

FAST TRACKING WOMEN INTO PARLIAMENTARY SEATS IN THE ARAB WORLD

*Khaled A. Beydoun**

I. INTRODUCTION	101
II. THE POLITICAL MARGINALIZATION OF WOMEN IN THE ARAB WORLD	107
III. THE FAST TRACK QUOTA MODEL, A BRIEF SURVEY	109
IV. <i>WHY CULTURE STILL MATTERS: THE IMPACT OF QUOTA PROGRAMS</i> <i>IN THE ARAB WORLD</i>	114
A. <i>The Role of Islam, and its Deviant Offshoots</i>	116
B. <i>Economic Development, Globalization and their Discontents</i> ..	122
C. <i>The State and the Domestic Women's Movements</i>	125
D. <i>The Real Clash of Civilizations: Tribalism Versus</i> <i>Cosmopolitanism</i>	127
V. POLICY PROPOSALS	131
A. <i>Parliamentary Seat Quotas</i>	132
B. <i>Comprehensive Affirmative Action Programs</i>	135
VI. THE PRINCIPAL CRITIQUES OF QUOTAS AND AFFIRMATIVE ACTION PROGRAMS	139
A. <i>Quotas and Affirmative Action Stigmatize their Beneficiaries</i> ..	139
B. <i>Quotas Lead to Tokenization of Women Parliamentarians</i>	144
C. <i>Ruling Elites Exploit Quotas to Solidify the Status Quo</i>	144
VII. CONCLUSION.....	145

I. INTRODUCTION

[A]ll the men I did get to know, every single one of them, has filled me with but one desire: to lift my hand and bring it smashing down on his face. . . . Yet because I was afraid I was never able to lift my hand . . . I

* The author would like to thank Mariana Mota Prado, Michael Trebilcock, Dror Ladin, Abed Ayoub and Rami Shoucri for their reviews and insights.

did not know how to get rid of this fear, until the moment when I raised my hand for the first time.

- Nawal El Saadawi, "Woman at Point Zero"¹

Women throughout the Arab world can collectively empathize with *Woman at Point Zero's* archetypal protagonist, Firdaus. El Saadawi, the iconic Egyptian Renaissance woman who ranks as the most influential feminist voice in the region,² wrote the seminal Arab-feminist work loosely based on her own life. Quite fittingly, the author's own volatile narrative simultaneously represents both the apex and nadirs of the political experience of women in the Arab world. Thus, it was only natural that El Saadawi assumed the *de facto* mantle as mouthpiece of the Arab feminist movement, culminating with her own campaign for the Egyptian presidency in 2004.³ Like her protagonist in *Woman at Point Zero*, El Saadawi serves as the Arab *everywoman* for generations of women from Kuwait to Morocco with aspirations to represent the voices of women in parliament.

El Saadawi provides an authentic, indigenous role model for politically dis-empowered women in the Arab world. Naturally, only through role models can society's most marginalized even dream of entering institutions that have categorically denied them. But in this piece, I ask whether we should also promote gender quotas throughout the Arab region. For women in the Arab world, parliamentary quotas mandate their participation in previously male-monopolized halls of power, which is in and of itself a revolutionary, cultural, and psychological development for the vast majority of the states in the region.⁴ Where "woman parliamentarian" was generally considered an oxymoronic identity, quotas are argued to fast track not only the paradigm shift needed to mobilize the (suppressed) political capital held by Arab women, but also a pan-Arab consciousness calling for gender equality in the political sphere and beyond.⁵

1. NAWAL EL SAADAWI, *WOMAN AT POINT ZERO* 11, 102 (Sherif Hetata trans., Zed Books 1975).

2. Jennifer Jewett, *The Recommendation of the International Conference on Population and Development: The Possibility of the Empowerment of Women in Egypt*, 29 CORNELL INT'L L.J. 191, 214 (1996) ("In fact, feminist author Nawal Sa'adawi left the country after she received a threat from an Islamic group and after the Egyptian government eliminated her women's group, the Arab Women's Solidarity Association.").

3. Nadia Abou El-Magd, *Egyptians Protest Mubarak's Running for Fifth Term, Possibility of His Son Becoming President*, ASSOCIATED PRESS, Dec. 12, 2004, available at 12/12/04 AP Worldstream 21:12:32 (Westlaw).

4. See Drude Dahlerup & Lenita Freidenvall, *Quotas as a 'Fast Track' to Equal Representation for Women: Why Scandinavia is No Longer the Model*, 7 INT'L FEMINIST J. POL. 26, 41 (Mar. 2005).

5. See *id.* at 30-31 (discussing the faster results of a quota system and the increase in its support).

Arab women still find themselves at *political point zero*, if you will, standing outside the hardened walls of the region's parliaments. At best, the political engagement of Arab women is meager. Arab women remain effectively disenfranchised from the salient processes that shape governance in their respective states. Noble Laureate economist Amartya Sen observes "the empowerment of women is one of the central issues in the process of development for many countries in the world today."⁶ Sen's assessment rings especially true for the Arab world. If we consider political representation as a form of empowerment, a historical survey of the compositions of Arab parliaments reveals that women have had little or no place in the most vital political institution of their home state.⁷ Furthermore, because government navigates both the civic and routine dimensions of life, the wholesale exclusion of women from political life in the Arab world has engendered inaccess from other societal dimensions, such as employment and education.⁸ After all, "Women want and need to be able to participate in the decisions that affect them, their families, communities and countries."⁹ The political segregation of women in the Arab world, therefore, is at the crux of the development-oriented problems holding back the entire region.

The exclusion of Arab women from political participation is accordingly one of the leading factors contributing to gender inequalities in the Arab world, as illustrated by the Arab Human Development Reports (AHDR).¹⁰ The ADHR's methodology integrates gender empowerment as one of the six principal factors that determine a state's level of development.¹¹ "[G]ender empowerment measure (GEM) [is used] to express women's access to power in society"¹² The Arab world ranks

6. AMARTYA SEN, *DEVELOPMENT AS FREEDOM* 202 (Alfred A. Knopf ed., 1999).

7. See U.N. DEV. PROGRAMME [UNDP], *ARAB HUMAN DEVELOPMENT REPORT 2002: CREATING OPPORTUNITIES FOR FUTURE GENERATIONS* 3 (2002), available at <http://www.arab-hdr.org/publications/other/ahdr/ahdr2002e.pdf> [hereinafter AHDR 2002].

8. UNDP, *WOMEN'S POLITICAL PARTICIPATION AND GOOD GOVERNANCE: 21ST CENTURY CHALLENGES* (2000), available at <http://www.pogar.org/publications/other/undp/gender/gender-gov-00e.pdf> [hereinafter POLITICAL PARTICIPATION].

9. *Id.*

10. See Michael Trebilcock, *Between Institutions and Culture: The UNDP's Arab Human Development Reports 2002-2005*, 1 MIDDLE EAST L. & INTERDISC. GOVERNANCE J. 210, 223 (2009) (discussing the need to address the political marginalization of women in order to encourage the development of the region).

11. See AHDR 2002, *supra* note 7, at 28 (discussing the analysis required to determine how women's empowerment affects a country's human development index).

12. Trebilcock, *supra* note 10, at 213. The six indicators, collectively called the Arab Human Development Index (AHDI), are weighed equally. *Id.* The remaining five criteria include: "life expectancy at birth as a measure of longevity and overall health, educational attainment as a stand-in for knowledge acquisition, a freedom score to express the general enjoyment of civil and

next to last in the world with regard to gender equality and the aggregate empowerment of women.¹³ The political participation of Arab women ranges greatly in the Arab world.¹⁴ For instance, Tunisia, which has an effective political party quota for electoral candidates for Parliament, boasts the highest percentage of women's participation in the region, at 22.8 percent.¹⁵ This level of women's participation is well above the global average.¹⁶ In contrast, women in Saudi Arabia still do not have suffrage and are thus categorically segregated from any political process.¹⁷

First, this article aims to identify and illustrate the principal obstacles hindering the participation of women in Arab national parliaments. Second, after establishing that these obstacles work cumulatively to segregate Arab women from parliamentary seat, recommend that Arab states implement fast track quota measures to ameliorate the impact of past and present-day discrimination against women, and to challenge the prevailing patriarchal institutions that perpetuate the political segregation of women in the Arab world. As I articulate below in Sections V and VI, this policy proposal adopts the urgent discourse and ambitious aims of large-scale affirmative action programs. This provocative approach breaks away from the traditional gradualist approaches popularized by the Nordic states,¹⁸ and I argue that it is fit with the urgent tactical and dialectical strategy to challenge Arab patriarchal structures, and create political inroads for the region's women.

Development experts have advocated for the fast track quota model, instead of the traditional approach, in post-conflict and developing states.¹⁹ The fast track model is fueled by a proactive spirit to stimulate immediate

political liberties . . . [a measure of] internet hosts per capita to express the universally recognized benefits of participating in globalization [in this age], and carbon dioxide emissions to reflect environmental degradation." *Id.* The individual scoring of each criterion yields an aggregate development score. *Id.*

13. ADHR 2002, *supra* note 7.

14. Trebilcock, *supra* note 10, at 240.

15. *Country Overview*, QUOTAPROJECT, <http://www.quotaproject.org/country.cfm> (last visited Oct. 5, 2010). (illustrating that women won 22.8 percent or 43 of the 189 parliamentary seats) [hereinafter QUOTAPROJECT].

16. See Drude Dahlerup, Stockholm Univ., What are the Effects of Electoral Gender Quotas: From Studies of Quota Discourses to Research on Quota Effects, Paper for the International Political Science Association's World Congress in Fukoka, Japan (July 2006), IPSA-RC 19, <http://ipsa-rc19.anu.edu.au/Dahlerup.ipsa06.pdf> [hereinafter Dahlerup].

17. Amal Sabbagh, *The Arab States: Enhancing Women's Political Participation*, in WOMEN IN PARLIAMENT: BEYOND NUMBERS 52, 58 (Julie Ballington & Azza Karam eds., 2005).

18. See Nancy Millar, *Envisioning a U.S. Government that Isn't [eighty-four percent] Male: What the United States Can Learn from Sweden, Rwanda, Burundi, and Other Nations*, 62 U. MIAMI L. REV. 129, 136 (2007).

19. See *id.*

reform and infuses a call for structural reform as its lead agent; whereas the gradual or “incremental” approach takes on a rather different position:

According to the incremental track discourse, the primary problem is that women do not have the same political resources as men. While there is prejudice against women, this will eventually disappear as society develops. There is thus an inherent concept of gradualism . . . some scholars see women’s under-representation as a question of a ‘time lag’-lag, implying that women will get an equal share of seats in political institutions as they increase their general integration into the public sphere.²⁰

While the constitutional and liberal contexts of the Nordic states provided conducive backdrops for the success of gradual-oriented quota programs, the (generally) autocratic and hyper-patriarchal contexts in the Arab world require a fast track quota approach to speedily integrate women into parliament and expedite regional consciousness around gender equality. As I illustrate in forthcoming sections of this piece, a “critical mass” of women parliamentarians in Arab states will lead to the promotion of policy that better serves women constituents and reforms the patriarchal culture embedded in these halls of political power. In fact, the Beijing Declaration and Platform for Action recommends that every national parliament should strive to have 30 to 35 percent of its seats held by women.²¹

Although a fast track quota approach in the Arab world will encounter a series of practical challenges and criticisms, a gradual approach will not provide the sustained, progressive reform needed to politically empower women and reform the very structures that repress their engagement. Therefore, I contend that the fast track quota approach is: (1) a more effective mechanism for bringing about authentic and sustained political equality, and opportunity, for women in the Arab world, because; (2) it provides the urgent reform objectives and robust affirmative action discourse that squarely confronts patriarchy and those structural factors that work in concert with it, seeking to undo their impact.²²

Given that no Arab state has comprehensively explored a fast track parliamentary quota program,²³ my proposal is premised on the hypothesis

20. Dahlerup & Freidenvall, *supra* note 4; *see also* Drude Dahlerup & Anja Taarup Nordlund, Gender Quotas: A Key to Equality? A Case Study of Iraq and Afghanistan 3, *available at* www.statsvet.su.se/quotas/iraq_afghanistan_04.doc (last visited Oct. 6, 2010).

21. Millar, *supra* note 18, at 132-33 (“The UN argues that a critical mass allows women to ‘have a visible impact on the style and content of political decisions . . .’”).

22. *See id.* at 136.

23. *See* U.N. DEV. PROGRAMME [UNDP], ARAB HUMAN DEVELOPMENT REPORT 2005: TOWARDS THE RISE OF WOMEN IN THE ARAB WORLD 185 (2006), *available at* <http://arabstates.undp.org/subpage.php?spid=14> [hereinafter AHDR 2005].

that hyper-patriarchal conditions combined with autocratic rule in the region, which perpetuate the Arab world's aggregate underdevelopment, would overwhelm the traditional quota paradigms. Skeptics may ask: *is now the most opportune time to seek marked reform in the Arab world?* "At a time when the Arab world needs to build and tap the capabilities of all its peoples, half its human potential is often stifled or neglected."²⁴ Considering the aggregate deficits perpetuating the region's underdevelopment,²⁵ particularly the democratic deficit, fast track quotas provide a much-needed stimulus that will reverberate not only within Arab parliaments, but also throughout the respective societies these parliaments are meant to govern.

Part II of this article will present a general overview of the political marginalization endured by women throughout the Arab world. This section seeks to construct a grand, regional narrative, highlighting the experiential intersections and overlaps women experience regardless of state context. Part III provides a brief synopsis of the fast track quota model, and distinguishes it from the traditional gradualist approach championed, and made popular by Scandinavian countries. Part IV highlights the salient cultural and political variables unique to the region that foment patriarchy in the Arab world and perpetuate political segregation along gender lines. In this section, I focus specifically on several issues: 1) religious entanglement and fringe Islamic movement on the ground; 2) the curious role economic development and globalization has in prosperous Arab states, which have balanced a modern economy rife with patriarchy in both political realms and their respective societies at large; 3) the specific role played by state governments in either inhibiting, or advancing, the genuine equality of their women citizens; and 4) the prominence of political tribalism in many Arab states.

