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Claremont McKenna College

**Making the Connections: Gender Quotas, Representation, and Critical Mass in  
Latin America**

Submitted to Professor Katja Favretto

By

Katherine O'Neill

For Senior Thesis

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## **Abstract**

Using Argentina, Brazil, Chile, and Mexico as case studies, this paper examines how women's collaboration influences the effects of gender quotas on women's representation. The efficacy of gender quotas in increasing the numerical representation of women and improving gender equality outcomes is well-researched, but questions remain about the precise linkages between the numerical representation of women and the substantive representation of women. This thesis analyzes previously identified linkages alongside actions by women's organizations in national legislatures and civil society to better understand women's roles as critical actors in making gender quotas successful. The findings suggest that women's collaboration is crucial in achieving and defining substantive representation, ensuring proper implementation of quotas, and translating higher numerical representation into real gender equality outcomes.

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## Chapter One

### Gender Quotas and Women’s Representation in Latin America

#### Introduction

Eighty-two countries around the world currently implement mandated gender quotas for their legislatures, yet the global average of female representation in national legislatures is just 23 percent.<sup>1</sup> Evidence suggests that it is often difficult for women to reach parity in national legislatures without quotas. Currently, there are only five countries in the world in which women comprise half of the total number of seats in the legislature: Bolivia, Cuba, Mexico, Rwanda, and the United Arab Emirates.<sup>2</sup> Of these countries, only Cuba does not use an official gender quota.<sup>3</sup> However, even among countries with gender quotas only a select few have achieved parity in their legislatures.<sup>4</sup> More troubling still is the lack of conclusive cross-country evidence that gender quotas, even when effective in increasing numerical representation, lead to improved outcomes for women – such as increased economic and educational opportunities, decreased gender-based violence, and stronger civil rights.<sup>5</sup> While significant scholarly attention has been given to the processes and factors motivating the adoption of gender quotas and the

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<sup>1</sup> “Gender Quotas Database | International IDEA,” accessed September 15, 2020, <https://www.idea.int/data-tools/data/gender-quotas>.

<sup>2</sup> Sara Atske, A.W. Geiger, and Alissa Scheller, “The Share of Women in Legislatures around the World Is Growing, but They Are Still Underrepresented,” *Pew Research Center*, accessed October 9, 2020, <https://www.pewresearch.org/fact-tank/2019/03/18/the-share-of-women-in-legislatures-around-the-world-is-growing-but-they-are-still-underrepresented/>.

<sup>3</sup> “Gender Quotas Database | International IDEA.”

<sup>4</sup> Ibid.

<sup>5</sup> Mona Lena Krook, “Introduction to Gender Quotas,” in *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide* (Oxford University Press, 2010), 13.

mechanisms influencing the success of quotas in raising the descriptive representation of women, questions remain about the extent and causes of the substantive effects of gender quotas.<sup>6</sup>

The under-representation of women in national legislatures is not confined to any one region, culture, electoral system, or level of income and development,<sup>7</sup> yet scholarly explanations for the scarcity of female legislators vary from country to country.<sup>8</sup> Similarly, gender equality outcomes vary significantly among countries at similar levels of female representation in the legislature, suggesting that high descriptive representation of women is not a sufficient cause of high substantive representation. This paper examines the descriptive and substantive outcomes of gender quotas in four case studies in order to analyze how critical mass theory applies to women's representation in the context of national legislated candidate gender quotas.

Before delving into this topic, it is necessary to clarify key terms and identify the existing consensuses and contradictions in the literature.

Representation is referred to in this paper in two distinct ways. Descriptive representation is used to refer to the number and proportion of women in legislatures.<sup>9</sup> This is typically the simplest form of representation to assess in terms of outcomes, although some scholars of descriptive representation have delved beyond the proportion of women to also examine the different kinds of women represented. These works look at

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<sup>6</sup> Drude Dahlerup, "Gender Quotas – Controversial But Trendy," *International Feminist Journal of Politics* 10, no. 3 (September 1, 2008): 326–28, <https://doi.org/10.1080/14616740802185643>.

<sup>7</sup> "Gender Quotas Database | International IDEA."

<sup>8</sup> Pamela Marie Paxton, Melanie M. Hughes, and Tiffany Barnes, *Women, Politics, and Power: A Global Perspective* (Rowman & Littlefield, 2020), 18-25.

<sup>9</sup> Sarah Childs and Mona Lena Krook, "Analysing Women's Substantive Representation: From Critical Mass to Critical Actors," *Government and Opposition* 44, no. 2 (2009): 127-8, <https://doi.org/10.1111/j.1477-7053.2009.01279.x>.

the diversity of representation within groups of female legislators, for example their family backgrounds, income levels, and races or ethnicities.<sup>10</sup> Substantive representation measures the impact of increased numbers of women in qualitative terms. In evaluating this form of representation, both legislative processes and outcomes are considered.<sup>11</sup> In other words, substantive representation is a measure of the position and agency of women within legislative bodies and their power and will to represent women's interests.<sup>12</sup> However, because of the complexity of this topic, scholars have taken varied approaches to measuring substantive representation. Commonly used variables include representation in committees and sub-committees, surveys on legislator attitudes, bill introduction, authorship, and success, and voting records.<sup>13</sup> While descriptive representation is the most studied in the literature on gender quotas, substantive representation has been thoroughly researched and debated, as well.<sup>14</sup> These measures of representation are interrelated, and scholars have worked to understand the interactions between them, but findings on the impact of descriptive representation on substantive representation are contradictory.<sup>15</sup>

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<sup>10</sup> Mala Htun, *Inclusion without Representation in Latin America: Gender Quotas and Ethnic Reservations* (Cambridge University Press, 2016).

<sup>11</sup> Susan Franceschet, "Gendered Institutions and Women's Substantive Representation: Female Legislators in Argentina and Chile," in *Gender, Politics and Institutions: Towards a Feminist Institutionalism*, ed. Mona Lena Krook and Fiona Mackay, Gender and Politics Series (London, UK: Palgrave Macmillan, 2011), 60, [https://doi.org/10.1057/9780230303911\\_4](https://doi.org/10.1057/9780230303911_4).

<sup>12</sup> Childs and Krook, "Analysing Women's Substantive Representation: From Critical Mass to Critical Actors," 127-28.

<sup>13</sup> Franceschet, "Gendered Institutions and Women's Substantive Representation: Female Legislators in Argentina and Chile," 60.

<sup>14</sup> Susan Franceschet, Mona Lena Krook, and Jennifer M. Piscopo, "Introduction," in *The Impact of Gender Quotas* (Oxford University Press, 2012), 7.

<sup>15</sup> Childs and Krook, "Analysing Women's Substantive Representation: From Critical Mass to Critical Actors," 143-5.



It is also important to clarify what is meant by ‘women’s interests.’ Women are not a monolithic body with a consistent set of interests that are distinct from men’s interests. Women’s interests as a concept cannot cover the full range of the social, economic, and political goals of female constituents or legislators.<sup>16</sup> Further, women are capable of genuinely desiring and pursuing policies that fall outside of Western feminist orthodoxy.<sup>17</sup> Borrowing from Piscopo’s work on substantive representation in Mexico, this paper uses a ‘value-neutral’ approach in which ‘women’s interests’ refers to all policies that deal with the rights and opportunities of women – education, healthcare, child care, women’s rights, etc. – regardless of whether the policies are feminist.<sup>18</sup> However, effort is made throughout the paper to distinguish between feminist and non-feminist policies when relevant.

A gender quota is a policy, law, or constitutional amendment that mandates in some fashion the gender proportion of people represented in a group.<sup>19</sup> Quotas do not always explicitly refer to the representation of women; some simply stipulate a minimum requirement of some kind for the ‘under-represented sex.’<sup>20</sup> In practice, however, these quotas almost exclusively deal with the representation of women.<sup>21</sup> This paper focuses specifically on political gender quotas, meaning quotas that target political bodies. There are three broad categories of political gender quotas: party quotas, reserved seat quotas, and legislated candidate quotas.

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<sup>16</sup> Karen Celis et al., “Rethinking Women’s Substantive Representation,” *Representation* 44, no. 2 (July 1, 2008): 99-110, <https://doi.org/10.1080/00344890802079573>.

<sup>17</sup> Celis et al., “Rethinking Women’s Substantive Representation,” 101-105.

<sup>18</sup> Jennifer M. Piscopo, “Beyond Hearth and Home: Female Legislators, Feminist Policy Change, and Substantive Representation in Mexico,” *Revista Uruguaya de Ciencia Política* 23, no. 2 (2014): 93-94.

<sup>19</sup> Krook, “Introduction to Gender Quotas,” 2.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

Party quotas are defined as voluntary gender quotas adopted by political parties for the candidates they put forth.<sup>22</sup> Party quotas are most popular in Europe and Africa, but there is limited evidence of the efficacy of these quotas outside of Western Europe.<sup>23</sup> Though findings are not conclusive, scholars suggest that political parties use voluntary gender quotas as a way to appeal to female voters.<sup>24</sup> Without enforcement mechanisms and placement mandates, some parties relegate female candidates to the least electable positions on candidates lists so little progress is actually made in terms of increasing female representation, while parties accrue the benefits of appearing progressive.<sup>25</sup>

Reserved seat quotas, most common in Africa, Asia, and the Middle East, typically work by setting aside a certain number of elected positions for women – only female candidates are able to compete for these seats.<sup>26</sup> Although these quotas have been successful in some countries, there is also substantial evidence that in many places they may limit the ability of women to compete for other seats by placing a ceiling, either formally or informally, on the spots available to female candidates.<sup>27</sup> They are also heavily criticized for being non-democratic because they restrict who is able to run for certain seats.

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<sup>22</sup> Franceschet, Krook, and Piscopo, “Introduction,” 15-24.

<sup>23</sup> Leslie A. Schwindt-Bayer, “Making Quotas Work: The Effect of Gender Quota Laws On the Election of Women,” *Legislative Studies Quarterly* 34, no. 1 (2009): 15-17, JSTOR.

<sup>24</sup> Schwindt-Bayer, “Making Quotas Work: The Effect of Gender Quota Laws On the Election of Women,” 15-17.

<sup>25</sup> Schwindt-Bayer, “Making Quotas Work: The Effect of Gender Quota Laws On the Election of Women,” 15-17.

<sup>26</sup> Franceschet, Krook, and Piscopo, “Introduction,” 4-6.

<sup>27</sup> Pamela Marie Paxton, Melanie M. Hughes, and Tiffany Barnes, “Explaining the Political Representation of Women: Politics,” in *Women, Politics, and Power: A Global Perspective* (Rowman & Littlefield, 2020), 187-88.

Legislated candidate quotas function similarly to party quotas in that they regulate the proportion of each gender on party candidate lists. The key difference between these two categories of quotas is that legislated quotas are not voluntary, rather they are mandated through laws or constitutional amendments.<sup>28</sup> Although legislated candidate quotas are found in most regions of the world, they are particularly concentrated in Latin America.<sup>29</sup> In fact, nearly every country in Latin America utilizes a legislated gender quota.<sup>30</sup> This paper examines the effects of increased descriptive representation on the substantive representation of women.

### **Research Question and Methodology**

This paper will examine the question: To what extent and in what ways does women's collaboration influence the relationship between the descriptive and substantive representation of women in the context of legislated candidate gender quotas? Answering this question requires an evaluation of critical mass theory and its potential applications in understanding how descriptive representation influences substantive representation, as well as the role of institutionalist theories in explaining discrepancies in critical mass theory. My hypothesis is that women's collaboration is a critical intervening variable in the relationship between descriptive and substantive representation. The independent variable descriptive representation evaluates critical mass theory, while I introduce women's collaboration as the central intervening variable. Women's collaboration as a

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<sup>28</sup> Franceschet, Krook, and Piscopo, "Introduction," 8-9.

<sup>29</sup> "Gender Quotas Database | International IDEA."

<sup>30</sup> Ibid.

variable is defined as the organization and mobilization of women within and across the legislature and civil society in support of women's interests. It is measured in terms of the presence, composition, and efforts of women's coalitions, caucuses, and activism networks in each case study. The dependent variable is substantive representation, which is defined in the introduction. The hypothesis and variables are listed below.

**Hypothesis:** The collaboration of women between and across the legislature and civil society is a critical variable in defining the relationship between descriptive and substantive representation. Women's collaboration leads to higher levels of substantive representation.

