

## *Gender Quotas II*

In the previous issue, scholars Jane Mansbridge, Mark P. Jones, and Miki Caul Kittilson addressed a series of questions about gender quota laws. Are quotas a good idea? Should more countries adopt them? Should the United States consider them? In this issue, three additional scholars weigh in. Lisa Baldez considers the pros and cons of gender quota laws on the basis of research she has done on the adoption and implementation of a gender quota law in Mexico. Mona Lena Krook maintains that the adoption of gender quota laws often reveals the deep-rooted nature of gender discrimination in existing processes of candidate recruitment. Finally, Medha Nanivadekar reflects on the lessons that can be drawn about gender quota laws from the example of the reserved seats for women in India, a measure that “created 1 million slots for women.”

### *The Pros and Cons of Gender Quota Laws: What Happens When You Kick Men Out and Let Women In?*

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### *Gender Quotas, Norms, and Politics*

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### *Are Quotas a Good Idea? The Indian Experience with Reserved Seats for Women*

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## The Pros and Cons of Gender Quota Laws: What Happens When You Kick Men Out and Let Women In?

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What country currently boasts the highest percentage of women in parliamentary office? If you ask most people, they will guess one of the Nordic countries: Sweden, Norway, Finland, or Denmark. These guesses are close in one sense but very far off in another. The answer is Rwanda. As of this writing, women make up nearly half of the members of the Rwandan Chamber of Deputies—48.8% according to the Inter-Parliamentary Union (2005b). Most people find this answer surprising. Sadly, we tend to associate Rwanda with the genocide of 1994 rather than with gender equality. What has put Rwanda in the number one spot on the list of women in elective office, an important indicator of women's equality?

The answer is gender quotas. The Rwandan constitution stipulates that women must hold at least 30% of political positions (International IDEA 2005). Rwanda is not unusual in having a gender quota; most of the countries in the top 20 spots on the Inter-Parliamentary Union's (IPU) list of women in national parliaments have some kind of gender quota in place.<sup>1</sup> Rwanda is the only one on the list of countries in the top 20 spots that has *reserved seats* set aside for women. Five of the countries in the top 20 (Argentina, Belgium, Costa Rica, Guyana, and Iraq) have *candidate quota laws* that require a certain percentage of all legislative candidates to be women.<sup>2</sup> Eleven of the countries on the IPU list have *voluntary quotas* at the party level (Austria, Denmark, Finland, Germany, Iceland, Mozambique, the Netherlands, Norway, South Africa, Spain, and Sweden).<sup>3</sup> Gender quota laws are a fairly recent phenomenon. In most cases, countries with gender quota laws have adopted them within the last 15 years (since 1991). Quota scholar Drude Dahlerup (1998) and others have suggested that a kind of "quota fever" is spreading around the world.

I find the global cachet of gender quotas intriguing. How did quotas get to be such a popular idea in the international community, when they have been so vilified in the United States? *Quota* is a bad word in the

1. Six of the countries in the top 20 positions on the IPU's list do not have gender quotas of any kind: Andorra, Belarus, Cuba, New Zealand, Seychelles, and Vietnam. Gender quotas have also been adopted at the subnational level (International IDEA 2005).

2. The Global Database does not distinguish between *candidate quotas* and *reserved seats* for women, but Htun (2004a) argues that this distinction is a significant one, both theoretically and politically.

3. The number of countries in the top 20 spots adds up to more than 20 because some of the countries are tied for the same place.

United States. Even if the term were semantically disguised, by calling it “positive discrimination” or something similar, the notion of setting aside a determined percentage of anything for anybody is politically untenable here. Conflicts over quotas have grown even more divisive in recent years with efforts to roll back affirmative action policies.

In this essay, I apply a little of this American skepticism about quotas to the global gender quota phenomenon. I examine the pros and cons of candidate quota laws at the national level, based primarily on the research I have done on gender quotas in Mexico. I argue that whether or not gender quota laws are a good idea depends in part on what impact you expect them to have. If you want to increase the number of women elected to office, then gender quota laws are a good idea. As the existing literature has demonstrated, the “right” kind of quota law adopted in the “right” conditions can generate fast and significant increases in the election of female candidates. If you want to democratize the process of candidate selection as much as possible, by making it more transparent, then I am not so sure that gender quota laws are a good idea. The effect that they have on the political system and on the electoral process overall is not yet well understood. I offer various hypotheses, and some suggestive evidence, to respond to this question, and I conclude by offering some thoughts about the prospects for gender quotas in the United States.

What has made gender quotas so appealing? I believe it is important to understand what makes gender quota laws attractive in the first place, in addition to identifying the conditions under which they will and will not be adopted, a question I have addressed elsewhere (Baldez 2004). Their appeal derives in part from the failure of more gradual efforts to change the masculine culture of politics. Politics in Latin America, as in other regions of the world, has been centrally defined by a dichotomous understanding of gender. Women’s exclusion from politics reflects deeply entrenched patterns of behavior. As Mala Htun (2005, n.p.) puts it:

Sexism in candidate selection is a path-dependent process. Men began to dominate politics long ago. . . . People became accustomed to seeing men in power; masculine characteristics and roles became virtues of leadership; places men socialize with one another (poker halls and locker rooms) turned into sites of political negotiation and pact-making; norms of work accommodated individuals who could delegate child rearing and other domestic tasks to care-giving partners; and formal arenas of power (such

as Congress) adapted to male needs by installing urinals, weight rooms, spittoons and pool tables.

Given the pervasively gendered nature of politics in many countries, only the equivalent of an exogenous shock could loosen the hold of longtime norms associating politics with men.

Gender quotas provide this kind of exogenous shock. They come from outside any given political system. They come with the approval of the international community, the imprimatur of other modern democracies, such as Sweden, France, and (within Latin America) Argentina, and with the expertise of a vast network of advocates and practitioners around the world. Moreover, quotas work and they work quickly—under the right conditions. What are the right conditions? Pippa Norris (2004, 187) provides a concise summary of some of the main factors:

Variation in the effectiveness of the quotas can be explained by whether the PR list is open or closed (with the latter most effective), the existence of placement mandates (requiring parties to rank women candidates in high positions on closed party lists), district magnitude (the higher the number of candidates in a district, the more likely quotas are to work), and good faith party compliance.