In Part V, I advocate on behalf of fast track parliamentary quotas as the most effective and expeditious mechanism for rapidly integrating Arab women into their national parliaments. Furthermore, I also contend that this approach squarely confronts, and has the potential to deconstruct, the fundamental patriarchal hurdles that undermine the political empowerment of women. In this section, I present how a robust affirmative action philosophy underlies the fast track approach. This baseline not only calls for surface equality in parliament, but the very structural reform needed to undo the culture of patriarchy and inequality embedded both within these halls of power and the societies in which they are situated. Finally, Part VI

24. *Id.* at 24.

25. See AHDR 2002, *supra* note 7, at 25 (introducing the three deficits impeding human development in Arab countries).

discusses the principal critiques leveled against affirmative action and quotas. Namely, that such programs stigmatize their beneficiaries; lead to the tokenization of their beneficiaries; and the critique arguably most germane to the Arab region, that elites exploit quotas to solidify their influence. Critics traditionally deploy these arguments against policy proposals such as this, which seek to reinstall functional equality in forums riddled with discrimination.²⁶

II. THE POLITICAL MARGINALIZATION OF WOMEN IN THE ARAB WORLD

The Arab world is anything but a monolith.²⁷ Rather, the region is a diverse and fluidly sociopolitical union encompassing twenty-two states.²⁸ These states are linked by political, cultural, and linguistic affinities, yet are also divided along ethnic, sectarian, economic and normative lines.²⁹ Another fundamental link in the region is the political climate, which is humid with religious and sectarian strife; autocratic governance premised upon the culturally tweaked “ruler/subject” dynamic;³⁰ the rampant stifling of democracy and consequently deficit democratic institutions;³¹ and the hijacking of national resources by state’s very own governments.³² The region’s climate has proved a most grueling one for its women citizens, who are virtually barred from the very political institutions responsible for

26. See POLITICAL PARTICIPATION, *supra* note 8, at 20-21.

27. The Arab world, or region, as it is often referred, is not to be confused with the “Middle East” or the “Muslim World,” which are often conflated in development studies and scholarship at large. See, e.g., THOMAS L. FRIEDMAN, *THE WORLD IS FLAT: A BRIEF HISTORY OF THE TWENTY-FIRST CENTURY* 392 (Farrar, Straus & Giroux eds., 2005) (unabashedly conflating two independent entities into, in the manner of, see SAMUEL P. HUNTINGTON, *CLASH OF CIVILIZATIONS: REMAKING OF WORLD ORDER* 31 (1996), a single “world” and “civilization” (“[T]he Arab-Muslim world is a vast, diverse civilization . . .”).) *Id.* Naturally, the expansion of the Arab League has broadened the political denotation of “Arab World,” as evidenced by the UNDP’s inclusion of all of its member-states. For a detailed account of the history of the Arab World, see ALBERT HOURANI, *A HISTORY OF THE ARAB PEOPLES* (1991); for a recent historical account of the expansion of Islam brought about the contemporary composition of the Arab world, see HUGH KENNEDY, *THE GREAT ARAB CONQUESTS* (2007).

28. Sabbagh, *supra* note 17, at 52.

29. See *id.* at 53.

30. Sami Zubaida, *Islam and the Politics of Community and Citizenship*, MIDDLE EAST REP., Winter 2001, at 20, 21.

31. See Azza Karam, *Strengthening the Role of Women Parliamentarians in the Arab Region: Challenges and Options*, Paper Presented at the Meeting on Women and Political Participation: 21st Century Challenges in New Delhi, India (1999) at 2, POGAR, <http://www.pogar.org/publications/gender/karam1/karama.pdf>.

32. See Trebilcock, *supra* note 10, at 219.

navigating the bounds of citizenship in the Arab world³³ and which are asymmetrically traced along gender lines.³⁴

Like the region, Arab women themselves are an extremely heterogeneous group.³⁵ The women of the Arab world, countering prevailing stereotypes often subscribed to by academics, development agencies, and governments,³⁶ actually span a broad range of identity types.³⁷ Coexisting with the voiceless, subordinated caricatures of Arab women are the throngs of prototypes that seldom make the pages of scholarly or policy endeavors covering the region. The identity of Arab women, not unlike women in other parts of the world, is colored by economic, religious, educational, socioeconomic, and other similar stimuli.³⁸ Thus, any enterprise that assigns Arab women as the principal subjects must take this diversity into account.

Identifying common experiences and overlapping themes that intersect across state and demographic boundaries, will make piecing together a grand narrative for women along political lines in the Arab world achievable. One fundamental similarity consistent across these boundaries is the low representation of women in parliament.³⁹ The region's dismal record regarding the inclusion of women in its state parliaments is a condition that links Saudi Arabian women, for instance, with women in Algeria: "[A]rab women's representation in legislatures is the lowest in the world, with the world average standing at 16 percent while in the Arab world it is only 6.5 percent."⁴⁰

It is not, however, the objective of this piece to address each Arab country and its idiosyncratic narrative with regard to the political empowerment of women. Such an endeavor would be redundant with

33. See generally Suad Joseph, *Gender and Citizenship in the Arab World*, Concept Paper for UNDP-Mediterranean Development Forum in Amman, Jordan (2002), POGAR, <http://www.pogar.org/publications/gender/suad/gender.pdf> (discussing the unequal relationships of Arab men and women to the laws as impacted by cultural and gender systems).

34. *Id.*

35. Sabbagh, *supra* note 17, at 52.

36. See Marina Ottaway, *Women's Rights and Democracy in the Arab World*, in DEMOCRACY AND RULE OF LAW PROJECT, at 4 (Carnegie Papers, Middle East Series No. 42, 2004), available at <http://www.carnegieendowment.org/files/CarnegiePaper42.pdf> ("The dominant image prevailing . . . is that of veiled, homebound, uneducated women who need help to take the first steps toward emancipation. Those women undoubtedly exist in the Arab world. So do highly educated, professional women, quite emancipated in their own minds but still struggling against restrictive social values The situation, however, varies considerably from country . . .").

37. See Sabbagh, *supra* note 17, at 52.

38. *Id.* at 53.

39. *Id.* at 54.

40. Sabbagh, *supra* note 17, at 57.

seminal studies, like the AHDR's, and well beyond its intended scope. Rather, my principal aim is to highlight particular regional themes and overlaps, and effectively link Arab women's domestic experiences regarding political disempowerment. My analysis shows, despite regional variations, Arab women's effective segregation from parliamentary seats is engendered by regional sociopolitical and cultural stimuli. Moreover, I argue that the severely low representation of women in Arab parliaments is nothing more than a reflection of formal and informal patriarchal structures at the top and on the ground, which must be countered if marked reform is going to take place. In Part IV, I highlight the fundamental structures and stimuli indigenous to the region that gave rise to a uniquely Arab brand of patriarchy, and those that continue to foment it.

The political empowerment of women is a central artery toward the development of the Arab world.⁴¹ At the heart of the problem, however, are the prominent patriarchal bodies that attack the progress of women, and systematically undermine their value.⁴² From a non-consequentialist perspective, female empowerment can be sustained by beliefs that the value of the individual women who win parliamentary seats is markedly enhanced with the new universe of opportunity, responsibility, and visibility that comes with that position. In addition, there is the radiating value that shines from these elected parliamentarians as role models and emergent cultural archetypes for future generation of Arab women. Therefore, breaking away from the traditional gradualist model, quotas must not be considered an end in and of themselves, but effective expedients for bringing about structural and cultural progress with regard to gender equality.

III. THE FAST TRACK QUOTA MODEL, A BRIEF SURVEY

Quota programs, which are also called "set-asides" or "reservations," are effective tools for achieving increased women's participation in Arab parliaments.⁴³ The fast track quota approach, I contend, is the most effective. The fast track model:

[Implies] a shift from one concept of equality to another [Where] the classic liberal notion of equality stressed "equal opportunity" or "competitive equality," [fast track] quotas represent a shift towards "equality of results." According to the former concept, the removal of formal barriers for women's political participation, such as providing women voting rights, was considered sufficient. It was then up to

41. See SEN, *supra* note 6, at 202 (discussing the empowerment of women).

42. See *id.* at 199-201 (discussing how patriarchal bodies attack women's progress and undermine their value).

43. See Dahlerup & Freidenvall, *supra* note 4, at 30-31.

individual women to act Equal opportunity does not exist just due to the removal of formal barriers, it is argued. Direct discrimination and a complex pattern of hidden barriers prevent women from attaining a fair share of political power and influence. Quotas and other measures aiming at an increased level of women's political participation are thus regarded as means towards equality of result. Equality as a goal cannot be reached by formal equal treatment solely as a means. If barriers exist, compensatory measures must be introduced as a means to reach equality of result. In this perspective, quotas are not regarded as discrimination (of men), but as a compensation for structural barriers that women face in the electoral process. Thus, quotas as a fast track do not only challenge the Scandinavian model of women's representation, it also questions the concept of equal opportunity by providing the concept of equality with new significance and implications.⁴⁴

Although quota programs bring about a novel set of obstacles, they effectively carve out institutional avenues for inclusion that were previously non-existent.⁴⁵ On a symbolic level alone, the integration of women into parliaments throughout the Arab world is a revolutionary measure. Therefore, the methodology for assessing the success of quota programs, particularly in the short term, should highlight the social, cultural, and psychological reverberations the Arab female parliamentarians have in their respective states, in addition to quantitative measures.⁴⁶ However, only four states in the Arab world have implemented formal quota programs: Djibouti,⁴⁷ Jordan,⁴⁸ Morocco,⁴⁹ and Sudan.⁵⁰ Citing these case studies, the AHDR finds that, "the adoption of quota systems increased women's parliamentary participation Despite these favorable changes, the proportion of women representatives in Arab parliaments remains the lowest in the world at 10 percent."⁵¹ These above-named programs, which represent the gradualist approach championed by the Nordic states, have encountered criticisms from opponents and progressive reformists alike in the region and beyond.⁵²

44. *Id.* at 30-31.

45. *See id.* at 26-27.

46. *Id.* at 41.

47. *Id.* at 33.

48. *See id.*

49. *Id.*

50. *Id.*

51. AHDR 2005, *supra* note 23, at 9.

52. *See id.* at 17-18.

Quotas are opposed in other regional governments, even as a temporary measure.⁵³ This reluctance further affirms that a gradualist affirmative action approach will likely fold when confronted with such opposition. Furthermore, there is precedent for removing quota programs well before they were given an opportunity to develop. In Egypt, where quotas were in place during the 1970s and 1980s, elected women were criticized by both establishment opponents and the feminist movement:

[I]n Egypt where gender quotas were in practice for a shorter period of time, the women elected on quotas were heavily criticized, not least by the women's movement. This critical prediction that quotas will lead to the election of token women derives partly from feminist circles, which fear that gender quotas will be counter-productive as an equality policy.⁵⁴

In Egypt, women feared the imposition of tokenization and gender ceilings.⁵⁵ With regard to the latter, the Egyptian quota program was opposed, and ultimately eliminated, based on speculation and problems that had not yet occurred.⁵⁶ For Egyptian progressive reformists, the gradual approach was not doing enough, causing them to seek its demise.⁵⁷

A fast track approach, although provocative, is fit with the progressive discourse and programmatic urgency to challenge patriarchy in the Arab world. Drude Dahlerup echoes that, "attaining the fast track via quotas may even be considered especially apt in such societies [specifically addressing Iraq and Afghanistan], where the position of women is traditionally weak."⁵⁸ Recent scholarship, highlighted by Dahlerup's work, focused more on the execution and strategy in which quotas are implemented.⁵⁹ The gradualist quota model, which for decades served as the programmatic archetype for volatile and still developing states, has been contested as too gradual an approach for contexts like the Arab region, where the patriarchal pitch is far more amplified.⁶⁰

Although there is much debate questioning which model is preferable, it is widely argued that a fast track approach is more effective for bringing about cultural reform in developing and post-conflict states rife with

53. See UNITED NATIONS, ARAB REGIONAL TEN-YEAR REVIEW AND APPRAISAL OF THE BEIJING PLATFORM FOR ACTION 19 (2004) [hereinafter BEIJING TEN YEAR REVIEW].

54. Dahlerup, *supra* note 16, at 19.

55. *Id.* at 15.

56. See *id.* at 19.

57. See Dahlerup & Freidenvall, *supra* note 4, at 34-35.

58. Dahlerup & Nordlund, *supra* note 20, at 9.

59. See generally Dahlerup, *supra* note 16, at 2; Dahlerup & Freidenvall *supra* note 4, at 37; Drude Dahlerup, *The Department of Political Science: Stockholm University*, http://www.statsvet.su.se/homepages/drude_dahlerup.htm (last updated Nov. 12, 2010).

60. See Dahlerup & Freidenvall, *supra* note 4, at 34, 43.

considerable gender equity gaps in the political sphere.⁶¹ Development strategies incorporating quota programs, however, cannot categorically subscribe to one paradigm, but should implement an approach according to the specific context. One expert observes:

[O]pinions remain sharply divided about efforts to increase the presence of women in elective offices. To some, the low presence of women is an urgent problem to be tackled through the imposition of quotas and the adoption of special measures. To others, it is simply a symptom, a reflection of cultural values and social traditions that cannot be changed rapidly. The issue remains one of intense debate in part because the evidence is not particularly clear. Although there is no doubt that the countries where women enjoy the highest political presence are also the ones where women's rights receive the greatest recognition and respect.⁶²

The entrenched patriarchal culture of the Arab region, coupled with its undemocratic governments and social disunity requires fast track quota remedies. The Nordic states, which are host to stable democracies and relatively homogenous populations, have flourishing cosmopolitan societies fit with vibrant economies and political stability.⁶³ Little of this can be echoed for the majority of the states in the Arab region. Although in most Arab states "women obtained the right to vote and be candidates in parliamentary elections in the fifties and sixties of the past century,"⁶⁴ the cultures and governments of the region have stunted the functional development of women's equality that are required to put these formal pronouncements in motion.⁶⁵ More than six decades later, the aggregate condition of women in the Arab world has remained stagnant at best, and "window dressed" with superficial political concessions.⁶⁶ This gradual societal progression, which is patently absent for women in the Arab world, is a prerequisite for the capacity of traditional quota programs to bear meaningful reform. Without it, one must work toward another political proposal.