**Independent Variables:** Descriptive representation

**Dependent Variable:** Substantive representation

**Intervening Variable:** Women's collaboration

Four Latin American case studies are used in this paper. Argentina, Brazil, Chile, and Mexico all introduced national legislated candidate gender quotas between 1991 and 2015.<sup>31</sup> The case studies are concentrated in Latin America to provide some cultural similarity, as this paper will not concentrate heavily on cultural factors that may affect female representation. While there are certainly cultural differences between the case studies, controlling for region provides a number of important similarities and reduces the need to analyze factors such as religion and attitudes about gender roles and women. Countries with varying degrees of success in gender quota implementation and varying

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<sup>31</sup> "Gender Quotas Database | International IDEA."

representation and gender equality outcomes were selected intentionally to allow for examination of the linkages between descriptive and substantive representation. Much of the existing scholarship on gender quotas highlights the role of democratization in the adoption, implementation, and efficacy of gender quotas; however, this will not be a main focus of this paper, so it was important to select countries with similar histories of authoritarianism. All of the case studies have experienced authoritarianism in the last 20 to 40 years and are now classified as democracies, although degrees of democratization are varied.<sup>32</sup> In choosing these case studies, effort was made to control for some features of the electoral system, as well. Three of the four case studies are federal republics, Chile is the exception.<sup>33</sup> All of the countries use proportional representation systems in some form, which the literature has identified as an important determinant of gender quota success. Throughout the paper, care will be taken to identify important differences in the structural, institutional, and cultural factors in each country when relevant to the analysis.

Since the introduction of gender quotas in these countries, gains in descriptive and substantive representation have been highly varied.<sup>34</sup> In 1991, the year Argentina passed its first gender quota law, women represented just 5 percent of the Chamber of Deputies (lower house) and 9 percent in the Senate (upper house).<sup>35</sup> By 2019, women comprised

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<sup>32</sup> Freedom House, “Countries and Territories,” accessed October 11, 2020, <https://freedomhouse.org/countries/freedom-world/scores>.

<sup>33</sup> Leslie A. Schwindt-Bayer and Santiago Alles, “Women in Legislatures: Gender, Institutions, and Democracy,” in *Gender and Representation in Latin America*, ed. Leslie A. Schwindt-Bayer (Oxford University Press, 2018), 57.

<sup>34</sup> Mala Htun, “Gender Quotas: Why and How,” in *Inclusion without Representation in Latin America: Gender Quotas and Ethnic Reservations* (Cambridge University Press, 2016), 44-69.

<sup>35</sup> Tiffany D. Barnes and Mark P. Jones, “Women’s Representation in the Argentine National and Subnational Governments,” in *Gender and Representation in Latin America*, ed. Leslie A. Schwindt-Bayer (Oxford University Press, 2018), 123-24.

40 and 41 percent of the Argentine Senate and Chamber of Deputies, respectively.<sup>36</sup> Similar increases in descriptive representation have occurred in Mexico, where gender parity was achieved for both the Senate and Chamber in 2018.<sup>37</sup> In Brazil and Chile, however, descriptive representation has remained low. Women constitute 23 percent of both the Senate and Chamber in Chile<sup>38</sup> and roughly 14 percent of each in Brazil.<sup>39</sup> If the dominant theories about the effects of gender quotas and increased female representation, which are elaborated on later in this chapter, are to be believed then we would expect to see that the countries with the highest female representation and most successful quotas are more equal than those with lower female representation.<sup>40</sup> Later chapters examine the level of substantive representation in each country.

## Literature Review

While the locus of this paper will be examining substantive representation as an outcome of legislated candidate quotas, it is necessary to discuss why and how gender quotas are adopted. Aside from the intrinsic benefit to a democratic or semi-democratic system of more equal representation for a group that comprises half of the population,<sup>41</sup> proponents of gender quotas have collectively developed an robust framework concerning the need for quotas and the reasons they are adopted. The primary theoretical

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<sup>36</sup> “Argentina,” Gender Quotas Database, International IDEA.

<sup>37</sup> “Percentage of Women in National Parliaments.” Inter-Parliamentary Union (January 2019).

<sup>38</sup> “Chile,” Gender Quotas Database, International IDEA.

<sup>39</sup> “Brazil,” Gender Quotas Database, International IDEA.

<sup>40</sup> Mona Lena Krook, “Candidate Gender Quotas: A Framework for Analysis,” *European Journal of Political Research* 46, no. 3 (2007): 371-72, <https://doi.org/10.1111/j.1475-6765.2007.00704.x>.

<sup>41</sup> Miki Caul Kittilson and Leslie A. Schwindt-Bayer, *The Gendered Effects of Electoral Institutions: Political Engagement and Participation* (Oxford University Press, 2012), 10-15.

underpinning of this framework is that in most countries, without quotas it is exceedingly difficult for female legislators to be elected to enough seats to effectively represent women's interests.<sup>42</sup>

Critical mass theory, as this argument is termed, observes that the mere presence of women in a male-dominated sphere is not enough to ensure a change in the dynamics or functions of that sphere. Studies have found that the proportion of women to men is actually the predictor of such shifts. When the ratio of women to men is heavily skewed, female members of the group are tokenized and their personal agency reduced.<sup>43</sup> Kanter categorized the three main results of these skewed sex ratios on the agency and choices of women as performance pressures, isolation, and role entrapment.<sup>44</sup> While performance pressures typically affect the visibility of women, isolation may force women to choose between remaining 'others' or becoming part of in-group by adopting the role of "woman-prejudiced-against-women."<sup>45</sup> Role entrapment limits the ability of women to move beyond traditional stereotypes, for example the "mother, the seductress, the pet or the iron maiden."<sup>46</sup> She argues that these dynamics are self-perpetuating; as women are tokenized it becomes more difficult to organically increase the proportion of women.<sup>47</sup> Building on Kanter's work, scholars identified the 'critical mass' needed for women to

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<sup>42</sup> Atske, Geiger, and Scheller, "The Share of Women in Legislatures around the World Is Growing, but They Are Still Underrepresented."

<sup>43</sup> Rosabeth Moss Kanter, "Some Effects of Proportions on Group Life: Skewed Sex Ratios and Responses to Token Women," *American Journal of Sociology* 82, no. 5 (1977): 966, JSTOR. Drude Dahlerup, "From a Small to a Large Minority: Women in Scandinavian Politics," *Scandinavian Political Studies* 11, no. 4 (1988): 280, <https://doi.org/10.1111/j.1467-9477.1988.tb00372.x>.

<sup>44</sup> Kanter, "Some Effects of Proportions on Group Life: Skewed Sex Ratios and Responses to Token Women," 966.

<sup>45</sup> Sarah Childs and Mona Lena Krook, "Critical Mass Theory and Women's Political Representation," *Political Studies* 56, no. 3 (October 1, 2008): 727, <https://doi.org/10.1111/j.1467-9248.2007.00712.x>.

<sup>46</sup> Childs and Krook, "Critical Mass Theory and Women's Political Representation," 727.

<sup>47</sup> Kanter, "Some Effects of Proportions on Group Life: Skewed Sex Ratios and Responses to Token Women," 988.

effectively form a ‘counterculture,’ forge alliances, and achieve agency – in other words, substantive representation – as 30 percent.<sup>48</sup>

Scholars have also advanced a number of theories to supplement and support the critical mass argument. Prominent among these theories is the ‘role model effect,’ whereby reaching a critical mass within the legislature engenders cultural shifts that empower women to pursue office in other branches of government, enable party members to achieve leadership positions, and encourage women to build political recruitment networks that increase the descriptive representation of women across institutions and beyond minimum quotas.<sup>49</sup> However, findings on the role model effect are mixed, especially in studies of Latin America.<sup>50</sup> A common explanation for cases which offer no support for the role model effect is clientelism in party recruitment networks, which disadvantages women and prevents them from achieving positions beyond the gender quota.<sup>51</sup> While some scholars assert that informal recruitment and candidate nomination processes benefit female candidates,<sup>52</sup> the clientelist networks that usually exist in such environments marginalize women once they take office and restrict their ability to act beyond the orders of party leaders.<sup>53</sup>

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<sup>48</sup> Dahlerup, “From a Small to a Large Minority: Women in Scandinavian Politics,” 280.

<sup>49</sup> Yann Kerevel, “Empowering Women? Gender Quotas and Women’s Political Careers,” *The Journal of Politics* 81, no. 4 (July 18, 2019): 1168, <https://doi.org/10.1086/704434>.

<sup>50</sup> Ibid.

<sup>51</sup> Rainbow Murray and Réjane Sénac, “Explaining Gender Gaps in Legislative Committees,” *Journal of Women, Politics & Policy* 39, no. 3 (July 3, 2018): 310–35, <https://doi.org/10.1080/1554477X.2018.1477397>.

<sup>52</sup> Jennifer M. Piscopo, “When Informality Advantages Women: Quota Networks, Electoral Rules and Candidate Selection in Mexico,” *Government and Opposition* 51, no. 3 (July 2016): 506-07, <https://doi.org/10.1017/gov.2016.11>.

<sup>53</sup> Piscopo, “Beyond Hearth and Home: Female Legislators, Feminist Policy Change, and Substantive Representation in Mexico,” 96-7.



This perspective is one of the most popular from a broader category of scholarship on gender quotas that uses institutionalist theories to address the limitations of critical mass theory.<sup>54</sup> Institutional analyses of gender quotas address how formal and informal norms in political bodies and parties affect descriptive and substantive representation. Frequently, these theories are used to explain cases in which increased descriptive representation does not lead to higher substantive representation.<sup>55</sup> Political clientelism among parties is a prominent example of such theories. Although institutionalist theories are sometimes used to refute critical mass, they are more often used to explain how distortions can occur without challenging the overall logic of critical mass theory.<sup>56</sup> Other institutionalist theories examine how aspects of the electoral system interact with gender quotas to benefit or disadvantage female candidates. Research on district magnitude, proportional representation, and candidate lists falls into this category of scholarship.

While critical mass theory is widely used, there are a number of gender and politics scholars that have presented contradictory findings, and some have denounced the theory entirely.<sup>57</sup> Studies of gender quotas in particular have focused on when and why critical mass fails to produce substantive representation; however, these explanations typically focus on single or small numbers of case studies and existing literature has failed to identify a consistent cross-national theory.<sup>58</sup> Further, even when examining the

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<sup>54</sup> Fiona Mackay, Meryl Kenny, and Louise Chappell, "New Institutionalism Through a Gender Lens: Towards a Feminist Institutionalism?" *International Political Science Review* 31, no. 5 (November 1, 2010): 573-588, <https://doi.org/10.1177/0192512110388788>.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Childs and Krook, "Critical Mass Theory and Women's Political Representation," 727.

<sup>58</sup> Franceschet, Krook, and Piscopo, "Introduction," 7.

same case studies, scholars emphasize different contributing factors. Some literature focuses on the motivations of gender quota proponents and how quotas come to be adopted as explanations for disparities in descriptive and substantive representation.

Critical analyses argue that gender quotas are passed through predominately male legislatures because male politicians either design the quotas to be ineffective or use the quota system to install female legislators with little political agency<sup>59</sup> or who will promote their party's agenda.<sup>60</sup> Of course, there are numerous other critiques of gender quotas, primarily relating to principles of fairness, specific conceptions of democratic election, and the availability of qualified potential female legislators, but these issues will be addressed later in the paper.<sup>61</sup>

As a result of critical scrutiny on the reasoning behind male legislators passing quotas laws, scholars have dedicated extensive research to the groups and motivations that engender quota laws.<sup>62</sup>

Four narratives emerge from the literature on this topic. First, women mobilize in support of increased representation, using existing women's organization or forming new ones to advocate for the introduction of gender quotas.<sup>63</sup> This occurs internally in political institutions and externally as public movements.<sup>64</sup> Scholars argue that pressure

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<sup>59</sup> Mackay, Kenny, and Chappell, "New Institutionalism Through a Gender Lens: Towards a Feminist Institutionalism?," 583.

<sup>60</sup> Krook, "Introduction to Gender Quotas," 9-11.

<sup>61</sup> Tricia Gray, "Electoral Gender Quotas: Lessons from Argentina and Chile," *Bulletin of Latin American Research* 22, no. 1 (2003): 52-78, JSTOR.

<sup>62</sup> Dahlerup, "Gender Quotas – Controversial But Trendy," 327.

<sup>63</sup> Kathleen Bruhn, "Whores and Lesbians: Political Activism, Party Strategies, and Gender Quotas in Mexico," *Electoral Studies* 22, no. 1 (March 1, 2003): 101–19, [https://doi.org/10.1016/S0261-3794\(01\)00039-7](https://doi.org/10.1016/S0261-3794(01)00039-7).

<sup>64</sup> Bruhn, "Whores and Lesbians: Political Activism, Party Strategies, and Gender Quotas in Mexico," 107-11.

from female party members and public mobilization is often, although not always, an important factor in passing quota laws and in ensuring that parties enforce these laws when enforcement mechanisms are weak.<sup>65</sup> In contradiction to critiques that emphasize the self-serving role of male-dominated parties and male legislators, this narrative identifies women as key actors in quota law adoption.<sup>66</sup>

Second, political parties adopt internal quotas or advocate for legislated candidate quotas for competitive reasons.<sup>67</sup> When a rival political party adopts a gender quota, others may follow in a contagion effect as they fear losing out to their opposition.<sup>68</sup> Similarly, parties may choose a quota during periods of declining support or in the face of increasing opposition.<sup>69</sup> Most works promoting this explanation argue that male party leaders and legislators adopt gender quotas to attract female constituents and gain a competitive edge over predominately male competitors.<sup>70</sup> This narrative, in which the role of women is diminished, is frequently used to explain cases where quotas fail to reach the target level of descriptive representation.<sup>71</sup>

Third, governments and political parties may introduce quota laws because they are consistent with existing dominant views on equality and representation.<sup>72</sup> Examples

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<sup>65</sup> Ibid.