These conditions exist in many Latin American countries. Thus, it makes sense that gender quota laws have generated a 10-point increase in the percentage of women elected to legislative office in Latin America, on average (Htun 2004b).

The literature has established quite solidly that gender quotas can, under the right conditions, effectively break up the male monopoly on elective office. But what impact do gender quotas have on politics more generally? To what extent does the adoption and, more significantly, the implementation of a gender quota law affect the party system overall? The election of more women to office through gender quota laws can revitalize public faith in the political system. The climate of reform and democratic consolidation that has swept through Latin America in the past few decades has been a second critical factor in the widespread adoption of gender quotas (Baldez 2004). In Latin American countries, support for gender quotas (as well as quotas for youth and sometimes for indigenous peoples) is closely linked to high levels

of distrust in the political system. People see politics as a hopelessly corrupt “Land of the Lost,” overrun with (male) dinosaurs.<sup>4</sup> They want the old politicians out, a sentiment concisely expressed by the phrase *que se vayan todos* (kick them all out), the slogan chanted by protesters during the Argentine Crisis of 2001 and in Ecuador earlier this year. The *todos* whom people want to kick out are mostly men, precisely because deeply entrenched patterns of sexism have long excluded women from political power. The historical exclusion of women from politics dovetails with conventional gender norms that portray women as naturally altruistic and dedicated to serving others. As a result, women are perceived as politically pure, untainted by partisan infighting and immune to corruption. Electing more women to office then becomes a logical way to enhance the legitimacy of ethically moribund parties. Gender quotas offer a way to bust open the doors of the smoky back rooms where male party leaders cut political deals. A corollary to the phrase *que se vayan todos* might be *que se entran ellas* (let the women in).<sup>5</sup>

Although gender quotas can be revolutionary in their power to destroy men’s monopoly over candidate positions, they can also reinforce the status quo. In Latin America, gender quotas are compatible with existing rules about how parties select candidates. In most Latin American parties, candidate nomination is a highly centralized process in which a small group of party leaders select candidates for office. In the context of democratic transition, however, political parties throughout Latin America have sought to democratize the way they make decisions. Party leaders have tried to make politics more transparent by adopting measures that will hold politicians accountable to their promises. The rules that govern the selection of legislative candidates is one area targeted for reform. In this context of demands for internal reform, gender quotas and primary elections both constitute viable ways for parties to democratize the process by which they choose candidates. Both of these reforms are democratic, but in different ways. Gender quotas are democratic to the extent that they increase the inclusiveness of candidate nominations by requiring the participation of more women (and quota advocates tend to frame their arguments in these terms). Primaries are democratic to the extent that they take power out of

4. *Land of the Lost* is a television series first aired in 1974, in which a family ends up in the prehistoric age when hit by an earthquake during a camping trip (<http://www.landofthelost.com>).

5. Whether or not female politicians are any less corrupt than men remains an open question—and evidence to the contrary abounds.

the hands of party leaders and disperse it more widely, among party members or among voters more generally. From the perspective of party leaders, gender quotas should be far more preferable because quotas do not interfere with their ability to handpick candidates. Quite the contrary: Gender quotas circumscribe the power that party leaders exert over the candidate nomination process, but they do not dissolve it altogether, as moving to primary elections would. Moreover, by incorporating women, gender quotas provide a fresh mantle of legitimacy to the same old process. I caution that their effectiveness in achieving that goal comes at the expense of maintaining a problematic political status quo. Gender quota laws strengthen highly centralized, undemocratic processes of candidate nomination. They introduce new players to the political arena but make them play according to old rules. Gender quotas may also make it more difficult to implement deeper reforms to the internal structure of political parties. The problem is that gender quotas come at the expense of deeper reforms of the way in which candidates are nominated. Gender quotas may bring more women into the political arena—but the dynamics of the process remain the same. In this respect, gender quotas reinforce the status quo, at least theoretically.

Empirically, things do not always work out that way. The adoption of gender quotas may have unintended consequences for additional political reform. In Mexico, the quota law actually led the Institutional Revolution Party (PRI) to adopt primaries. The PRI, one of the three leading parties in Mexico, monopolized political power until the election of Vicente Fox in 2000. The party was particularly notorious for the lack of transparency in selecting candidates; incumbent presidents chose their own successors in a process coined the *dedazo* (finger-pointing). In 2002, the Mexican Congress amended the electoral law to require that lists of candidates for Congress “in no case will include more than 70% of the same sex” (Instituto Federal Electoral, n.d.). Parties that fail to comply are prohibited from running *any* candidates in that particular district. There is an escape clause from this rather strict enforcement mechanism: Parties that chose their candidates via “direct election,” what we in the United States would call primaries, are exempt from the gender quota. In the 2003 legislative elections, the first in which the new quota law was applied, the PRI chose to select nearly all of its candidates by primary election, rather than comply with the quota law. So ironically, the PRI—the party of the *dedazo*—decided to hold primary elections in order to avoid putting women in 30% of its electoral spots. Although one of the

aforementioned hypotheses predicts that gender quota laws would consolidate the power of party leaders to impose their preferences on the rest of the party, it was not borne out in Mexico. In fact, the adoption of a gender quota law had exactly the opposite result in the case of the PRI. Whether or not primaries will be a lasting feature for the PRI remains to be seen; it is telling that the party did not amend its internal statutes to make primaries permanent.

If the adoption of quotas prompts parties to adopt primaries, then how do primaries affect the election of women? It is not yet clear what the gendered consequences of primaries are, in comparison to other forms of candidate nomination. My own research has generated contradictory findings. It may be more difficult for women to get elected in primary systems than it was in the days before gender quotas. In an article about the *adoption* of gender quotas in Mexico, I hypothesized that primaries would favor candidates who have large war chests and strong name recognition; in other words, successful primary candidates would tend to be men (Baldez 2004). In a more recent study of the *implementation* of the Mexican quota law, the data I collected refuted this hypothesis. I found that women did better in primaries than men did (Baldez 2005). It would appear that the gendered impact of primaries is a topic that warrants future research.

