

Gender Quotas: The Right Idea for Argentina, a Good Idea for Latin America

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Abstract

The recent election cycles of Latin American parliaments have seen increased women's representation in some states and a stalemate or even reduction in others. Argentina consistently has among the highest legislative representation for women in the world. Under what conditions do women achieve high rates of legislative representation? I will approach this question by assessing the leading theories, using comparative regional data, and analyzing the successful implementation of the Ley de Cupos in Argentina. I argue that the closed-list proportional representation system in which the Argentine enforced quota structure exists is the most effective condition for women to obtain a high percentage of legislative positions.

Introduction

Laura Chinchilla's recent victory in the Costa Rican presidential election marks the fifth woman elected to executive office in Latin American history. This caught the world's attention as an assertion of the great strides women have made in a region where some women did not obtain suffrage until 1967 (IPU 2005). Although some states are doing well in increasing female representation in government, others have done and continue to do poorly. Under what conditions do women attain high levels of legislative representation? Finding the answer to this question can help create domestic policies with the goal of creating substantial improvement in women's legislative representation.

Female participation in government tripled in Latin America between the years of 1990 and 2007, despite the drastic underrepresentation of women in some states (Htun 2005, 113). Argentina is the leader among Latin American states for female representation and will serve as the case study in this paper to identify positive factors and conditions for progress. I assert that an enforced quota system within a closed-list proportional representation electoral structure is the best condition to foster female participation.

It is important to note here that this is not an evaluation of substantive representation; I am looking purely at descriptive representation of the number of women in legislative positions. Substantive representation may be defined as “advocating the interest and issues of a group; for women, ensure that politicians speak for and act to support women’s issues” (Paxton and Hughes 2007, 375). Previous research, particularly the work by Arturo Vega and Juanita M. Firestone (1995), has concluded, however, that when women are in legislatures, they tend to introduce more women-related legislation. This would include bills with a health, youth, and reproductive rights focus.

The literature has predominantly focused on the type of electoral system and the use of quotas without addressing the importance of enforcement mechanisms. The intellectual contribution of this paper is the focus on sub-quota level changes, particularly enforcement mechanisms that make quotas effective. I will review competing theories, analyze comparative data, present a case study of Argentina, and conclude by discussing some of the lessons learned.

Literature Review

The three leading approaches that identify conditions for women’s representation rates are political, socioeconomic, and cultural factors. Wilma Rule has characterized these theories collectively as “narrow gender roles, restrictive religious doctrines, unequal laws and education, discriminatory socioeconomic conditions, male-biased party leaders or other political elites and some voters, and ‘women-unfriendly’ election systems. [Such barriers are] typically interrelated and mutually reinforcing” (1994, 26). Here, I will unpack these political, socioeconomic, and cultural factors and analyze quota systems to identify the specific conditions created by each that hamper or promote female representation in legislatures.

Political Conditions: Democracy

The political culture of a state can have a significant impact on female participation in legislatures, while political ideology has been offered as one determinate factor for the likelihood that a woman would be listed on a party’s electoral ticket. Pippa Norris (1993) has argued that in terms of “candidate recruitment social democrat and green parties are far more likely to believe intervention in the recruitment process is necessary and appropriate” and that women’s participation will increase as a result of that intervention (320). It is important to note, as Miki Caul has, that the “left/right ideological continuum may be too simple to capture how ideology affects women’s representation” (2010, 160). States with strong green and center-left parties do not necessarily have more women elected, as seen in Bolivia’s case. Although one of the most politically left of the Latin American states, it has lower female representation than Mexico, which is considered more politically centrist (IPU 2010). However, “it is not sufficient to have a democratic system, or even a democratic tradition, to guarantee better opportunities for women” because there are many examples of states that have democratic systems with underrepresentation of women (Preschard 2002, 5).

Political Conditions: Electoral Systems

Political institutions, specifically electoral systems, may also hold significant influence. Electoral systems are the rules by which votes are cast and translated