A fast track parliamentary quota model maximizes the capacity of quotas to bring about immediate representational and structural reform in the Arab region (particularly in states with the most deplorable parliamentary compositions). Advocates of the fast track model, like

61. See *id.* at 28, 30-31; Dahlerup, *supra* note 16, at 4-5.

62. Ottaway, *supra* note 36, at 8.

63. See John Gronvoll & Lars Lundsten, *Mediatization of Nordic Civic Society—Making New Citizens by DIY Media*, in *DIY CITIZENSHIP: CRITICAL MAKING AND SOCIAL MEDIA* 10 (2010).

64. AHDR 2005, *supra* note 23, at 9.

65. See *id.* at 7, 9.

66. *Id.* at 9.

Dahlerup, believe that Arab women have every *right* to be impatient.⁶⁷ For instance, Pakistan and post-conflict states like Afghanistan, and other states that share many of the sociopolitical and cultural obstacles impeding the political empowerment of women in the Arab world adopted a fast track quota model.⁶⁸ In 2002, Pakistan set aside an impressive sixty seats for women parliamentarians; accounting for roughly 22 percent of the aggregate in the first election after Pakistan introduced, the program bringing about immediate reform.⁶⁹ In the latter, 22.5 percent of the upper (*Meshrano Jorga*) and 27.3 percent of the lower (*Wolesi Jorga*) parliamentary houses, respectively, are occupied by Afghani women.⁷⁰ Therefore, proponents of the fast track model contend that if Pakistan and Afghanistan can successfully integrate a vigorous quota program aimed at fast tracking more women into their parliament, this strategy is worth investigation in Arab states.⁷¹

The high rewards of the fast track approach also come with high risk. Opponents of the Arab world having a fast track quota system forecast a host of challenges, many of which center on the assumption that the cultural soil of the region is still unripe for marked progress regarding women's rights.⁷² The most resounding critique is that a fast track quota program would be too radical a policy step and would only galvanize societal elements that staunchly oppose gender equality, particularly in the political sphere.⁷³ Political responsibility carries with it a *cache* which, according to Sen, would magnify the societal value of women.⁷⁴ This societal valuation of women would be more than ominous for traditional Arab elements that safeguard the patriarchal status quo. Another challenge, routinely used as a preemptive tactic in the region, is likening a fast track quota approach to the West imposing its culture on the Arab world.⁷⁵ Reactionary elements in the region, led by the fringe Islamic movements discussed in Section IV (A), have consistently conflated indigenous-led gender reform with Western foreign policy, or colonialism.⁷⁶ Although not exhaustive, these critiques are among the most prominent with regard to implementing fast track quota programs in Arab state parliaments.

67. See Dahlerup & Freidenvall, *supra* note 4, at 43.

68. See *id.* at 4-5.

69. QUOTAPROJECT, *supra* note 15.

70. Millar, *supra* note 18, at 129, 147.

71. See Dahlerup & Nordlund, *supra* note 20, at 8-10.

72. AHDR 2005, *supra* note 23, at 21.

73. *Id.* at 184.

74. See SEN, *supra* note 6.

75. AHDR 2005, *supra* note 23, at 62, 184.

76. *Id.* at III.

Since the fast track parliamentary quota approach is built upon an amplified affirmative action model, proponents must also contend with criticisms posed by adversaries of affirmative action. Whereas traditional quota schemes take a more passive disposition, the fast track model requires deploying quotas to rapidly increase women's representation in Arab parliaments as well as correcting historical and contemporary forms of discrimination leveled against women. These critiques are discussed at detail in Section VI.

IV. *WHY CULTURE STILL MATTERS*: THE IMPACT OF QUOTA PROGRAMS IN THE ARAB WORLD

[T]he [notion that the] fates of countries are effectively sealed by the nature of their respective cultures . . . is not just politically and ethically repulsive, but, more immediately, epistemic nonsense.

-Amartya Sen, "How Does Culture Matter?"⁷⁷

The wholesale marginalization of women, particularly in the political realm, is a crisis plaguing the entire Arab region.⁷⁸ As noted by the AHDR, the region's aggregate underdevelopment is partly attributed to the political suppression of women.⁷⁹ Prevailing patriarchal attitudes and structures have erected impediments to the political participation of women.⁸⁰ "Patriarchy," for the purposes of this article, is defined as "[a] system of male domination that oppresses women through its social, political, and economic institutions."⁸¹ Specifically, "Arab Patriarchy," as defined by Suad Joseph, is "[a] hierarchy of authority that is controlled and dominated by males, originating in the family . . . prioritizing of the rights of males and elders (including elder women) and the justifications of those rights within kinship values which are usually supported by religion."⁸² In 2003, the World Bank issued a study observing that gender roles, as shaped by traditional paradigms, demarcate the public sphere as an exclusive forum for men while women's principal roles are related to family and household.⁸³ Within the household women are still not the principal

77. Amartya Sen, *How Does Culture Matter?* in *CULTURE & PUB. ACTION* 37, 38 (Vijayendra Rao & Michael Walton eds. 2004).

78. *See generally* AHDR 2005, *supra* note 23.

79. *Id.* at 6.

80. *Id.* at 16.

81. MAGGIE HUMM, *THE DICTIONARY OF FEMINIST THEORY* 200-202 (1990).

82. Suad Joseph, *Patriarchy and the Development in the Arab World*, in 4 *GENDER & DEVEL.* 14, 14 (Caroline Sweetman ed., Oxfam 1996) [hereinafter Joseph, *Patriarchy*].

83. MENA DEVELOPMENT REPORT, *GENDER AND DEVELOPMENT IN THE MIDDLE EAST AND NORTH AFRICA: WOMEN IN THE PUBLIC SPHERE*, 10 (The World Bank 2004).

authorities; men are widely considered kings of the castle.⁸⁴ Kinship and the familial structure, is central in Arab life and society, and hence transplanted into every dimension of society.⁸⁵

In states like Egypt, where there is token representation of women, prominent patriarchal networks deploy extra-political tactics to control and suppress women. Cultural pressures to don the veil and undergo female genital mutilation (FGM),⁸⁶ among other tactics, are leveraged to pacify women and preempt any momentum had by women's groups.⁸⁷ Women from other Arab states, where deviant Islamic elements prevail, endure the same pressures.⁸⁸

A foundational problem underlying the political disempowerment of Arab women is their lack of access to education.⁸⁹ There is a considerable range of gender disparity with regard to education throughout the region.⁹⁰ One primary disparity is women's cultural segregation from fields that lead toward political careers, are more marketable, and promise upward mobility.⁹¹ Although these problems are undeniably crucial for finding a resolution to the subject at hand, they are perhaps among the most universal impediments with regard to development. In this piece, I emphasize only sociopolitical and cultural factors that are unique to the Arab world in order to identify the very roots indigenous to the region that truncate women's political empowerment and parliamentary participation.

When covering a region as broad as the Arab world and subjects as diverse as the region's women, staying away from discursive discussion and paradigmatic binaries is no easy challenge. Echoing Michael Trebilcock, one must not unconditionally "[frame] the issue of gender inequality as a peculiarly Arab or Islamic phenomenon"⁹² Although the region is host to rampant gender inequity, particularly in the political sphere, other regions also suffer from this circumstance. Branding either Islam, or Arab culture, at large as the specific sources of gender inequality would be misguided and overly simplistic, and echo overtones of the same "Orientalist" binary critiqued by Edward Said and his intellectual

84. AHDR 2005, *supra* note 23, at 16.

85. See Joseph, *Patriarchy*, *supra* note 82, at 15; see also AHDR 2005, *supra* note 23, at 16.

86. Jewett, *supra* note 2, at 214; see also Sherifa Zuhur, *The Mixed Impact of Feminist Struggles in Egypt During the 1990s*, 5 MIDDLE EAST REV. OF INT'L AFF. 78, 79-81 (2001), available at <http://meria.idc.ac.il/journal/2001/issue1/jv5n1a6.html>.

87. Zuhur, *supra* note 86, at 79-80.

88. See generally MAHNAZ AFKHAM, FAITH AND FREEDOM: WOMEN'S HUMAN RIGHTS IN THE MUSLIM WORLD (1995).

89. AHDR 2005, *supra* note 23, at 7; see also Trebilcock, *supra* note 10, at 221.

90. Ottaway, *supra* note 36, at 5.

91. AHDR 2005, *supra* note 23, at 7.

92. Trebilcock, *supra* note 10, at 241.

progeny.⁹³ In the coming section, I identify the deviant manifestations that arise from the Arab culture and Islam, not these sources *in toto*.

A. *The Role of Islam, and its Deviant Offshoots*

[I]f any do deeds of righteousness – be they male or female – and have faith, they will enter Heaven, and not the least injustice will be done to them.

-The Holy Qur'an⁹⁴

The private and public as they exist in the Qur'an⁹⁵ and in classical Western theory are very different The Qur'an, however, does not define either human beings or social reality in terms of female-male, public-private, nature-culture, or political-family binaries. Nor does it assign politics or the public sphere the same primacy as Western thought . . . the only distinction it makes in this regard is between believers and unbelievers.⁹⁶

-Asma Barlas, "Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an"

Islam, and particularly its most fringe elements, impacts the political (dis)engagement of women in the Arab world. The AHDR 2005 notes the cultural ubiquity of Islam in the Arab world, and articulates its centrality in the development of the region:

No political power can ignore the fact that religion, and especially Islam, is a crucial element in the cultural and spiritual make-up of the Arab people. However, the reopening of the door of independent jurisprudential thinking, its encouragement and affirmation, remain a basic demand if the creative marriage between freedom in its contemporary, comprehensive definition and the ultimate intent of Islamic law (*Shari'a*) that is required for the society of freedom and good governance, is to be achieved.⁹⁷

Thus, if democratization and freedom must be *christened* through the *Shari'a*, then the political empowerment of women must (in large part) also flow through Islam. The issue of gender equality has long been a forum of

93. See EDWARD SAID, ORIENTALISM 294 (1979); Jasmine Zine, *Between Orientalism and Fundamentalism: The Politics of Muslim Women's Feminist Engagement*, 3 MUSLIM WORLD J. OF HUM. RTS. 1, 2 (2006).

94. THE HOLY QUR'AN 64, 75 (Abdullah Yusuf Ali trans., Tom Griffith ed., Wordsworth Editions Ltd. 2000).

95. See generally KAREN ARMSTRONG, ISLAM: A SHORT HISTORY (2000) (noting that the Holy Book of Islam (Arabic) revealed to the Prophet Muhammad starting in 610 A.D.).

96. ASMA BARLAS, BELIEVING WOMEN IN ISLAM: UNREADING PATRIARCHAL INTERPRETATIONS OF THE QUR'AN 171 (2002).

97. AHDR 2005, *supra* note 23, at 1.

intellectual debate among various scriptural interpretations and Islamic *madahab*, or schools of thought.⁹⁸ Progressive readers of the *Qur'an* argue that it, and other seminal texts, establishes a spirit of gender egalitarianism.⁹⁹ Thus, conferring an equal status upon women. Rigid schools of thought defend an asymmetrical gender structure. For the latter camps, it is often the case that local and traditional norms reshape the overarching theme of gender equality in the *Shari'a*, in turn engendering practices that deviate from the egalitarian essence of the scripture.¹⁰⁰ Ultimately, Islam and its seminal texts serve as an intellectual (and sometimes un-intellectual) platform for adherents debating a range of matters, such as gender equity. As a result, Islam has become a forum for interpretive debate, and oftentimes hostile posturing.

Islam is often stereotypically branded as the central roadblock for women's participation in government.¹⁰¹ Discursive geopolitical theories pit Islam as the foil to civilization,¹⁰² without engaging the religion's doctrinal diversity and complexity. Such worldviews are fueled more by "Islamophobic" platitudes¹⁰³ than well-researched conclusions. I argue in "Dar al-Islam Meets Islam as Civilization" that Islam is neither culturally nor spiritually unified, and thus, cannot be identified in singular terms.¹⁰⁴ Moreover, faith is at best a mosaic of ranging sectarianisms and confessions; and at worst, "a series of oft warring worlds."¹⁰⁵ Thus, to brand Islam *in toto* as a primary source for contemporary impediments towards women's equal participation in government, or any other noteworthy social enterprise, would be both simplistic and inaccurate. Before leveling such an allegation, an enterprise must particularize which offshoot, sect, or interpretation is in question.

As discussed later in this section, the *de jure* enshrinement,¹⁰⁶ and cultural establishment of static and deviant manifestations of Islam

98. *Id.* at 141.

99. *Id.* at 148-49.

100. *Id.* at 147-48.

101. Karram, *supra* note 31, at 9.

102. *See generally* HUNTINGTON, *supra* note 27.

103. Zine, *supra* note 93, at 9. *See generally* SAID, *supra* note 94.

104. *See generally* Khaled A. Beydoun, *Dar al-Islam Meets Islam as Civilization: An Alignment of Politico-Theoretical Fundamentalisms and the Geopolitical Realism of this Worldview*, 4 UCLA J. OF ISLAMIC & N.E.L. 143 (2004-2005) [hereinafter Beydoun, *Dar al-Islam*].

105. *Id.* at 146.

106. *See* Avner M. Emon, *The Limits of Constitutionalism in the Muslim World: History and Identity in Islamic Law*, in ISLAMIC L. & L. OF THE MUSLIM WORLD 13 (New York Law School, Research Paper Series 08-09, 2007); THE CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, May 22, 1980, Pt. 1, Art. 2; *The Constitution of the Hashemite Kingdom of Jordan*, 7 ARAB L.Q. 4 at 272 (1993).

unequivocally mandate gender inequity as part of their worldviews.¹⁰⁷ Again, one must be precise in defining which manifestation of Islam is allegedly suppressing the political engagement of women.¹⁰⁸ This can be accomplished by identifying which nation-state is being surveyed: “[I]slam has not deterred women in non-Arab Islamic countries such as Indonesia,¹⁰⁹ Bangladesh, and Pakistan¹¹⁰ from reaching top elected positions.”¹¹¹ In the Arab region, some of the more religiously traditional societies, such as Algeria, Djibouti,¹¹² Somalia, and Sudan, boast higher percentages of women’s inclusion than that of more secular populations.¹¹³ Therefore, the grassroots fervency of faith may hold part of the problem, but is hardly a bright-line symptom afflicting women in the Arab world.