My concerns about gender quotas derive from the way in which they interact with centralized candidate nomination processes. What happens when gender quotas are adopted in countries with *decentralized* rules for selecting candidates? What about gender quotas in the United States? I maintain that the decentralized nature of candidate selection in the United States makes it difficult to imagine how gender quotas would be implemented. Our single-member districts constitute a significant obstacle, though not the main one: Both Mexico and France adopted gender quotas in single-member district systems (very effectively in Mexico and less so in France). What would make gender quotas hard to implement is our reliance on primary elections held at the district level. It is possible to envision a gender quota that would require political parties to achieve gender balance among their primary candidates, but that would prove untenable in the case of uncontested primaries. Effective quotas also require some kind of enforcement mechanism (Baldez 2005) in order to hold someone accountable for their implementation, but it is not clear who would be in charge of balancing ballots in the U.S. case, given the decentralized nature of candidate nominations here.

The benefits of gender quotas must be analyzed in terms of the broader political context, not solely in terms of their impact on women but also in terms of how they interact with other aspects of the electoral process. We commend certain countries for their achievements in getting more women elected to office—and rightly so. In Rwanda, quotas led to gender parity in the legislature, at a critical time in that country's history.<sup>6</sup> While we applaud increases in the election of women, however, we need to keep the larger picture in mind as well. The significance of gender quotas must be interpreted in terms of the overall political context. Nearly half of the legislators in Rwanda are women—but the elections that brought them to office were marked by “‘serious’ irregularities and ‘fraud,’” and “the main opposition parties and candidates had been banned or disqualified before voting began” (Inter-Parliamentary Union 2005a). Depending on how democratic a legislature is, a small percentage of women in office may be more powerful and effective than a large one.

The current political context in the United States does not strike me as a propitious one for forwarding measures to promote women's rights—at least not for promoting the rights of *American* women. The current administration has done much to promote the rights of women in Afghanistan and Iraq, but as Michael Ferguson (2005) argues, the Bush administration appears to consider the establishment of gender equality in the United States a *fait accompli* (pardon my French). The GOP would never support gender quotas for the United States now—even though the party was a “political trendsetter” in terms of quotas in the 1920s. The Republican Party adopted an “equal division rule” that established gender parity for party delegates to national conventions in 1924, prompting the Democratic Party to follow suit (Schnall 2005).

I began this essay by considering the global quota phenomenon from the perspective of American skepticism about quotas. I end it by turning my gaze back to the United States, to consider what we might learn from the experiences of countries that have adopted them. Simply learning that gender quotas exist may help us to think about the problem of political gender equality in a different light. People in the United States tend to assume that our country is doing pretty well in terms of the election of

6. Women's efforts in the political arena have been movingly portrayed in a documentary titled *Ladies First*. For more information, see <http://www.pbs.org/wnet/wideangle/shows/rwanda/index.html>.



women to office, but we could do much better. Go to the list of women in national parliaments on the Inter-Parliamentary Union Website (<http://www.ipu.org/wmn-e/classif.htm>) and scroll down until you come to the United States. It is shocking how many countries you pass before you come to the United States, at number 61 on the list with 15.2% women in Congress, a position we share with Angola. While I am skeptical about the level of reform that gender quotas permit, they constitute a clever response to the “intractability of male dominance” that characterizes so many political systems. Gender quotas thus can fuel our political imagination. The advances that other countries have made in women’s legislative representation can inspire us to come up with new solutions to the problem of women’s political equality.

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## **Gender Quotas, Norms, and Politics**

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Gender quotas have become an increasingly prominent solution in recent years to the underrepresentation of women in electoral politics. As research on these policies has grown, scholars have primarily sought to explain how and why quotas are adopted and, more recently, why some quota policies are more effective than others in facilitating women's access to political office.<sup>1</sup> Most studies, however, also consider—often in a less systematic fashion—the normative aspects of quota reform, usually by detailing the various objections leveled against gender quotas and their impact on efforts to adopt and implement quota measures. Integrating insights from a wide range of case studies, I outline these arguments but note that quotas also generate a host of positive implications that remain largely undertheorized in this literature. I observe, further, that more and more countries are adopting gender quotas despite these well-versed normative objections. These developments indicate greater scope for political initiatives to increase women's representation—despite assumed social and economic “prerequisites” for change—and, indeed, signal a broader shift in international norms in support of projects to promote gender-balanced decision making. One of the few countries seemingly unaffected by these global trends is the United States, where proposals for gender quotas have simply not entered into the realm of public debate. After offering several possible explanations for this state of affairs, I draw on this case to emphasize the pivotal role of politics in opening and closing opportunities to pursue gender quotas, as well as to point to a new set of questions for future research.

### **Quotas and Normative Concerns**

Debates over gender quotas are deeply normative, revolving broadly around competing definitions of gender, equality, and representation. While supporters generally advocate quotas on the grounds that they benefit women as a group, promote equality of results, and establish gender as a category of political representation, opponents typically oppose quotas on the grounds that they privilege groups over individuals, undermine equality of opportunities, and ignore other more pressing social

1. For a comprehensive review of this literature, see Krook 2005, Chapter 1.

cleavages. While specific normative contexts present varying opportunities and constraints for quota adoption and implementation (Krook, Lovenduski, and Squires 2006), two normative concerns pervade nearly all quota campaigns and are expressed by both advocates and opponents of quota reform. The first and perhaps most obvious objection is that the women elected through quotas may not pursue women-friendly policy change. Although this point speaks to a great deal of work on the relationship between the descriptive and substantive representation of women, it overlooks the fact that these measures are not feminist quotas but gender quotas—and more properly speaking, sex quotas<sup>2</sup>—that seek merely to increase the number of women in political decision making, separate from any obligations to change policy outcomes. The second broad objection is that quotas for some women may delegitimize all female politicians as political actors, even those who win political office “on their own” through more traditional processes of candidate recruitment. While this observation reflects ongoing tensions between affirmative action strategies and concerns to place competence at the heart of candidate selection, it fails to question the content of “merit” itself, passing over the many ways in which such criteria systematically privilege certain groups over others, often in arbitrary ways (cf. Young 1990). Thus, although these criticisms are correct in pointing out the possible negative effects of quotas on women’s overall status, as well as their capacities as political actors, they do not acknowledge the very limited and specific goals of quotas, or engage in any sustained analysis of the gender dynamics that tend to exclude women more broadly from consideration as political candidates.

