

# Engineering Quotas in Latin America

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Paper presented at the Center for the Study of Democracy Graduate Student Conference  
University of California at Irvine  
February 24, 2007

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*“The path to power is narrow and cluttered with men.”*  
~ Adolfo Aguilar Zinser<sup>1</sup>

## **Introduction**

Since 1990, eleven Latin American countries have transformed their national-level electoral laws to implement gender quotas, stipulating that political parties advance specified percentages of female candidates for national legislative elections. These eleven countries—Costa Rica, Argentina, Mexico, Bolivia, Peru, the Dominican Republic, Panama, Ecuador, Paraguay, Brazil, and Honduras—have improved their worldwide ranking for female representation in parliament; eight countries rank within the top 50% of parliaments, and two rank within the top 10%.<sup>2</sup> Nine of the countries have redesigned the initial law at least once, including the quota innovators, Argentina, Mexico and Costa Rica. The seven countries without quotas also considered or experimented with the mechanisms. Colombia and Venezuela passed but subsequently overturned quota legislation; Uruguay, Guatemala, and El Salvador have debated quotas in the legislature.<sup>3</sup> Gender quotas are clearly a phenomenon in Latin America.<sup>4</sup>

This electoral engineering increases the percentage of women elected, an institutional reform proponents believe will deepen democratization and change politics. Achieving such a political transformation, however, relies on two untested assumptions. First, that female legislators, as newcomers, accumulate power such that they *can* affect policy change. Second, that female legislators possess and articulate gendered policy preferences and that, given capacity, they *do* affect policy change. This paper thus considers what transformations quotas intend to accomplish and which transformations quotas have the ability to accomplish. Does the quantity of women determine the quality of outcomes? The long-term objective goes beyond numbers, exploring how quotas empower female MPs compared to male MPs, and how varying levels of institutional capacity affect legislator responsiveness to gendered policy areas.

### *Conceptual Issues & Analytic Framework*

Quota proponents relied on normative and empirical propositions about quotas' ability to enhance democratic representation and policy responsiveness. Reformers employed discourses on gender equality and gender difference to explicate what quotas "should" accomplish and on what outcomes "should" appear once quotas are installed. Understanding these expectations matters for assessing quotas' effects.

Quotas' conception and adoption coincided with and gained momentum from democratization in Latin America. Reformers concerned with citizens' fair access to opportunity and representation identified women's absence from formal politics as problematic. Reformers concerned with gender inequality shamed traditional, male leaders as cultural "dinosaurs" (Baldez 2002b). Quotas were thus proposed as the solution to gender bias. In Peru, for instance, the mechanisms were viewed as legal correctives, giving women "access solely and exclusively to a given space or office" (Yañez 2003). Democratic entrepreneurs focused on the *intrinsic* value of legislative seats. Advocates targeted the percentage of female bodies in parliament, and sought to increase the female-male ratio. This strategy maps onto Pitkin's (1967) category of descriptive representation, where legislators stand for and speak for constituents who share their ascriptive characteristics.

Adoption arguments also contained implicit hopes regarding the transformative nature of women's representation—the *instrumental* value of seats. The underlying assumption is that female legislators represent women by not merely standing and speaking, but by responding. Schwindt-Bayer & Mishler operationalize this progression from presence to action as "policy responsiveness" (2005: 409): legislators share their constituents' ascriptive characteristics and implement policies consistent with these ascriptions. If Latin American women are, indeed, more emotive and affective, more socially conscious, and more nurturing and welfare-oriented,

then female legislators will support measures addressing families, children, education, housing, and healthcare. These differential preferences constitute “women’s interests”—a package that also includes violence against women and reproductive rights (Schwindt-Bayer & Mishler 2005; Chant & Craske 2002). Proponents hope that female legislators will use their gendered perspectives to *suavizar* [soothe] politics by reducing ideological conflict, circumscribing corruption, and promoting socially-sensitive policies (cf Young 2000). This infusion of women’s perspectives and interests becomes more likely once women constitute a critical mass in legislatures, generally regarded as a 30% threshold (Dahlerup 1988; Staudt 1998; Jaquette 1997). Arguments stating that quotas promote “the effective power of women” are invoking these substantive outcomes.

Quotas thus propose more than the mere redistribution of legislative seats; quotas aim to produce gender-sensitive laws and policies. Electoral engineering in Latin America has mixed institutional variables (electoral rules and political parties’ and chambers’ internal structures) with sociocultural variables (beliefs about women’s capacities and objectives as candidates and as legislators). When seats are valued intrinsically, quotas are institutional rules that trump gender beliefs: parties must demonstrate their elimination of gender bias by guaranteeing equal or near-equal results for male and female contenders (Bacchi 2006). When seats are valued instrumentally, however, quotas are institutional rules that work with (rather than forcibly change) gender beliefs: more female parliamentarians acting as women will substantively transform political practices and policy outcomes. Gender is thus not a fixed variable. Gender is a barrier to overcome numerically *and* a package of beliefs about femininity and masculinity to which individual MPs may or may not conform. Then, when gender difference manifests itself in legislatures, more feminine or feminist laws and policies are made.

These observations offer some points of analytical departure. First, the absence of parity representation suggests that gender does matter for electoral outcomes. If gender did not matter, then political institutions would integrate men and women in proportions roughly equivalent to their population share. In Latin America, however, women were—and continue to be—present in politics less than men. Quotas treated this problem by focusing on the early phases of the “legislative recruitment system”: the low numerical participation of women in the candidate nomination phase and in the election phase (Ballington & Matland: 2004). Second, as quotas are implemented across the region, the discrepancy in attaining critical mass suggests that institutional rules and political practices also matter for electoral outcomes. Rules and gender interact: quotas’ effectiveness depends on contexts mediated by longstanding beliefs and behaviors that separate political men from non-political women. Quota reformers respond to this interaction by raising the legal costs of noncompliance, irrespective of whether or not the political parties change their beliefs about women’s electability and officeholding capability. Quotas thus appear necessary in democratizing countries because gender inequality inhibits women’s descriptive representation in the election phase, but inequality appears to *not* matter for substantive representation in the legislative phase. Gender inequality eliminated, gender difference then facilitates the substantive representation of women’s interests.