into seats in the legislature. The main types of electoral systems are proportional representation (PR), single member district plurality (SMD), and mixed systems. Andrew Reynolds (1999) notes that “electoral systems have most often been cited as the key determining factor in the number of women elected to legislative office” (554). In PR systems, multimember districts are utilized, voters cast their ballots for parties rather than candidates, and seats in the legislature are distributed according to the percentage of the vote each party receives. The use of PR and multimember districts is “better for women because they can get on a party’s ballot without displacing a male” (Paxton and Hughes 2007, 139). In an SMD system, like that used in the United States, when women have to compete against men to become candidates, women are often disadvantaged because “parties are more reluctant to field a woman as their only candidate for a particular seat” (Tinker 2007, 1). Reynolds concludes that list-proportional representation is the most “women-friendly” electoral system. In PR systems, the party’s candidate list can be open to voters or closed. Closed-list is a type of PR in which parties create lists of candidates and voters have no influence on the order in which candidates on the party’s ballot are elected. Open party lists give the constituency at least some influence on the order of candidates elected (Paxton and Hughes 2007, 141). In a closed-list system, the order of candidates on the list is determined internally by the party. In this way, if the party places female candidates in high positions on the list, those women will have a greater likelihood of gaining a seat. In an open-list system, voters rank the candidate list, which is often less favorable to women (Preschard 2002). Therefore, a closed-list PR system in which a political party supports gender diversity would have a positive impact on electing women to office.

Socioeconomic Conditions

Another theory suggests that states with low socioeconomic development particularly harm a woman’s chances of being voted into office. As Reynolds (1999) notes, “most politicians, male and female, come from a pool of citizens who are highly educated, have professional jobs, and have access to the resources of public life” (550). Therefore, if the gender disparity between literacy and college graduation rates is high, women will be at a disadvantage in their pursuit for office. It follows that the more developed a state is, the more likely female candidates will emerge. Reynolds (1999) concludes that “when the dominant social culture precludes young women from enjoying a full education and socializes them from birth into roles that are removed from the world of public decision making, then the pool of likely women politicians is substantially reduced” (550). This, however, does not suggest that women will be elected, just that there would be more potential female candidates.

Cultural Conditions

Cultural factors—related to socioeconomic factors—often limit a woman’s ability to run for and win office. Among these factors, patriarchal societies and narrow gender roles, religious inclinations of the state, and the presence of female activists are specifically associated with considerations for a woman’s successful bid for office. Patriarchy, the dominance of men in a family or society, is “imbued with some degree of cultural negativity toward the presence of women in high political office” (Reynolds 1999, 550). In general, cultures that have unfriendly gender norms for women tend

not to elect many women to office (Baldez 1997). As stated by Jacqueline Preschard, “societies more open to gender equity in the social, cultural and educational realms are better positioned for women to be able to compete effectively to accede to public office, in both the legislative and executive branches” (2002, 5). States with dominant religious institutions that promote patriarchy tend to translate that gender norm into low rates of legislative representation for women. Therefore, “in the countries with a tradition of separation between church and state, such as Mexico, Costa Rica, and Cuba, there is greater recognition of women’s right to participation on an equal footing” (Preschard 2002, 5).

The presence of female activists is a positive factor for female representation. As noted by Caul, “women’s participation inside the party as party activists at the local level, as organizers of the intraparty women’s groups, and as internal officeholders should buoy women’s power in the party. This power should increase women’s opportunities and resources to lobby for further support of women as candidates for parliament” (2010, 160). Having women rallying together can create a strong base of support for candidates and bring attention to political parties and the government about the underrepresentation of women. In the United States, women’s groups such as Emerge and EMILY’s List actively seek out and promote women candidates while working with specific political parties.

Legislative Quotas

Quota systems are an affirmative action program that establishes place regulations in order for women to have a better chance of obtaining office. Legislative quotas require political parties to include a specific percentage of female candidates on ballots in order for ballots to be recognized for elections (Tinker 2007, 4). Pamela Paxton and Melanie Hughes (2007) note that “several governments and parties have adopted what can be termed double quotas, which combine a traditional quota with rules about the order of male and female candidates on electoral lists, called placement mandates” (160). Placement mandates are an attempt to address parties that put women on the ballot primarily in races they are not likely to win or in alternative and vice-presidential positions that will not result in many women elected, if any. Drude Dahlerup and Lenita Freidenvall argue that “quota provisions, properly implemented, do obstruct and overcome some of the most crucial barriers for women’s equal political representation” (2003, 13). Quota systems, properly enforced by the state, create the best condition for women to gain representation in legislatures. Sanctions for noncompliance with quotas and placement mandates can vary. Paxton and Hughes contend that “the most effective sanctions require that the electoral commission reject electoral lists that fail to comply with quota regulations whereas monetary sanctions are often less successful at motivating compliance” (2007, 163). Therefore, I argue that this condition, above all others, is the most determining factor for women’s participation rates in Latin America. Districts that have quotas with strong enforcement have often seen female representation more than double (Dahlerup and Freidenvall 2005).

Next, an introduction of comparative representation rates and quota systems of Latin American states will demonstrate this claim. A case study of Argentina, a state in which women have excelled in leadership roles in a relatively short amount of time because of the implementation of quota laws, follows.

