruction lived and described by Ghada Karmi.

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B as in Beirut, Iman Humaydan Younes, translated by Max Weiss. Massachusetts: Interlink Books, 2008, 229 pages. (Original Arabic version published by Al-Massar, Beirut, 1997.)

Wild Mulberries, Iman Humaydan Younes, translated by Michelle Hartman. Massachusetts: Interlink Books, 2008. 129 pages. (Original Arabic version published by Al-Massar, Beirut, 2001.)

REVIEWED BY SALLY BLAND

Iman Humaydan's writing is a delicate synthesis of emotional perceptiveness and socio-historic knowledge. Her two novels, despite being very short, are amazingly multi-layered. In few words, they create vivid images of time and place; they synchronize her character's physical and psychological states in an incisive and decidedly female voice, and simultaneously raise big questions about society, violence, and politics.

Her debut novel, *B as in Beirut*, goes behind the exterior scenes of street violence during the Lebanese civil war and into the interior space of four women living in the same apartment building. While some novels create a surrealistic atmosphere to convey the horrors and dislocations of war, Humaydan opts for a different approach. Hers are the characters and images of real life. It is as though war is horrific enough; there is no need to exaggerate. Instead, the women's interlocking narratives show how violence, big and small, penetrates into every crack of daily life, exacerbating pre-existing problems and creating new ones.

Humaydan's second novel, *Wild Mulberries*, might seem to be totally different, focusing on Sarah, a young girl coming of age in the Chouf Mountains during the 30s. The village, which is virtually owned by her father, seems peaceful, even unchanging, yet signs of disruption lurk just below the

surface. An unnamed absence haunts her father's estate, while the silk industry that underpins his prosperity is in rapid decline.

Despite their disparate settings, the two novels have common themes built upon opposing dynamics: disappearance, and the search for lost loved ones; patriarchy and acquiescence to social control, as opposed to the courage to be one's self; and sectarian strife as opposed to diversity. In developing each of these themes, Humaydan implicitly counters false claims about the Lebanese conflict, such as that it was caused by religion, or by the Palestinians or other 'outsiders'.

The experience of disappearance and loss unites the four main women characters in *B as in Beirut*. Suffering the most is Warda who hasn't seen her daughter Sarah for two years, bringing on psychosomatic reactions which cause strangers to think she is crazy. At first one supposes that Sarah was kidnapped by a militia, but gradually it emerges that Warda's husband took her to America and abandoned Warda – a kidnapping driven by the sexual politics of a loveless marriage, not war.

Lillian suffers another form of loss. Happily married with two children until the war disrupts their lives and blows away her husband's right arm, Lillian is obsessed with the idea of emigrating. With the disappearance of his arm, her husband retreats into himself. He neither speaks to Lillian nor writes, which is his profession – perhaps symbolic of the intellectual's impotence in the face of violence. Lillian no longer knows if she is fleeing the war, her husband's silence, or her alienation from her country as it falls apart.

Maha has lost her lover, a caring younger man, to the war, but is not accorded the status of widow by his conservative relatives or society at large. When Camilia returns to Beirut to film the war, she ends up living in Maha's apartment. Camilia is from a mountain village, raised by her grandmother and aunt after her parents emigrated to Argentina to start a business. She dreams of flying and is exhilarated by motorcycle rides with her first boyfriend, Pierre. When war reaches the area, he is exposed as a Phalangist and killed, while she is branded a whore by her Druze family, leading her to run away to Beirut, and later to go abroad.

Yet, even as war tears apart lives, homes, and the social fabric, it opens up opportunities for friendship and solidarity, especially among women, for those who have the courage to seize the chance. Together, Camilia and Maha find a startling and inventive way to confront the violence that is enveloping the city.

Like the women in *Beirut*, Sarah of *Wild Mulberries* tells her story in first person narrative, creating an intimate immediacy. Like Camilia, she is from a Druze family; her mother disappeared when she was very young, leaving her to be raised by an unloving, repressed, and repressive aunt. Sarah also dreams of flying and is perpetually searching for any clue about her mother, but she keeps running into walls of silence. Her aunt intimates that Sarah's mother, a Christian, was too 'different' to stay with them. It is left to an unrelated woman living on the estate to confide: "She went to search for her soul... If your mother had remained here, she would have suffocated" (p. 23).

Via Sarah's family, Humaydan explores the perils of patriarchal control. The aunt's unkindness is easily traceable to her own frustrations, as her brother, the patriarch, keeps her life on hold by denying her permission to marry. Having apparently stifled Sarah's mother, her father alienates his son from a previous marriage by trying to control his life. Meanwhile, behind his austere

façade, he is still devastated by his wife's flight, but unable to give up his tyrannical control. Ironically, since he won't listen to others, he remains oblivious to the nosedive of the silk industry, once again spelling his own doom. Sarah, for her part, comes into her own after discovering her father's inner weakness, and that her aunt is as much afraid of her own voice as of the patriarch. She also learns that searching for her mother is a dead-end, and she gathers the courage to chart her own course.

To explain why she went back in time to write *Wild Mulberries* after writing about the civil war, Humaydan names the "need to retrieve a balance that had been disturbed during the war and then during writing about the war. In times of war, we suffer but we do not find time to recall. After the war, we have time to count/recount our losses. No wonder that suicides occur after wars much more than during them. It is a lack of reconciliation with the huge loss that war caused. Writing in this sense becomes a manifesto against death, against suicide." (email interview, May 2009).