My project unpacks and tests this causal argument—without entering into the essentialist debate on the biological or socially-constructed nature of male/female difference and male/female interests. Indeed, we can construct a model of legislator responsiveness to constituent interests where both men and women appear as more or less “feminist” in their policy orientations. Before attending to legislator responsiveness, however, I address the missing link in the causal argument that moves from descriptive representation to substantive representation.

Archenti & Johnson (2006) argue that a “system of gender representation” depends on (1) electing a diversity of women to yield a plurality of female views; (2) ensuring these women express the interests of female constituents who are organized in civil society and (3) having these women translate these interests into government policies. I modify Archenti & Johnson’s criterion by hypothesizing that, *if electoral institutions are mediated by gender bias, then legislative institutions are similarly mediated by gender bias*. A system of gender representation, or substantive representation, thus depends on quotas’ ability to translate women’s greater numbers into women’s effective power. We must answer the “can” question before broaching the “do” question: *can* female legislators attain institutional positions of power such that individuals identifying with women’s interests *do* take action?

I examine this distinction between intrinsic percentages and instrumental presence as the difference between female candidates’ quantity and female legislators’ quality. Quotas’ conception and adoption targets quantity. Quotas’ implementation and impact hopes that quantity yields quality: the process undertaken by adopting countries to strengthen and enforce the quota laws demonstrates which reforms genuinely changed political parties’ incentives to support female politicians and which reforms genuinely enabled female politicians to transform policies. Women need no special abilities to be bodies in the legislature, but they do need certain resources and certain opportunities for maneuvering if they are to act as substantive representatives. In what follows, I discuss quotas’ inception in Latin America to show that institutional rules interact with gender bias, creating barriers for women’s equitable political participation. Describing the barriers to descriptive representation underpins my central proposition: *these exclusionary patterns persist—and are not remedied—by quotas*. I offer a research agenda that tests this proposition, by measuring female and male legislators’

institutional power as the dependent variable. This empowerment measure will then serve as an independent variable that explains the observed degree of legislator responsiveness to gender interests.

### **Conception and Adoption in Latin America**

Women participate in politics less than men. In Latin America, women accounted for approximately 5% of *diputadas* [deputies] during the 1980s. These averages increased during the 1990s, though growth rates were modest in countries without quotas. In Guatemala, for example, women's parliamentary representation averaged 4.6% from 1980-1990 and 9.3% from 1995-1999.<sup>5</sup> These data raise three separate questions. First, which variables explain women's absence from electoral politics as the equilibrium, or state-of-the-world? Second, which variables explain changes in women's participation over the last quarter century? Third, given a general upward trend, why did some countries adopt quotas?

Two approaches explain women's low descriptive representation. A theoretical approach combines ideas about institutional "stickiness" with gender discrimination to describe women's absence from institutions as the equilibrium. A statistical approach focuses on levels of supply of and demand for female candidates. Structural variables (including socioeconomic development and sociocultural beliefs) and institutional variables (including electoral rules and political parties' organizations) are hypothesized to respectively push and pull women into politics. Quota proponents believe that manufacturing greater demand for female candidates can change the equilibrium, generating a presence of female bodies and interests.

### *From Absence to Exclusion: An Equilibrium*

Patterns in institutional arrangements and social preferences structure individuals' interactions and behaviors, establishing blueprints for action that become self-enforcing over

time (Pierson 2000). In Latin America, the differentiation between men as public breadwinners and women as private homemakers underpins the concentration of political authority in male presidents, ministers, and legislators (Chant & Craske 2003). Mala Htun explains: “People became accustomed to seeing men in power; masculine characteristics and roles became virtues of leadership” (forthcoming). Both men’s and women’s behavior reinforces the pattern of female political abstention/male political participation: “the former opt out and the latter opt into politics as rational responses to the structure of the gender system” (ibid). These gendered differentiations establish the counters of exclusion, for the masculine power concentration creates high barriers for women who *do* wish to opt into electoral politics. Aspiring female politicians discover themselves in the “out-group” with respect to male politicians as the “in-group” (Niven 1998). Male leaders, in noting that female hopefuls are ascriptively and behaviorally dissimilar from themselves, fail to recognize, support, and cultivate women’s potential. Women’s membership in the political out-group parallels and reinforces gender beliefs about political men and non-political women.

The concepts of patterns and out-grouping illustrate how women’s absence becomes constitutive of politics, defining an equilibrium—a systemic stability—in which men dominate institutions. As rules and practices corresponding to male dominance become entrenched, women’s exclusion evolves into discrimination. Htun further explains that “places where men socialize with one another (poker halls and locker rooms) turned into the sites of political negotiation and pact-making; norms of work accommodated individuals who could delegate child rearing and formal arenas of power (such as Congress) adapted to male needs by installing urinals, weight rooms, spittoons, and pool tables” (forthcoming). Until the Argentine Senate achieved a critical mass of female senators in 2001, for example, administrators never realized



that the Congress contained nearly no women's bathrooms. More significantly, female newcomers were reportedly unaware that favor-trading occurred not in conference rooms but saloons.<sup>6</sup> Men's restrooms and saloon bargaining are not designs consciously implemented to harm women, but these norms do illustrate how gender disadvantages become unintentionally—yet deeply—embedded in institutions. Difficulties for women thus accrue exponentially: disadvantages in one place (elections) trigger disadvantages in other places (chambers), linking gender discrimination across institutions (Burns 2005: 139). This embeddedness means that institutions are sticky, or resistant to change. Including the female out-group (tipping the equilibrium) requires a comprehensive overhaul of political business and political behavior.