Comparative Data: Latin America

Stark differences exist in female legislative representation rates among the states of Latin America (IPU 2010). States such as Argentina, Ecuador, and Costa Rica have all substantially increased female participation in the past 10 years while Paraguay and Brazil have not.

Table 1. The results of quotas in Latin America

Country	Legislative Body	% Women (Before Law)	% Women (After Law)	Change (%)
Argentina	Chamber	6	34	+28
	Senate	3	33	+30
Bolivia	Chamber	11	19	+8
	Senate	4	15	+9
Brazil	Chamber	7	9	+2
Costa Rica	Unicameral	14	35	+21
Dominican Republic	Chamber	12	17	+5
Ecuador	Unicameral	4	16	+12
Mexico	Chamber	17	23	+6
	Senate	15	16	+1
Panama	Unicameral	8	17	+9
Paraguay	Chamber	3	10	+7
	Senate	11	9	- 2
Peru	Unicameral	11	18	+7
Average		9	19	+10

Source: Htun (2005)

Although most states have quota systems in place, the legitimacy of these quotas depends on the government's ability and willingness to enforce them. As evidenced by table 1, although the average increase in quota representation was 10 percent, some states did poorly in comparison to others. Paraguay even lost women's seats in the Senate.

In Brazil, although an electoral quota is mandated by law, women still make up less than 10 percent of those elected to the legislative chamber. The law states that parties must reserve 30 percent of candidate slots for women but does not require that parties actually fill these slots (Araújo 2003, 9). Mala N. Htun explains that "since parties may postulate 50 percent more candidates than seats being contested in a district, a party may, in practice, field a full slate without including any women" (2005, 118).

Another state that has not had significant returns on quota implementation is the Dominican Republic. In the late 1990s the Dominican Republic first implemented quota systems and continued to edit the law until 2004. Although an initial jump in representation was achieved, a change to the law in 2004 hampered its effectiveness because "electoral law changes at that time both reduced the magnitude of larger electoral districts and changed elections from closed list to open list proportional representation" (Kelly 2006, 9).

As evident in both the cases of Brazil and the Dominican Republic, the specifics of the law greatly determine its overall effectiveness. Quotas work best in closed-list PR

systems where the law contains an enforced placement mandate for female candidates. The Argentinean Ley de Cupos, or quota law, has institutionalized change for women and made Argentina a pioneer in gender parity among Latin American states.

Case Study

Argentina’s female representation rate in the 1980s was dismal. With less than five percent of the legislature occupied by women, the national government recognized the need for action. A move for “parity democracy” by feminists helped push a 30 percent quota system, which was passed in 1991, resulting in Argentina becoming the first Latin American state to adopt an electoral quota law known as the Ley de Cupos (Carrió 2005). As explained by Mark P. Jones, “the use of a gender quota law is found to have had a significant positive impact on the percentage of women elected to the Argentine legislature” (1998, 19). As of April 2010, women currently occupy 39 percent of the combined Argentinean legislature, nearly one-third more than is mandated by the quota system (IPU 2010). The success that Argentina has achieved was not immediate.

Table 2. Number of women in legislators in both chambers, 1983–2003

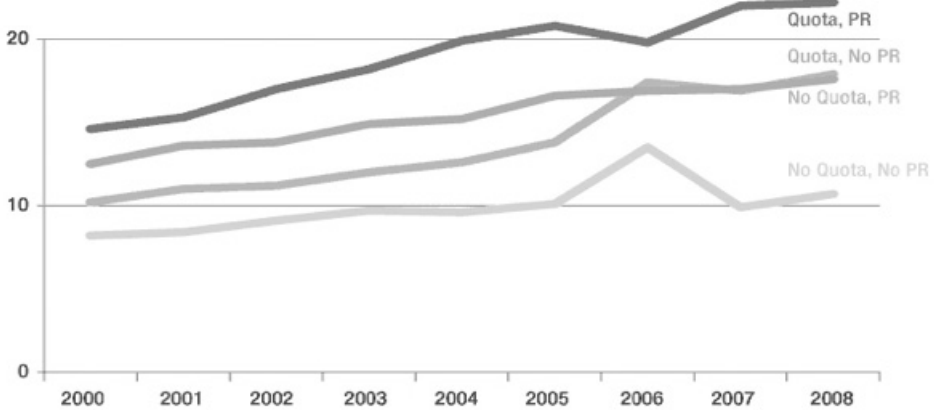
Year	1983			1993			1995			2003		
Chamber	Women	Total	%	Women	Total	%	Women	Total	%	Women	Total	%
Deputies	12	255	4.71	36	257	14.0	71	257	27.6	77	253	29.84
Senators	3	46	6.52	*	*	*	*	*	*	26	72	36.11

Source: Lubertino (2003)

*In terms of the Senate, the rules on the women’s quota were not applied until 2001, when the provisions of the constitutional amendment that provided for the direct and simultaneous election of three senators per district entered into force.