That said, a more concrete examination of gender quota policies around the world reveals that these measures often do play a crucial role in altering existing patterns of descriptive and substantive representation. Despite their emphasis on numbers, for example, quota policies in many countries have led to a shift not only in the political agenda but also in the gender consciousness of female representatives and the political engagement of female constituents. More specifically, a growing amount of evidence suggests that the experience of holding political office exerts transformative effects, both on women who firmly believe that

2. Quota provisions vary in the extent to which they suppose a link between descriptive representation, based on sex, and substantive representation, based on gender. I adopt the term “gender quota” here in order to retain consistency with the larger literature, which has tended to use “gender quotas” to refer to “sex quotas.” I am thankful to Sarah Childs for drawing my attention to this important point.

they have never been the victims of sex discrimination and on women who have known nothing else but lives as second-class citizens. The first group, which especially includes right-wing women, often quickly find themselves devalued as policymakers. Although some respond by simply towing the party line and “acting like a man,” others react by joining together with other women to pursue policy change (Bonder and Nari 1995; Ross 2002). The second group, which includes a large number of women who serve as proxies for male relatives, generally discover after some time that they have the right to question existing policy priorities and policymaking practices. While some do not dare to take action—or, more ominously, are actively suppressed by members of their families and communities—others assert their claims, as women and as members of other marginalized groups, to bring issues like education, health, domestic violence, child marriage, and child labor to the table for the very first time (Srivastava 2000). In both cases, the increased presence of women in public office is frequently accompanied by a change in the political involvement of female constituents, who contact female representatives regarding general policy concerns, as well as issues in their marital and domestic lives, that they would never bring to the attention of men (Childs 2004; Kudva 2003).

Similarly, despite fears about their potential to devalue the contributions of all female politicians, quota policies in almost all cases have exposed the biases of prior recruitment practices, raising awareness among both political elites and prospective female candidates on the need to revise existing criteria of candidate selection. Most crucially, quotas shift the responsibility for women’s underrepresentation away from women, who previously had to conform to “male” standards in order to be selected, and toward political elites, who are now required to devise new principles and consider alternative spheres of political recruitment. In this way, quotas disrupt dynamics whereby women are negatively valued as candidates due to their lack of surface similarity with predominantly male elites, rather than their relative absence from high-status positions, which previously made any breakthrough in women’s representation unlikely so long as men formed the majority of political elites (Niven 1998). At the same time, they alleviate, at least to a certain degree, the tendency for women not to stand for political office, even when they deem themselves very qualified to run (Fox and Lawless 2004), by signaling the availability of constituency and list slots to women in particular. Although surveys in many countries continue to find that women become candidates primarily as a result of being asked to run, while men become can-

didates as a result of wanting a political career, many “quota women” nonetheless stay on beyond their initial tenure and pursue longer-term political ambitions (Goetz and Hassim 2003; Squires 2004). While discussions about gender quotas often center around their possible negative implications, therefore, evidence from a range of cases reveals a number of important positive externalities, largely unanticipated at the moment of quota reform.

### **Quotas as a Global Phenomenon**

Normative objections to gender quotas are wide-ranging, yet despite their apparent weight among both supporters and opponents, a growing number of political parties and national legislatures have adopted quota policies in recent years. These measures include reserved seats, which set aside a certain number of seats for women; political party quotas, which aim to increase the proportion of women among party candidates or elected representatives; and legislative quotas, which require parties to nominate a certain percentage of women on their electoral slates.<sup>3</sup> In fact, political parties in more than 90 countries today impose some form of gender quota for elections to the national parliament, either as a part of their own party statutes or in response to changes in the constitution or the electoral law. Contrary to conventional expectations about initiatives to increase women’s political representation—most notably, that they are more likely in countries with proportional representation electoral systems where women enjoy a relatively high social and economic status—these measures have appeared in countries in all major world regions with a broad range of institutional, social, economic, and cultural characteristics. Although they have not resulted in uniform jumps in the percentage of women in parliaments worldwide—as some countries have experienced dramatic increases following the adoption of new quota regulations, whereas others have seen more modest changes or even setbacks in the number of women elected—these variations themselves again do not map in any straightforward manner onto particular electoral systems or specific social, economic, or cultural features. Indeed, quotas are present even in countries where widespread religious beliefs dictate that women should not participate in political life (Krook 2005).

These patterns suggest that political actions, separate from any social and economic “prerequisites,” explain the rapid spread and differential

3. For details on policies in individual countries, see (<http://www.quotaproject.org>).

impact of gender quotas around the world. The adoption of the overwhelming majority of these policies over the last 10 years, further, provides strong indication of a shift in international norms since the United Nations Fourth World Conference on Women in Beijing in 1995, which outlined a series of concrete proposals to ensure women's equal access to and full participation in power structures and decision making. Immediately before and after this conference, numerous international and regional organizations issued similar recommendations embracing quotas for women, including the Inter-Parliamentary Union, the Socialist International, the Council of Europe, the European Union, the Organization for Security and Cooperation in Europe, the Commonwealth, the African Union, the Southern African Development Community, and the Organization of American States. As a consequence, while earlier quota campaigns were largely embedded in domestic debates between civil society and elite actors, recent quota campaigns more actively reference international commitments and experiences in neighboring countries to press for domestic quota reforms (Krook 2004). In light of the many normative objections to gender quotas, however, these policies remain nonetheless the subject of intense political contestation in countries on both the "incremental track" and the "fast track" to increased female representation (Dahlerup and Freidenvall 2005).