A different hypothesis suggests that the principal factor is the degree to which religion is entangled with government. Saudi Arabia, the Arab world’s lone (formal) theocracy, prohibits its women from voting, much less running for public office.¹¹⁴ Although the establishment of religion in government is generally antithetical to the women’s political empowerment movement, the more salient variable is the character of the state-endorsed sect or confession. Saudi Arabia is founded upon *Wahabism* (an offshoot of the *Hanbali* school),¹¹⁵ a textual interpretation hallmarked by its intolerance for other Islamic traditions and modernity.¹¹⁶ Another staple is its hyper-patriarchy, preaching that women are to have no place in public relations, particularly politics.¹¹⁷ In addition, *Wahabis* proclaim to be the lone true practitioners of Islam, precluding other traditions from identifying as Muslim.¹¹⁸ Anver Emon identifies this exclusion as, “[T]he product of a juristic process that used the authority of a *Shari’ a*-based language to

107. See Asma Barlas, Towards a Theory of Gender Equality in Muslim Societies, CSID ANNUAL CONFERENCE at 9 (May 29, 2004).

108. Beydoun, *Dar al-Islam*, *supra* note 104, at 145.

109. QUOTAPROJECT, *supra* note 15.

110. *Id.*

111. Sabbagh, *supra* note 17, at 55.

112. Dahlerup & Freidenvall, *supra* note 4, at 33 (stating that Djibouti instituted an electoral quota program, introduced by legislation in 2002, mandating a ten percent set aside for women).

113. QUOTAPROJECT, *supra* note 15.

114. Sabbagh, *supra* note 17, at 58.

115. See Hamid Algar, WAHHABISM: A CRITICAL ESSAY 2 (2002) (stating that the tradition, which is generally considered to be completely independent of the *Sunni* tradition (and in its early states was actually at war with *Sunni* Muslims, declaring a *jihad* 1746), was founded by Muhammad b. Abd-el Wahhab (1703-1792 A.D.)).

116. See *id.* at 22, Section I (B).

117. See Jonathan T. Reynolds, *Islam, Politics and Women’s Rights*, XVIII COMP. STUD. OF SOUTH ASIA, AFRICA & THE MIDDLE EAST 1, 64 (1998).

118. Algar, *supra* note 115, at 20.

prioritize some readings over others.”¹¹⁹ Emon contests the infusion of arcane Islamic narrative into modern-day normative contexts and constitutional charters, calling for a re-narration of Islamic Law as adopted by states today.¹²⁰ Moreover, Emon proceeds to criticize Saudi Arabia’s enshrinement of a static and unyieldingly intolerant narrative:

[W]hen Saudi Arabia adopts the *Hanbali* tradition as the basis for its state rule of law system, it uses its coercive power to prioritize one view, silence the others, and effectively preclude a critical analysis of the underlying narrative . . . and whether that narrative remains meaningful in a context of constitutional states.¹²¹

Legally monopolizing a fixed and intolerant brand of Islam produces a suffocating landscape for Saudi Arabian women, all but preempting any crevices for political empowerment. To say that *Wahhabism* is the “established or entangled” sect in Saudi Arabia is a severe understatement. Rather, it is the prism by which law and policy is shaped and ratified; a prism that thoroughly perceives the political participation of women as unholy, and wholly abhorrent.

Prominent Islamic movements not directly affiliated with Arab governments have also inhibited and advanced women’s political empowerment. The transnational *Salafi*¹²² faction subscribes to a traditional Islamic worldview that considers the initial Islamic state (in the *Hejaz*, or Arabian Peninsula) a model that contemporary societies should emulate.¹²³ Salafi ideology:

[holds] women responsible for the difficulties that [Islamic] society was undergoing. They based their attacks on the ideas that equality in public life would, by its nature, reduce men’s opportunities in the job market and that the man was the master of the family and the women his dependent.¹²⁴

The former view is very much a *Salafi* re-articulation of “reverse discrimination,” which vilifies the victim as the culprit of injustice and inequity.¹²⁵ *Salafism*, which resonates strongly in much of the Arab world, is a leading adversary to the meaningful empowerment of Arab women.¹²⁶ In countries like Egypt and Jordan, Arab governments often collaborated with, and strengthened, the *Salafis* to undermine progressive

119. Emon, *supra* note 106, at 34.

120. *Id.* at 5.

121. *Id.* at 35.

122. QUINTON WIKTOROWICZ, THE MANAGEMENT OF ISLAMIC ACTIVISM: SALAFIS, THE MUSLIM BROTHERHOOD, AND STATE POWER IN JORDAN 111 (2001).

123. *Id.* at 5.

124. AHDR 2005, *supra* note 23, at 11.

125. *Id.* at 197.

126. *Id.* at 21.

movements.”¹²⁷ Countering the stereotype, Islamic movements such as the Muslim Brotherhood support a relatively progressive take on the political empowerment of women by adopting “a principled position in support of women’s political rights, accepting in this regard the independent interpretations of contemporary scholars such as al-Ghazali and al-Qardawi, which are based on jurisprudence.”¹²⁸

Poverty combined with religious fervor exacerbates patriarchal conditions on the ground in much of the Arab world,¹²⁹ as well as their inclusion from political and parliamentary participation.¹³⁰ The region duly represents how poverty foment religious fundamentalism, which in turn mobilizes a ready audience of indigents whom carry out work on a grassroots, community level.¹³¹ The emergence of fringe, fundamentalist Islamic networks have exploited indigent conditions to spread competing, yet arcane, worldviews premised on the politicization of faith, bellicosity, and patriarchy.¹³² This triumvirate works in concert (in germane contexts) to derail not only progressive efforts made by women to heighten their political involvement in states where this presence is ripe, but also other areas of public life. This, in turn, limits a wide range of employment opportunities for women, and further feminizes poverty in the Arab world. Oftentimes, transnational fundamentalist networks, which are foreign-based and funded, simply export their ideology into fertile international markets, in the Arab world and elsewhere.¹³³ *Al-Qaeda*, this class’s most visible representative, precisely fits this mold.¹³⁴

“[C]an individual feminists or specific feminisms be congruent with Islam?”¹³⁵ An *avant-guard* class of Islamic scholars have collectively

127. *Id.* at 11.

128. *Id.* at 21.

129. For an excellent study on the intersection of patriarchy and poverty, see generally Deniz Kandiyoti, *Bargaining with Poverty*, 2 GEN. & SOC’Y (1988), available at <http://www.smi.uib.no/seminars/Pensum/kandiyoti,%20Deniz.pdf>. See also Sabbagh, *supra* note 17, at 55.

130. AHDR 2005, *supra* note 23, at 10.

131. *Id.* at 201-02.

132. Jewett, *supra* note 2, at 195 (Jewett observes this phenomenon in Egypt: “One reason for this difference among classes is that the less affluent women believe they must adhere to traditional gender norms in order to protect the reputations of their families.”); see also Khaled Abou El Fadl, *The Culture of Ugliness in Modern Islam and Reengaging Morality*, 2 UCLA J. OF ISLAMIC & N. EAST’N L. 1, 60 (2002) [hereinafter El Fadl, *Culture of Ugliness*].

133. See Khaled Abou El Fadl, *THE GREAT THEFT: WRESTLING ISLAM FROM THE EXTREMISTS* 2-3 (Harper 2005) [hereinafter El Fadl, *GREAT THEFT*].

134. FRIEDMAN, *supra* note 27, at 392 (“All of this helps to explain the emergence of one of the most dangerous unflattering forces today – the suicide bombers of *al-Qaeda* and the other Islamist terror organizations, who are coming out of the Muslim world and Muslim communities in Europe.”); see also El Fadl, *GREAT THEFT* *supra* note 133, at 19.

135. Zuhur, *supra* note 86, at 1.

issued a resounding response in the affirmative, bringing to the fore readings that patriarchy is wholly contradictory to foundational Islamic tenets.¹³⁶ There has been a proliferation of feminist interventions of the *Qur'an* criticizing and deconstructing patriarchal readings of the Holy Book and other seminal texts.¹³⁷ Scholars, such as Asma Barlas, have advanced competing, feminist interpretations of *Shari'a* Law.¹³⁸ Many of the theocratic establishments in the Arab world have not warmly received these interventions.¹³⁹ However, these interventions have introduced to the *Shari'a* a legal exegesis, a greater degree of pluralism, and a uniquely women's perspective that challenges the male-centric interpretative conclusions¹⁴⁰ that have widely disseminated since the *Qur'an's* revelation.¹⁴¹

Moreover, the enterprise of interpreting the *Qur'an* was, until recently, virtually monopolized by men.¹⁴² The feminist movement in Islamic *ijtihad*,¹⁴³ which itself is not an intellectual monolith,¹⁴⁴ provides a range of opportunities that must be seized by advocates who support the political empowerment of Arab women. The intervention of feminist schools of thought and women interpreters (which do not always overlap, since not all feminists are women, and not all women subscribe to feminism) into the forum of Islamic legal exegesis is in and of itself a significant achievement.¹⁴⁵ The religious empowerment of women is both a symbolic and exacting challenge to those sociopolitical impediments that rely on patriarchal readings of the *Qur'an* as their lifeline. Widely disseminating these progressive *Qur'an* readings and bringing them into the mainstream, threatens the patriarchal status quo of the region. As I discuss below in Section IV, proponents of fast track quotas in the Arab world should

136. See, e.g., BARLAS, *supra* note 96, at xi.

137. Jewett, *supra* note 2, at 202.

138. BARLAS, *supra* note 96, at 129 (*Shari'a* (Arabic) is Islamic law); see also Interview with Asma Barlas, *The Qur'an Doesn't Support Patriarchy* at 2-3 (Feb. 2005), available at http://www.asmabarlas.com/TALKS/20050201_NationPk.pdf.

139. See Zine, *supra* note 93, at 15.

140. AHDR 2005, *supra* note 23, at 13.

141. To review some of the illuminating works in the area of feminist interpretations of the *Qur'an*, see generally BARLAS, *supra* note 96; AMINA WADUD, *INSIDE THE GENDER JIHAD: WOMEN'S REFORM IN ISLAM* (2006), and KECIA ALI, *SEXUAL ETHICS AND ISLAM: FEMINIST REFLECTIONS ON QUR'AN, HADITH, AND JURISPRUDENCE* (2006).

142. AHDR 2005, *supra* note 23, at 13.

143. *Id.* at IV (Interpretive scholarship (*Arabic*)).

144. Zine, *supra* note 93, at 2.

145. AHDR 2005, *supra* note 23, at IV (stressing further that it is important to eliminate discrimination against women in Arab traditions and to promote *ijtihad* in religious matters to overcome these obstacles).

consider incorporating these progressive readings into their discourse and strategy.

B. Economic Development, Globalization and their Discontents

Economic development alone cannot be expected to bring about the political empowerment of women. Like in the Arab states where Islamic fundamentalism is emerging, patriarchy also prevails in these economically forward nations.¹⁴⁶ Patriarchy is pronounced in some of the most prosperous states in the region. For example, in Saudi Arabia, fundamentalism is as ripe as the economy is prosperous.

The Kingdom of Saudi Arabia, an autocratic government built upon the harmonized pillars of monarchy and theocracy, has been vigilantly exporting its hyper-patriarchal brand of *Wahhabi* Islam throughout both the broader Arab and Muslim worlds.¹⁴⁷ Petro-dollars earmarked by Saudi Arabia are intended to counteract progressive aid funds and strategies, and economically empower foreign elements sympathetic to a *Wahhabian* brand of hyper-patriarchy.¹⁴⁸ Deniz Kandiyoti observes:

[O]il states like Saudi Arabia had joined the ranks of major aid donors and increased their political leverage considerably . . . the development projects encouraged women's participation in the labor force and the public sphere, while aid from those richer Muslim countries strengthened *madrassas*¹⁴⁹ (religious schools) and those religious parties advocating stricter controls for women.¹⁵⁰

Thus, the theory contending that economic development and prosperity function as the causal nuclei for the progress of women in the political sphere and at large is false when applied to the majority of the Arab world.

In transitioning Arab contexts, the interplay between globalization and patriarchy has intensified the latter. According to Hisham Sharabi's theory of "neopatriarchy,"¹⁵¹ patriarchy and dependency intersect and pronounce one another:¹⁵²

146. See Yoginder Sikand, *Velvet Jihad—Muslim Women's Quiet Resistance To Islamic Fundamentalism*, COUNTERCOURTS.ORG, July 24, 2010 available at <http://www.countercurrents.org/sikand240710.htm>.

147. Algar, *supra* note 115, at 2.

148. Ali Alyami, Current Saudi New & Analysis, CENTER FOR DEMOCRACY & HUMAN RIGHTS IN SAUDI ARABIA, Aug. 3, 2010, available at <http://www.cdhr.info/>.