Stickiness implies that gender disadvantages will persist in legislatures despite quotas' alteration to the candidate nomination rules. Tweaking one aspect of political institutions in order to resolve gender imbalances merely causes the problem of exclusion/discrimination to manifest itself in a different political site. This problem analogizes to a bubble effect in coca crop eradication: pop one bubble (destroy one crop), and another crop appears elsewhere. That women use quotas to overcome election barriers and enter the Argentine Senate, only to find themselves disadvantaged by practices ranging from toilets to nighttime meetings, exemplifies a bubble during quotas' impact. Latin American politics is unintentionally yet intensely gender-biased. Women are out-grouped as they enter in-groups, and this marginalization appears as an intractable problem when viewed across the legislative system as a whole.

#### *Explaining Women's Descriptive Representation*

Political parties are the gatekeepers to and managers of elected office. All else equal, political parties resist redistributing resources to out-groups because (1) politicians want to retain power and (2) power-distribution is a zero-sum game (Cox 1997). Parties are not malevolently

misogynistic. Rather, structural (economic and ideological) supply factors and institutional (electoral) demand factors can explain parties' rational decisions to not nominate women.

The structural explanation holds that modernization, or the elimination of large socioeconomic disparities in newly democratizing countries, enhances the supply of qualified aspirants. Development weakens traditional gender arrangements: educational and professional opportunities expand while the "backwards" socioeconomic structures that relegated women to household labor disappear (Smith et al 2005). Ending the socioeconomic inequalities believed to oppress women elevates their public standing and equalizes their opportunities for political involvement: "when women approach men in levels of literacy, workforce participation, and university education—and thus become men's equals in the social sphere—they are more likely to be seen as men's equals in the political sphere and therefore their representation will increase" (Matland 2002: 6). Development also precipitates societal shifts from traditional values of hierarchy to modern values of self-expression; modern belief systems make women's rights more palatable among the masses (Inglehart & Norris 2001; Inglehart et al 2002). Structural improvements empower women in the public sphere, with an added effect of increasing citizens' acceptance of women's expanding roles.

Despite strong correlations between the modernization indicators and the percentages of female MPs, analysts suggest that development cannot wholly account for women's absence from political institutions. Countries' wealth explains a 30% of the variance in women's parliamentary representation (Inglehart et al 2002: 325-8). Yet, in modernizing countries, women are concentrated in the low-wage service sector (not the professional sector) and women study traditional female careers (teaching, nursing, social work); these macroeconomic data appear to over-estimate women's empowerment (Jaquette 1997; Matland 2002). The majority of

women in the population continue to face overwhelming structural hurdles. Norris (2004) and Inglehart et al (2002) further insist on the relevance of a counterpattern—countries where the number of female MPs is lower than predicted given macro indicators. For example, in 2006, Nicaragua and Venezuela rank higher than the United States and Japan on women’s representation, but lower on human development.<sup>7</sup> According to Norris and Inglehart, these outliers suggest that forces external to modernization exclude women from politics.

Ideology and culture thus enter modernization models as the missing link between socioeconomic development and women’s parliamentary representation. Inglehart et al find that cultural traditionalism (proxied as religious heritage) explains 46% off the variance in women’s parliamentary representation. Moreover, secular countries also generate increasing returns: Reynolds (1999), Kenworthy & Malami (1998), Paxton & Kunovich (2003), and Caul (2005) find that nations’ acceptance of female leadership increases each electoral period in which women vote and/or compete for office. Reynolds (1999: 572) suggests that religion establishes a baseline culture, but that modernizing societies culturally adapt, embracing women in politics. Yet, women’s visibility in the aspirant pool does not guarantee their admission to the contenders’ circles; additional mechanisms must pull women from public to politics. These mechanisms are institutional variables: electoral rules and parties’ candidate selection procedures.

The demand-side intuition holds that women, as the political out-group, are higher risk candidates than men. The electoral rules that favor women’s representation allow political parties to field greater numbers of candidates: the greater the possible electoral take, the greater the opportunity for female newcomers to attain nominations. First, women receive fewer nominations in winner-take-all plurality districts, particularly single-member districts (SMDs); women receive more nominations in multi-member districts (MMDs), for the parties may field

multiple candidates in order to win multiple seats (Matland 2002). Second, proportional representation (PR) systems allow parties to distribute their garnered vote-share among candidates rank-ordered on a party list. The use of party lists facilitates women's candidacies, as parties may place unfavorable candidates in low-list positions (so-called ornamental positions) that have small-to-nonexistent possibilities of translating into seat allocations (Jones 1996). Closed-list PR further favors women's nominations over open-list PR. Voters' ability to exercise a preferential vote in open-list systems means that candidates compete *within* their party for voters' favor; intra-party competition disadvantages neophytes. Whenever competition is high, female aspirants face greater obstacles to selection; this rule applies to small magnitude districts, inter-party competitions in closed-list PR, and intra-party competition in open-list PR (Norris 2004; Htun & Jones 2002; Matland & Talyor 1997). Out-group contenders are too risky.