<sup>66</sup> Karen Celis, Mona Lena Krook, and Petra Meier, “The Rise of Gender Quota Laws: Expanding the Spectrum of Determinants for Electoral Reform,” *West European Politics* 34, no. 3 (May 1, 2011): 521, <https://doi.org/10.1080/01402382.2011.555981>.

<sup>67</sup> Miki Caul, “Political Parties and the Adoption of Candidate Gender Quotas: A Cross-National Analysis,” *Journal of Politics* 63, no. 4 (2001): 1216, <https://doi.org/10.1111/0022-3816.00107>.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Caul, “Political Parties and the Adoption of Candidate Gender Quotas: A Cross-National Analysis,” 1216.

<sup>71</sup> Lisa Baldez, “Elected Bodies: The Gender Quota Law for Legislative Candidates in Mexico,” *Legislative Studies Quarterly* 29, no. 2 (2004): 235. JSTOR.

<sup>72</sup> Katharina Inhetveen, “Can Gender Equality Be Institutionalized?: The Role of Launching Values in Institutional Innovation,” *International Sociology* 14, no. 4 (December 1, 1999): 420-22, <https://doi.org/10.1177/0268580999014004002>.

of this are countries in which gender quotas have been adopted after or in conjunction with quotas for other marginalized groups, such as in Iraq and Jordan where quotas exist for both women and religious minorities.<sup>73</sup> Political parties may also support gender quotas because they align with party ideology.<sup>74</sup> Scholarly works advocating this theory suggest that not only are Leftist parties more likely to introduce quota laws, but that quotas are more effective when implemented under a Left-dominated government.<sup>75</sup> However, supporting evidence for this theory is case-specific and has not been confirmed by cross-national trends.<sup>76</sup>

Fourth, international factors motivate governments and political parties to implement gender quotas. This may be due to norm dispersal; many scholars indicate that the 1995 United Nations World Conference on Women helped shape international perceptions of the importance of female representation in government.<sup>77</sup> Others point to regional trends where gender quotas may have spread through a contagion effect across national borders.<sup>78</sup> Latin America in particular is often used as an example of this.<sup>79</sup> In another vein of this literature, scholars suggest that gender quotas are introduced to gain

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<sup>73</sup> Assaf David and Stefanie Nanes, "The Women's Quota in Jordan's Municipal Councils: International and Domestic Dimensions," *Journal of Women, Politics & Policy* 32, no. 4 (October 1, 2011): 278-85, <https://doi.org/10.1080/1554477X.2011.613709>.

<sup>74</sup> Miki Caul, "Women's Representation in Parliament: The Role of Political Parties," *Party Politics* 5, no. 1 (January 1, 1999): 81-82, <https://doi.org/10.1177/1354068899005001005>.

<sup>75</sup> Ibid.

<sup>76</sup> Kendall D. Funk, Magda Hinojosa, and Jennifer M. Piscopo, "Still Left Behind: Gender, Political Parties, and Latin America's Pink Tide," *Social Politics: International Studies in Gender, State & Society* 24, no. 4 (December 1, 2017): 401-403, <https://doi.org/10.1093/sp/jxx012>.

<sup>77</sup> Meier and Lombardo, "Gender Quotas, Gender Mainstreaming and Gender Relations in Politics," 49-50.

<sup>78</sup> Funk, Hinojosa, and Piscopo, "Still Left Behind: Gender, Political Parties, and Latin America's Pink Tide," 404-05.

<sup>79</sup> Ibid.

legitimacy in the international arena, to appeal to organizations such as the United Nations and the World Bank, or to deflect criticism about human rights abuses.<sup>80</sup>

These four narratives on why and how gender quotas are passed demonstrate the diversity of the existing literature. Most case studies acknowledge that all four factors are usually present to some extent, but typically identify one dominate narrative. While causal links are difficult to identify, this brief analysis of the actors and motivations involved in adopting gender quotas provides important context that is useful in understanding country-specific variations in the success of gender quotas in increasing the descriptive, substantive, and symbolic representation of women.<sup>81</sup>

While consensus on many aspects of gender quotas has been difficult to reach for academics, there are some qualities of descriptive representation on which the majority of the literature is in agreement. These areas of agreement have been formulated in large part as a response to critics of gender quotas who argue that quotas artificially increase the representation of women by bringing to power female legislators who are unqualified for office. This argument stems from a belief that the recruitment pool of women with the appropriate education and experience for legislative office is simply too small, and that efforts to increase the representation of women should focus on education, training, and mentorship. While such measures are certainly important, gender quota scholarship has largely debunked the assertion that women are underrepresented because they are under qualified.

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<sup>80</sup> Celis, Krook, and Meier, "The Rise of Gender Quota Laws: Expanding the Spectrum of Determinants for Electoral Reform," 522-23.

<sup>81</sup> Mackay, Kenny, and Chappell, "New Institutionalism Through a Gender Lens: Towards a Feminist Institutionalism?," 579-81.

In her seminal book on women's political representation in Latin America, Hinojosa puts forth an argument that integrates three strains of factors used by scholars to explain cross-national variations in the efficacy of gender quotas.<sup>82</sup> This framework falls under the category of institutionalist theories used in this paper. The three strains Hinojosa uses are referred to as 'supply side,' 'demand side,' and institutional factors.<sup>83</sup> Supply side explanations argue that the pool of eligible female candidates is too restricted and that female representation is limited by the supply of women candidates even when gender quotas are in use.<sup>84</sup> These explanations use variables such as maternal health, educational attainment, labor force participation, and civic participation as support.<sup>85</sup> Demand side analyses examine the preferences and biases of voters and citizens, including cultural beliefs about gender equality and the leadership capacity of women, as the primary barrier to increased female representation.<sup>86</sup> Institutional explanations look at the regulations and procedures of the institutions involved in the election process, such as electoral rules and arrangements and candidate selection procedures of political parties.<sup>87</sup>

Hinojosa integrates these three strains of explanations by breaking down the path to office into five distinct phases: Population, Eligible, Aspirant, Candidate, Officeholder.<sup>88</sup> Building on previous work in this field, she uses data on variables such as educational attainment, work force participation, fertility, wages, and political participation to show

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<sup>82</sup> Magda Hinojosa, "Why Selection Matters: Explaining Women's Representation in Politics," in *Selecting Women, Electing Women: Political Representation and Candidate Selection in Latin America* (Temple University Press, 2012), 22, <https://www.jstor.org/stable/j.ctt14bt4gv.5>.

<sup>83</sup> Franceschet, Krook, and Piscopo, "Introduction," 7.

<sup>84</sup> Hinojosa, "Why Selection Matters: Explaining Women's Representation in Politics," 24.

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*, 22.

<sup>87</sup> Franceschet, Krook, and Piscopo, "Introduction," 7.

<sup>88</sup> Hinojosa, "Why Selection Matters: Explaining Women's Representation in Politics," 22.

that there are indeed enough qualified women in most Latin American countries to fulfill candidate quotas.<sup>89</sup> She further demonstrates that while citizen and voter bias against female political candidates do exist, it is limited and cannot fully explain the underrepresentation of women in much of Latin America.<sup>90</sup> These conclusions are supported by other leading scholars in the literature.<sup>91</sup>

Thus, she argues that the primary challenges for women in transitioning from Population to Officeholder are not explained by supply side variables in the shift from Population to Eligible, nor by demand side factors in the move from Candidate to Office Holder.<sup>92</sup> Instead, a potent combination of all three explanatory strains restricts women's advancement from Eligible to Aspirant and Candidate.<sup>93</sup> While this terminology is unique to Hinojosa's work and those citing her, it accurately captures the general conclusions from the literature. Despite many contradictions and points of contention on the importance of specific mechanisms hindering descriptive representation, scholars of gender quotas generally agree that other than quota law design and implementation, the most salient and intractable barriers are institutional and manifest during political recruitment and candidate selection processes.<sup>94</sup>

In focusing her analysis on the transition from Eligible to Aspirant and Candidate, Hinojosa develops a sequenced framework that includes elements of each explanatory

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<sup>89</sup> Ibid, 23-30.

<sup>90</sup> Hinojosa, "Why Selection Matters: Explaining Women's Representation in Politics," 31-41.

<sup>91</sup> Caroline C. Beer and Roderic Ai Camp, "Democracy, Gender Quotas, and Political Recruitment in Mexico," *Politics, Groups, and Identities* 4, no. 2 (April 2, 2016): 179-83, <https://doi.org/10.1080/21565503.2015.1120223>.

<sup>92</sup> Magda Hinojosa, "How Selection Matters: A Theoretical Framework," in *Selecting Women, Electing Women, Political Representation and Candidate Selection in Latin America* (Temple University Press, 2012), 42-55.

<sup>93</sup> Ibid, 43-46.

<sup>94</sup> Krook, "Candidate Gender Quotas: A Framework for Analysis," 379-85.

strain. Per this framework, women face self-selective supply side issues in reaching the level of aspirant.<sup>95</sup> Hinojosa finds that female Eligibles are less likely than their male counterparts with similar qualifications and levels of political interest to believe that they are qualified and less likely to self-nominate.<sup>96</sup> According to Hinojosa, and numerous studies conducted in the United States that she cites, being asked or encouraged to run for office is critical in this transition to Aspirant for men and women, but that women are both less likely to receive this encouragement and less likely to self-nominate without it.<sup>97</sup> Once becoming Aspirants, women face institutional challenges generated by the candidate selection processes of political parties.<sup>98</sup> Scholars of Latin American gender quotas disagree on some of the finer points of how these selection processes impact women – the benefits of formal versus informal systems, for example, are hotly debated – but most agree that the prevalence of clientelism within political parties puts female Aspirants at a significant disadvantage.<sup>99</sup> Finally, as candidates women may face demand side issues. When quota laws are poorly designed, party leaders may relegate female candidates to less electable positions on the bottom of candidate lists because they believe them to be less appealing to voters or, again, as a function of political clientelism.<sup>100</sup> Hinojosa’s framework, crucial in highlighting that female underrepresentation and the varied successes of quota laws cannot be fully explained by either voter preferences or the qualifications of women, will be used throughout the paper

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<sup>95</sup> Hinojosa, “How Selection Matters: A Theoretical Framework,” 44-48.

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*, 49-51.

<sup>99</sup> Piscopo, “When Informality Advantages Women: Quota Networks, Electoral Rules and Candidate Selection in Mexico,” 487-491.

<sup>100</sup> Hinojosa, “How Selection Matters: A Theoretical Framework,” 49-51.



to evaluate institutionalist perspectives on how gender quotas have affected the different stages of the path to office for women in the four case studies.

## **Findings**

To what extent and in what ways does women's collaboration influence the relationship between the descriptive and substantive representation of women in the context of legislated candidate gender quotas? The findings of this paper support the hypothesis that the collaboration of women between and across the legislature and civil society is a critical and overlooked variable in defining the relationship between descriptive and substantive representation. Critical mass and institutional theories do, to a large extent, explain the relationship between gender quotas, descriptive representation, and substantive representation. However, the majority of these theories use descriptive representation as a 'middle man' between gender quotas and substantive representation. In doing so, they miss key mechanisms affecting substantive representation in the case studies.

The correlation between the descriptive and substantive representation of women is significant, and is, at least partially, justified through critical mass theory. Institutional explanations go far in addressing how formal and informal norms in bodies such as political parties create varying results in the leap from critical mass to substantive representation. Electoral perspectives have reached thorough consensus on the effect of gender quota design and implementation on descriptive representation. In these ways, many of the pieces of the puzzle of gender quotas have already been assembled, but key

gaps remain in connecting the three images – gender quotas, descriptive representation, and substantive representation – to form one cohesive picture. Specifically, mainstream research on critical mass theory and institutional explanations both fail to adequately address the linkage between gender quotas and substantive representation in a way that is distinct from the linkage between descriptive and substantive representation.