### **Quotas and U.S. Exceptionalism**

Gender quotas have diffused rapidly around the world in recent years, but one of the few countries where these debates have found no echoes at all is the United States. At first glance, this pattern is perplexing, given that both major parties have long applied gender quotas for internal party positions, first for party committees and then for party conventions (Baer 2003). Further, many states have redrawn electoral districts in an attempt to maximize the representation of ethnic minorities, most notably African Americans and Latinos. Three broad features of the American political landscape, however, help shed light on the reasons quotas for women in elected politics have simply not entered the realm of public discussion.

First, a recent study finds that a large proportion of people in the United States not only misestimate but also overestimate the percentage of women in Congress, and generally those who underestimate this figure support the goal of increasing women's representation. As female respondents are more likely than male respondents to overestimate the number of women in Congress, they are less likely to express support for mea-

tures to bring more women into political office, even though women are more favorable than men in general with regard to this goal (Sanbonmatsu 2003). Because most case studies observe that efforts to nominate more female candidates never occur without the prior mobilization of women, even when male elites are ultimately responsible for the decision to establish quotas, these results suggest that so long as women have incorrect knowledge of the extent of women's underrepresentation, they are unlikely to initiate gender quota campaigns.

Second, in many countries, opponents argue against quotas on the grounds that they privilege groups over individuals, undermine equality of opportunities, and ignore other more pressing social cleavages. All these arguments are prominent in U.S. debates over affirmative action for minorities and, indeed, have been used with great effect to remove existing provisions for underrepresented groups, particularly in higher education but also in disputes over racial redistricting (Kousser 1999). In an environment where the basic foundations of positive action are slowly eroding, any possibility of instituting quotas for women in politics appears highly doubtful, especially as many opponents are even more skeptical of quotas for women than of quotas for any other underrepresented groups (Wise 1998).

Third, as indicated, most recent quota campaigns have involved some sort of international dimension, with domestic actors drawing on emerging international norms, as well as lessons from other countries, to press for party and legislative quota reforms. Most of these cases, however, are located in the Third World and many are postconflict societies—in other words, countries where international actors have not only been active in pressing for economic liberalization, but have also become more heavily involved in electoral processes over the last 25 years. As a global hegemon, the United States has not been subject to these same international pressures, evident at least in part in the fact that the United States remains one of the few countries in the world that has not yet approved the UN's Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Even more tellingly, the U.S.-led Coalition Provisional Authority (CPA) that assumed temporary leadership in Iraq following the overthrow of Saddam Hussein rejected the idea of gender quotas in favor of more indirect ways of involving women in the political process after women from all over the country presented a list of demands to the CPA calling for a 30% quota for women in local and national elections, the cabinet, and the assembly in charge of drafting the new constitution. Although quotas were eventually adopted in Iraq, despite CPA opposition, this decision came only after further mobilization

by Iraqi women in favor of these measures (Hogan 2004). As U.S. government officials are strongly resistant to imposing gender quotas when they are setting up an entirely new political system abroad, they are even less apt to replace existing political arrangements by promoting quota adoption at home.

If quotas were nonetheless adopted in the United States, despite these various factors, questions still remain as to whether or not they could be effectively implemented. Some scholars point out, for example, the difficulties of applying quotas in first-past-the-post electoral systems, where the existence of single-member constituencies complicates the task of selecting which districts should nominate women (Htun and Jones 2002). This barrier is not absolute, however, as other studies demonstrate that quotas can have a strong impact in countries with majoritarian and mixed electoral systems (MacIvor 2003; Russell, Mackay, and McAllister 2002). A greater obstacle, rather, appears to be the system of primary elections, whereby voters select candidates and thus party control over candidate nomination is relatively weak. Indeed, the difficulties of applying quotas to primary elections is formally acknowledged in the Mexican quota legislation, which exempts parties that hold primaries from fulfilling the quota requirements. Making liberal use of this clause, the three major parties chose nearly half of their candidates this way, generally nominating fewer women across these districts than mandated by the quota law (Baldez 2004). Although these institutional arrangements are likely to frustrate attempts to implement quotas in the United States, the two major parties could take greater steps to promote female candidates by setting targets for state party organizations and encouraging women to run for political office. Presently, initiatives to increase women's representation take place largely outside the realm of the political parties through the fund-raising activities of political action committees and the organization of various types of campaign schools for prospective female candidates. Measures taken by the political parties, however, are likely to be restricted and to have limited effect, given not only the normative barriers to quota adoption but also the institutional obstacles to quota implementation.

## **Conclusions**

Patterns of quota adoption around the world, juxtaposed against trends in the United States, highlight the pivotal role of politics in opening and closing opportunities for pursuing gender quotas. Although most



research—understandably—focuses on how quotas get onto the political agenda, very little work to date has examined how quotas exit or never even reach this agenda. These questions not only are relevant to countries where efforts to institute quota policies have failed, but also shed important light on the broader challenges that quotas pose to existing political systems, as well as on the multiple and even misleading parts played by the “international” in quota campaigns. First, an increasing number of countries are now repealing quota measures on the grounds that they are unconstitutional or illegal. In most cases, courts justify these decisions by referring to existing principles of equality and representation, revealing the deep normative institutional barriers to “gendering” existing criteria of candidate selection. Second, numerous quota campaigns simply do not get off the ground because actors are not aware that quotas are supported by international commitments and have now been debated in more than a hundred countries worldwide. While this lack of awareness may lead scholars to miss the broader global and regional connections between various quota campaigns, causing them to misinterpret the origins of these policies, it enables opponents to argue convincingly that quotas do not constitute international “best practice” for elections (cf. Pires 2002). Navigating these setbacks and misconceptions will be crucial for future quota campaigns, as evidence from around the world does not support a view of “natural” change in patterns of political representation. Rather, it indicates that gender quotas appear to be the only way forward if legislatures and political parties are serious about bringing more women into political office.