All Latin American countries use PR or mixed PR-plurality systems to elect their legislatures.<sup>8</sup> Latin American electoral institutions should therefore facilitate the entrance of female newcomers. Standing as gatekeepers, however, are the political party leaders. Receiving nominations depends on aspirants' ascending internal hierarchies to *clubes electorales* [electoral clubs] wherein *políticos* [elites] designate *militantes* [militants].<sup>9</sup> Party elites thus control candidate selection<sup>10</sup>; women comprise only 10% of party elites (Sacchet 2005). Male party bosses assign candidates to plurality districts, rank order candidates on PR lists, and allocate campaign resources; in primaries, elites often control who votes and for which members (Siavelis & Morgenstern 2004). The party selectors are rational vote-maximizers who choose within the constraints, those candidates that will win votes and seats (Norris 2004). In plurality districts, vote-maximizing means choosing male candidates with available financial resources

and strong political resumes. In PR districts, this objective elevates male powerhouses to top list positions. These entrenched patterns of exclusion create severe barriers for female hopefuls.

What structural variables—supply factors—thus determine is whether party elites perceive female aspirants to be viable contenders. Driving these perceptions are specific, cultural beliefs about women’s low capacity for political leadership. Norris & Inglehart (2001) demonstrate that countries’ responses to one World Values Survey (WVS) question—“men make better political leaders than women”—explain 70% of the variance in women’s parliamentary representation. Paxton & Kunovich use this WVS question to demonstrate its effect *not* on female candidates’ vote-share in general elections, but on female aspirants’ procurement of candidacies within parties. They argue that “while parties are reducing or increasing their numbers of female candidates in response to their perceived acceptability as candidates, women are actually *not* more unacceptable” (2005: 529). The political party “filter point” for women is thus undeniably more judgmental than the general election “filter point”: the nomination state eliminates 99.96% of all eligible people [and] the voters choose from only .04%” (ibid: 509). Similarly, 76% of female officeholders worldwide cite discrimination as their greatest barrier, but they attribute these attitudes to their colleagues and not to their constituents (IPU 2000). These data highlight how elites’ negative valuation of women’s leadership proves detrimental to female hopefuls.

Evidence from Latin America further indicates that elites’ beliefs about women’s electability are more restrictive than mass beliefs about women’s capability. Htun (2002) suggests that Latin Americans support women’s political empowerment, particularly given traditional gender roles emphasizing women’s superior moral and maternal instincts. Argentines, for example, refer to female politicians’ *sensibilidad* [sensitivity], associating femininity with

support for equity, justice, and fairness.<sup>11</sup> From the standpoint of the parties, however, the adversarial character of politics makes *sensibilidad* desirable in principle but untenable in practice. First, IAD/Gallup data show that only modest majorities in *urban* areas believe women outperform men (Peschard 2002); women remain moderately risky candidates in cities and extremely risky candidates in the countryside. Second, female aspirants might have the popularity but lack the assets—financial resources, political connections, party experience, occupational qualifications, and previous legislative experience—that make their candidacies attractive. These factors systematically disadvantage women in parties' legislative recruitment.

This electoral disadvantage manifested as Latin American democratized in the 1980s and 1990s. During the authoritarian era, women denounced militaries' human rights abuses against their husbands and sons, organized to provide community services, and contributed to the protest politics that brought about military regimes' withdrawal (Craske 1999; Waylen 1994; Alvarez 1990; Schirmer 1992). The reinstatement of elections, accompanied by socioeconomic development and the related expansion of women's opportunities, generated an explosion of female political activity: women joined grassroots organizations dedicated to consciousness-raising, technocratic NGOs committed to poverty alleviation, and political parties constituted for contesting democratic offices. Yet, despite these organizations' emphasis on women's mobilization—an enthusiasm in sync with the spirit of democratization—women's officeholding failed to materialize. Women remained in the civic realm or women remained concentrated among the bottom tier of political party activists (Hellman 1995; S. Alvarez 1998; Craske 1999; Waylen 2000). Female party members were more likely to act as auxiliaries—organizing rallies or fundraisers—than become leaders (Piscopo 2002). Women's wings in the political parties

became “ghettoes” that trapped women in feminine roles (Saint Germain 1994a). This gap between civil activism and electoral competition was shown by the paucity of female candidates.

Women’s political exclusion is consistent with an institutional out-group effect: women are perceived as better caretakers than competitors. Friedman recalls that Venezuelan parties “assumed that voters tend to elect those who coincide better with the dominant cultural norms or models of politicians—that is—men” and explains that changes in women’s status or actions “could not overcome this bias” (2002; 253). As Norris explains, “rational party selectorates” exercise an “automatic default option” of re-selecting incumbents or selecting new candidates that share the social and political characteristics of male MPs (2004). Institutional rules and sociocultural background conditions therefore interact to marginalize women from the legislative recruitment process. Slight increases in the number of female legislators in the 1990s in Latin America were highly disproportionate given women’s development opportunities, public visibility, and political party membership. Gender bias appears particularly intractable when women seek a greater distribution of political power.

#### *Why Gatekeeping Parties Adopt Quotas*

Given that political parties face disincentives to welcoming female newcomers, the question becomes: *why would countries adopt quotas?* Democratization in Latin America allowed for—however paradoxically—both institutional conservatism and institutional innovation (Schmitter 1998). On the one hand, democratization made electoral competition more acute, which then made women’s integration into and ascension within party hierarchies even more difficult. During the 1980s and 1990s, transitional elections were high-stakes games, and parties needed to reduce the uncertainty behind electoral outcomes and legislator behavior. Parties managed unpredictability by relying upon “politics as usual”: the selectorates’ “automatic

default” of selecting male militants and loyalists became even more hardwired (Baldez 2004a; Araújo 2003; Waylen 1994). On the other hand, democratization raised normative issues that served as rhetorical weapons against parties’ conservatism. Reformers in trend-setting Argentina, Costa Rica, and Mexico, and in trend-following Peru, Ecuador, and Brazil, argued that democratic consolidation depended on modern, liberal values. Argentine Senator Margarita Malhorro stated that parties “hold women back in the name of old, traditional prejudices more worthy of a feudal era than of modern times” (Towns 2003). Her Peruvian colleague Luz Salgado likewise blamed the *machista* political culture for the fact that women constituted only 4% of *diputadas* for all Peruvian Congresses since democratization (ibid).<sup>12</sup> The stickiness of politics-as-usual collided with the normative changes demanded by democratization.