The main point of critical mass theory, that once women reach approximately 30 percent of an organization they will be able to overcome bias, tokenization, role entrapment and other issues to substantively represent women is over-simplified.<sup>101</sup> Institutional explanations of gender and representation have worked to fill some the gaps in this theory by highlighting the mitigating role of predominately formal institutions, such as political parties and specific features of the electoral system, in the relationship between descriptive and substantive representation.<sup>102</sup> The primary finding of this paper is that women’s collaboration plays a critical role not only in the adoption and implementation of gender quotas, but also in the formation of effective tools and organizations for female legislators to enact substantive representation. Evaluation of both descriptive and substantive representation in the case studies found that collaboration between female legislators and women’s non-governmental organizations allowed for more effective articulation of demands both before and after quotas and influenced the dynamics of women within the legislature. The research found that activism networks combining women in civil society with women in the legislature that

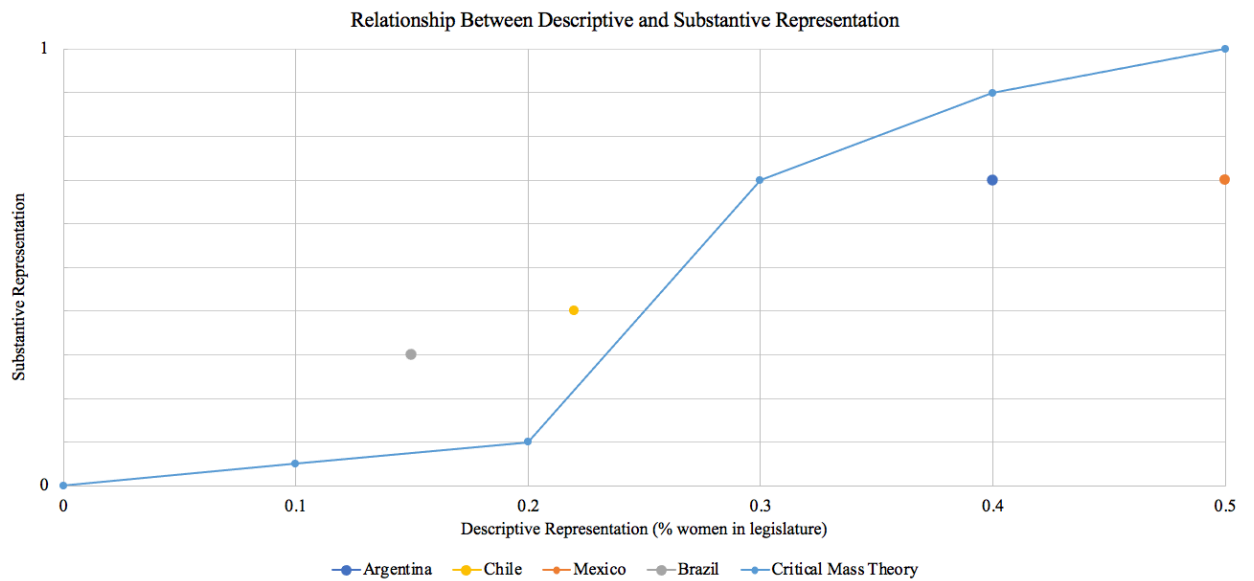
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<sup>101</sup> Moss Kanter, “Some Effects of Proportions on Group Life: Skewed Sex Ratios and Responses to Token Women,” 966.

<sup>102</sup> Piscopo, “When Informality Advantages Women: Quota Networks, Electoral Rules and Candidate Selection in Mexico.”

were founded during the gender quota movement and persisted afterwards were associated with higher substantive representation. Thus, women’s collaboration emerged as a significant independent variable. Indeed, when women’s collaboration was added to the analysis, the discrepancies between actual levels of substantive representation and expected substantive representation, based on descriptive representation and according to critical mass theory, were better explained. These discrepancies are visualized in Graph 1.

**Graph 1: Relationship Between Descriptive and Substantive Representation**



Graph 1 displays the relationship between descriptive and substantive representation in each of the case studies as posited in this paper. On the x-axis,

descriptive representation is shown as the percentage of women in the legislature.<sup>103</sup> On the y-axis are original estimates of substantive representation shown as quantitative approximates on a scale from 0 to 1. Substantive representation is measured for each case study in Chapters Four and Five using the methods outlined in the introduction. The blue line is a rough illustration of the relationship predicted between descriptive and substantive representation by critical mass theory. This theory is wholly qualitative, so the line shown in Graph 1 is an original attempt at translating the principles of critical mass theory into a visual. The data points show the real descriptive representation and estimated substantive representation of each case study. The graph shows the discrepancies between substantive representation in each case study and the substantive representation suggested by critical mass theory.

Argentina and Mexico were found to have lower substantive representation than critical mass theory would suggest and Brazil and Chile were found to have higher substantive representation than predicted. These conclusions are reached and explained in Chapters Four and Five. The independent variable women's collaboration helps explain these discrepancies. In Mexico and Argentina, women's collaboration was a key driver of substantive representation despite barriers presented by institutional features of the political system.<sup>104</sup> Mexico saw less feminist substantive representation and more women's interest representation due to the consensus norms within women's

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<sup>103</sup> "Proportion of seats held by women in national parliaments." The World Bank Group (1990 – 2019).

<sup>104</sup> Jennifer M. Piscopo, "Inclusive Institutions versus Feminist Advocacy: Women's Legislative Committees and Caucuses in Latin America," (International Political Science Association World Congress, Montreal, Canada: International Political Science Association, 2014), 1–43, [https://www.ipsa.org/sites/default/files/piscopo\\_paper\\_final.pdf](https://www.ipsa.org/sites/default/files/piscopo_paper_final.pdf).

organizations.<sup>105</sup> In Argentina, the reverse was true.<sup>106</sup> In Brazil<sup>107</sup> and Chile,<sup>108</sup> women within the legislature were not the primary sources of substantive representation; however networks between some female legislators and non-governmental organizations helped maintain a level of substantive representation that was overall higher than expected by critical mass theory.

The nature of women's coalitions and networks clearly influenced the dynamics of women's collaboration in the legislature. Consensus among female legislators emerged as a priority in countries where gender quota coalitions were cross-party among legislators and cross-section among civil society members. In countries where consensus is not a main priority, gender quota adoption was either not precipitated by widespread activism, or the supporting coalitions were not cross-party and cross-sectional. The effect of consensus versus non-consensus style collaboration of female legislators is non-monotonic on the overall level of substantive representation. However, the outcomes of substantive representation vary according to the prioritization of consensus. In legislatures where the expectation among female legislators is that they should all agree on a women's interest bill before proposing it, women's interests can be well represented but feminist interests typically cannot. The opposite effect is observed in legislatures in which consensus is not prioritized. In these legislatures, women are more successful in

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<sup>105</sup> Piscopo, "Inclusive Institutions versus Feminist Advocacy: Women's Legislative Committees and Caucuses in Latin America" 30.

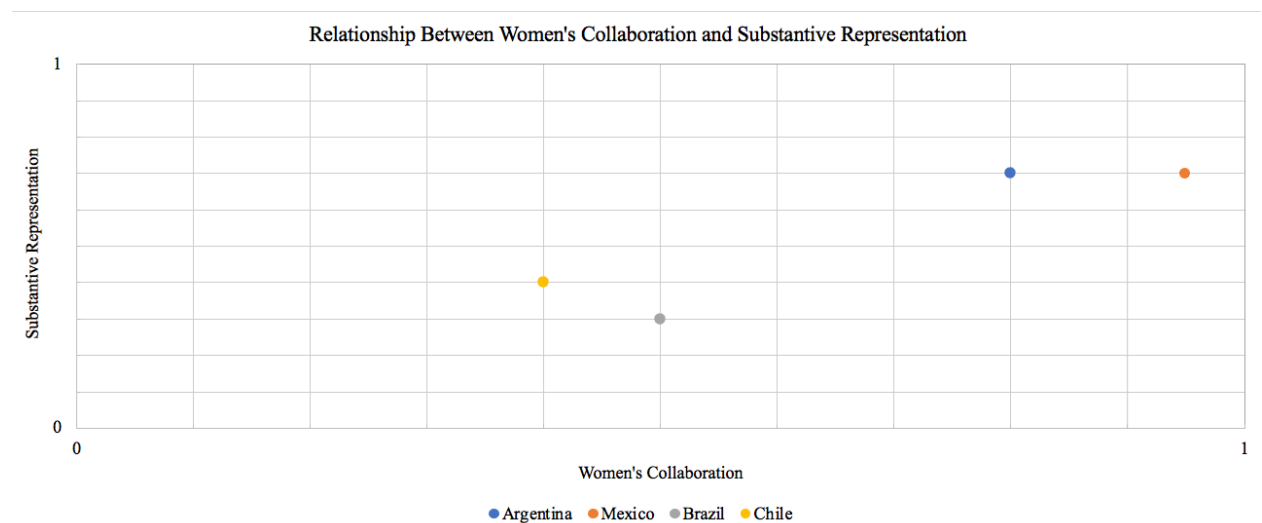
<sup>106</sup> Ibid.

<sup>107</sup> Mala Htun. "Puzzles of Women's Rights in Brazil." *Social Research: An International Quarterly* 69, no. 3 (2002):733–51, Project Muse.

<sup>108</sup> Susan Franceschet, "Informal Institutions and Women's Political Representation in Chile (1990-2015)" in *Gender and Representation in Latin America* ed. Leslie A. Schwindt-Bayer, 140-155 (Oxford University Press, 2018).

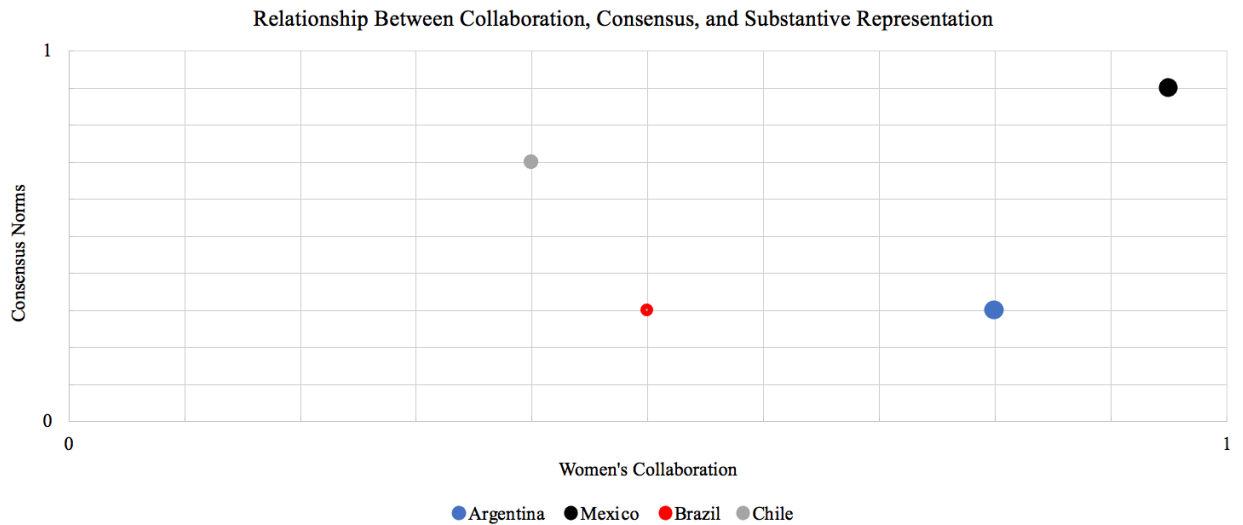
representing feminist interests and less successful in broader forms of women’s interests, such as gender mainstreaming. These results are summarized in Graphs 2 and 3 below.

### Graph 2: Relationship Between Women’s Collaboration and Substantive Representation



Graph 2 shows the relationship between women’s collaboration on the x axis and substantive representation on the y axis. Both variables are qualitative, but have been assigned numerical values on scales from 0 to 1 for the purpose of visualizing their relationship. Values closer to 1 indicate higher levels of each variable. This graph demonstrates that Mexico and Argentina have similar levels of substantive representation and are rated highly on the degree of women’s collaboration, despite the difference in their levels of descriptive representation. Women in Brazil and Chile display similar levels of collaboration that correspond with their substantive representation.

### Graph 3: Relationship Between Collaboration, Consensus, and Substantive Representation



Graph 3 shows the relationship between women’s collaboration and the primacy of consensus norms among women’s organizations. Collaboration and consensus norms are both qualitative variables that are shown in the graph on a scale from 0 to 1. On the y axis, values closer to 1 indicate that consensus norms are highly observed in the relevant women’s organization, while scores closer to 0 indicate the opposite. The degree and type of substantive representation in each case study is indicated by the size and color of the country’s point on the graph to show how these variables interact. Larger points show higher substantive representation. Bright colors show that substantive representation includes feminist interests, while grey-scale colors indicate that substantive representation is mainly for broader women’s interests. The graph reiterates that higher substantive representation is associated with higher women’s collaboration. However,

this graph also demonstrates the non-monotonic effect of consensus versus non-consensus norms within arenas of women's collaboration on substantive representation. The primacy of consensus norms does not affect the overall level of substantive representation, but it does affect whether the representation generally includes feminist interests.

This explanation bridges some of the gap in understanding the relationships between gender quotas, descriptive representation, and substantive representation. Current research tends to focus on either the link between quotas and descriptive representation or between descriptive and substantive representation. Yet, by refocusing the analysis on the role of informal coalitions and non-governmental institutions in establishing the dynamics and norms of women's collaboration within the legislature, it is possible to see how the events surrounding the adoption of gender quotas ultimately influence substantive representation, sometimes even decades later. Understanding and investigating this link allows for better explanation of the varying levels and forms of substantive representation at each degree of descriptive representation. In other words, the connection directly between gender quota formation and substantive representation helps to explain why some countries with low descriptive representation experience high substantive representation and why substantive representation leads to feminist outcomes in some countries and not in others. This does not refute critical mass or institutionalist theories, but rather adds a layer of analysis that may prove useful in further development of gender quota research.