Exploring family dynamics engendered by patriarchy is one way of arriving at the causes of civil war. As Humaydan says, "The political system based upon patriarchal family culture, clientalism and sectarianism creates people who find their only interest in their narrow family or sect. It creates people who do not have the least notion of what a state is, what citizenship means, what a social contract is. This is a reason but not the only reason for continuous violence." Humaydan believes that it falls to women to understand the reasons for neighbors fighting neighbors, to tell the untold stories and "demystify these sacred crimes" that are taboo to discuss.

The taboo crime that has concerned Humaydan the most, and which links her fiction and non-fiction writing, is disappearance. After obtaining a BA in sociology in 1980, Humaydan returned to the American University of Beirut to earn an MA in anthropology in 2006. Her thesis, entitled "Neither Here Nor There", is based on interviews with families whose loved ones were kidnapped or otherwise 'disappeared' during the war. Her novels include both war-related disappearances and other more personally motivated ones. In her view, the sharp distinction between literary and academic writing – at least in the humanities – is misleading, as the writer as a human being is intimately involved in both, and the two reinforce each other. She tells that while writing her thesis, she often minimized the document in order to open her novel and start writing, and vice versa.

Humaydan doesn't identify her characters by their religious affiliation; this only emerges indirectly via small details, or when war or social transgressions intervene. All four women in *Bas in Beirut* have mixed marriages and/or have meaningful friendships with people from different sects. Several are originally from mixed Christian-Druze villages, and when the war forces one of these communities to flee, it is portrayed not only as a shame but as deeply unnatural. Sarah's village is inhabited by workers, servants, and tenants of diverse ethnic and religious affiliations; the women among them give her the first taste of real life since, in contrast to her aunt, they are happy in their lives and at home with their bodies. In this rendition, diversity was once the norm in Lebanon, and a source of strength.

All the women (and many men) in these two novels had dreams that go unfulfilled because of the war or because of lack of communication and mutual understanding between communities, generations, and the two genders. In the end, the characters who prevail are those who have

the courage to go beyond tradition, to reach out to others across boundaries. Humaydan subtly nudges the reader to do the same. Her prose is evocative but sparse; she doesn't tell everything at once, but forces the reader to think, to actively imagine the characters and events, and to evaluate them as well. In this sense, there is a connection between her style and her anti-war and anti-sectarian commitment. Her novels force a rethinking of received wisdom, and spawn many questions about how people deal with each other, as individuals and as social groups, optimally contributing to a movement for change.

As Maha says on the last page of *B as in Beirut*, "They may say the war has ended but I haven't finished my story yet" (p. 227).

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News

Combating Violence against Women

In its process of raising awareness among Lebanese women concerning issues of violence and abuse, the Institute for Women's Studies in the Arab World (IWSAW) at the Lebanese American University (LAU) in cooperation with the Embassy of the United States of America in Beirut organized a two-day workshop entitled: Combating Violence against Women, that took place on the 12th and 13th of March, 2009 at LAU's Beirut campus (Irwin Hall).

Thirty-five participants from different Lebanese NGO's attended the workshop that was led by Ms. Itedal Shalabi, the Co-Founder and Executive Director of the Arab American Family Services in Bridgeview (Illinois, USA).

The different sessions of the workshop focused on: 1) effective methods of advocating for greater social and legal protections for women; 2) how to design effective awareness campaigns about violence against women and the avenues of recourse victims of violence can pursue.



From left to right: Mr. Richard Michaels, Cultural Attaché Officer, The Embassy of the United States of America, IWSAW Director Dr. Dima Dabbous-Sensenig, and Ms. Itedal Shalabi.



Group picture of the participants in the workshop.

Fathers and Sons for Citizenship



Guest speaker lawyer Iqbal Doughan

The Institute for Women's Studies in the Arab World (IWSAW) in collaboration with the CRTD-A organized an awareness campaign: "Fathers and Sons for Citizenship" that took place on April 8, 2009 at 12:00 p.m. at the Dr. Najla Atiyah Conference rooms in Riyadh Nassar Library. The event hosted lawyer Iqbal Doughan as the guest speaker.

This event is part of the citizenship campaign for Lebanese women's right to pass on their citizenship to their children and husbands.

Meet us on Wednesday 8 April 12 midday in the Dr Najla Atiyah Conference Room, Riyadh Nassar Library, 13th floor.

Why can't my mom give me one of these?

Demonstrate with us for women's citizenship rights Sunday 26 April, 11 a.m. outside the Ministry of the Interior, Hamra

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BY COLLABORATION WITH
THE CRTD-A
NATIONALITY CAMPAIGN
FATHERS AND SONS
FOR CITIZENSHIP

Festival of Lebanese Art Books

IWSAW participated in the “Festival of Lebanese Art Books” that was held at the UNESCO Palace from Tuesday October 13 till Saturday October 17, 2009. This event is part of Beirut’s designation as the World Book Capital for 2009.

The main objective of this festival was to exhibit all books and electronic publications by and about Lebanese artists and their works. During the festival, IWSAW exhibited the following art books: *The Woman Artist in Lebanon* (Soft and Hard Cover) by Helen El Khal, *Women by Women: A Collective Exhibition of Contemporary Lebanese Women Artists*, and *A Cosmocomics Illustration Workshops*.

In addition to IWSAW’s art publications, the following LAU art books were exhibited: LAU Students Art Exposition (2008, 2006-2007, 2005, 2004), Art in Lebanon, The Development of Contemporary Art in Lebanon 1930-1975, Abstract Painting in Lebanese Art, Graphic Art in Lebanon Group Exhibition, LAU Alumni Artists, Human Figure in Lebanese Painting A Collective Art Exhibition, Lebanese American University commemorates Moustafa Farroukh (1957-2007).

The opening ceremony was under the patronage of H.E. Tammam Salam, Minister of Culture.





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K V ! N F O

WHO IS SHE IN LEBANON



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