

Unjustifiable Means to Unjustifiable Ends

Delegitimizing Parliamentary Gender Quotas in Tunisia

Kristine Goulding *

Introduction

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

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

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

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

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

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

Problematizing Gender Quotas: The Masculinization of Feminist Practice

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

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

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

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

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

Tunisian Women’s Rights in a Historical Context

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

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

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

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

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

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

The Ben Ali Era of Women’s Rights

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

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

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

Implications for Feminist Reform

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

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

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

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

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

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

Conclusions of Co-opted Feminism

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

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

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

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

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

Kristine Goulding is a Master's student in Development Studies at Lund University in Lund, Sweden. She has a BA in Political Science from Bates College, and worked as a Fulbright researcher from 2007 to 2008 in Tunisia. Email: kristine.h.goulding@gmail.com

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