This paper evaluates the research question in four subsequent chapters. Rather than dedicating a chapter to each case study, chapters are divided according to descriptive



and substantive representation with the high and low performing countries in each form of representation grouped in separate chapters. This first chapter has introduced the research question, case studies, and main findings while providing an overview of the relevant literature. The second and third chapters will examine descriptive representation in the case studies with a focus on the mechanisms promoting or hindering effective gender quota implementation and how these might affect substantive representation. The fourth and fifth chapters will analyze women's substantive representation. Each of these two chapters will investigate whether female legislators prioritize women's interests and their capacity to do so effectively. Following chapter five, the conclusion will revisit the central arguments from these chapters and discuss the role of this paper in the broader field of research.

## **Chapter Two**

### **Reaching Critical Mass in Mexico and Argentina**

This chapter examines descriptive representation in Argentina and Mexico. Beginning with an analysis of the quota laws and their implementation, this chapter explores the institutional factors and actors contributing to and preventing increased representation of women. By comparing case studies in which quota laws have been effective descriptively, this chapter will identify important cross-national and contextual variables in order to analyze their role in substantive representation in later chapters. Chapter Three will use the same approach to study descriptive representation in the two less successful cases: Brazil and Chile. Dividing those case studies that have been more effective in increasing descriptive representation from those that have had less success will allow for a thorough investigation of the links between descriptive and substantive representation, as well as identification of potential links between gender quotas and substantive representation.

#### **Mexico**

Between 1990 and 2018, the percentage of women in the Mexican legislature increased from 12 percent to 49 percent.<sup>109</sup> The achievement of gender parity in Mexico is due in large part to the use of legislated candidate quotas, but the path from the first

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<sup>109</sup> “Proportion of seats held by women in national parliaments – Mexico.” The World Bank Group (1990 – 2019).

gender quota of 1996 to parity in 2018 is long, convoluted, and as riddled with failures as it is with successes. Understanding the challenges that advocates faced in passing effective gender quotas sheds light on the institutional features and actors that influence women's descriptive and substantive representation, not just in Mexico but throughout Latin America.

First, some context on the political landscape and electoral features of Mexico is necessary. Mexico is a federal republic comprised of 31 states and Mexico City, which is no longer a Federal District but does elect its own federal representatives.<sup>110</sup> Much like the United States, the government has three independent branches: the executive (President and appointed cabinet), the bicameral legislature (the Chamber of Deputies and the Senate), and the judiciary (the Supreme Court of Justice).<sup>111</sup> Until 2014, no elected federal officials could be reelected.<sup>112</sup> A 2014 Constitutional amendment allowed federal legislators to run for immediate reelection, but the Presidential term limit is one six year term.<sup>113</sup> The lower house, the Chamber of Deputies, has three year terms. It uses a mixed electoral system of 300 Single Member District seats (SMD) and 200 Proportional Representation (PR) seats.<sup>114</sup> Senators, of which there are 128, have six year terms.<sup>115</sup> Senate seats are assigned to parties through proportional representation; 32 seats

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<sup>110</sup> Mala N. Htun. "Women in Political Power in Latin America," in *Women in Parliament: Beyond Numbers*, eds. Julie Ballington and Azza Karam (Stockholm: International IDEA, 2005), 118-20.

<sup>111</sup> Htun, "Women in Political Power in Latin America," 118-20.

<sup>112</sup> Pär Zetterberg. "Women's Conditioned Access to Political Office in Mexico," in *Gender and Representation in Latin America*, ed. Leslie Schwindt-Bayer (New York: Oxford University Press, 2018), 196-210, 199.

<sup>113</sup> Ibid.

<sup>114</sup> Htun, "Women in Political Power in Latin America," 118-20.

<sup>115</sup> Ibid.

are based on the national vote and 96 are based on individual state votes.<sup>116</sup> SMD legislators are elected by plurality vote from districts in 31 states and Mexico City, while PR seats are allocated to political parties according to their percentage of the national vote<sup>117</sup>. Mexico has a high district magnitude for its PR seats. There are five districts for the Chamber of Deputies PR seats, each consisting of 40 seats. PR legislators are elected from closed and rank-ordered candidate lists, meaning that voters have no influence over which candidates are elected from the list when they vote for a given party.<sup>118</sup>

These features of the electoral system are important, as scholarship on the political representation of women has found consistent links between PR systems and higher proportions of female legislators and effectiveness of gender quotas.<sup>119</sup> This is because PR systems shift the incentives for parties in candidate selection.<sup>120</sup> The ‘winner takes all’ procedure of SMD systems in which only one candidate is elected from each electoral district incentivizes parties to advance the candidates they believe are the most competitive and will have the broadest appeal to voters.<sup>121</sup> In many cases, the dominant view is that male candidates are more likely to succeed, so party leaders field more male candidates in SMD systems. In PR systems, where seats are allocated according to the party’s national performance, party leaders are incentivized to put forward a variety of candidates with appeal to different social groups because multiple candidates can be

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<sup>116</sup> Piscopo, “When Informality Advantages Women: Quota Networks, Electoral Rules and Candidate Selection in Mexico,” 492-93.

<sup>117</sup> Ibid.

<sup>118</sup> Piscopo, “When Informality Advantages Women: Quota Networks, Electoral Rules and Candidate Selection in Mexico,” 492-93.

<sup>119</sup> Htun. “Women in Political Power in Latin America,” 115-18.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

elected from each electoral district.<sup>122</sup> Thus, women are at a disadvantage in SMD systems because of real or perceived voter biases, but are sometimes desired candidates in PR systems when party leaders believe that female candidates are more popular with female or left-leaning voters.<sup>123</sup> District magnitude is also associated with the representation of women.<sup>124</sup> Female candidates typically fare better in systems with high district magnitude, although this effect is more pronounced in PR systems than in majoritarian systems.<sup>125</sup>

Although the use of SMD for the majoritarian seats in Mexico should create challenges for female candidates, the high district magnitude for Mexico's PR seats (40 members) should provide opportunities for potential female legislators. It is, however, important to note that the use of closed PR systems gives party leaders an incredible amount of influence over which candidates are elected and which are not.<sup>126</sup> Even when candidate nomination and selection processes are transparent and unbiased, party leaders are often able to decide the ranking of candidates on PR lists.<sup>127</sup> Rank-ordered, closed PR lists allow a number of the top-ranked candidates to be elected. This number of candidates is based on the number or proportion of votes the party receives, but regardless the top positions on the PR lists are the most likely candidates to be elected.<sup>128</sup>

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<sup>122</sup> Htun. "Women in Political Power in Latin America," 115-18.

<sup>123</sup> Funk, Hinojosa, and Piscopo, "Still Left Behind: Gender, Political Parties, and Latin America's Pink Tide," 402.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Lisa Baldez. "Primaries Vs. Quotas: Gender and Candidate Nominations in Mexico, 2003." *Latin American Politics and Society* 49, No. 3 (Fall 2007): 77, JSTOR.

<sup>127</sup> Baldez, "Primaries vs. Quotas : Gender and Candidate Nominations in Mexico," 77.

<sup>128</sup> Ibid.

For this reason, it is important to understand the ideologies, dynamics, and candidate selection processes of the main political parties in each case study.

Mexico had three main political parties until the success of President Lopez Obrador and his center-left party National Regeneration Movement (MORENA) in 2018 added a fourth party to this list.<sup>129</sup> These three parties are the Institutional Party of the Revolution (PRI), the National Action Party (PAN), and the Party of the Democratic Revolution (PRD).<sup>130</sup> Mexico was led by an authoritarian, one-party regime under PRI from the Mexican Revolution until the turn of the century.<sup>131</sup> Democratization began in the late 1980s and was consolidated with the election of President Vicente Fox of PAN in 2000.<sup>132</sup> The PRI is typically characterized as a pro-business center-right party, while PAN is a conservative party and the PRD is leftist. In all three parties, the selection of political candidates is tightly controlled by party leaders.<sup>133</sup> Although the PAN and the PRD use primaries for nominations, party leaders are able to heavily influence the outcomes of primaries through political clientelism and strategic selection of party members to attend the national conventions where primaries are held.<sup>134</sup> The PRI has made efforts to ostensibly democratize their candidate selection in recent years, but until the early 2000s the party relied entirely on informal decision-making to select and nominate candidates.<sup>135</sup>

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<sup>129</sup> Kerevel, "Empowering Women? Gender Quota's and Women's Political Careers," 1168.

<sup>130</sup> Daniel C. Levy, Kathleen Bruhn, and Emilio Zebadúa. "Difficult Democracy." In *Mexico: The Struggle for Democratic Development, Second Edition*, 112-48. (Berkeley: University of California Press, 2006), 145-46.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

<sup>133</sup> Levy, Bruhn, and Zebadúa. "Difficult Democracy," 145-46.

<sup>134</sup> Piscopo. "When Informality Advantages Women: Quota Networks, Electoral Rules and Candidate Selection in Mexico," 492-93.

<sup>135</sup> Baldez, "Primaries vs. Quotas : Gender and Candidate Nominations in Mexico," 74.

The use of informal decision-making versus primaries for party candidate selection is a point of contention in the debate on female representation. When gender quotas are not in use, both can be detrimental to the electoral prospects of female candidates. Substantial research has shown that female candidates typically have less funding and name recognition than their male counterparts.<sup>136</sup> Even in the absence of low or moderate voter gender biases, these factors can make primaries more challenging for women without measures to correct for the historic economic and political disadvantages faced by women.<sup>137</sup> Alternatively, without quotas, informal decision-making can enable male-dominated party leadership to operate clientelist recruitment networks and selection procedures that primarily benefit male candidates who are connected to party leaders through business or family ties.<sup>138</sup> Scholars disagree on which of these mechanisms is more disadvantageous for female candidates, but both present substantial barriers for women hoping to achieve political office.<sup>139</sup> However, when gender quotas are in use, or when they are being debated, primaries often prove more damaging to the prospects of female candidates. Not only is the use of primaries often a point which critics use to oppose the introduction of gender quotas, but also a procedure through which poorly designed quotas can fail to increase female representation.<sup>140</sup> With this institutional context in mind, the analysis turns to the adoption, features, and implementation of the gender quota.

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<sup>136</sup> Baldez, "Primaries vs. Quotas : Gender and Candidate Nominations in Mexico," 74.

<sup>137</sup> Jutta Marx, Jutta Borner, and Mariana Caminotti, "Gender Quotas, Candidate Selection, and Electoral Campaigns: Comparing Argentina and Brazil," in *Feminist Agendas and Democracy in Latin America*, ed. Jane S. Jaquette (Duke University Press, 2009), 45–64, <https://doi.org/10.1215/9780822392569-003>, 62.

<sup>138</sup> Zetterburg. "Women's Conditioned Access to Political Office in Mexico," 199.

<sup>139</sup> Ibid.

<sup>140</sup> Piscopo, "When Informality Advantages Women: Quota Networks, Electoral Rules and Candidate Selection in Mexico," 489-93.

Like many other countries where legislated candidate quotas are in use, the movement towards gender quotas in Mexico began with voluntary party quotas. In 1990, the PRD implemented a small quota for female representation in party leadership, believing that a candidate quota would be incompatible with the party's use of primaries.<sup>141</sup> However, in the election that followed the PRD fielded the fewest female candidates of any other party in Mexico, showing again that weak quotas can be ineffectual and even counterproductive.<sup>142</sup> As discussed in Chapter One, the introduction of a gender quota can often cause a contagion effect among parties as they compete for new or changing constituencies.<sup>143</sup> Per this theory, in 1993 the PRI adopted a rule that at least 30 percent of its candidates should be of a different gender than the other 70 percent.<sup>144</sup> Just one year later, the PRI selected a woman as party president, reflecting either shifting attitudes about gender within the party or a concentrated effort to make the party more competitive as the pace of democratization increased and PRI's stronghold on the country weakened. Prioritizing party ideology, the conservative PAN resisted implementing a gender quota and argued that a quota would compromise the integrity of its purportedly democratic candidate selection process.<sup>145</sup>

In response to the new public attention on female representation and failure of voluntary quotas to increase the proportion of women in the legislature – by 1997 just 14 percent of federal legislators were women – female party militants and legislators began

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<sup>141</sup> Baldez, "Elected Bodies: The Gender Quota Law for Legislative Candidates in Mexico," 246.

<sup>142</sup> Ibid.

<sup>143</sup> Caul, "Political Parties and the Adoption of Candidate Gender Quotas: A Cross-National Analysis," 1216.

<sup>144</sup> Baldez, "Elected Bodies: The Gender Quota Law for Legislative Candidates in Mexico," 239-41.