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## **Are Quotas a Good Idea? The Indian Experience with Reserved Seats for Women**

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The most important feature of a quota system is that it ensures representation of the target group in a much more definitive manner than does any other method. Quotas are a form of compensation for historical injustice suffered by identifiable groups and represent evidence of society's commitment to redress that injustice. Quotas offer greater legitimacy to a political system by ensuring greater representation and by integrating marginalized groups into the mainstream. Utilitarian justifications of quotas focus on the advantages of greater representation of all sections of society as a means of facilitating their contribution to the society. Quotas indicate that underrepresentation of marginal groups is not a statement of the groups' poor performance but of the system's poor performance at creating a level playing field.

The Quota Project Website of the International Institute for Democracy and Electoral Assistance (IDEA) shows that quotas are more successful in a system of proportional representation with party lists than in first-past-the-post systems.<sup>1</sup> Some pseudo-democracies have also adopted women's quotas as a means of gaining legitimacy. For example, Pakistan's National Assembly has 60 women, who constitute 21.3% of the total. Although the parliament does not have any real powers under the military ruler General Pervez Musharraf, a parliament with a sizable presence of women is preferable to a parliament without women. The use of quotas in a parliament with little power or legitimacy may appear to lack utility, but gender quotas in such systems can nonetheless serve to prepare women for future political roles, simultaneously signaling that politics is a legitimate field for women's participation.

The most significant problem with legislated quotas is that they can be introduced or withdrawn at the will of the state. Bangladesh presents a classic case where the number of women had declined from 30 to 6 for the simple reason that the provision of quotas was not renewed. With the Constitutional Amendment in 2004 renewing this provision,

1. IDEA maintains the Quota Project, an electronic database that contains extensive information about gender quotas and reserved seats worldwide ([www.quotaproject.org](http://www.quotaproject.org)).

the number of women increased from 30 to 45, and today there are 51 women in the Lower House. Similarly, Rwanda's sudden steep rise on the chart of women's representation in parliament may appear as tokenism, but women's wider share in political power may eventually develop. The challenge is how to make this representation sustainable. Party quotas, on the other hand, exhibit the voluntary initiative and the commitment of civil society to the engendering of politics. Nordic countries resorted to political party quotas as a means of increasing women's representation in parliament. Even after some parties withdrew quotas, there was no decline in women's representation.

Women's parliamentary representation is very uneven if we consider specific regions. The Arab world has a very poor percentage of women parliamentarians. Even there, however, newly emerging countries recovering from internal conflict situations have been able to integrate women into their new systems of representation. The recent experience in Iraq vindicates this phenomenon. International intervention and international development assistance directly linked with the integration of gender concerns into reconstruction have been crucial factors behind the increase in women's political representation. During the phase of post-conflict reconstruction, many democratic processes are typically facilitated by outside intervention. During the phase of reconstruction, politics are fluid and no single group is easily able to monopolize political power. The total transformation of the ruling elite opens the gates of the political arena for those formerly deprived of political representation. Although quotas initiated as part of an international aid package or international initiative may evoke less legitimacy than do quotas adopted under more normal circumstances, the sustainability of quotas across time is yet to be tested.

I justify quotas as a means of recognizing each individual's intrinsic inalienable right to power, resources, and opportunities. Women have remained deprived of these three rights. As quotas offer instant access to political power and an access to and control over resources, they are an effective measure for rectifying this deprivation. Having said this, I would also say a word of caution. As quotas primarily aim at redistribution of power, opportunities, and resources, they have the potential for destabilizing the status quo and may generate a backlash, which could undermine the desired outcome. As the Indian experience in the postindependence period shows, quotas are a volatile measure that needs to be handled with great care.

## The Indian Experience with Reserved Seats for Women

In India, women's quotas were not written afresh on a blank slate. Various types of quotas were already inscribed on it. India has a history of more than 55 years of constitution-backed quotas for various marginalized groups. Article 15 (1) of the Constitution of India prohibits discrimination on the grounds of religion, sex, caste, and place of birth. Article 15 (3) and (4) state that nothing in this article shall prevent the state from making special provisions for women and children and for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. Article 334 provides for a reservation of seats for the Scheduled Castes and the Scheduled Tribes and the nomination of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the states. Originally intended to remain in force for only 30 years, this provision has now been extended by three constitutional amendments for 10 years each in 1980, 1989, and 2000. This suggests that quotas, if introduced, would be difficult to withdraw. However, this does not mean that the same would be true for gender quotas, nor does it imply that we should not support them. Scheduled Castes and Scheduled Tribes are assertive groups who constitute a significant voting bloc. Women, divided among various castes and races, have yet to assert their identity as a decisive constituency in politics.

In India, quotas are applicable in admission to educational institutions, in employment in the public sector, and in representation in local self-government institutions, state legislatures, and Parliament. There are proposals for quotas for Most Backward Classes among the Other Backward Classes, for employment quotas for economically backward upper castes and religious minorities, and for extending employment quotas to the private sector. All these proposals have led to a controversy. At present the ceiling on various quotas stands at 50% but there are persistent demands by various sections to raise these limits in order to claim a larger share of the pie. There is also a counterdemand from the opponents of quotas, insisting on the withdrawal of caste-based quotas. The chances of raising the ceiling beyond the existing 50% mark are rather slim. These demands have reduced the legitimacy of quotas as a measure for affirmative action. Quotas now appear more like unreasonable populist measures for gaining popularity among certain caste groups. This overloading of the quota discourse has had some negative impact on the issue of women's political quotas. Therefore, although the 73d and 74th Consti-

tutional Amendments providing a 33% quota for women in local self-government institutions were enacted unanimously, a similar provision could not be extended to the state legislatures and Parliament, although the political parties supporting parliamentary quotas have enjoyed a majority in the Indian Parliament for the last four general elections. Indian discourse on quotas is extremely polarized and politicized and is rarely discussed dispassionately on its merits. To complicate the matter further, in this society with caste-based quotas, the Census Reports of India do not report data about castes.

We need to remember this backdrop while discussing the issue of gender quotas. If we have quotas for so many deprived sections of Indian society, it is quite logical and completely justifiable to have quotas for women as well, who without doubt are a deprived section in terms of all human development indicators. Moreover, women are not as organized as other groups, like Scheduled Castes, Scheduled Tribes, and Other Backward Classes, which are qualified for quotas in education, employment and electoral representation.