In this context, quotas appeared to resolve the tension between rapid contextual changes (democratization) and slow institutional changes (women’s continued exclusion). *Políticas* such as Malhorro and Salgado were unwilling to wait for when or if the equilibrium of male dominance would begin to shift. Quotas therefore possessed an elegant and simplistic appeal, offering a “fast track” to equal representation for new democracies (Dahlerup & Freidenvall 2005). Quotas implement positive discrimination or positive affirmative action policies that can, overnight, compel *clubes electorales* to admit more women. Practically, “quota legislation represents the only method by which to substantially increase the percentage of female legislators in a country in the short to medium term” (Jones 2005: 628). Normatively, quotas “accelerate cultural change” (Lubertino 2003), inducing an “exogenous shock” (Baldez 2006) that synchronizes democratization with modernization.

Studies identify four explanatory variables, *all* necessary for quotas’ adoption at the national-level: (1) a favorable international climate, as evidenced by the United Nations’



emphasis on women's rights; (2) female policy entrepreneurs who provide a cross-partisan, intra-legislative lobby; (3) strong women's movements that supply extra-legislative lobbying; and (4) supportive executives (Stevenson 1999; Bruhn 2003; Jones 1996; Lubertino 2003; García Quesada 2002; Peschard 2002). These variables are jointly successful during moments of institutional innovation. Araújo & Garcia (2006) argue that Latin America's inchoate democratic institutions were particularly permeable to quotas, for reformers needed to structure the rules of democratic competition in accordance with liberal values of equality. Congressmen in Bolivia delivered quota laws out of their "perceived obligation" to deepen democracy (Costa 2003). Congressmen in Argentina likewise spoke of "pagar la cuota" [paying the bill] with respect to women's role in the democratic transition (Carrío 2002). Redistributing legislative seats became perceived by the parties as a necessary and unavoidable cost of democratization.

To this story, I add a crucial, fifth independent variable: the perceived innocuousness of quota laws at their moment of adoption. Legal quotas became palatable to the parties' male leadership since they served normative objectives while simultaneously being constructed as unwieldy and difficult to enforce in practice (Jaquette 1997). The useful-but-innocuous text of the initial quota laws begins to illustrate my main argument: changing one set of institutional rules cannot produce the far-reaching changes necessary to eliminate the manifestations of gender disadvantage across political institutions.

First, quotas would benefit only those few female politicians who belonged to the political in-group. These women were elites who, while distinguished by rank and by resumé from the majority of female *militantes*, nonetheless suffered intra-party discrimination in the candidate selection phase. In Mexico, quotas advanced "*las planas mayores*" [the heavy hitters]—those women already substantially advanced within the parties, who sought

mechanisms to increase their own access to nominations (Rodríguez 2003: 145). In Argentina, *políticas* desired that their parties' hierarchies be made more permeable; the Argentine women's movement mobilized to support quotas while knowing that their activist cadres would receive no direct benefits.<sup>13</sup> All party bosses, congresspersons, and advocates possessed ex-ante knowledge about which heavyweight females would receive nominations. Given their membership in the exclusive *clubes electorales*, these women were unlikely to act against their parties' interests. This result suggests that in-grouped women will have limited institutional opportunities—or desires—to act as substantive representatives of radical gender interests.

More importantly, the initial quota laws were largely innocuous. Instead of fostering hotbeds of feminist sedition, first-round quotas in trend-setting Costa Rica, Argentina, and Mexico contained extremely weak mechanisms to ensure parties' compliance. In Costa Rica and Mexico, quotas began as recommendations relying on *voluntad política* in 1990 and 1996, respectively. The goodwill of parties to implement quotas never materialized (Jones 2004a; Baldez 2004a). In Costa Rica in 1996, politicians voted the quota recommendation into a law “which they thought would be relatively ineffective due to their conscious decision not to include a placement mandate” (Jones 2004a: 1207). In Mexico, the *Instituto Federal Electoral* (IFE) elevated the 30% quota recommendation into law in 2000—again without a placement mandate. Without a placement mandate, parties could place women in the bottom list positions, as in Costa Rica, or in the *suplente* [substitute] positions, as in Mexico. This shirking behavior violated not the letter, but the spirit, of the quotas as in-grouping mechanisms. Even Argentina's 1991 *Ley de Cupo*, the most stringent among the laws, facilitated parties' shirking in the 1993 elections. Though the law stipulated a one-in-every-three-slots placement mandate, the only agents legally empowered to contest noncompliance were the excluded individuals (Jones 1996: 79-80; Gray

2003: 59-60). Failed aspirants would commit professional and financial suicide by protesting.<sup>14</sup>

In the first post-quota elections in Costa Rica, Mexico, and Argentina, no country achieved the specified threshold of female representation (Garcia 2005).

Quotas' conception and adoption constituted a public relations coup, a costless concession by political parties to female voters and democratic advocates. The initial laws were extremely permissive, failing to bind party selectorates into ensuring the candidacy and election of any women, including *políticas*. Permissiveness thus stimulated the bubble effect: the embeddedness of male leadership manifested as parties' outright noncompliance and/or promotion of nonviable female candidates, followed by their promotion of pliant females who would not challenge partisan platforms once in the legislature.