<sup>145</sup> Ibid.



to form cross-party coalitions to advocate for a legislated candidate gender quota law.<sup>146</sup> Organizing across party lines, in the late 1990s female party members and legislators created formal and informal networks in conjunction with women's civil society groups to advocate their position.<sup>147</sup> Their initial efforts produced a 1996 national gender quota law that *recommended* that each party ensure that no more than 70 percent of a party's candidates be of a single gender.<sup>148</sup> The law was non-binding, carried no enforcement or oversight mechanisms, and fell far short of the demands of the women's groups pushing for increased political representation. In fact, from 1996 to 2000 (before a new quota was passed) the proportion of women in the legislature actually decreased slightly.<sup>149</sup> While the PRI and PRD complied with the letter of the law by fielding close to 30 percent female candidates, they did so by nominating women to *suplente* spots.<sup>150</sup> In Mexico, two candidates are nominated for each seat of a party's ticket; one as a *propietario* (primary) and one as a *suplente* (alternate).<sup>151</sup> The *suplente* only ever takes office if the elected *propietario* resigns, dies, or is otherwise unable to complete their term.<sup>152</sup> When parties fulfilled the quota by placing female candidates as *suplentes*, they guaranteed that almost none of those women would actually hold office.<sup>153</sup> This background demonstrates that women played a significant role in the movement for gender quotas in Mexico, although

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<sup>146</sup> María Luisa Tarrés. "The Political Participation of Women in Contemporary Mexico, 1980-2000," in *Changing Structure of Mexico: Political, Social, and Economic Prospects*, ed. Laura Randall (New York: M.E. Sharpe, 2006), 411.

<sup>147</sup> Ibid.

<sup>148</sup> Piscopo, "When Informality Advantages Women: Quota Networks, Electoral Rules and Candidate Selection in Mexico," 495.

<sup>149</sup> Ibid.

<sup>150</sup> Baldez, "Elected Bodies: The Gender Quota Law for Legislative Candidates in Mexico," 235.

<sup>151</sup> Htun. "Women in Political Power in Latin America," 118-20.

<sup>152</sup> Ibid.

<sup>153</sup> Ibid.

party politics and competition were are important factors. Further, it is clear that quota laws can be rendered largely ineffective not just in the absence of enforcement and oversight, but also due to exploitable loopholes in the electoral system.

In 1997, women's coalitions were successful in establishing the bicameral Commission on Gender Equality (CIG) in the legislature, the primary institutional vehicle for the introduction and eventual adoption of gender quotas and numerous women's interest laws.<sup>154</sup> Through continued mobilization and as a result of the institutionalization of gender issues in the legislature through the CIG, the first *mandatory* gender quota law was passed in 2002.<sup>155</sup> However, this law was only possible after a ruling by the Supreme Court upholding a 2001 gender quota passed in the state of Coahuila.<sup>156</sup> Coahuila's quota placed a 70 percent limit on the gender proportions of candidate lists for state congress.<sup>157</sup> PAN challenged the law on the grounds that the law disadvantaged male candidates, thus violating existing Constitutional protections for gender equality.<sup>158</sup> The court ruled that the quota was indeed in line with the Constitution, but added that parties that used primaries for candidate selection would be exempt.<sup>159</sup>

Through the CIG, quota proponents introduced a law closely resembling Coahuila's. With confirmation that a national gender quota would be Constitutional, and in the face of mounting pressure from cross-party and civil society coalitions, the

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<sup>154</sup> Piscopo, "Beyond Hearth and Home: Female Legislators, Feminist Policy Change, and Substantive Representation in Mexico," 93-94.

<sup>155</sup> Ibid.

<sup>156</sup> Dorothy Estrada-Tanck, "Gender Parity, Legal Pluralism, and Human Rights of Indigenous Women: An Outlook from Mexico," in *Gender Parity and Multicultural Feminism: Towards a New Synthesis*, eds. Ruth Rubio-Marín and Will Kymlicka, (Oxford: Oxford University Press, 2018), 199–237.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

legislature passed the law nearly unanimously. However, although the 2002 law was considerably stronger than the 1996 quota – in particular, parties were required to place women in electable positions on PR lists and could no longer nominate women as *suplentes* to fill the quota – parties continued to find ways to circumvent the law. As a result, female representation in the legislature increased 7 percent in the first election after the law was passed, but remained below the 30 percent believed to be necessary for critical mass, let alone parity, until a series of amendments between 2008 and 2011 improved the law.

Although the 2002 quota law was mandatory, enforcement and oversight mechanisms were extremely weak and parties that used primaries to select candidates were exempted from the law. This provided a wide degree of agency for party leaders in deciding to what extent they would comply with the quota, despite concerns about the fairness and transparency of primaries conducted by the PRD and the PAN.<sup>160</sup> The Federal Electoral Institute (IFE) was nominally responsible for enforcement, oversight, and interpretation of the quota but in reality did very little to fulfill these responsibilities.<sup>161</sup> A particularly egregious example of the methods employed by party leaders to circumvent the quota was the “Juanita” scandal.<sup>162</sup> Two days after the 2009 midterm election, eight newly elected legislators resigned from their positions and were replaced by their *suplentes*.<sup>163</sup> All of the legislators who resigned were women and almost

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<sup>160</sup> Baldez, “Primaries Vs. Quotas: Gender and Candidate Nominations in Mexico, 2003,” 77.

<sup>161</sup> Ibid.

<sup>162</sup> Jennifer M. Piscopo, “States as Gender Equality Activists: The Evolution of Quota Laws in Latin America,” *Latin American Politics and Society* 57, no. 3 (2015): 27–49, <https://doi.org/10.1111/j.1548-2456.2015.00278.x>, 36–37.

<sup>163</sup> Ibid.

all of their *suplentes* were male family members.<sup>164</sup> The ensuing scandal and media attention revealed that this practice was actually relatively common and a repeat in 2010 confirmed beliefs that female legislators were pressured by party leaders into resigning their seats to men.<sup>165</sup>

Female journalists, legislators, civil society activists, and party members formed a group called *Mujeres en Plural* to advocate for amendments to the quota laws which would require each *propietario* and *suplente* pairing to be of a single gender and remove the exemption for primaries.<sup>166</sup> A bill was introduced and voted down, a petition was introduced to the IFE and denied, finally the case was presented to the Federal Electoral Tribunal (a federal court overseeing election matters) which ruled in favor of *Mujeres en Plural* in 2011.<sup>167</sup> As a result, in 2012 the proportion of female legislators increased 10 percentage points to 36 percent.<sup>168</sup> An amendment in 2014 to raise the quota from 30 percent to 50 percent has since proved highly effective.<sup>169</sup>

The descriptive success of Mexico's gender quota was facilitated by features of the electoral system. The use of PR, large district magnitudes, and closed candidate lists created a system which was highly compatible with a gender quota. However, other institutional factors detracted from the quota. Resistance by party leaders and political clientelism prevented the full implementation of the law in the early years. Indeed, it was

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<sup>164</sup> Piscopo, "States as Gender Equality Activists: The Evolution of Quota Laws in Latin America," 36-37.

<sup>165</sup> Ibid.

<sup>166</sup> Stephanie Froimovich et. al, "Women in Politics: Evidence of Legislative Change." University of Columbia (2013): 1-66. <https://sipa.columbia.edu/academics/capstone-projects/women-and-politics-evidence-legislative-change>, 25-26.

<sup>167</sup> Ibid.

<sup>168</sup> "Proportion of seats held by women in national parliaments – Mexico." The World Bank Group (1990 – 2019).

<sup>169</sup> Piscopo. "States as Gender Equality Activists: The Evolution of Quota Laws in Latin America." 41.

women's collaboration, within and across the legislature and civil society, that ensured the reform and enforcement of the quota and ultimately rendered it successful.

## **Argentina**

Although voluntary party gender quotas were popularized in Scandinavia in the 1970s and 80s, Argentina was the first democratic country to introduce a legislated candidate quota.<sup>170</sup> Argentina's 1991 gender quota law was followed by similar laws in 11 other Latin American countries, in what some scholars have deemed Latin America's Pink Tide.<sup>171</sup> It is useful here to highlight some of the features of the Argentine political and electoral systems. Although democratization was attained earlier in Argentina than in Mexico – 1983, with consolidation in 1989 – authoritarianism in Argentina was characterized by military dictatorships alternating with radical populists and high levels of violence and state terror.<sup>172</sup> Despite economic and political turmoil throughout the 1980s and 90s,<sup>173</sup> Argentina is currently a stable democracy and ranks highly for political rights and civil liberties in Freedom House assessments.<sup>174</sup>

The balance of political parties within Argentina is more complex than in Mexico, so it is not possible to give a full explanation of the major political parties, their ideologies, and how each of these have shifted over the time period discussed in this

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<sup>170</sup> Funk, Hinojosa, and Piscopo, "Still Left Behind: Gender, Political Parties, and Latin America's Pink Tide," 401-02.

<sup>171</sup> Ibid.

<sup>172</sup> Tricia Gray, "Electoral Gender Quotas: Lessons from Argentina and Chile," *Bulletin of Latin American Research* 22, no. 1 (2003): 57–58, JSTOR.

<sup>173</sup> Ibid.

<sup>174</sup> "Argentina," Freedom House, 2020, <https://freedomhouse.org/country/argentina/freedom-world/2017>.

paper. To provide some context, however, it is important to note that Argentina has a long history of popular and powerful Leftist parties. The most prominent of these traditions is that of the Peronists, who are typically represented by the Justicialist Party (PJ).<sup>175</sup> Within the PJ, there are smaller political coalitions such as FREJUPO, FPV, and FdT.<sup>176</sup> The center-right party, Republican Proposal (PRO), has only won a single Presidential election since democratization.<sup>177</sup> The Radical Civil Union (UCR) is a socialist party that has not won a Presidential election since 1999.<sup>178</sup>

Women's rights in Argentina were jumpstarted under Juan and Eva Perón. During their leadership, women gained the right to vote (1947) and the Peronist Party implemented a party quota for its congressional seats (1950).<sup>179</sup> As a result, in 1951, Argentina's national legislature was 18 percent women – a remarkable achievement at the time.<sup>180</sup> This early introduction of gender quotas and unusually high representation for women, although short-lived, may have served to establish societal norms concerning the rights and representation of women. Further, the electoral success of the Peronist Party may have demonstrated that women as a constituency could influence elections. The political instability and numerous authoritarian regimes that followed the Peróns makes it nearly impossible to confirm these hypotheses, but it should be noted that the history of women's rights and representation was quite different in Argentina than in the other case studies.

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<sup>175</sup> Gray, "Electoral Gender Quotas: Lessons from Argentina and Chile," 58-59.

<sup>176</sup> Ibid.

<sup>177</sup> Ciara Nugent, "As Argentina Goes to the Polls, Voters Are Falling Back in Love With a Divisive Political Movement," Time Magazine, October 15, 2019, <https://time.com/5709583/argentina-elections-2019/>.

<sup>178</sup> Ibid.

<sup>179</sup> Gray, "Electoral Gender Quotas: Lessons from Argentina and Chile," 59.

<sup>180</sup> Ibid.

Argentina has a President and Vice-President, bi-cameral legislature (Chamber of Deputies and Senate), and a Supreme Court.<sup>181</sup> Like Mexico and Brazil, it is a federal system with 24 electoral districts.<sup>182</sup> Argentina uses exclusively PR, unlike Mexico's mixed system, that features closed, rank-ordered candidate lists.<sup>183</sup> The Chamber of Deputies has 257 seats consisting of four year terms that are staggered so that half of the Chamber is elected every two years.<sup>184</sup> District magnitude varies for the Chamber of Deputies as the number of seats is allocated according to the population of each province, meaning that some districts have high magnitudes (70 for the Province of Buenos Aires) but most have low magnitudes between 5 and 10.<sup>185</sup> Each district elects three Senators for a total of 72 seats with a relatively small district magnitude. PR for Senate seats is structured so that the majority party receives two seats and the party in second-place receives one seat.<sup>186</sup> Until 2001, Senators were chosen through indirect elections and after 2001 through the PR system enumerated above.<sup>187</sup> Senate terms are six years with a third of Senators elected every two years. There are no bans on reelection for seats in the legislature or for the Presidency.<sup>188</sup>

The use of closed PR lists allocates enormous power and authority to the party leaders who determine and rank candidates.<sup>189</sup> In Argentina, this access is typically

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<sup>181</sup> Gray, "Electoral Gender Quotas: Lessons from Argentina and Chile," 59.

<sup>182</sup> Marx, Borner, and Caminotti, "Gender Quotas, Candidate Selection, and Electoral Campaigns: Comparing Argentina and Brazil," 46-47.

<sup>183</sup> Ibid.

<sup>184</sup> Ibid.

<sup>185</sup> Gray, "Electoral Gender Quotas: Lessons from Argentina and Chile," 55.