149. DENIZ KANDIYOTI, WOMEN, ISLAM AND THE STATE 16 (1991) (Arabic).

150. *Id.*

151. HISHAM SHARABI, NEOPATRIARCHY: A THEORY OF DISTORTED CHANGE IN ARAB SOCIETY 4-5 (1988).

152. Jewett, *supra* note 2, at 194.

[W]here the former is a feature of how power has consistently exercised and manifested itself internally, and the latter is the interaction with external forces – i.e., pressures that come with the pursuit of modernization. Sharabi's main contention is that pressures of modernity – which today would be more adequately referred to as consequences of globalization in terms of the spread of similar information, economic facets, as well as cultural and political frameworks – have in fact, strengthened patriarchal norms and values.¹⁵³

According to Sharabi, the economic benefits manufactured by globalization that flow into patriarchal Arab states, like Saudi Arabia, are not allocated *pro rata* to the citizens, but seized by a select elite.¹⁵⁴ These are the very elites¹⁵⁵ who champion, and execute, the prevailing normative customs that bar the political progress of women.¹⁵⁶ Thus, increased economic clout further entrenches their political influence, and capacity to intensify their patriarchal worldviews. In addition, Sharabi's theory of "neopatriarchy" explains the rigidly traditional laws and norms in place in the Arab region's most economically viable and modern states. These states include Saudi Arabia, the U.A.E., and Kuwait, where women finally won suffrage in 2005¹⁵⁷ and voted for the first time in 2007.¹⁵⁸ However, the two former states "completely lack elected parliaments, and while other Arab nations have partially or fully elected legislative branches, they rarely express the desires of their supposed constituencies but function instead as appendages of the executive."¹⁵⁹ The oil-rich states and diversifying economic hubs on the Persian Gulf, home to the Arab world's most regressive sociopolitical landscapes for women, indicate that economic development alone cannot spearhead development with regard to the political empowerment of women.¹⁶⁰

With this in mind, Michael Ross advances a theory that the industry of oil production is the principal stimuli marginalizing women from the labor force, and society in general.¹⁶¹ Moreover, he posits that it is in fact oil, not

153. Karram, *supra* note 31, at 6.

154. SHARABI, *supra* note 151, at 65.

155. *Id.* (Here, I do not qualify whether this class of elites is influential because of their political or monetary clout. In states like Saudi Arabia, the latter and the former are almost categorically intertwined.).

156. *Id.* at 33.

157. AHDR 2005, *supra* note 23, at 51.

158. See Staff, *Kuwait Women Vote for the First Time*, BBC NEWS, Apr. 4, 2006, available at http://news.bbc.co.uk/2/hi/middle_east/4874990.stm.

159. Trebilcock, *supra* note 10, at 217.

160. *Id.* at 217.

161. See generally Michael Ross, *Oil, Islam, and Women*, 102 AM. POL. SCI. REV. 107 (2008) (stating that the oil industry is causing the lack of female political influence in the Middle East).

Islam, which fuels patriarchy and gender inequity in the workforce.¹⁶² Although Ross is accurate in concluding that it is not Islam *in toto* that engenders employment inequity, it is neither oil production. *It is*, however, a coincidence that the oil-rich states of the Gulf are home to the most rigid, fundamentalist bastions of Islamic interpretation. Oil production may play a secondary role, but it is the specific sectarian ideology that fuels patriarchy within oil-producing states.

Wahhabism, a fringe and “intellectually marginal”¹⁶³ interpretation of Islam was founded in what today is the modern state of Saudi Arabia, which coincidentally enshrined this mentality as the guiding ideology of the Kingdom upon its inception in 1932.¹⁶⁴ *Wahhabism* also resonates strongly in the neighboring Arab states along the Persian Gulf, particularly Qatar.¹⁶⁵ The *Wahhabi* tradition is hyper-patriarchal and defiantly traditional, grounding its worldview on a fixed and thus arcane interpretation of *Salafi* Islam.¹⁶⁶ Saudi *Wahhabism*, fit with a ubiquitous “vice-and-virtue” squadron that police the streets,¹⁶⁷ and generally deny women the right to drive unaccompanied by men, let alone vote or run for political office.¹⁶⁸

Inconsistent with Ross, I contend that the comprehensive segregation of women in Saudi Arabia and its oil prosperous neighbors cannot be principally linked to oil production. Rather, the segregation of women is linked to the normative and legal structures inspired by *Wahhabi* Islam and its reactionary progeny, which I discuss above in Section IV (A). Although Ross is poignant in observing that Islam is not the culprit,¹⁶⁹ he fails to distinguish the deviant manifestations that reign in the belly of the oil-rich states from the original traditions that created them. It is these deviant manifestations, not oil, draw lines across the sand regarding gender, sect, and faith, erecting their oil-driven economies as exclusively male fortresses.¹⁷⁰

162. *Id.* at 107.

163. Algar, *supra* note 115, at 2.

164. *Id.*

165. CYRIL GLASSE, THE NEW ENCYCLOPEDIA OF ISLAM 469 (2001).

166. JOHN L. ESPOSITO, THE OXFORD DICTIONARY OF ISLAM 275 (2003) (Reform Movement (*Arabic*)).

167. See LEE BOYLAND, THE RINGS OF ALLAH xix (2004) (noting that the “vice-and-virtue” squadrons can also be referred to as *Mutawa* (*Arabic*), meaning the religious or clerical police).

168. Algar, *supra* note 115, at 61.

169. Ross, *supra* note 161, at 115.

170. *Id.*

C. *The State and the Domestic Women's Movements*

So why, then, is Tunisia the only Arab country where equality between women and men is legally enshrined?¹⁷¹

In this section, I will highlight the Arab government's role in inhibiting or advancing the political engagement of women. Should Arab women simply wait around for their respective governments to grant them equality, or should they organize and demand their equality? The latter overlaps more with the logic of the fast track quota model because of the twenty-two state governments in the region, Tunisia is the only one to have unilaterally given its women both formal, and functional, equal rights.¹⁷² Azza Karam observes:

[T]he state plays a pivotal role in granting women's rights they demand, as in the Tunisian case where it is maintained that the relatively unique progressive status of Tunisian women's rights (among almost all other Arab countries) would not be in evidence today had it not been for the strong role played by the government. Indeed, the Tunisian case does pose a dilemma, since it cannot be argued that Tunisian women struggled more than their Arab counterparts to obtain gender equality mirrored in progressive legislation.¹⁷³

Given the Tunisian government's gender reforms, Tunisia is perhaps the only state in the region where a gradual quota approach would work and perhaps someday turn into a fast track quota regime.¹⁷⁴ However, Tunisia is very much the exception¹⁷⁵ since the remaining twenty-one states in the region comprise the rule. Karam goes on to compare Tunisia with its Arab and North African counterpart Egypt,¹⁷⁶ which puzzlingly boasts among the most storied women's rights movements in the Arab world, yet at a comparatively unequal condition:

[E]gyptian women boast the first organized feminist movement in the Arab world, dating back to more than a hundred years, and yet, compared to the Tunisians, Egyptian women have some way to go to achieve similar legal and social norms for gender equality The answer to this . . .

171. Karam, *supra* note 31, at 7.

172. Convention on the Elimination of All Forms of Discrimination Against Women, U.N. Comm. on the Elimination of Discrimination Against Women, Consideration of Reports Submitted by States Parties Under Article 18 of the Convention: Tunisia, U.N. Doc. CEDAW/C/2000/II/L.1/Add.5 (Aug. 2, 2000), available at <http://www.un.org/womenwatch/daw/cedaw/cedaw27/tun3-4.pdf>.

173. Karam, *supra* note 31, at 7.

174. Cf. AHDR 2005, *supra* note 23, at 205 (arguing that the quota system, regardless of which kind, is a good mechanism for increasing representation of women in government).

175. See *id.* at 12.

176. See generally Jewett, *supra* note 2.

points to the role played by the state, and, most notably in the context of the Arab world – to the ‘condition’ of democracy: the personalized-leadership nature of the political system, and thus the role of the ruler himself, in adopting and implementing issues.¹⁷⁷

Moreover, Egypt, which is under the functional dictatorship of Hosni Mubarak, has an emaciated democracy that lacks fair elections.¹⁷⁸ Thus, Mubarak and his cronies have a great effect on the state’s political and societal trajectory, including women’s rights.¹⁷⁹ Moreover, the women’s movement in Egypt, which began a marked decline in the 1990’s, also suffered from disorganization and a hyper-intellectual bent that failed to accord with the strategy on the ground.¹⁸⁰ However, such movements do not operate in sociopolitical vacuums, and even intra-movement “failures” are often spurred by external pressures, such as government persecution of such movements.

Naturally, gradualist strategies are both appropriate and most effective in contexts where the women’s movement is simply in *communiqué*, instead of in opposition, with its government; *a la* Tunisia or Sweden.¹⁸¹ However, in states like Egypt and the remainder of the Arab world, the women’s equality movements must coexist with governments that have contrary aims. Thus, these governments cannot be expected to gratuitously hand over equal rights to their women populations.¹⁸²

As evidenced in the Arab world, formally enshrining gender inequality hardly guarantees the functional execution of this principle on the ground. However, in the Arab world, a formal declaration of equality and a negative prohibition against discrimination is simply not sufficient.¹⁸³ Many Arab states have formally adopted constitutional language enshrining women’s

177. Karram, *supra* note 31, at 11.

178. See Mubarak Vows Free Egypt Elections Amid Opposition Boycott Calls, J. of Turkish Wkly. (Sept. 28, 2010), <http://www.turkishweekly.net/news/107980/mubarak-vows-free-egypt-elections-amid-opposition-boycott-calls-.html> (showing that current and past elections have been unfair) [hereinafter Mubarak].

179. Cf. Zuhur, *supra* note 86, at 83 (illustrating that the President of Egypt has power over women’s rights).

180. See *id.* at 78.

181. See AHDR 2005, *supra* note 23, at 12; see also Lenita Freidenvall, Stockholm Univ., Swed., The Political Representation of Women in Sweden: Women’s Struggle for Institutional and Discursive Change, 2 (July 9-13, 2006), <http://ipsa-rc19.anu.edu.au/Freidenvall.ipsa06.pdf> [hereinafter Freidenvall].

182. See AHDR 2005, *supra* note 23, at 60.

183. See Yvonne Galligan, *Bringing Women In: Global Strategies for Gender Parity in Political Representation*, 6 UNIV. MD. L.J. RACE, RELIGION, GEN. & CLASS 319, 321 (2006); see also Women’s League of Burma, *Looking Through Gender Lenses*, 7 (2006), http://www.womenofburma.org/Statement&Release/genderpaper_english.pdf [hereinafter Women’s League of Burma].

rights in the political sphere¹⁸⁴ but have not implemented any programs to actualize this commitment. Here “the law provides legitimacy to the state and veils its use of dominance by making subjectivity seem objective. The law sees and treats women the way men see and treat women.”¹⁸⁵ Although praised as a great leap forward,¹⁸⁶ these formal enshrinements of gender equality have brought about meager progress with regard to political participation.¹⁸⁷ Oftentimes, they are merely superficial measures aimed at placating the international human rights community.¹⁸⁸ For example, Egypt,¹⁸⁹ Lebanon,¹⁹⁰ and Syria,¹⁹¹ have revised their constitutional language affirming the equality of men and women. However, as evidenced by these states, these *equal protection clauses* on their own accomplish little with regard to alleviating the social, cultural, and institutional vestiges working in their opposition. Therefore, Arab states have to *add meat*, in the form of gender mainstreaming programs and policies, to the formal enshrinements.

*D. The Real Clash of Civilizations: Tribalism Versus Cosmopolitanism*¹⁹²

In Beirut, in the parliament building, leaders of the different communities, Christian, Druze, Shiite and Sunni, pro-Syrian and anti-Syrian, pro-Iran and anti-Iran, are having what former president Amin Gemayel calls a dialogue that ‘lay the foundation for a new period . . . one of

184. See BEIJING TEN YEAR REVIEW, *supra* note 53, at 18.

185. Nadeen El-Kassem, *Empire, Neo-Liberalism, and the Ideologies of Transnational Gender Construction in the Iraqi and Kurdish Constitutions*, LIFE & PEACE INST. 3, http://www.life-peace.org/sajt/filer/pdf/New_Routes/nr200604%20El-Kassem%20Iraq%20and%20Kurdistan.pdf (last visited Oct. 5, 2010).

186. BEIJING TEN YEAR REVIEW, *supra* note 53, at 18.

187. See AHDR 2005, *supra* note 23, at 18.

188. See *id.*

189. CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, art. 7, art. 8, art. 11, Sept. 11, 1971, *as amended*, May 22, 1980, May 25, 2005, Mar. 26, 2007 (“[T]he State shall guarantee the proper coordination between the duties of woman towards the family and her work in the society, considering her equal with man in the fields of political, social, cultural and economic life without violation of the rules of Islamic jurisprudence.”). *Id.*

190. CONSTITUTION OF THE SYRIAN ARAB REPUBLIC, art. 45, Mar. 13 1973, *as amended*, 2000 (reading as the most progressive constitution with regards to equal opportunity for women). “[T]he state guarantees women all opportunities enabling them to fully and effectively participate in the political, social, cultural, and economic life. The state removes the restrictions that prevent women’s development and participation in building the socialist Arab society.” *Id.*

191. CONSTITUTION OF THE REPUBLIC OF LEBANON, art. 7, May, 23 1926, *as amended*, 2004. “[A]ll Lebanese are equal before the law. They equally enjoy civil and political rights and equally are bound by public obligations and duties without any distinction among them.” *Id.*

192. HUNTINGTON, *supra* note 27. Here, I am satirically referring to the controversial but popular book, *The Clash of Civilizations and the Remaking of World Order*.

independence.’ Photographs show them smiling and hugging, even though their militias have been conditioned to kill each other.¹⁹³

Tribalism along lines of kinship, sect or confession, and/or ethnicity fractionalized the Arab world at large, and the majority of its parts. In Lebanon, several of these identifiers intersect, which creates a socially schizophrenic landscape where division is bisected by even more division.¹⁹⁴ Further, Lebanon’s diversity teeters between tribalism and cosmopolitanism, hinging cautiously on the political climate.¹⁹⁵

Tribal political cultures in the Arab world are generally detrimental to the political progress of women.¹⁹⁶ Although many Arab states boast diverse populations, identifying them as “multicultural” would be disingenuous.¹⁹⁷ Gupreet Mahajan observes that:

Most societies today are plural and internally diverse but we cannot, by this token alone, say that they are multicultural. The existence of many different cultures does not by itself make a society multicultural. It is only when these diverse cultures exist as equal in the public arena that a democracy can claim to be multicultural.¹⁹⁸

Even the most diverse Arab states would be precluded from this definition given the broadly emaciated condition of democracy in the region. Moreover, the stratification of citizens along identity lines in Arab states, including Lebanon, may render them diverse but not multicultural – which, theoretically, is the cousin of “cosmopolitanism,” constructing half of the binary discussed in this section.

