

Gender Quotas: Towards an Improved Democracy

Written by Eszter Solyom

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It is often assumed that as societies develop, gender representation in politics would come closer to parity over time. However, the empirical evidence suggests that this is not so straightforward. As of February 2019, women constituted only 24.3% of all national parliamentarians, which is a slow increase from 11.3% in 1995 (UN Women, 2019). The underrepresentation of women in parliaments is often understood as a result of structural gender inequalities, and quotas have been increasingly put in place to try to level the playing field and help women overcome these hurdles (Murray, 2014). According to Krook and Zetterberg (2014: 1), electoral gender quotas are one of the most “critical political reforms of the last two decades, having now been introduced in more than 130 countries worldwide”, in one form or another. However, are gender quotas successful in improving the quality of democracy? This essay will attempt to answer this question by examining two aspects. Firstly, does a proportionate representation of the genders in parliament necessarily lead to an “improved democracy”? In other words, is the descriptive representation of women important, either in and of itself or as a means to achieve better substantive representation of women’s interests? Secondly, are gender quotas the appropriate way of achieving greater representation of women? Do quotas actually work?

Problems with the underrepresentation of women

Studies indicate that “while women may not want more women representatives, they continue to need them” (Campbell, Childs and Lovenduski, 2009: 194). The importance of descriptive or symbolic representation of women in and of itself is well documented. According to Murray (2014), a greater gender balance in politics increases women’s engagement and participation and leads to a gender balance in levels of political knowledge. On the other hand, when people don’t recognize themselves within the political institutions which claim to represent them, they may experience a sense of political alienation and disengage from the political process altogether. Unrepresentative legislatures contribute to “declining levels of voter turnout, public disenchantment with politics, and a desire for change and political renewal” (Murray, 2014: 524). Furthermore, Murray (2014) argues that the overrepresentation of any group is a problem for democracy, because the selection of people from a restricted talent pool compromises the quality of representation for everyone. If we assume that talent is distributed fairly randomly across the population, then around half of the best possible legislators will be women. Restricting the talent pool of legislators only to men means we lose half of the best people for the job. Restricting the pool even further to only men with privileged, ethnic-majority backgrounds, as is the case in most legislatures today, removes many of the top candidates from contention, leading to an inefficient use of overall available talent and an inferior quality of representation (Murray, 2014).

Symbolic representation is also important because at least in some cases it results in the improved representation of women’s needs and interests. It must be stated that being a woman is not a guarantee, nor a pre-requisite to represent women’s concerns. In fact, not all women parliamentarians seek to promote women’s issues, while some men do (Celis *et al*, 2008). At the same time, in cases regarding gender and race, legislators who are members of the affected group respond to issues faced by that group with greater concern than non-members. Mansbridge (2005) claims that female legislators pay greater attention than their male counterparts to issues such as education and women’s rights. Furthermore, while simple roll-call votes are generally informed by a legislator’s party affiliation and not gender, there is a more pronounced difference between female and male legislators’ interests regarding issues that absorb a representative’s great deal of time and energy, such as committee memberships and sponsoring legislation (Mansbridge, 2005). As Mansbridge (2005: 625) puts it, “descriptive representatives from groups

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particularly affected by particular issues tend to care more about those issues, put their time in on them, and struggle to bring them to the legislative fore.” Barnes (2012) also found that men and women exhibit different legislative preferences, based on female and male representatives’ cosponsorship behaviour in Argentinian provincial legislative chambers. These gender differences imply that the disparity in the descriptive representation of men and women is highly problematic for the representation of women’s interest. Studies also suggest that the descriptive presence of women in legislatures increase the odds of issues affecting them being debated by policy-makers (Mansbridge, 2005; Kittilson, 2005), and that female representatives bring perspectives into policy debates that would otherwise be invisibilised (Franceschet and Piscopo, 2008; Murray, 2014).