<sup>186</sup> Marx, Borner, and Caminotti, "Gender Quotas, Candidate Selection, and Electoral Campaigns," 46-47.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Amanda Driscoll and Mona Lena Krook, "Feminism and Rational Choice Theory," *European Political Science Review* 4, no. 2 (July 2012): 195–216, <https://doi.org/10.1017/S175577391100018X>, 203.

controlled by state-level party leaders rather than national ones, which differs slightly from the power structure in Mexico.<sup>190</sup> Further, while Mexico had a ban on reelection until 2014, Argentina has always allowed federal legislators to seek reelection with no term limits. This creates a number of differences in the incentives for both candidates and party leaders. Whereas in Mexico, legislators were only beholden to party leaders if they intended to seek a different office after their term, Argentine legislators rely on this support in order to seek reelection for the same office.<sup>191</sup> Reelection can also present challenges for increasing women's representation. In electoral systems where reelection is permitted and the representation of women is low, the incumbency advantage of predominately male legislators can make it more difficult for women to attain office.<sup>192</sup> This is more relevant in open list PR and SMD systems, but knowledge of the incumbency advantage may also disincentivize party leaders from choosing to run new, female candidates to replace incumbent male candidates of the same party even in a closed-list system.<sup>193</sup> The result of the influence of party leaders over the political careers of legislators, exacerbated by the use of closed-list PR systems, is that legislators are highly discouraged from challenging party ideology in any way.<sup>194</sup>

Voting against party lines can even result in leaders withholding ballot access or being expelled from the party, and this is true in both Argentina<sup>195</sup> and Mexico.<sup>196</sup>

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<sup>190</sup> Driscoll and Krook, "Feminism and Rational Choice Theory," 203.

<sup>191</sup> Ibid, 205.

<sup>192</sup> Leslie A. Schwindt-Bayer, "The Incumbency Disadvantage and Women's Election to Legislative Office," *Electoral Studies* 24, no. 2 (June 2005): 240-41, <https://doi.org/10.1016/j.electstud.2004.05.001>.

<sup>193</sup> Ibid.

<sup>194</sup> Driscoll and Krook, "Feminism and Rational Choice Theory," 207.

<sup>195</sup> Ibid.

<sup>196</sup> Piscopo, "Beyond Hearth and Home: Female Legislators, Feminist Policy Change, and Substantive Representation in Mexico," 100.



Although subsequent chapters will discuss how this dynamic can work against the substantive representation of women, in Argentina party leaders' control over legislator voting has actually been attributed to the adoption of the 1991 quota law.<sup>197</sup> During discussion of the bill, the majority of the legislators from the largest party, the Justicialist Party (JP), registered staunch opposition to the bill.<sup>198</sup> Leaders of the second largest, UCR Party endorsed the bill, ensuring that UCR legislators would vote to in favor of the quota, but this would not have been enough to pass the bill.<sup>199</sup> It was President Menem's instructions to members of his party, the JP, to vote in favor of the bill that guaranteed its passage.<sup>200</sup> Even after voting for the bill, many JP legislators entered their objections into the legislative transcript, demonstrating the power of party leaders to dictate legislator voting.<sup>201</sup>

Prior to the implementation of the quota law, the *Ley de Cupos*, the legislature was just four percent women, although women constituted over 50 percent of registered voters and 47 percent of party members.<sup>202</sup> In addition to party leaders in the JP and UCR, the *Ley de Cupos* was also supported by a broad and diverse coalition of women, including party members, legislators, bureaucrats, journalists, and civil society activists.<sup>203</sup> Their intense and focused lobbying for the law was likely an important motivator in President Menem's decision to endorse to the bill.<sup>204</sup> However, it should be

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<sup>197</sup> Driscoll and Krook, "Feminism and Rational Choice Theory," 213.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

<sup>201</sup> Driscoll and Krook, "Feminism and Rational Choice Theory," 213.

<sup>202</sup> Ibid.

<sup>203</sup> Mona Lena Krook, "Legislative Quotas in Argentina and France," in *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide*, 161-206 (Oxford University Press, 2010), 169-70.

<sup>204</sup> Krook, "Legislative Quotas in Argentina and France," 169-70.

noted that while collaboration with civil society occurred similarly to Mexico, party divisions among women remained.<sup>205</sup> Participation in the gender quota movement was not as ubiquitous among female legislators as in Mexico, and even among supporters there was significant disagreement over the details of the quota.<sup>206</sup> Support from women's coalitions was crucial in Argentina as in Mexico, but the influence of party leaders was more pronounced in the passage of the quota law in Argentina than in Mexico. Thus, women's collaboration emerged as an important variable in garnering support for the quota in Argentina, but female legislators were not nearly as united in advocating for the quota as they were in Mexico.

The 1991 *Ley de Cupos* mandated that all party lists for the Chamber of Deputies contain at least 30 percent women and that the 'electable' positions on the candidate lists contain a minimum of 30 percent female candidates.<sup>207</sup> The law did not apply to the Senate at the time because it used indirect elections and was thus exempted from the *Ley de Cupos*. The placement mandate was, however, vague and did not clarify whether 'electable' positions referred to all spots on a party's candidate lists or only the spots a party could reasonably be expected to win.<sup>208</sup> As a result, many party leaders complied by fielding their 30 percent female candidates in low positions that were unlikely to be elected.<sup>209</sup> A decree by President Menem on International Women's Day in 1993 specified that the 30 percent also applied to positions reasonably expected to be won and

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<sup>205</sup> Krook, "Legislative Quotas in Argentina and France," 169-70.

<sup>206</sup> Ibid.

<sup>207</sup> Schwindt-Bayer, "Making Quotas Work: The Effect of Gender Quota Laws On the Election of Women," 6.

<sup>208</sup> Marx, Borner, and Caminotti, "Gender Quotas, Candidate Selection, and Electoral Campaigns," 48.

<sup>209</sup> Ibid.

outlined the precise number and position of spots that should be allocated to women based on the number of seats up for reelection, but failed to convince party leaders.<sup>210</sup> Despite widespread violations of the law in the 1993 election, no sanctions were enforced on parties, largely because only those directly affected by non-compliance could bring a case against the party – meaning that female candidates would have to publicly challenge their party, finance the cost of the legal challenge personally, and effectively sacrifice their political careers.<sup>211</sup> These challenges were exacerbated by the fact that some judges refused to enforce the law on the grounds that it violated the Constitutional principle of equality before the law.<sup>212</sup>

Women's representation in the legislature increased in the election, from 5.8 percent in the Chamber of Deputies in 1991 to 14.4 percent in 1993 and from 4.2 percent in the Senate in 1992 to 6.1 percent in 1995, but further progress could have been made if the placement mandate was respected and enforced.<sup>213</sup> It should also be considered that although the proportion of women in the Chamber of Deputies increased substantially, the initial level of representation was very low and the percentage of women after the *Ley de Cupos* was equal to the proportion of women in the entire Mexican legislature 5 years prior to their first national quota law. Disappointed by the election results and frustrated by the rampant violations of the quota, women's coalitions again began to rally in support of the quota law and worked through the National Women's Council to bring violations to the National Electoral Chamber to ensure enforcement.<sup>214</sup> The 1994 Constitutional

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<sup>210</sup> Krook, "Legislative Quotas in Argentina and France," 170.

<sup>211</sup> Gray, "Electoral Gender Quotas: Lessons from Argentina and Chile," 60.

<sup>212</sup> Ibid, 61.

<sup>213</sup> Krook, "Legislative Quotas in Argentina and France," 165.

<sup>214</sup> Gray, "Electoral Gender Quotas: Lessons from Argentina and Chile," 61-62.

Assembly was especially critical in ensuring the proper application of the *Ley de Cupos*. The selection of legislators to the Assembly was governed by the quota law, resulting in 26 percent representation for women.<sup>215</sup> Supported by women's coalitions outside the Assembly, female legislators, and some male allies, incorporated the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) into the Constitution and an Article stating that political parties and the electoral system will guarantee the real equality of political opportunity between men and women through positive action measures that will never be less than those in effect at the signing of the Constitution (the *Ley de Cupos*).<sup>216</sup> Another important change to the Constitution was the reform to the election system for Senators. The Constitution established that the Senate would, starting in 2001, use a PR system rather than indirect elections.<sup>217</sup> This opened the possibility that the *Ley de Cupos* would also apply to the Senate.

Women's groups launched a sustained legal campaign to ensure this reality and although they were ultimately successful, they faced significant resistance.<sup>218</sup> Women's efforts leading up to the 1995 election also helped motivate the Attorney General and the National Electoral Chamber to begin enforcing the *Ley de Cupos*.<sup>219</sup> Clarifications were made regarding the placement mandate, ensuring that female candidates were placed in positions that actually were electable even in instances where parties could only expect to

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<sup>215</sup> Mark P. Jones, "Increasing Women's Representation Via Gender Quotas: The Argentine Ley de Cupos," *Women & Politics* 16, no. 4 (October 1, 1996): 75–98, [https://doi.org/10.1300/J014v16n04\\_04](https://doi.org/10.1300/J014v16n04_04), 88-91.

<sup>216</sup> Ibid.

<sup>217</sup> Ibid.

<sup>218</sup> Krook, "Legislative Quotas in Argentina and France," 171-74.

<sup>219</sup> Ibid.

win two seats.<sup>220</sup> Electoral court judges were ordered to review all candidate lists and mandate changes to any that violated the quota, and were even authorized to make such changes themselves if party leaders failed to do so.<sup>221</sup> Federal prosecutors were ordered to monitor the actions of electoral court judges to ensure they complied with these orders.<sup>222</sup>

These efforts were successful and the proportion of women in the Chamber of Deputies increased in 1995 to 22 percent, a gain of 7 percentage points from the previous election.<sup>223</sup> This progress was repeated in 1997, and by 2001 women had reached 30 percent of the Chamber of Deputies.<sup>224</sup> The proportion of female legislators increased to 40 percent in 2007 and has hovered around that number to date, although a 2017 amendment to the electoral code increased the quota to 50 percent.<sup>225</sup> The application of the *Ley de Cupos* to Senate elections was secured through a Decree in 2000 by President de La Rúa.<sup>226</sup> Because of the small district magnitude of Senate elections, the Decree mandated that one of the first two positions on each party's Senate candidate lists be a woman.<sup>227</sup> The representation of women in the Senate jumped from 3 percent in 1999 to 35.2 percent in 2001.<sup>228</sup>

In short, women's collaboration was key in ensuring the implementation, enforcement, and reform of the quota law. Progress came in steps as women gained more influence through the 1991 edition of the quota and the Constitutional Assembly, but the

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<sup>220</sup> Marx, Borner, and Caminotti, "Gender Quotas, Candidate Selection, and Electoral Campaigns," 49.

<sup>221</sup> Jones, "Increasing Women's Representation Via Gender Quotas: The Argentine Ley de Cupos," 89.

<sup>222</sup> Ibid.

<sup>223</sup> Krook, "Legislative Quotas in Argentina and France," 165.

<sup>224</sup> Ibid.

<sup>225</sup> Ibid.

<sup>226</sup> Gray, "Electoral Gender Quotas: Lessons from Argentina and Chile," 62.

<sup>227</sup> Ibid.

<sup>228</sup> Krook, "Legislative Quotas in Argentina and France," 165.

stringent top-down enforcement by government and judicial officials was necessary for the *Ley de Cupos* to be truly effective. Despite efforts by activists and female politicians to implement gender quotas beginning just a few years apart, women reached critical mass in the Argentine legislature much faster than in Mexico. It is difficult to identify the precise causal links of the quick success of Argentina's *Ley de Cupos*, but it is worth examining some of the key similarities and differences as these will later be used to analyze subsequent variations in substantive representation. From an electoral perspective, although both countries use closed PR lists, Mexico has a mixed system that also incorporates SMDs.<sup>229</sup> This creates challenges for female candidates in these districts, although the PR lists in Mexico have much larger district magnitude than in Argentina which could help offset this effect.<sup>230</sup>

In both countries, the activism and mobilization of women was crucial to passing the gender quota law and ensuring its proper implementation. The usage of Presidential decrees to legitimize and enforce the *Ley de Cupos* is likely the most important distinguishing factor between Argentina's and Mexico's timelines in reaching critical mass. However, some features of the electoral system in Argentina are more compatible with gender quotas, such as the use of PR with no elements of SMD, and these likely also contributed to the faster implementation of the quota.<sup>231</sup> The quota law in Mexico did not enjoy the same kind of support from top party leaders after its initial passage and appropriate enforcement of the law was only made possible through legal battles and sustained women's mobilization. Coalitions including both female legislators and civil

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<sup>229</sup> Htun. "Women in Political Power in Latin America," 115-18.

<sup>230</sup> Ibid.

<sup>231</sup> Ibid.

society groups played important roles in both countries, but these organizations displayed considerably more unity in their approach in Mexico than in Argentina.<sup>232</sup>

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<sup>232</sup> Krook, "Legislative Quotas in Argentina and France," 165.

## Chapter Three

### When Quotas Fall Short: Brazil and Chile

This chapter examines descriptive representation in Brazil and Chile. Beginning with an analysis of the quota laws and their implementation, this chapter compares the limited descriptive success of quota laws in Brazil and Chile with the achievements made in Argentina and Mexico. By examining the similarities and differences between the two sets of case studies in terms of quota law adoption, implementation, and enforcement, this chapter will evaluate the relevance of cross-national and contextual variables identified in the previous chapter in order to later analyze their role in substantive representation. Centering this discussion on Brazil and Chile, this chapter will also contrast efforts by quota law supporters with those made in Argentina and Mexico and discuss the role of women's collaboration in quota law implementation.