In 1993, the 73d and 74th Amendments to the Constitution of India provided for a reservation of 33% of seats for women in local self-government institutions. This created more than 1 million slots for women. Both these amendment bills were passed in the Parliament unanimously *without any discussion or debate and without any demand from women's groups*. At the time of the 1996 General Elections to the XI Lok Sabha, all major national political parties committed themselves to extending similar quotas at the state and national levels. Nonetheless, the Women's Reservation Bill with this provision has been controversial for the past nine years, even as the parliamentary arithmetic has remained in favor of the political parties officially supporting this bill, in the XI, XII, XIII and XIV Lok Sabha. Note that these parties have not initiated any measures for increasing women's representation within their own ranks, nor have they nominated more female candidates for elections.

The reason behind the smooth sailing of the 73d and 74th Amendments providing women's quotas in local bodies, on the one hand, and the controversy over the Women's Reservation Bill providing quotas in state legislatures and the Lok Sabha, on the other, is that the former did not pose any direct threat to the interests of male members of Parliament and state legislatures while the latter threatens their own survival. The way women's quotas on the local level were introduced, by skipping the preparatory phase altogether, is a cause for grave concern. All political

parties and women's organizations were caught unaware as the gates of the political arena were suddenly thrown wide open to women. A space for more than 1 million elected women representatives was created all over India, when not even all the political parties combined have that many female activists. Therefore, the quota originally intended to create space for women instead created a vacuum generating a force of suction that pulled into politics all the women standing on the brim of the political arena. Many of them were political activists in their own right, while others were close relatives of shrewd male politicians who were prompt enough to step aside and push them forward. This led to the phenomenon of proxy women representatives in local bodies and made women's quotas appear as a form of state-sponsored feminism.

In the absence of a widespread debate about quotas, even after 12 years of implementation there is no consensus regarding what is to be expected from women elected through reserved seats. Some believed that women would purify politics, while others held that it would feminize corruption. Some crucial questions still remain unanswered. What is the objective of quotas: merely a sizable presence of women? Can the new recruits from reserved seats act as the agency for change, or would they end up internalizing the prevalent rules of politics? As I have said earlier, I would support gender quotas even if they did nothing else but increase the presence of women in the positions of power. Moreover, I do not subscribe to the tendency of holding women responsible for everything right from the moment they step into a seemingly powerful role. Can we legitimately expect women in reserved seats to owe a primary loyalty to the cause of women alone? But in that case, it would also mean that it would be okay if men were primarily loyal to men and Scheduled Caste representatives were primarily loyal to Scheduled Caste people. Do women alone represent women? The evidence proves the contrary. Should women primarily represent women? This would lead to their further marginalization rather than integration. How do we assess whether quotas are really leading to the empowerment of women? Can there be any role models for women representatives? Do we expect an ideal female politician to be any different from an ideal male politician? If so, then in what way? And who constitutes the "we"?

The success stories reported from all over India indicate that women's quotas in local bodies have mustered magnificent gains. The presence of 1 million is a number large enough to legitimize and assert the role of women as partners in the public sphere. Quotas work if they generate a large number of women in office. Quotas have given women activists

access to political power. There are numerous examples of wives of male representatives who were put in office, but their number is gradually decreasing. Moreover, during the course of their tenure, these wives have been learning to shed their identity as a proxy for their husbands and are beginning to assert themselves. Many women from deprived sections in the community have been elected through quotas and have done a great job during their five-year term. Some have become role models for other female representatives. Especially in rural India, the presence of so many elected women has increased the self-esteem, confidence, and motivation of women in general. With the quotas in local government, a woman is now a mayor or a chairperson of a village council. She hoists the national flag on Independence Day and is saluted by everyone present at the occasion. This has brought about a dramatic qualitative change in the self-esteem of the average woman. This change is intangible and unquantifiable, but nevertheless it is very much there. Female representatives have led to antiaddiction campaigns, turning towns into liquor-free zones. Although the quotas have been supported by women's movement activists and academic women, there is still a deficit of input from these two critical actors. If there was enough input from the women's movement and from female academics, this critical mass might soon lead to critical acts. The election of women through quotas has initiated the process of empowerment in the political sphere that could spread to other spheres, too. It has started a process of challenging the patriarchal hierarchy in the private as well as public sphere. Now it is not uncommon to find a female municipal councilor whose husband or father-in-law serves under her as a teacher or clerk in the municipal school. This has considerably changed the status of female representatives in their family.

Some supplementary measures would make quotas more effective. Political parties should provide similar quotas for women at every level and in every wing and every decision-making body of the party organization. This would widen the pool of eligible women candidates, reduce the percentage of proxies, and improve the efficacy of women's participation. Gender sensitization of men would help them realize that there cannot be true liberation of men until women experience liberty. Political education of the electors, in addition to the availability of eligible candidates, is likely to reduce the number of proxy women. Capacity building of women as representatives and potential candidates may be organized by professional training institutes or even universities on a mass scale.



## Should the United States Consider a Gender Quota?

Although an answer to the question of whether remaining countries should also adopt quotas for women cannot be generalized with a yes or no, under no circumstances should any country skip the preparatory phase prior to the introduction of quotas. The U.S. context is peculiar. While men's rights are guaranteed by specific language in the Constitution, women's rights to life, liberty, and the pursuit of happiness are secured only at the whim of Congress or state legislatures and the courts. The National Council of Women's Organizations has made a cogent argument emphasizing the need for an Equal Rights Amendment (ERA). The first and still the only right that the U.S. Constitution specifically affirms as equal for women and men is the right to vote. Even the 14th Amendment of 1868 guaranteeing all persons the right to equal protection under the law used the word "male citizens" and clearly excluded women in determining states' representation in Congress.

The United States remains the only developed democracy that has not ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The ERA, proposed by the Congress in 1972, fell three states short of reaching the required 38 states necessary for ratification. Currently there is a renewed ERA initiative in the 109th Congress. If proposed and ratified, the ERA would ensure that equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex. It would also empower the U.S. Congress to enforce its provisions by appropriate legislation.