While the link between descriptive and substantive representation is convincing, it is not in all cases straightforward or unproblematic. One problematic outcome of quotas is that they may create a “mandate effect”, whereby female legislators experience an obligation or expectation to act on behalf of women (Franceschet and Piscopo, 2008). Moreover, some arguments in favour of quotas emphasise not gender equality and fairness, but rather stress the special contribution of women, an added value without which the democratic process is incomplete. Murray (2014) suggests that this understanding of women’s participation in politics leaves female representatives with a “triple whammy”: they are constantly expected to prove their worth by fitting male-oriented criteria, as well as demonstrate that they provide distinct added value, and yet still be perceived as inferior to male colleagues. Expecting female parliamentarians to represent women’s interests is also problematic as it essentialises women and misleadingly constructs “women” as a homogenous group, ignoring women’s multiple identities (Mansbridge, 2005; Dahlerup and Freidenvall, 2005). Elected women will not represent the full diversity of women, but rather result in the suppression of difference among the many (Mansbridge, 2005). Furthermore, Dahlerup and Freidenvall (2005) argue that in particular cases gender quotas may mean that illiterate women are placed into positions “from above”, who are then without massive support or capacity building become relatively powerless tokens. One example for this is the 33% female quota for local councils in Bangladesh and Pakistan, which has led to the election and tokenization of thousands of non-educated women. It is evident that descriptive representation does not necessarily mean substantive representation for women, especially not all women equally. However, keeping the shortcomings in mind, this essay argues that the disadvantages of underrepresentation of women outweigh the problems associated with increasing female representation via quotas, and that a more proportionate representation is necessary to improve democracy – both to improve the quality of representation by recruiting from the widest possible talent pool, and to improve women’s substantive representation. Next, I will consider whether or not quotas are the most appropriate tool to achieve this proportionate representation.

Do quotas work?

Gender quotas are being introduced in more and more countries all over the world. Nevertheless, they remain highly controversial. There is mixed evidence on whether or not quotas are successful in increasing female representation in politics. Certainly, some Scandinavian countries have achieved high levels of female representation without adopting quotas, or with only voluntary party quotas in place. This Scandinavian model is referred to as the “incremental track”, whereas quotas represent the “fast track” (Dahlerup and Freidenvall, 2005). In the Scandinavian model, women first achieved a strong power base, and used quotas only to consolidate this power. However, many would argue that this process was timely, and women are becoming impatient. A fast track approach may be more appropriate, and quotas are necessary to achieve jumps in women’s representation (Dahlerup and Freidenvall, 2005). Do gender quotas work? In short, it depends. Gender quotas are not one, singular type of policy – a wide variety of them exist, and their success greatly depends on how they are implemented. Quotas can be legal quotas (codified either in electoral law or in the constitution) or party quotas, adopted by parties voluntarily. There are quotas as reserved seats that guarantee a number of seats in parliament for women, or they can be candidate quotas, that require a percentage of women on the candidate lists of parties (Dahlerup, 2007; Dahlerup and Freidenvall, 2005). Based on the wording, quotas may be woman-based or gender neutral (Dahlerup and Freidenvall, 2005), however, Murray (2014) argues that even when quotas are phrased in a gender neutral way, they are implicitly target women as that is the underrepresented group. To avoid upholding the status quo of men being the default in politics, and constructing women as “other”, Murray (2014) suggests ceiling quotas for men. In the following, unless otherwise specified, legal candidate quotas will be considered.

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Understanding that quotas are highly diverse in their design, their success also depends on implementation. Two factors are crucial for the successful implementation of quotas: the specifications of the quota provisions including the ranking of candidates on candidate lists, and the enforcement mechanisms in place, or the sanctions for non-compliance with the quota requirement (Dahlerup and Freidenvall, 2005). Rules on ranking the candidates are essential, because even quotas with a high minimum requirement such as 50-50% may be circumvented by placing female candidates at unwinnable positions on the list. Placement mandates, or double quotas are sometimes used to prevent this from happening and require parties to place female candidates at winnable positions. For example, the 1999 quota law of Costa Rica requires that women not only make up 40% of all candidates, but they take 40% of the winnable places on parties' lists. Similarly, Argentina has a placement mandate in place that guarantees women at least one seat when two to four are available, at least two when five to eight are available, and so on (Dahlerup and Freidenvall, 2005). The most radical rank-order system is the so-called zipper system, when male and female candidates alternate on the list (Delgado-Márquez *et al*, 2014). A zipper system was voluntarily adopted by the Swedish Social Democratic Party: two separate lists are created, one with the male and one with the female candidates. The two lists are then combined. This system eliminates inter-sex competition, apart from for the position at the first place on the list (Dahlerup, 2007). 50-50% quotas such as this have the added benefit of eliminating the stigmatization of quota women. Arguing that a woman is "only elected because she is a woman" becomes irrelevant, since both men and women were selected according to a quota (Dahlerup and Freidenvall, 2005).