### **The Bubble Effect: How Exclusion Remains the Equilibrium**

As percentages of female parliamentarians fell short of the desired thresholds, advocates focused on strengthening quota rules within electoral institutions. Reformers won legal fixes that closed certain loopholes while opening others. Quota reforms thus shift, but do not eliminate, institutional sites wherein women are out-grouped and excluded. Ongoing patterns of discrimination create limited conditions for female candidates and female legislators to maneuver, restricting possible moments of substantive representation.

Parties in trend-setting countries initially shirked in implementing quotas by lacking *voluntad política*, by assigning women ornamental list positions, and by enjoying impunity for noncompliance. Similar bubbles appeared in trend-following countries' initial laws. In Panama and Bolivia, the quota applied only to candidate nominations in PR districts (Htun & Jones 2002). The Panamanian quota law further lacked a placement mandate for PR lists and applied only to candidates chosen via primaries; parties may use nominations—their preferred method

for maintaining control over aspirants—without filling the quota. The Brazilian story illustrates these loopholes and exploitations most clearly. The 1995 municipal-level quota law of 20% passed with a simultaneous reform enabling parties to nominate 20% more candidates than seats; the 2000 reform raised the national-level quota law to 30% but also permitted parties to present 50% more candidates than seats (Araújo 2003; Krook 2005). This list expansion creates ornamental slots in exact or greater proportion to the quotas. Moreover, if the parties run less than the maximum number of candidates (less than 150%), the lists cannot be subjected to judicial scrutiny; the oversight provision applies only to saturated lists *and* carries no sanctions. These permissive statutes show that loopholes are deliberately manufactured: plurality districts, extra-long lists, and nominations become new sites where women are excluded.

Second-round quota laws created additional technical ambiguities or legal exceptions. Reforms in Costa Rica (1999-2000) and Mexico (2000 and 2002) concentrated on stipulating lists' ordering of male and female names. Reforms in Argentina clarified the 1-in-3 placement mandate when parties contested one or two seats (raising the mandate to 1-in-2 in these cases). Minimal compliance exemplifies how technicalities permit shirking behavior: parties follow 1-in-3 or 1-in-2 mandates by listing women third or second, respectively (Baldez 2004b: 11; Jones 1996: 88; Piscopo 2006). Legal exceptions also appear. In Mexico, the 2002 reform applied the quota to *proprietario* (non-substitute) positions but exempted parties if candidates are selected through internal primaries. In the 2003 mid-term elections, the three leading parties all preferred primaries over nominations to select candidates for *diputado*. This particular exemption coincided with primaries' increasing popularity for reasons of democratic transparency and fairness. Lisa Baldez argues that quotas unintentionally tipped Mexican political parties' nomination strategies to primaries, even though internal elections incur costs of weakening party

hierarchy and discipline (2004b & 2006).<sup>15</sup> These examples illustrate how parties continuously resist changing the distribution of political power: faced with rigorous quota laws, parties withhold top positions and risk primaries to avoid admitting women into the *clubes electorales*.

Comparisons across Latin America show which reforms during the implementation phase raise the costs of shirking, though these reforms merely substitute overt noncompliance with more subtle discriminatory practices. Costa Rica, Mexico, and Argentina outperform other quota-possessing countries because reforms established strict placement mandates and stringent noncompliance penalties. Reforms in Argentina in 1993 and 2000, in Costa Rica over 1999-2000, and in Mexico in 2002 demanded that parties submit lists to the national electoral tribunals prior to launching campaigns. The *Cámara Nacional Electoral* (CNE) in Argentina and the *Tribunal Suprema Electoral* (TSE) in Costa Rica disqualify noncompliant lists from entering the election in that district. The IFE in Mexico gives the recalcitrant party 72-hours to modify its list.<sup>16</sup> By contrast, Peru, the Dominican Republic, and Brazil all undertook reforms that increased their quota percentages *without* appending the additional fixes—placement mandates and/or penalties for noncompliance—that would make second- or third-round quota laws quantitatively effective. In the latter countries, quotas remain innocuous public relations measures. In the former countries, quotas permit male parties elites' continued control. In Costa Rica, Mexico, and Argentina, female candidates are denied the top list positions; in Brazil, women become symbolic, auxiliary candidates who campaign beneath male standard-bearers.

The rules shaping the decision context matter. Yet, if bias did not exist, institutional actors would respond to rule changes by supporting women as primary leaders, not as secondary vote-getters. Willpower can be formulated as an additional input in the implementation phase. Willpower can be operationalized as *norm internalization*: whether the norm has a “taken for

granted quality” such that the equilibrium tips and all actors accept the norm (Finnemore and Sikkink 1998). A minimum condition for quotas’ effecting quality as well as quantity is that a coalition of politicians internalize the norm of women’s inclusion.<sup>17</sup> Quotas cannot directly challenge the beliefs driving gender bias. In the absence of acknowledgement that discrimination against women exists and requires *active* redress, gender biases will manifest themselves through parties’ efforts to avoid or minimally comply with quotas.

Bias also appears in the monitoring and enforcing of quotas. In the more institutionalized case of Argentina, the CNE reviews all lists while the executive agency *Consejo Nacional de la Mujer* (CNM) oversees and verifies the CNE’s verdicts. The CNM now possesses legal authority to sue noncompliant parties in the courts; the CNM works in conjunction with female party members and women’s movement activists to scrutinize lists, cross-check the CNE, and initiate lawsuits. Public sector vigilance is high in Argentina (Jones 1996; Jones 1998). Similar scrutiny by a coalition of executive agencies, parliamentary women’s caucuses, parties’ women’s wings, and civil society groups occurs in Costa Rica (Piscopo 2002) and Mexico (Rodríguez 2003). These actors are normatively committed to ensuring quotas’ efficacy, and widespread judicial and executive support indicates a high degree of norm internationalization in early-adopting countries. The less-institutionalized cases, by contrast, have electoral tribunals and courts unwilling to pay monitoring costs and apply sanctions, as well as moderate-to-weak policy networks unwilling to apply the necessary pressures. In Ecuador, for instance, the 2000 reform included a 1-in-2 placement mandate which the Ecuadorian TSE refused to enforce in the 2002 elections (Araújo & Garcia 2006: 96). Panama, Brazil, the Dominican Republic, and Honduras similarly lack willpower, as political actors neither agree upon nor enforce quota mechanisms.