Much of the region’s demographic diversity is attributed to the post-colonial redrawing of the modern Arab world. Moreover, the post-colonial era saw much of the Arab region shift from protectorates and colonies into nation-states.¹⁹⁹ Nascent Arab states were spawned by arbitrarily drawn boundaries that divided previously consolidated territories,²⁰⁰ handing over disputed lands according colonial interests,²⁰¹ and taking self-determination

193. David Pryce-Jones, *Curse of the Militias: What Balkanization has Done to Iraq, Lebanon, and Others*, NAT’L REV., (Mar. 27, 2006), http://goliath.ecnext.com/coms2/gi_0199-5529945/Curse-of-the-militias-what.html.

194. *See id.* at 62.

195. *See id.*

196. *See id.* at 60.

197. *See* Sabbagh, *supra* note 17, at 54.

198. Gurmeet Mahajan, *Can Intra-Group Equality Co-Exist With Cultural Diversity? Re-examining Multicultural Frameworks of Accommodation*, in MINORITIES WITHIN MINORITIES: EQUALITY, RIGHTS AND DIVERSITY 90, 90 (Avigail Eisenberg & Jeff Spinner-Halev eds., 2005).

199. *See* WILLIAM L. CLEVELAND, *A HISTORY OF THE MODERN MIDDLE EAST* 171 (3rd ed., 2004).

200. *See* REINHARD SCHULZE, *A MODERN HISTORY OF THE ISLAMIC WORLD* 44 (2000).

201. *See* CLEVELAND, *supra* note 199, at 163.

by indigenous liberation movements.²⁰² As a consequence, a host of independent and sometimes warring factions were forced to work in concert under the banner of an artificial nation-state.²⁰³ The abrupt shift from tribal self-government and order to a centralized government, formally stripping tribal heads, or *Za'ims*,²⁰⁴ of their localized authority, proved difficult. Even with centralized and federal governments, *Za'ims* still were the ultimate arbiters of rule in Arab states such as Lebanon.²⁰⁵ As a result, *Za'ims* and their clients were integrated into the new order institutions; this hardly extinguished preexisting tribal strife, but implanted it firmly into the centralized government.²⁰⁶ The nation-state structure and abrupt ejection of the colonial presence perhaps exacerbated tribalism in that a post-colonial power dynamic offered no neutralizing or overseeing force. Therefore, warring tribes were left to fend and fight for themselves, often risking the deterioration of order in their respective nation-states by threatening fragmentation, as evidenced in Lebanon,²⁰⁷ Yemen,²⁰⁸ and most recently Iraq.²⁰⁹

For example, a brutal civil war that pitted tribes and factions against one another until the war ended in 1989 with the Taif Accord ravaged Lebanon.²¹⁰ “[T]he restoration of government required the reworking of the constitution and the National Pact so as to reflect the Muslim Majority.”²¹¹ As a result, the Lebanese Constitution incorporated Part B, Chapter II, Article 24 mandating:

[T]he Chamber of Deputies is composed of elected members; their number and the method of their election is determined by the electoral laws in effect. Until such time as the Chamber enacts new electoral laws on a non-confessional basis, the distribution of seats is according to the following principles: (a) equal representation between Christians and Muslims . . . (b) proportional representation among the confessional groups within religious community.²¹²

202. See SCHULZE, *supra* note 200, at 162, 169.

203. See Pryce-Jones, *supra* note 193.

204. CLEVELAND, *supra* note 199, at 554.

205. See *id.* at 334.

206. See *id.*

207. See SCHULZE, *supra* note 200, at 253-55.

208. *Id.* at 179-81.

209. See AHDR 2005, *supra* note 23, at 47.

210. Pryce-Jones, *supra* note 193, at 33.

211. CLEVELAND, *supra* note 199, at 379-80.

212. LEBANON CONSTITUTION, *supra* note 191, at Part B, Ch. II, Art. 24 §§ a-b.

To prevent the country from being dismantled again by civil war, the Lebanese constitution had to effectively *tribalize*, or “Balkanize,” its very parliament through a constitutional amendment.²¹³

“[T]ribalism has also been branded as a major factor hindering the development of a vibrant civil society in the Arab region.”²¹⁴ Cosmopolitanism, a way of life that is engendered by Mahajan’s conception of “multiculturalism,” facilitates a robust exchange where cultural exchange, dissent, debate, and cross-community literacy are encouraged.²¹⁵ Kwame Anthony Appiah, a noted American scholar, crafts a comprehensive, inter-relational definition of cosmopolitanism, which sheds much light on the subject at hand:

[S]o there are two strands that intertwine in the notion of cosmopolitanism. One is the idea that we have obligations to others, obligations that stretch beyond those to whom we are related by the ties of kith and kind, or even the more formal ties of a shared citizenship. The other is that we take seriously the value not just of human life but of particular human lives, which means taking an interest in the practices and beliefs that lend them significance. People are different, the cosmopolitan knows, and there is much to learn from our differences. Because there are so many human possibilities worth exploring, we neither expect nor desire that every person or every society should converge on a single mode of life. Whatever our obligations are to others (or theirs to us) they often have the right to go their own way. As we’ll see, there will be times when these two ideals – universal concern and respect for legitimate difference – clash.²¹⁶

A cosmopolitan climate precludes the hegemony of a single discrete ideology and mandates that competing and conflicting perspectives flourish in the broader societal discourse. Therefore, every element and actor in a cosmopolitan community is armed with free speech and the capacity to directly engage the civic process. Free speech and political association, therefore, are preconditions for a cosmopolitan society.

Theoretically antithetical to cosmopolitanism is tribalism, which is a perpetual battle for the monopolization of the political platform.²¹⁷ Robust and vibrant discourse is categorically opposed, and dissent punished crudely because tribal rifts have been widened by historical strife, and

213. Pryce-Jones, *supra* note 193, at 32.

214. Sabbagh, *supra* note 17, at 54.

215. See KWAME ANTHONY APPIAH, COSMOPOLITANISM: ETHICS IN A WORLD OF STRANGERS, at xv (2007).

216. *Id.*

217. See *id.*

memorialized in tribal narratives and ideology.²¹⁸ Because a ruling tribe will do whatever is necessary to main maintain the status quo, this often results in the brutal suppression of civil liberties, political pluralism, violence, and the disempowerment of all marginalized social segments including women.²¹⁹ Because the culture of stratification along identity lines is already ripe in tribal states like Lebanon, it provides a template for gender inequity.²²⁰

Prosperous states in the region, such as Kuwait, have deliberately sought to maintain sociopolitical tribalism while they developed economically.²²¹ Although it is assumed that the latter will gradually erode the former through the development of democratic institutions, Kuwait has proactively nurtured its tribal heritage:

Kuwait . . . has undergone massive political, economic, and social development through the twentieth century. Despite this, Kuwaiti rulers still cherish what is perhaps an impossible dream: that Kuwait can be simultaneously a ‘developed’ country and a ‘traditional’ tribally organized society run by an autocratic ruler. This dream is echoed in equally ambivalent pronouncements and policies regarding women, not only by representatives of the state but also by Kuwaiti citizens.²²²

As discussed above, in Section IV (B), economically developed states in the region employ extra-economic strategies, such as sectarian ideology or culture, to harness the otherwise progressive societal consequences of economic development.

V. POLICY PROPOSALS

As discussed in Section III, this piece advocates for fast track parliamentary quota programs to be implemented in the Arab world. The cumulative repercussions of the cultural and sociopolitical symptoms discussed in Section IV that established, and continue to enable the political segregation of women demands a more exacting and robust strategy.

218. See SCHULZE, *supra* note 200, at 107. For instance, *Shiite* Arabs (and *Shiite* Muslims in general) annually observe *Muharram*, which climaxes with the day of *Ashura*, which mourns the loss of Husayn ibn Ali the grandson of the Islamic Prophet Muhammad at the “Battle of Karbala” December 10, 680 A.D. Husayn’s martyrdom, which today serves as a rallying cry for *Shiites*, came at the hands of the Sunni Umayyid Caliphate. *Id.* The Battle of Karbala, which took place in the same city in the modern state of Iraq, is the principal event that divided Islam. *Id.*

219. See U. N. Dev. Programme [UNDP], THE ARAB HUMAN DEV. REP. 2004: TOWARDS FREEDOM IN THE ARAB WORLD, 8-9 (UNDP, Regional Bureau for Arab States 2005).

220. Mary Ann Tetreault, *A State of Two Minds: State Cultures, Women, and Politics in Kuwait*, 33 INT’L J. MIDDLE EAST STUD. 203, 203 (2001).

221. *Id.*

222. *Id.*

Again, a gradualist approach would be more fitting for states with receptive governments, who have a demonstrated record of working with women's groups. Given that this, with the possible exception of Tunisia, is not the landscape in the Arab world, I contend that a fast track parliamentary quota regime is the most effective policy strategy for bringing about a relatively immediate integration of a critical mass of Arab women into their state parliaments.

Fast track parliamentary quotas also expedite Arab states *bona fide* accession to international gender equity and human rights instruments.²²³ Fast track quota programs comport with principal international instruments calling for gender equality and non-discrimination:

CEDAW, for example, in Article VI, allows for the adoption of "temporary special measures aimed at accelerating de facto equality between men and women." When "special measures" are temporary and used to erase the results of discrimination against women, Article IV specifies that they are not to be considered as discriminatory towards men. "Special measures" includes legislative quotas and affirmative action programs.²²⁴

The Beijing Declaration and Platform for Action also affirmed a commitment to the fast track approach:

[In addition] Women's political representation was also a key issue at the United Nations Fourth World Conference on Women, held in Beijing in 1995. The Beijing Declaration and Platform for Action, unanimously adopted by 189 governments, specified a minimum quota of [thirty percent] women in decision-making positions. Between [thirty] and [thirty-five percent] have been suggested as the 'critical mass . . .'.²²⁵

Fast track quota programs not only hasten the structural reform of Arab parliaments so that women can be duly integrated, but ultimately bring non-abiding states in accordance with international law.

A. Parliamentary Seat Quotas

Fast track parliamentary quotas, perhaps more than any other gender-equalizing tool, expedite women's involvement in the political process and reform the institutional culture of Arab state parliaments. The Beijing Platform, which is the most influential international treatise with regard to parliamentary quotas, represents a break from the gradualist methodology of the Scandinavian model, and an embrace of the fast track discourse:²²⁶

223. *See id.*

224. Women's League of Burma, *supra* note 183, at 8-9.

225. Millar, *supra* note 18, at 132-33.

226. Dahlerup, *supra* note 16, at 4.

[T]his declaration represents the new fast track discourse. Even if the language is cautious, and the conventional word ‘quotas’ is omitted, the Beijing Platform represents on the whole a new discourse with its *diagnosis* focusing on mechanisms of exclusion through institutional practices, setting gender balance as the *goal* and demanding that governments and political parties commit themselves to *strategies* on affirmative action.²²⁷

If structural reform is the ultimate end, which encompasses the undoing of patriarchy in parliaments and political parties, maximizing the number of women parliamentarians as agents expedites that goal.²²⁸

A fast-track quota approach, whether at the electoral or party level (which I discuss in Section V (B)), engenders a critical mass of women parliamentarians that can subsequently form influential cross-party voting blocs.²²⁹ Women representing different political parties ultimately share common (general) commitments with regard to the political empowerment of women. In Arab states with a critical mass of women in parliament, female caucuses across party divisions and issue-specific voting blocs will maximize their capacity to impact policies critical to women. Iraq’s parliament is home to the region’s pioneer cross-party women’s caucus, “[C]omposed of [seventy-three] women MP’s . . . This joint effort – the first of its kind in the region . . . will enable women MP’s to emerge as more efficient and influential actors in the legislature, by bridging disparate viewpoints held by various parties to which they belong.”²³⁰ Voting with one voice, women caucuses and voting blocs can help shape gender-sensitive policy in the short term, and gradually erode patriarchal culture within parliament. Such caucuses and blocs can facilitate the integration of newly elected female parliamentarians through orientation and mentorship programs. Female cross-party blocs in effect establish feminist institutions within preexisting patriarchal institutions – parliamentary oases, if you will, in a desert hot with chauvinism and dry of opportunity for women.

The Arab world suffers from a dearth of organizations in civil society that promote the overarching goal of women’s empowerment.²³¹ Therefore, the international community has, and must continue to step in to occupy this critical void because many Arab governments have demonstrated either an incapacity or express refusal to nurture these institutions. Transnational

227. *Id.*

228. See Dahlerup & Freidenvall, *supra* note 4, at 37-41.

229. See Millar, *supra* note 18, at 133.

230. U. N. Dev. Fund for Women [UNFEM], *Strength in Numbers: Women MP’s Forge Cross-Party Caucus in Iraqi Parliament*, (Dec. 28, 2007), www.unifem.org/news_events/story_detail.php?StoryID=633 [hereinafter UNFEM].

231. AHDR 2005, *supra* note 23, at 5.

organizations have been key in expediting women's political progress by facilitating collaborative programs between Arab parliaments and civil society. The Iraqi women's caucus, established by the United Nation's Development Fund for Women (UNIFEM), exhibits the instrumental role transnational non-governmental organizations (TNGO) can continue to play with regard to the political empowerment of women throughout the Arab region. TNGOs, like the UNIFEM, should facilitate increased collaboration between governments, civil society organizations and domestic NGOs,²³² and lay citizens. The Iraqi cross-party women's caucus and similar spirited programs, after all, was not created overnight, but was the result of years of organizing, public education, and building cross-institutional rapport.²³³ However, the fast track activism strategy implemented after the fall of Saddam stimulated the Women's caucus:

UNIFEM has been working closely over the past three years with Iraqi women parliamentarians and leaders. Meetings and training workshops have been hosted for women parliamentarians, civil society representatives and staff of the State Ministry of Women's Affairs. Iraqi women used these forums to examine their marginalization at both party and parliamentary levels, and to identify ways to advocate for their rights. In forging a unified voice for women within the parliament, these meetings laid the groundwork for establishing the women's caucus.²³⁴

Moreover, TNGO' should be wary of sociopolitical sensitivities when devising a strategy, principally in much of the Arab world where foreign-based entities, particularly those from the West, are involved. Instead of visible spearheading women's political empowerment efforts, like those facilitated by the UNIFEM or the American-based USAID Middle East Projects Initiative (MEPI),²³⁵ TNGOs should function as a liaison permitting indigenous women's leaders in government and civil society to

232. BEIJING TEN YEAR REVIEW, *supra* note 53, at 6.

233. See ABA - Iraq L. Dev. Project, *The Status of Women in Iraq: An Assessment of Iraq's De Jure and De Facto Compliance with International Legal Standards*, 13-14 (July 2005), http://www.abanet.org/rol/publications/iraq_status_of_women_2005_english.pdf.