Enforcement mechanisms and sanctions for non-compliance are also essential for the success of quotas. Sojo *et al* (2016) found that countries that had stronger goal enforcement had higher female representation in parliaments than countries where non-compliant parties faced no sanctions. Enforcement mechanisms vary across countries, from no sanctions to the most efficient: the rejection of party lists by the electoral commission (Dahlerup and Freidenvall, 2005). The differences in enforcement of quotas – no, weak, or strong enforcement – leads to varying levels of women's representation (Schwindt-Bayer, 2009). Unfortunately, parties are keen to exploit loopholes in a quota regulation when possible, which may account for the failure of quotas in certain cases. For example, the first post-quota national elections in France in 2002 caused a lot of disappointment as women only received 12% of the seats of the French National Assembly, even though the French policy required the nomination of equal proportion of men and women. This was due to the lack of enforcement of the policy: on the national level, only financial penalties applied to non-compliant parties, and many of them chose to pay the fine rather than comply with the quota (Kittilson, 2005). The design of quota laws then have a significant effect on the election of women: stronger quotas (with weak to strong enforcement and placement mandates) led to almost three times as many women getting elected to office than weaker quotas (no enforcement, no placement mandates) (Schwindt-Bayer, 2009).

Ranking of candidates and enforcement mechanisms, although crucial, are not the only aspect of quota success. Quota size, or the minimum requirement of female candidates, varies widely between 5% in Nepal and 50% in South Korea or France (Schwindt-Bayer, 2009). Although quota size and actual representation achieved don't have a one-to-one relationship, Sojo *et al* (2016) argue that the level of representation achieved is directly related to the level of the goal set by a quota: the higher the quota, the higher the representation of women, even without additional conditions. Dahlerup (2007) considers "quota regimes", or the combination of quotas and electoral systems in place, claiming that quota systems which do not match the electoral systems of a country tend to be symbolic. Electoral systems such as the single member constituency system don't lend themselves to quota provisions so easily, however there are some ambitious attempts at overcoming this, such as the "twinning" of constituencies in Scotland, or the reserved seats with women-only ballot in Uganda (Dahlerup, 2008).

The effectiveness of quotas is not guaranteed, and definitely not all quotas are created equal. However, scholars have confirmed that under specific circumstances quotas do work. They are, when implemented correctly, an effective tool to increase women's representation in parliaments. As Kittilson (2005: 644) put it, "gender quotas represent practical means for achieving the democratic ideal of inclusion". Even so, quotas remain highly controversial. Below I will consider some of the common criticism that gender quotas elicit and attempt to challenge them.

Critiques of gender quotas

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Even though quotas are increasingly used worldwide to achieve historic jumps in the representation of women, they remain highly controversial and subject to public debates. Anti-quota arguments often cite the inferiority of “quota women” compared to non-quota representatives, who are “only selected for being woman” and take up the places of more qualified men. However, research conducted by Allen *et al* (2016) based on a case study of British general elections in 1997 debunks these claims and demonstrates that quota women are not discriminated against by voters, are as equally qualified for office as their colleagues, and are not perceived negatively by gatekeepers to executive-level positions.

Quotas may also be considered unfair and discriminative against men, if one's understanding of equality is informed by the classic liberal notion of equality of opportunity – making it difficult to advocate for gender quotas in countries with liberal, individualistic models of citizenship and a strong belief in equality of opportunity as opposed to equality of result, such as the USA. The implementation of quotas means a shift towards equality of result. Those in favour of quotas would argue that setting up targets or goals such as gender balance in political institutions is essential. Because of historic and contemporary discrimination against women we don't have a level playing field, and the chances are never really equal for women – affirmative action is needed to compensate for structural barriers that are maintaining the underrepresentation of women (Dahlerup 2007).