Rational choice institutionalism argues that electoral engineering relies solely on actors' incentives: closing the loopholes, enhancing monitoring, and raising sanctions should alone produce efficacious quotas in Latin America. When efficacy is assessed quantitatively, institutional rules have aligned in Argentina and Costa Rica, and to a lesser extent in Mexico and Bolivia, such that women's representation has achieved the desired threshold. Quotas' minimal success in other Latin America countries suggests that poorly institutionalized rules as well as low norm internalization explain the lack of quantitative change.

When quotas' efficacy is assessed qualitatively, however, electoral outcomes must reveal substantive changes in addition to numerical changes. In this sense, the power-redistribution intended by quotas must alter not just parties' rule-based incentives regarding the promotion of female candidates, but *beliefs about* women's viability as political leaders. If quotas had changed gender beliefs, two results would appear: quotas would be filled *and* political agents would visibly support female politicians. Women would gain power as well as seats. The redistribution of power in parties and in parties' legislative coalitions would signal an erosion of the *machista* political culture reformers identified as responsible for perpetuating women's political exclusion. Even in countries with numerically efficacious quotas, bubbles demonstrate that this erosion—or equilibrium tipping—has yet to occur.

### **Testing Substantive Representation: A Research Agenda**

I suggest that quota laws prefigure neither polemical practices nor polemical policies. Quotas will not propel masses of radical, feminist activists into positions of power. Furthermore, quotas demand no programmatic commitments to gender issues beyond establishing legal correctives that adjust the equilibrium of exclusion. Quotas highlight women's absence and quotas make women present, but quotas "collapse" women's distinctive or diverse viewpoints

back into political parties (Htun 2004: 450-1). Quotas foreclose upon discussion of controversial gender issues, for being an in-grouped descriptive representative does not depend on—and often *cannot* entail—having a strong, gendered preferences. In the words of Louise Vincent, quotas “change the way things look without changing the way things are” (2004).

Evidence from preliminary fieldwork in Argentina indicates that quotas perpetuate the gender bias experienced by female politicians in the nomination, election, and legislative phases. Parties pursue three strategies that de-legitimize quota mechanisms while creating professional obstacles for *políticas*. First, parties claim that women must win on their own merit and without legal protections; this claim establishes the pernicious assumption that all elected women are undeserving. Second, parties adopting internal primaries argue that nomination quotas inhibit intra-party democracy; this statement suggests that *políticas* supporting quotas are selfish and undemocratic.<sup>18</sup> Third, parties elevate inexperienced outsiders known as *mujeres de* (literally, wives or lovers) rather than experienced female elites, a strategy which further undermines the prestige of elected women. Female legislators thus confront enormous double standards. As Dahlerup summarizes, “Women politicians are accused of lacking knowledge and education but at the same time criticized for only representing a small group of educated elite women; women politicians are accused of being tokens of their clans, families and parties, as if men never are” (2006: 13). *Diputadas* and *senadoras* interviewed also noted that their resumes, credentials, and commitments were subject to greater scrutiny than those of their male colleagues.

Moreover, interview data from Argentina reveals that these double standards and biases have substantial implications for the distribution of legislative tasks and power. The marginalization of women on feminine or feminist committees (i.e., culture or education) has been empirically demonstrated for Latin American generally and for Argentina specifically



(Heath et al 2003; Carrío 2002; A. Alvarez 2005; Archenti 2005). Many female politicians report that this “ghetto-ization” on less-prestigious committees functions not because the women voluntarily selected these policy areas, but because party leaders *presume* that women are better-suited for these committees. Ascribed gender difference appears not only in party leaders’ distribution of committee seats, but in their distribution of bill assignments: female MPs reported being directed to work on children’s and families’ matters irrespective of their personal preferences. Interviewees described an unwritten procedural rule in the Argentine Congress: female deputies generally write and introduce bills in those policy areas pertaining to non-discrimination, human rights, culture, or social welfare issues. Women’s requests for more-prestigious assignments to the policy areas of economics, budgeting, and defense are denied on the basis of low qualifications, but extended to male newcomers with equally poor preparation. These qualitative observations signal the importance of exploring indicators of substantive representation extremely carefully: while some female MPs may voluntarily undertake legislative activities that develop a gendered agenda, other female MPs may not have any preferences or desires to sit on these committees and/or work in these policy areas.

Like elections, legislative institutions are not level playing fields for men and women. Female newcomers are out-grouped with respect to their legislative tasks and resultant prestige and authority. Beliefs about women’s moral or maternal capacities, or beliefs about women’s low political capacity, underpin this out-grouping in chambers. Survey data from Latin American legislatures has begun to indicate that male and female MPs do *not* differ substantially in their revealed preferences for cultural policy and social policy (including education, welfare, and health); nor do male MPs express less support than female MPs for gender equality (Schwindt 2006; Htun & Powers 2006). Gender bias within chambers, then, could explain the

gap between gender similarities in revealed preferences and gender differences in legislative labor. This gap consequently signifies a power differential between men and women rather than a preference differential, for “women’s interests” continue to be perceived as less-prestigious policy areas in the male-dominated lawmaking arena.