234. UNFEM, *supra* note 230, at 1.

235. *E.g.*, "MEPI" provided funding for the Middle East Rule of Law Initiative. The author of this article served as a Legal Analyst for this project from 2004 to 2006. The program's description is available at, *Rule of Law Initiative*, American Bar Association, <http://www.abanet.org/rol/mena/>, (last visited Oct. 18, 2010); see also, Dahlerup & Nordlund, *supra* note 20 ("[One-hundred-fifty] women from all parts of Iraq [participated] in an all-Iraqi women's conference in Hilla in Iraq Opinions on female participation differed widely, some groups arguing for *Sharia* laws in Iraq, while others argued for quotas. The conference did, however, agree that women should have equal rights in society, and it proposed a [thirty] percent quota for women in all government institutions, including the establishment of a special division in each ministry dedicated to women's issues. Many also agreed that women should be involved in writing the constitution."). *Id.*

lead programming. This engenders a twin set of constructive results: 1) it further activates indigenous Arab women leaders to take on greater responsibility, while identifying new leadership, and 2) avoids the threat of opponents branding such development efforts as Western interventions, or ideological colonization, which de-legitimizes indigenous feminist movements.²³⁶

B. Comprehensive Affirmative Action Programs

Fast-track parliamentary quotas may function to highlight the need for affirmative action programs in other sectors of society, particularly those institutions that feed government agencies. Echoing other regional movement for gender equity in the political sphere:

[A]ffirmative action needs to be taken up at all levels of society, but this cannot be achieved without the leadership of the government. The government is the only institution with the authority to enforce the change necessary to overcome structural barriers and to promote equality in all realms of society In the context of a future federal constitution, one concrete and proven mechanism to bring about greater gender equality in government is the quota system for women's representation in politics.²³⁷

Liberal²³⁸ and conservative arguments often consider affirmative action programs of any stripe as an aberration from neutrality, or an “unnatural intervention.”²³⁹ However, these critiques tend to divorce their analysis from happenings on the ground. The new progressive discourse championing affirmative action as a corrective measure for equal access, best represented by the Beijing Platform, is gaining momentum. However, in addition to parliamentary seat quotas, similarly spirited affirmative action programs must be implemented in institutions that feed the political realm – such as political parties and educational institutions. Echoing the need for a broad-scale affirmative action strategy as a catalyst for the elimination of all forms discrimination against women, the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) also demands, “expanding the participation of Arab women to all fields of human activity according to the particular circumstances of each society. This will allow the dismantling of the centuries-old structures of discrimination against

236. AHDR 2005, *supra* note 23, at 6.

237. Women's League of Burma, *supra* note 183, at 8.

238. El-Kassem, *supra* note 185, at 3. (echoing the arguments of prominent legal feminist Catherine McKinnon, El-Kassem criticizes liberal notions of gender equality). “Although the Liberal state works on the assumption of gender equality, the equality is based on a male conception of gender in which male interests are served. Gender difference is seen as a given whereas it is really a perception.” *Id.*

239. Dahlerup, *supra* note 16, at 10.

women.”²⁴⁰ Furthermore, affirmative action programs should be required for “all fields of human activity” in order to create a pool of prospective women parliamentarians who can be shaped and groomed through proper channels before they are ready for congressional seats. Therefore, affirmative action programs in preparatory forums, such as colleges, college universities, and political parties, would ideally supplement fast track parliamentary quotas²⁴¹ and effectively maximize their impact.

Political parties are gateways toward parliamentary seats, and party leaders their effective gatekeepers.²⁴² Additionally, political parties are often good-old-boy networks where women are marginal participants at best. This is especially true for most of the countries in the Arab world, where male-led tribes, families, economic networks, and friends of the establishment often steer the course for dominant political parties.²⁴³ Therefore, the structural culture of these informal networks defines the identity of the political party, thereby inserting political patriarchy into party culture and ideology.²⁴⁴ For many reformists, the road toward marked reform and increased representation of Arab women in parliament starts specifically with the structural reconfiguration of political parties.²⁴⁵ The empowerment of women as contributing members and leaders of the most prominent political parties in their respective states is an effective measure toward increasing representation in parliament, and reforming the party culture. Debate has been rife over the execution of this reconfiguration:

[M]any a debate still echo within Arab political parties on whether to set up a separate section or secretariat for women within a party, or whether to avoid that and thus see women’s concerns as a feature of all of the party’s agendas. Both arguments have their pros and cons, but one feature remains highly indicative: as long as women’s concerns are seen as a secondary priority, then it remains politically unwise to assume that mainstreaming (the spreading of) gender concerns can occur without a clear-cut emphasis and an agenda. As yet, women’s presence within political parties has not led to the mainstreaming of gender issues in political agendas.²⁴⁶

In terms of progressive party restructuring, a separate section or secretariat²⁴⁷ would segregate women’s interests from the general party

240. AHDR 2005, *supra* note 23, at 22.

241. See BEIJING TEN YEAR REVIEW, *supra* note 53, at 10-11.

242. Millar, *supra* note 18, at 142-43.

243. AHDR 2005, *supra* note 23, at 19.

244. See Joseph, *Patriarchy*, *supra* note 82, at 16-17.

245. See Sabbagh, *supra* note 17, at 65-66.

246. Karram, *supra* note 31.

247. *Id.*

platform.²⁴⁸ This issue-based segregation may create structural spaces of inclusion for women, yet perpetuate patriarchy. Political parties must normalize political questions germane to Arab women as unexceptional, and indistinct from other political issues. Framing them as separate makes them inherently secondary, and pushes these issues out of mainstream political discourse. Political parties, after all, are generally private organizations that must unilaterally choose to adopt party quotas. Parliamentary seat quotas, however, may pressure parties to increase their female membership so that they can compete for these seats that are set-aside for women. This may spur a structural shift within the parties.

Moreover, entrenched patriarchal culture and political platforms in Arab parties oftentimes impose an existentially difficult ultimatum onto women parliamentarians: tow the party line or vote according to the interests of female constituents. The latter alternative may jeopardize the authority or membership of a female party member, which all but extinguishes their access to parliamentary seat. One former Lebanese parliamentarian observed that:

[T]he party may have a standpoint on an issue which I disagree with. However, as a member of parliament representing this party, and particularly as one of the handful – if that – of women, I cannot afford to oppose this. If I do, I might as well run as an independent and that means zero support and much opposition to even *get into* the parliament.²⁴⁹

Therefore, even with quota programs in place, political parties still hold considerable leverage over who will ultimately seize reserved parliamentary seats. Proponents of parliamentary quotas, either of the gradualist or fast track stripe, mutually contend that the patriarchal culture of the parties themselves must be altered to welcome progressive women instead of token candidates.²⁵⁰

Because political parties in many Arab states function as the primary gatekeepers to their respective parliaments, party quotas would buttress a fast track parliamentary quota program:

[S]ince the political parties are the real gatekeepers, they are the ones capable of increasing the proportion of nominated women candidates by defining formal rules that prescribe a certain proportion of women among the party's candidates [M]andated quotas for the recruitment and

248. This is reminiscent of landmark antebellum American Fourteenth Amendment, Equal Protection Clause case, *Plessy v. Ferguson*, 163 U.S. 537 (1896) (creating the paradoxical “separate but equal” doctrine, mandating the formal segregation of White and Black Americans in virtually every sector of life).

249. Karam, *supra* note 31.

250. Sabbagh, *supra* note 17, at 65-66.

election of female candidates, possibly also including time-limit provisions, are needed.²⁵¹

Affirmative action programs should also seek to integrate women of minority status in the Arab world. The plight of women of minority ethnic and religious groups in relatively homogenous Arab states is more dismal than those women in the ethnic or religious majority.²⁵² Kimberle Crenshaw's theory of "political intersectionality" articulates the political dilemma faced specifically by this class of women who are marginalized both within their particular ethnic or religious group and broadly by the majority:

The concept of political intersectionality highlights the fact that women of color are situated within at least two subordinated groups that frequently pursue conflicting political agendas. The need to split one's political energies between two sometimes-opposing groups is a dimension of intersectional disempowerment which men of color and white men seldom confront The failure of feminism to interrogate race means that the resistance strategies of feminism will often replicate and reinforce the subordination of people of color²⁵³

Academic institutions, political parties and women's groups in the Arab world should learn from the missteps made by Western feminist movements, who routinely marginalize the participation, narratives and interests of women of color. Therefore, Arab feminists must map their respective societal margins and integrate minority women and their accompanying community narrative. For instance, Egyptian women's empowerment struggles must embrace Coptic women,²⁵⁴ the Moroccan and inter-*Maghreb* movements should seek reconciliation with Berber women;²⁵⁵ and the Iraqi feminist network is incomplete without Kurdish representation. Moreover, raising a regional women's banner that comprehensively integrates minority women will not only pluralize the struggle for gender equity, but effectively serve as a bridge alleviating cross tribal, ethnic, and sectarian tension in the Arab world. In turn, integrating minority women in the region will groom them for political life, and ultimately for opportunities to serve in their respective parliaments. Again, if the fast track parliamentary programs are to remain principally genuine

251. Dahlerup & Freidenvall, *supra* note 4 at 30.

252. See Kimberle W. Crenshaw, *Mapping the Margins: Intersectionality, Identity, Politics and Violence Against Women of Color*, 43 STANFORD L.R. 1241, 1262 (1990-1991).

253. *Id.*

254. See generally EDWARD WAKIN, *A LONELY MINORITY: THE MODERN STORY OF EGYPT'S COPTS* (1963).

255. See generally KATHERINE E. HOFFMAN, *WE SHARE WALLS: LANGUAGE, LAND, AND GENDER IN BERBER MOROCCO* (2008).

and broadly democratic in spirit, they must not be implemented in a fashion that only benefit women of the ethnic, religious, or political majority.

VI. THE PRINCIPAL CRITIQUES OF QUOTAS AND AFFIRMATIVE ACTION PROGRAMS

Opponents of quota programs in particular, and affirmative action in general, level critiques citing how these efforts have failed to achieve immediate reform. These critics have naively and unfairly branded such programs as a panacea for instant development, rather than of allowing them to take their gradual course. Such a determination is especially erroneous in many Arab states where patriarchy ranks as a prominent social staple. “[Q]uota programs do not remove all barriers to women in politics, such as women’s double burden, the gender imbalance of campaign financing, [and] the many obstacles women meet when performing their job as elected politicians”²⁵⁶ Fast track quota programs produce relatively immediate progress, as compared to the traditional gradualist model. Although fast track quotas will bring about speedy results in terms of the percent of women in parliament, structural and societal reform requires time.²⁵⁷ Moreover, incremental quota strategies in particular, as represented by the Jordanian reserved seat program, prove relatively ineffective in bringing about the necessary structural reform required to undo the cultural impediments Arab women face.²⁵⁸ Contrarily, a fast-track approach, articulated above in Part IV (A), would expedite this reform process and catapult it as an institutional movement.

Below, I field the most common arguments directed at large-scale affirmative action policies, such as the fast track parliamentary quota approach.

A. Quotas and Affirmative Action Stigmatize their Beneficiaries

Do quotas construct women as the second sex, and thus contribute to a reproduction of stereotyped gender roles and a stigmatization of women?²⁵⁹

Women who gain a parliamentary seat through quota programs are often branded as unmeritorious recipients of preferential treatment.²⁶⁰

256. Dahlerup & Freidenvall, *supra* note 4, at 42.

257. *See id.*

258. Karram, *supra* note 31, at 20.

259. Dahlerup & Freidenvall, *supra* note 4, at 31.

Consequently, they purportedly carry this stigma while serving in parliament. Opponents of quota programs, particularly fast track models, offer this stigma contention as one of many arguments against affirmative action programs geared toward discrete groups, such as women.²⁶¹ This argument, prominent particularly in the American struggle for race and gender-conscious affirmative programs, contends that:

[B]eneficiaries of affirmative action are considered unqualified because merit and race-conscious affirmative action programs are not only mutually exclusive, but in direct opposition. Under this logic, race or gender conscious admissions or employment strategies not only undermine a system purely based on merit, but also “stigmatize” those subjects they intend to assist.²⁶²

Therefore, those who subscribe to the stigma-rationale might further consider gender quotas as merely “handouts”²⁶³ to less qualified women candidates.²⁶⁴ Distinguished law scholar and critical race theorist Duncan Kennedy dissects the logic of gender and race neutral merit,²⁶⁵ which Luke Charles Harris and Uma Narayan have framed as the “myth of meritocracy.”²⁶⁶ Kennedy proceeds to unravel meritocracy as nothing more than a strategic, subjectively constructed tool, aiming to maintain the status quo of white (or with regard to the subject of this piece, Arab male) hegemony.²⁶⁷ Concerning the experience of American people of color, Kennedy observes how comprehensive social inequality and the veneer of objective merit creates unequal access to halls of power such as university teaching posts, and concludes:

[I] favor large-scale race-based affirmative action, using quotas if they are necessary to produce results [Because] those who win out in the existing system have no claim to be ‘the best’ . . . because the underlying

260. See Drude Dalurup, *Increasing Women's Political Representation: New Trends in Gender Quotas*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS* 141, 143 (Julie Ballington & Azza Karam eds., 2005).

261. Khaled A. Beydoun, *Without Color of Law: The Losing Race Against Colorblindness*, 12 MICH. J. RACE & L. 465, 498 (2007).

262. *Id.* at 488.

263. See *id.*

264. See Dahlerup, *supra* note 16, at 11.

265. DUNCAN KENNEDY, *A Cultural Pluralist Case For Affirmative Action in Legal Academia*, in *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT* 159, 160 (Kimberle Crenshaw, Neil Gotanda, Gary Peller, & Kendal Thomas eds., 1995).