Another popular argument against improving women's representation via legislation is that there are not enough qualified and/or willing female candidates (Gray, 2003). However, supply-side or opportunity enhancing strategies such as targeted development, mentoring, and networking for women, have been often used by countries to improve female representation, based on the logic that a greater supply of job-ready women would lead to a more equal gender representation both in government bodies and business organizations. According to Sojo *et al* (2016), unfortunately this approach did not deliver the expected results. The failure of supply-side strategies to improve women's representation indicates that it is not a lack of qualified and willing women candidates that upholds the underrepresentation of women, and demand-side strategies, most commonly quotas need to be used to overcome prejudice and discrimination against women. Quotas are also beneficial as they require parties to scrutinise their own male-dominated gender profile and discriminatory recruitment practices and force them to do a better job of search for and recruit women who share their political conviction (Dahlerup and Freidenvall, 2005).

The most convincing argument against quotas is offered by feminists scholars who warn of the dangers of essentialism. Essentialism refers to the belief that there is some essence of womanness or femininity that members of the group possess but that is inaccessible to non-members, reinforcing group stereotypes. Humans tend to judge members of their in-group as more alike than they really are, and members of the out-group as more different than they really are (Turner, 1987, cited by Mansbridge, 2005). Quotas rigidify multiple and flexible identities, as well as tend to reinforce essentialist beliefs by suggesting that “for essentialist reasons, only women can represent women” (Mansbridge, 2005: 631). Some advocates even make the essentialist argument that the polity would benefit from more women legislators due to women's innate tendency to be more honest, caring, cooperative, or peaceful. Not only is this argument believed by many, but this line of reasoning carries more weight with the general public. Mansbridge (2005) suggests countering the danger of essentialism by emphasizing explicitly only the deep historical and structural biases and the prejudice of voters when arguing for quota provisions. With the danger of essentialism in mind, quotas still should not be completely abandoned, however there should be a discursive shift in how they are constructed: they should be framed as a practical and hopefully temporary response to historic discrimination, not a perpetually necessary solution to essential differences (Mansbridge, 2005). It is also worth noting that the scholarly literature and political discourse around quotas both uphold the gender binary by operating with categorisations of “men” and “women” and considering non-traditional gender identities as “statistically insignificant”. While this might be considered fairly unproblematic for the purpose of the quota debates, we should keep in mind who may be invisibilised in the process.

Conclusion

In this essay I have attempted to examine how gender quotas may improve the overall quality of democracy by investigating two dimensions of the question.

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Firstly, it is well documented that women across the globe are underrepresented in political institutions. However, why is this a problem? Would gender equal representation improve democracy? Indeed, proportionate representation of women in politics would improve democracy in two ways. In and of itself, overrepresentation of any group was found to be undermining the legitimacy of institutions, as it narrows the talent pool for the recruitment of candidates, thus eliminates a majority of the best people for the job and limits competition. Therefore, improving the underrepresentation of women is a question of improving the quality of representation for everyone. Moreover, although there is mixed conclusions on whether or not descriptive representation of women translates directly into substantive representation, there is still overwhelming evidence that female representatives are necessary for women: they are more likely to be mobilized for women's concerns, and their presence increases the chance of women's issues to be discussed. The presence of women in legislatures also encourages female voters to remain engaged with politics. Therefore, gender equal representation would mean a better democracy.

Secondly, having justified the need to improve women's representation, I considered whether quotas are an effective way to achieve that goal. Studies have found that quotas are in fact effective in improving female representation, but only when implemented correctly. Strong quotas, with strong enforcement mechanisms and sanctions for non-compliance, that also regulate ranking of candidates by placement mandates, are successful in improving the percentage of women elected – thus improving the overall quality of democracy. Quotas without enforcement mechanisms and placement mandates, however, will not achieve their purpose as parties are keen to circumvent weak quota regulations. Strong quotas are then an effective tool to achieve gender equal representation in order to improve democracy.

Finally, I considered and – hopefully – deconstructed some of the common criticisms regarding gender quotas, such as that quota women are inferior to non-quota representatives (studies don't indicate this would be true); that gender quotas are unfair or discriminative towards men (in reality the chances are never equal for women and men and quotas merely compensate for structural barriers faced by women); or that there are not enough qualified women to fill quotas (yes there are, or else supply-side strategies would have been better at improving representation, parties need to be better at recruiting them). A valid critique in the case against quotas is essentialism – however, this may be avoided by rethinking how we discursively construct quotas. Proponents of quota provisions should emphasise the historical and structural discrimination that quotas compensate and avoid framing quotas as necessary solutions to essential differences between the sexes.

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