The fact sheet compiled for the new ERA initiative in the 109th Congress shows a gender wage gap in 2004, where women earned only 76% of what men earned. Only 9% of board members of media and high-tech firms were women; only 3% of executives from media, telecom, and e-companies were women. Women-owned firms get only 2% of all venture capital investment. Only 4% of the highest-ranking corporate officers are women. Less than 3% of federal contracts go to women-owned firms. Discrimination throughout the life cycle makes older women more vulnerable to poverty; the poverty rate of older women is nearly twice as high as that of older men. Nearly one in every seven women over 75 years of age is poor. The pension gap is even larger than the earnings gap. Retired women are only half as likely as men to receive any kind of pension.

The Dingell-Maloney Report of 2002 titled "A New Look at the Glass Ceiling: Where are the Women?" offered evidence that the "glass ceil-

ing” in the management ranks of U.S. companies is hardening, not shattering. The report revealed that in seven of the 10 industries studied, full-time women managers earned less than their male counterparts and that the earnings gap between full-time female and male managers actually widened between 1995 and 2000. Only in five of the 10 industries studied did women hold a share of management jobs proportional to their share of the industry workforce. And where women do hold “management titles,” the positions are often in less-strategic, lower-paying areas of the company’s operations.

Passing the ERA would help set the tone for equality in the workplace by writing into the Constitution what most Americans strongly believe: that equal rights under the law shall not be denied or abridged on account of sex. Ironically, in the absence of an ERA, though discrimination against women cannot be treated as unconstitutional, any positive discrimination in their favor can be easily dismissed as unconstitutional. This has been reinforced by the 2003 Supreme Court judgment on the policy of the University of Michigan’s undergraduate program regarding affirmative action in admissions. Although it confirmed that minority applications may be given an edge in admissions, it ruled that the system devised to diversify the composition of the student body was unconstitutional “because it was similar to a quota system.” This leaves us in no doubt that without the ERA and CEDAW, any quota for women will also be treated as unconstitutional.

There is still some good news. Even without quotas, women in the United States have reached 15.6% in the House and 14% in the Senate. In 10 states, more than 30% of state legislators are women. Women’s lowest representation is in South Carolina, at 8.8%, but this is still higher than the percentage of women in the Indian Parliament, where even the highest percentage has never touched the mark of 9%. Moreover, the number of women in the XIV Lok Sabha has dropped to 45 from 49 in the XIII Lok Sabha.

Party quotas will not be very relevant in the United States because party organizations have a limited role in the process of recruitment to state legislatures and Congress. Individual representatives are more important here than in a parliamentary democracy. In parliamentary democracies, the institution of political parties is much stronger and has the ability to promote or inhibit women’s entry into parliament; therefore, a lot depends on a proactive role of political parties. In India, fragmentation of the polity in recent years has led to the emergence of coalition politics that has reduced each party’s share in pre-poll alli-

ances. In the rat race for the few crumbs, women get marginalized even further. So in a quota-ridden society like India's, women's quotas seem to be a natural remedy.

The situation of U.S. women is quite different on several accounts. Although worldwide, women are less likely to hold an economic portfolio, to be minister of defense, or to be their country's top foreign affairs representative, the United States boasts two female secretaries of state, Madeline Albright and Condoleezza Rice, representing each major political party. Secretary Rice's case is unique in that she is the first African-American woman to occupy such a high post.

In the United States, strong organic linkages exist among the women's movement, female academics, and female elected representatives. There is tremendous initiative on the part of women's groups and academic institutions in regard to women's political participation. There are several examples of local-, state- and national-level initiatives to strengthen and sustain women in politics. Academic institutions, like the Women and Politics Institute at American University and the Center for American Women and Politics at Rutgers University, provide training and on-line resources and conduct research to advance women's participation in public life. EMILY's List, the WISH List, the Women's Campaign Fund, the National Women's Political Caucus, the National Council of Women's Organizations, the Women's Appointments Project, the White House Project, the Women's Campaign School, the Women's Voting Guide, and a number of similar partisan, nonpartisan, and multiparty initiatives are striving for women's political empowerment. In India, such links are conspicuously absent even today, despite 12 years of implementation of women's quotas in local governments and some nine years of controversy over the Women's Reservation Bill.

If the United States makes any headway in passing an ERA and ratifying CEDAW, it will resolve many issues for women. Thanks to the long tradition of generations of the women's movement in the United States, women's work participation is high. Women have already entered many occupations traditionally associated with men alone. Only their fair share in positions of power is yet to be ensured. Guarantees of equal opportunities, equal pay, and protection from violence will ensure women's better access to and greater control over resources. This will create a level playing field, which may eventually translate into higher political representation.

An ERA would constitute a precondition for women's quotas. Given that, even without the ERA, the number of women serving in U.S. state

legislatures has increased more than fourfold since 1971, I would go to the extent of saying that within 10 years of an ERA implementation, U.S. women will be in a position to attain the critical mass of 30% to 33% in the field of politics. If they do not succeed, then it will be a strong case for pleading for women's quotas.

Quotas per se are not enough for the sustained effective participation of women in politics. Some supplementary measures are essential for making quotas a viable proposition. These measures would go a long way in maintaining the high proportion of women even after quotas are withdrawn. Preparations before implementing quotas should aim at capacity building for women and attitudinal change on the part of men. Transformation at the institutional level is easier to achieve, but we need effective measures to bring about a similar transformation at the personal level, a concrete attitudinal change in individuals. Women's entry into the public sphere should be supplemented by a corresponding involvement of men in the private sphere and in occupations not traditionally frequented by men. This would lead to a redefinition of gender roles. There needs to be a scaling down of expectations associated with a demanding and confining notion that perceives women primarily as housewives. Women-friendly party organizations and parliaments, and a tradition of women (and men) mentoring women, are some ways of ensuring the sustainability of women's representation. Politics must become a coveted profession for women and men alike. We need a culture where it will be possible to evolve woman-friendly politics that will take cognizance of women's gender-specific needs in a patriarchal system.