As demonstrated in table 2, because of the staggered election system, in which only half of the lower chamber turns over every two years, it took Argentina four years for the quota to be properly implemented in the lower chamber, known as the Chamber of Deputies. It took 10 full years for its complete implementation in the Senate (Lubertino 2003). Two determinate factors for Argentina’s success have been the combined uses of a closed PR list and an enforcement mechanism used by the state to ensure party compliance.

First, the reason for Argentina’s success with the Ley de Cupos is the specific form of electoral quota system used. As noted by Preschard, “establishing a certain percentage does not mean that women candidates are actually in a position to translate the percentage of candidates into a similar percentage of seats” (2002, 3). As mentioned before, PR is a type of voting system that allocates a percentage of the votes cast for a political party with equivalent representation in order for minority parties to have some share of the representation. PR systems “do on average have nearly twice as many women members of parliament as plurality-majority systems” (Reynolds 1998, 559). It has been suggested by many—and demonstrated in table 3—that a combined quota and PR system produces the best opportunity for women in legislatures (Preschard 2002; Tinker 2004; Carrió 2005).

Table 3. Women in parliaments (%)

Source: UNIFEM (2003)

The party list system, a form of PR, has rules that determine which candidates fill the seats won by each party during a general election (Schmidt 2003, 2). Party list systems use either a closed- or open-list voting structure. As Gregory D. Schmidt explains, “most list systems are *closed*: voters choose only among alternative lists, not among individual candidates. In contrast, *open list* systems allow or require voters to cast ballots for specific candidates. Seats are allocated among the parties based on their respective shares of the vote, but distributed among the candidates of each party on the basis of the ballots that each one receives” (2003, 2). Women in Latin America have found the greatest success in elections with closed lists, while Argentinean women have found particular success in their *lista sámana* (closed-list ballots) combined with a PR system (Carrió 2005, 169).

The second and most distinguishing factor in Argentina’s application of quotas has been the “rigorous enforcement mechanism derived to ensure party compliance” (Schmidt 2003, 8). If a political party does not follow Article 60 of the National Electoral Code that states that their list must have a minimum of 30 percent female candidates “in such positions that they have a chance of getting elected,” then the list will not be recognized for voting (Carrió 2005, 60). The Argentinean law does not have the same loopholes that political parties in Brazil use and, therefore, has stronger enforcement and better results.

Argentina has been dubbed the “pioneer country” because of its successful implementation of quota laws (Carrió 2005, 170). The attainment of 30 percent and higher gender parity has shown not only Latin America, but also the international community, how far its legislature has come since the Ley de Cupos was implemented in 1983. Argentina is currently 11th in the world for women’s representation in parliament (IPU 2010) and should be viewed by other states that are trying to obtain more equal representation as an effective model to explore.

Discussion and Concluding Remarks

Cultural, political, and socioeconomic factors certainly influence women's access to office. What I have argued here is that the presence of a party quota system, specifically one within a closed-list PR electoral structure with strong enforcement mechanisms, has the ability to trump these other factors. Identifying the aspects of the Argentine quota system that have been successful can prompt other states to create laws in order to pursue similar results.

Opponents of quotas have claimed that enacting these laws mean that parties will have to scramble to fill spots resorting to unqualified women who are incapable of stepping outside of their party's shadow to find their own voices. Another concern has been that parties will simply add the minimum possible number of women to the ballot and try to find any method possible to cheat the system. Not only has the Argentine legislature successfully obtained its quota since its implementation in 1993, it has also exceeded it (IPU 2010). Lastly, opponents have argued that simply changing to a closed-list PR system without quotas would be a better alternative and would not undermine a party's authority to choose the best candidate possible. As table 3 demonstrates, the combination of a quota and PR system is the most supportive of women's representation.

This research could be fruitfully extended in a number of directions. A cross-regional comparison is required to better sort out the influences of culture, region, and ideology on women's representation. For example, Finland and Denmark enjoy unparalleled representation of women (40 percent and higher) despite the absence of quota laws (IPU 2010). Regional influence and the presence of influential national and international women's organizations would be other factors to evaluate in further research. This paper has identified key components of Argentina's success, but other states and regions may have substantially different circumstances.

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