266. See generally Luke Charles Harris & Uma Narayan, *Affirmative Action and the Myth of Preferential Treatment: A Transformative Critique of the Terms of the Affirmative Action Debate*, 11 HARV. BLACKLETTER J. 1 (1994).

267. See KENNEDY, *supra* note 265 at 162.

systems of race and class . . . exclude so many potential competitors from the very beginning.²⁶⁸

Whether the subject of analysis is the legal academy in the United States (the subject of Kennedy's piece) or the parliaments of the Arab world, merit must be deconstructed within the sociopolitical and cultural context where it is deployed. Fast track quota programs adopt this context specific discourse, and fashion appropriate programmatic benchmarks that acknowledge discrimination against women.²⁶⁹

In the Arab world, the grossly asymmetrical gender-based access to parliamentary seats that is engendered by patriarchal cultural and legal structures, demystifies the precision of meritocracy. Part and parcel of the meritocracy model is the bootstraps argument, which places exclusive onus on the victim to free herself of her self-imposed burden regardless of her relation to her oppressive milieu. Moreover, it asks dis-empowered women to simply sit and wait for reform. Until recently this logic has dominated the discourse on parliamentary quotas:

[P]reviously, women were asked to 'pull themselves together', if they wanted better representation. The incremental track discourse implied that women's political representation would increase in due time with increase in women's resources and with the development of society.²⁷⁰

In the Arab world the entire notion of merit is infused with patriarchy, defined by men, and deployed to serve their specific interests. Moreover, in many states in the region, women were never allowed to compete with men for political seat.²⁷¹ *How can one merit or win a seat if they were completely barred from the game?* The men who have historically monopolized parliaments throughout the Arab world, and continually overpopulate their halls today, were propelled to their seats by patriarchal springboards, or effective (negative) affirmative action programs for men.²⁷²

In this vein, men have received parliamentary handouts since the establishment of parliaments in the Arab world.²⁷³ When applied to the female beneficiaries of parliamentary quotas, this argument ignores history and neglects to consider the ongoing preferences male candidates receive. The mechanisms bestowing a clear preference for male parliamentarians, therefore, systematically hinder Arab women from competing fairly for

268. *Id.* at 163.

269. Dahlerup & Freidenvall, *supra* note 4, at 21.

270. Dahlerup, *supra* note 16, at 4-5.

271. AHDR 2005, *supra* note 23, at 21.

272. See Dahlerup, *supra* note 16, at 20.

273. See Joseph, *Patriarchy*, *supra* note 82, at 14.

parliamentary seats.²⁷⁴ In order to merit political seats, women must be allowed to compete on “an equal playing field”²⁷⁵ where neither gender is given an advantage. Fast track gender quotas acknowledge the gross sociopolitical disparity along gender lines, and attempt to level a playing field that once (and still in Saudi Arabia)²⁷⁶ precluded women from competition.²⁷⁷

Advocates of quotas, in particular, and affirmative action programs at large, generally contend that social and political inequities must be taken into consideration when constructing mechanisms for access. Recent scholarship engaging parliamentary quotas have effectively adopted the affirmative action discourse crafted principally in the United States.²⁷⁸ When framing the quota discourse, it is necessary to consider the context of gender inequality and how it manifests in many dimensions.²⁷⁹ Therefore, although quota and affirmative action programs are applied asymmetrically, a linear application would only perpetuate gender inequity and undermine Arab’s women access to parliamentary seat. An unequal problem can only be fixed by applying a non-linear tool:

If barriers exist, compensatory measures must be introduced as a means to achieve equality of results. In this perspective, we will argue that quotas are not discrimination (against men), but a compensation for structural barriers that women face in the electoral process. Carol Bacchi . . . warns against using the notion of ‘preferential treatment,’ because this implies that the present social rules are generally fair.²⁸⁰

The informal fast-tracking of Iraqi women following the fall of Saddam provides precedent. The Iraqi Transitional Administrative Law (TAL), was implemented after the toppling of Saddam’s *Ba’ath* and facilitated the

274. See Azza Karam & Joni Lovenduski, *Women in Parliament: Making a Difference*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS* 187, 188 (Julie Ballington & Azza Karam eds., 2d ed. 2005), available at <http://www.idea.int/publications/wip2/>.

275. See Julie Ballington, *Introduction*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS* 26, 188 (Julie Ballington & Azza Karam eds., 2d ed. 2005), available at <http://www.idea.int/publications/wip2/>.

276. Sabbagh, *supra* note 17, at 58.

277. See Dahlerup & Freidenvall, *supra* note 4, at 29.

278. See, e.g., Crenshaw, *supra* note 252; Harris, *supra* note 266; and Kennedy, *supra* note 265 (Much of this language was tailored by civil rights leaders circa the landmark *Brown v. Board of Education of Topeka* (347 U.S. 483 (1954)) (overturning *Plessy v. Ferguson* and the “separate but equal doctrine”). The contextual lexicon, affirming the spirit of affirmative action as a mechanism for creating equal access amid a markedly unequal setting, was refined and modernized most recently by prominent Critical Race Theorists, led by Crenshaw, Harris, Kennedy, and the like.

279. See Sabbagh, *supra* note 17, at 53-55.

280. Dahlerup & Freidenvall, *supra* note 4, at 31.

immediate political empowerment of women.²⁸¹ The TAL resulted in roughly a quarter of the National Parliamentary seats being occupied by women;²⁸² and although these pioneering women endured stigmatization and even violent threats from extremists, they have maintained their resolute commitment to quotas:

[T]he three women members of the IGC [Iraqi Government Council] have all spoken in favor of quotas . . . as have women around the country, including such high-profile female political leaders as Ms. Bawari, the only woman out of a of total twenty-five ministers. They have demanded that women make up at least one third of the committee drafting the constitution and all political institutions, including parliament and local councils. However, male political leaders in Iraq have clearly opposed quotas²⁸³

Iraq may be an extreme case study, as it has endured both foreign occupation and a *de facto* civil war.²⁸⁴ Yet it illustrates that even in states where affirmative action programs are firmly implanted, elected women must face the same animus in government.²⁸⁵ Parliamentary culture does not exist in a vacuum, but is informed by the dominant attitudes and perspectives that exist outside of its walls.

One theory holds that Islam “emphatically supports the general concept of affirmative action.”²⁸⁶ Through his examination of the *Shari’a*, Sherman Jackson identifies both specific scripture and a general tenor (deriding “the human weakness of capitulating toward oppressive behavior,” or *fitnah*).²⁸⁷ Establishing *fitnah* as his theoretical baseline, Jackson’s thesis holds that the *Qur’an* endorses affirmative action programs that aim to undo oppressive institutions; “*fitnah* is indeed central to *Qur’anic* discourse and . . . Affirmative Action is both a legitimate and an effective means of overturning the effects of *fitnah*.”²⁸⁸ Echoing the feminist readings of the *Qur’an*, and supplementary bodies of Islamic law, discussed above in Section IV (A), Jackson’s reading of the *Shari’a* as supportive of affirmative action²⁸⁹ should be adopted by proponents of fast track

281. See Pippa Norris, OPENING THE DOOR: WOMEN LEADERS AND CONSTITUTION BUILDING IN IRAN AND AFGHANISTAN, in WOMEN IN AND LEADERSHIP: THE STATE OF PLAY AND STRATEGIES FOR CHANGE 208 (Barbara Kellerman et al. eds., 2007), available at <http://www.hks.harvard.edu/fs/pnorris/Acrobat/Kellerman%20c06%20proofs.pdf>.

282. QUOTAPROJECT, *supra* note 15.

283. Dahlerup & Nordlund, *supra* note 20, at 7.

284. See Sabbagh, *supra* note 17, at 52.

285. See Dahlerup & Freidenvall, *supra* note 4, at 42.

286. S.A. Jackson, *Islam and Affirmative Action*, 14 J.L. & RELIGION 405, 410 (1999-2000).

287. *Id.* at 414.

288. *Id.* at 419.

289. *Id.* at 431.

parliamentary quotas in the Arab world as intellectual capital used to rebut the patriarchal readings of Islam that justify gender inequity.

B. Quotas Lead to Tokenization of Women Parliamentarians

Quota programs oftentimes lead to the tokenization of women, whom are integrated merely for superficial reasons.²⁹⁰ These reasons may include creating a veneer of inclusion, or appeasing those elements calling for gender reform.²⁹¹ Oftentimes, political parties will recruit women politicians who will simply tow the party line.²⁹² Such politicians are generally not interested in advancing the interests of women, but are motivated more by opportunism and individual advancement.²⁹³

Another critique states that women parliamentary whom are the beneficiaries of quotas will only serve to be spokeswomen on women's issues, and nothing more.²⁹⁴ Moreover, a related critique is that quota beneficiaries do not always represent broader women's interests in their respective states.²⁹⁵ Considering the entrenchment of patriarchy throughout the region, combined with the retrenchment of political dissent and free speech, women who are defenders of the status quo resonate more strongly with the establishment and the electorate.²⁹⁶ Therefore, their accessibility to government seat is considerably greater than their female counterparts championing gender equity and other progressive measures.²⁹⁷ Although these critiques are credible, opponents of quotas and affirmative action must acknowledge that women represent a wide range of perspectives and interests.

C. Ruling Elites Exploit Quotas to Solidify the Status Quo

I looked no different from the wife of an upper-class government official occupying a high position of authority. But my firm, confident steps resounding on the pavement proved that I was nobody's wife.²⁹⁸

290. Sabbagh, *supra* note 17, at 63.

291. See AHDR 2005, *supra* note 23, at 9.

292. See *id.* at 97-98.

293. Sabbagh, *supra* note 17, at 63.

294. Dahlerup, *supra* note 16, at 14.

295. See AHDR 2005, *supra* note 23, at 203.

296. See Shireen Hassim, *Perverse Consequences? The Impact of Quotas for Women on Democratisation in Africa* 10-13, The New School, http://www.newschool.edu/uploadedFiles/TCDS/Democracy_and_Diversity_Institutes/Hassim_PerverseConsequences.pdf (last visited Oct. 6, 2010).

297. See *id.* at 10-11.

298. EL SAADAWI, *supra* note 1, at 96.

Critics of quota programs allege that the frequent beneficiaries of gender quotas in the Arab world are women who are linked to the political or civic establishment.²⁹⁹ Therefore, instead of quotas working as effective vehicles for progressive reform, their manipulation by established political parties and government elements often further the interests of the status quo.³⁰⁰ In Morocco, “[T]he ‘National List’ . . . are accused of being too dependent on the political parties and the party leadership which nominated them.”³⁰¹

In other regions where quota programs are in place, family political machines have exploited them to their advantage:

When quotas for women were introduced in India at the local level, some examples were recorded of women who simply became substitutes for their husbands, who had been elected previously, but now had to step down because of the new quota regulation. In many of these cases it was reported that the husband remained the real decision-maker behind the scene, or even attended the meetings instead of their elected wife. In such cases the concept of ‘tokens’ seems very appropriate. However, it has been reported that the elected women in several cases after some time claimed their seat for themselves.³⁰²

It is unclear whether this phenomenon is simply the exception, or rather, the rule. In many Arab states, with influential political machines steered principally by families and tribes, clan-based tokenism is naturally a concern.

VII. CONCLUSION

Sometimes I imagined that I would become a doctor, or an engineer, or a lawyer, or a judge. And one day the whole school went on the streets to join a big demonstration against the government. Suddenly I found myself riding high up on the shoulders of the girls shouting, ‘Down with the government[!]’³⁰³

Fast track quota programs in the Arab world should be perceived as an embryonic phase in the extended movement toward creating a robust and equal range of opportunities for women in the political context. Considering the deep-rooted hegemony of patriarchy in the region, even the token participation of women should be embraced as a monumental paradigm shift in and of itself. However, progressive women’s movements

299. See AHDR 2005, *supra* note 23, at 9.

300. See Dahlerup, *supra* note 16, at 20.

301. See *id.* at 20-21.

302. *Id.* at 19-20.

303. EL SAADAWI, *supra* note 1, at 24.

in the Arab world should not be segmented or specialized. The struggle for increased representation in politics, for instance, should work in concert with the struggle for greater inroads in private sector employment, considering the overlapping rewards that derive from both.³⁰⁴ Moreover, each strand of the movement ultimately has a common goal and a common enemy; thus, the political empowerment of Arab women is part and parcel of a broader fight for equality, dignity, and humanization. Again, because political realms hold a uniquely important status as the hub for society's remaining spokes, this perhaps renders the platform that strategists must initially seek to reform. In other words, widespread gender reform should start within the political sphere. After all, parliaments and their governmental ancillaries are the very institutions that manufacture legislation, policy and the symbolism needed to spur cultural and psychological progress. Fast track quotas inject an immediate remedy for unequal parliamentary representation and lay a foundation for subsequent radical reform.

Fast track quotas also create structural avenues for subsequent progressive reform. Parliamentary quotas alone cannot overcome the embedment of patriarchy and its uniquely Arab manifestations overnight,³⁰⁵ but they can furnish women with an otherwise non-existent platform to officially engage, critique, and educate their countrywomen and men about their disabling consequences. The Arab patriarchal tradition is neither unique nor necessarily stronger than its materializations in the United States or Europe, where women struggled for centuries to win their equality.³⁰⁶ However, the Arab world's deplorable condition regarding political access and equity for women has also intensified the region's brain drain, spurring promising women to realize their ambitions in a more receptive environment. The dis-empowerment of women in the Arab world, therefore, suppresses the invaluable intellectual capital women can provide to their lagging states.³⁰⁷ "At a time when the Arab world needs to build and tap the capabilities of all its peoples, fully half its human potential is often stifled or neglected."³⁰⁸ Considering the aggregate deficits that concertedly perpetuate the underdevelopment of the region, particularly the democratic deficit, fast track quotas provide a much-needed stimulus that will reverberate not only within the parliamentary walls of Arab states, but also far beyond them.

304. SEN, *supra* note 78, at 194.

305. Joseph, *Patriarchy*, *supra* note 82, at 18.

306. Ottaway, *supra* note 36, at 7.

307. AHDR 2005, *supra* note 23, at 20.

308. *Id.* at 24.