Given the embeddedness of gender bias and double standards, institutions may not functionally adapt to women’s greater presence (Htun, forthcoming). This hypothesis leads to the following causal chain. The implementation of electoral quotas in Latin America affects the distribution of institutional tasks, authority, and power in legislatures. When “quota women” enter legislatures, they become marginalized. Some women may attain institutional positions of high-power and some may not; this empowerment is a function of party rules, chamber rules, the individual legislator’s professional preparation, and gender disadvantages. We need to measure female and male legislators’ standing in chambers. Then, this institutional position, combined with female and male legislators’ policy beliefs, determine whether MPs will develop policy expertise and take policy actions that enact a gendered agenda. This model would predict that some female—and perhaps some male—legislators might emerge as institutionally-empowered and individually-motivated to represent feminine or feminist interests, but that not all legislators will share the same positions and the same desires to be substantive representatives.

Indicators of female empowerment in parliaments, as the precondition for the substantive representation of women, are complex bundles reflecting the intersection of formal and informal institutional rules with longstanding gender beliefs. Despite quotas, parties have no rational incentives to redistribute power, neither during the candidate selection phase nor during the legislative phase. Future research must attend to the institutional cultures of parliaments, and the changing power and preferences of both male and female politicians. Survey data will help

us understand how gender expectations and norms shape the types of women who fill quotas and the tasks assigned to women and men once they arrive in the legislatures.

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## Acknowledgements

Thank you to the Center of Latin American and Iberian Studies at UCSD for funding and support. Thank you to Peter H. Smith at UCSD for summer research funding. To Lic. Analía Viviana Alvarez of the Universidad de Ciencias Empresariales y Sociales in Buenos Aires, for her data and her assistance. Thank you also to Karen Elisabeth Quiroga, Nicolas Schiavón, Dr. Lucio Sánchez, Monica Chama, and many others in Argentina who gave their time and their stories. Thank you to Peter H. Smith, Susan Franceschet, Victoria Rodríguez, Linda Stevenson, Magda Hinojosa, and Donna Guy for their comments on an earlier version of this paper, presented at the 2006 LASA Conference in San Juan, Puerto Rico (March 15-18). Thank you to the participants of the 2007 Institute for Qualitative Research Methods at ASU, and to the participants of the Comparative Politics Workshop at UCSD.

## Endnotes

<sup>1</sup> Author's Interview. March 2005. University of California, San Diego. Adolfo Aguilar Zinser served in the Mexican Chamber of Deputies from 1994-1997, in the Mexican Senate from 1997 to 2000, and as Mexico's permanent representative to the United Nations from 2002-2003.

<sup>2</sup> The Interparliamentary Union maintains a database of women's representation in parliaments worldwide: <http://www.iup.org> (accessed December 2005 and April 2006). Latin American countries in the top 50% worldwide are the following: Costa Rica, Argentina, Mexico, Peru, the Dominican Republic, Panama, Ecuador, and Bolivia. The two Latin American countries within the top 10% are Costa Rica and Argentina. My calculations.

<sup>3</sup> Uruguay debated quota legislation beginning in 1988, Chile in the early 1990s (Araújo & García 2006: 90-1).

<sup>4</sup> Drawn from the following sources: Chant & Craske (2003), Luciak (2001), Htun (2003), Jones (2004a), as well as the International Institute for Democracy and Electoral Assistance (IDEA) ([www.quotaproject.org](http://www.quotaproject.org)).

<sup>5</sup> Thank you to Michelle Saint Germain at California State University, Long Beach, for the data on Central America.

<sup>6</sup> From my fieldwork in Argentina.

<sup>7</sup> None of these countries have quotas.

<sup>8</sup> Those countries using mixed systems are Mexico, Bolivia, Peru, Panama, El Salvador, and Venezuela.

<sup>9</sup> These networks have been documented in Peru (Yañez 2003), Mexico (Rodríguez 2003), Costa Rica (Piscopo 2002), Argentina (Carrío 2003; Jones 2004b), Uruguay (Morales 2004), and Chile (Navia 2004; Hinojosa 2006).

<sup>10</sup> Two exceptions are Colombia (where candidates run independent of party endorsements) and Brazil (where the open-list system and runaway party switching inhibit partisan loyalties).

<sup>11</sup> From my fieldwork interviews.

<sup>12</sup> I calculated 4% from the statistic presented by Salgado that, of a total of 2031 parliamentarians through 1997, 84 were female (Towns 2003).

<sup>13</sup> From my fieldwork interviews.

<sup>14</sup> In fact, the *Cámara Nacional Electoral's* initial interpretation was even more stringent. Petitions, the courts argued, can only be submitted by affected persons. Female politicians seeking to protest their exclusion from party lists would first have to prove that they were an affected party, which essentially would mean proving that they *would have been the candidate*. Legal action against political parties for shirking was difficult from 1993-1995. In 1995, the CNE changed its ruling to allow third-party suits against political parties for noncompliance. NGOs and government agencies could appeal to the CNE on the basis of the list not having filled the quota; this procedure eliminated the need for individual women to prove that they would have been candidates. (My interview with member of the CNE in August 2005).

<sup>15</sup> Note the contrast between the Panamanian and the Mexican loopholes: the Panama quota applies only for internal primaries, and the Mexican quota applies only for nominations. For more discussions over when and how political parties in Latin America prefer nominations to primaries, see de Luca et al (2002), Taylor (2000), Langston (2001; 2004), and Navia (2004).

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<sup>16</sup> For Argentina, conclusion is from my fieldwork. For Mexico, see <http://www.quotaproject.org/displayCountry.cfm?CountryCode=MX>; for Costa Rica, see <http://www.quotaproject.org/displayCountry.cfm?CountryCode=CR> (accessed April 2006).

<sup>17</sup> See Stevenson (1999) for her argument that change depends upon coalitions coalescing around policy problems.

<sup>18</sup> See Jones (2004b) for a discussion of how quotas interact with primaries.

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