#### Brazil

Although Brazil first implemented a national gender quota law in 1997, requiring parties to field no more than 30 percent of either gender on their candidate lists, the proportion of women in the legislature remains well below the global average and even further below the critical mass threshold.<sup>233</sup> Between 1997 and 2020, the percentage of women in the legislature increased from 6.6 percent to 14.6 percent.<sup>234</sup> It is difficult to

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<sup>233</sup> "Brazil," Gender Quotas Database, International IDEA.

<sup>234</sup> "Proportion of seats held by women in national parliaments – Brazil." The World Bank Group (1990 – 2019).



attribute this modest increase to the gender quota, as many countries have experienced similar, or even more impressive, gains during the same time period. The world average proportion of women in national parliaments changed from 11.6 percent in 1997 to 25.2 percent in 2020.<sup>235</sup> This increase is, in part, due to the many countries that began to implement legislated gender quotas during this period. However, countries without quotas have also experienced rising numbers of female legislators, likely due to changes in attitudes about women, increased education and labor force participation, and improvements in numerous other factors affecting women's quality of life and potential to compete in legislative races.<sup>236</sup> Examples of this can be found in various regions of the world and at different levels of development, including Cambodia, India, Ukraine, and Zambia.<sup>237</sup> Further, there were no notable increases in female representation in Brazil until 2003, suggesting that the initial gender quota law was mostly ineffective in increasing representation.<sup>238</sup> The proportion of candidates that are women has increased a result of the quota and hit 30 percent in 2018, but this has not translated into electoral successes for women.<sup>239</sup> Even in 2003, the increase was just two percentage points from the 1997 level. Other changes occurred in 2014, 2017, and 2018.<sup>240</sup>

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<sup>235</sup> "Proportion of seats held by women in national parliaments – Brazil." The World Bank Group (1990 – 2019).

<sup>236</sup> Ronald Inglehart et al., *Rising Tide: Gender Equality and Cultural Change Around the World* (Cambridge University Press, 2003), 130-133.

<sup>237</sup> "Proportion of Seats Held by Women in National Parliaments (%) - Ukraine, India, Zambia, World, Cambodia." The World Bank Group (1990 – 2019).

<sup>238</sup> "Proportion of seats held by women in national parliaments – Brazil." The World Bank Group (1990 – 2019).

<sup>239</sup> "2018 Brazilian Election Results: Initial Takeaways on Political Renewal and the Role of Women," Wilson Center, accessed January 12, 2021, <https://www.wilsoncenter.org/blog-post/2018-brazilian-election-results-initial-takeaways-political-renewal-and-the-role-women>.

<sup>240</sup> "Proportion of seats held by women in national parliaments – Brazil." The World Bank Group (1990 – 2019).

The national legislature of Brazil consists of a Chamber of Deputies and a Senate which house 513 and 81 legislators, respectively. Deputies are elected from 27 districts for four-year terms using open list PR, while Senators are elected from the same districts for eight-year terms using a majoritarian, first-past-the-post system. The gender quota applies only to seats in the Chamber of Deputies, as in Argentina between 1991 and 2000. In 1999, nine years after the first national quota was introduced for the Chamber of Deputies in Argentina and one year before it would be expanded to the Senate, the proportion of women in the Chamber of Deputies was 24 percentage points higher than that of the Senate.<sup>241</sup> That the proportion of women in the Brazilian Chamber of Deputies (15 percent) is roughly the same as the proportion in the Senate (14 percent) further supports the assertion that gender quotas in Brazil have had little descriptive impact.<sup>242</sup>

Brazil's multi-party system relies on coalitions for governance like Argentina, which is in contrast to the majority governments that typically hold power in Mexico.<sup>243</sup> Since 1990, the most popular parties have been the Brazilian Democratic Movement (MDB), Brazil Social Democracy Party (PSDB), and the Worker's Party (PT).<sup>244</sup> The multi-party system in Brazil is sometimes characterized as unstable and fragile.<sup>245</sup> Most parties do not have consolidated ideological or political platforms and tend to shift their policies and stances on key issues in response to short-term changes in the surrounding

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<sup>241</sup> Krook, "Legislative Quotas in Argentina and France," 165.

<sup>242</sup> Marx, Borner, and Caminotti, "Gender Quotas, Candidate Selection, and Electoral Campaigns," 47.

<sup>243</sup> José Álvaro Moisés and Beatriz Rodrigues Sanchez, "Women's Political Representation in Brazil," in *Gender and Power: Towards Equality and Democratic Governance*, ed. Mino Vianello and Mary Hawkesworth (London: Palgrave Macmillan UK, 2016), 11–34, [https://doi.org/10.1057/9781137514165\\_2](https://doi.org/10.1057/9781137514165_2), 18.

<sup>244</sup> Ibid.

<sup>245</sup> Ibid.

political climate.<sup>246</sup> Unlike Argentina and Mexico, Brazil uses an open PR system rather than a closed one.<sup>247</sup> This means that candidate lists are not rank ordered by parties but by voters who determine the order of the list. Voters in Brazil have the option of voting either for the list as a whole or for individual candidates.<sup>248</sup> Voting for individual candidates, the preferential vote, is more common than voting for the party list in its entirety.<sup>249</sup>

One result of this system is a high degree of intra-party competition among candidates that engenders elections in which individual candidates carry much more importance than their parties and the personal financial resources of candidates often decide the outcome.<sup>250</sup> The high district magnitude, which ranges from eight to 70, exacerbates this effect. In the 2018 Sao Paulo Chamber of Deputies race, for example, 1,502 candidates competed for 70 seats.<sup>251</sup> One party ran a list of 97 candidates.<sup>252</sup> Further compounding the issue is the provision passed alongside the quota law that parties may, but are not required to, run a number of candidates totaling 150 percent of the open seats in elections for the Chamber of Deputies.<sup>253</sup> The quota applies to the total number of potential spots on the candidate lists, regardless of whether parties actually fill these spots.<sup>254</sup> Marx, Borner, and Caminotti explain that under these rules, if a district has

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<sup>246</sup> Moisés and Sanchez, “Women’s Political Representation in Brazil,” 19.

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

<sup>249</sup> Ibid.

<sup>250</sup> Kristin Wylie, “Taking Bread off the Table: Race, Gender, Resources and Political Ambition in Brazil,” *European Journal of Politics and Gender* 3, no. 1 (February 1, 2020): 121–42, <https://doi.org/10.1332/251510819X15719917787141>. 125-130.

<sup>251</sup> Ibid, 126.

<sup>252</sup> Ibid.

<sup>253</sup> Marx, Borner, and Caminotti, “Gender Quotas, Candidate Selection, and Electoral Campaigns: Comparing Argentina and Brazil,” 52.

<sup>254</sup> Ibid.

10 seats open then the party can run 15 candidates. If the party ran 15 candidates then 4 would need to be women, but if the party prefers not to run female candidates it can simply choose to only run 11 candidates that are all men. This does not violate the quota law, so political parties nearly always have an option to avoid selecting female candidates.<sup>255</sup> While not illegal, this practice certainly contradicts the spirit of the quota law, so parties that wish to appear to comply with this spirit without actually doing so have another method.

*Laranja* refers to female candidates in Brazil who are used to meet the gender quota but are essentially candidates in name only. They receive little to no support from the party and are often unqualified because they are not intended to be serious candidates.<sup>256</sup> Unable and often unwilling to truly participate in the highly competitive races for seats in the Chamber of Deputies, these women have very slim chances of being elected.<sup>257</sup> In some ways, this practice is similar to the use of female candidates as *suplentes* in Mexico.<sup>258</sup> Both strategies are intended to avoid the election of female legislators and work to damage the credibility of the quota by artificially injecting unqualified female candidates into the political arena. The use of *laranjas* does not appear to be primarily the result of a lack of viable female candidates, but rather gender bias in party selection processes.<sup>259</sup> A 2008 study of the competitiveness of female candidates for the Brazilian Chamber of Deputies found that party ideology was the main

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<sup>255</sup> Marx, Borner, and Caminotti, "Gender Quotas, Candidate Selection, and Electoral Campaigns: Comparing Argentina and Brazil," 52.

<sup>256</sup> Wylie, "Taking Bread off the Table: Race, Gender, Resources and Political Ambition in Brazil," 135.

<sup>257</sup> Ibid.

<sup>258</sup> Piscopo, "States as Gender Equality Activists: The Evolution of Quota Laws in Latin America," 35-36.

<sup>259</sup> Luis F. Miguel, "Political Representation and Gender in Brazil: Quotas for Women and Their Impact," *Bulletin of Latin American Research* 27, no. 2 (2008): 197-214, <https://doi.org/10.1111/j.1470-9856.2008.00263.x>, 210-12.

predictor of the proportion of competitive female candidates that a party selects.<sup>260</sup> The study found that left-wing coalitions not only ran the most female candidates, but also ran female candidates that were more competitive than the average candidate from any party, male or female.<sup>261</sup>

The *laranja* practice is widespread. Wylie found that in the 2014 elections, 48 percent of the female candidates for the Chamber of Deputies could be classified as *laranjas*.<sup>262</sup> In 2018, this percentage decreased to 35, suggesting some improvement.<sup>263</sup> However, the fact that over one third of female candidates were not running serious campaigns or receiving meaningful party assistance in 2018 is deeply troubling and offers a compelling explanation for the low proportion of female Deputies in Brazil.

Open list PR systems present challenges to effective quota implementation similar to those that existed in Argentina and Mexico prior to effective enforcement of placement mandates in their closed list PR systems.<sup>264</sup> Rather than parties clustering female candidates in the bottom positions of candidate lists, as in Argentina and Mexico, voters are able to do so themselves by voting for primarily male candidates.<sup>265</sup> Thus, the success of the gender quotas in Brazil hinges more significantly on voter preferences than in Argentina and Mexico. Using Hinjosa's framework outlined in Chapter One, it can be inferred then that while the institutional elements discussed above are important, analysis of demand side factors is critical to understanding the continued underrepresentation of

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<sup>260</sup> Miguel, "Political Representation and Gender in Brazil: Quotas for Women and Their Impact," 210-12.

<sup>261</sup> Ibid.

<sup>262</sup> Wylie, "Taking Bread off the Table: Race, Gender, Resources and Political Ambition in Brazil," 135.

<sup>263</sup> Ibid.

<sup>264</sup> Krook, "Legislative Quotas in Argentina and France," 169-70.

<sup>265</sup> Ibid.

women in the Brazilian legislature.<sup>266</sup> The primary demand side factor to consider is voter preference. This differs from the other case studies in that the open PR system may prevent gender quotas from functioning successfully in Brazil, even when parties adhere to the rules and quotas are well-designed and enforced. Unfortunately, in Brazil many parties are able to exploit loopholes in the quota law, so the challenges created by the open list system are compounded and exacerbated. Voter preference in this context refers to attitudes of voters about the suitability of women for political office. Due to the large percentage of *laranja* candidates and other efforts by parties to prevent the election of female legislators, the electoral success of women in Brazil is not an accurate measure of voters' willingness to vote for female candidates. Instead, public opinion polls are needed to shed light on these attitudes and preferences.

A 2010 Pew Research Center survey found that 70 percent of men and 71 of women in Brazil viewed the election of a female president favorably.<sup>267</sup> This was confirmed with the election of Dilma Rousseff as President in 2011. The 2014 AmericasBarometer survey showed that 32 percent of Brazilians agreed with the use of legislated gender quotas and 28 percent strongly agreed.<sup>268</sup> Strikingly, a hypothetical ballot study of 600 people living in São Paulo revealed a seven percentage point bias *in favor* of female candidates.<sup>269</sup> These results suggest that although gender inequality

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<sup>266</sup> Hinojosa, "Why Selection Matters: Explaining Women's Representation in Politics," 22.

<sup>267</sup> Richard Wike, "Public Opinion in Brazil: Findings from the Pew Research Center's Global Attitudes Project," Wilson Center, accessed January 22, 2021, <https://www.wilsoncenter.org/event/public-opinion-brazil-findings-the-pew-research-centers-global-attitudes-project>.

<sup>268</sup> Frederico Batista Pereira and Nathália F. F. Porto, "Gender Attitudes and Public Opinion Towards Electoral Gender Quotas in Brazil," *Political Psychology* 41, no. 5 (2020): 887–99, <https://doi.org/10.1111/pops.12655>, 892.

<sup>269</sup> Rosario Aguilar, Saul Cunow, and Scott Desposato, "Choice Sets, Gender, and Candidate Choice in Brazil," *Electoral Studies* 39 (September 1, 2015): 230–42, <https://doi.org/10.1016/j.electstud.2015.03.011>, 235.

persists in Brazil, voters are willing to support qualified female candidates and the majority agree with the use of gender quotas.<sup>270</sup> This is consistent with public opinion about the suitability of women as politicians in studies that survey all of Latin America. These results also confirm assertions made throughout the literature that although voter preference and negative attitudes about women are a factor, they are far less significant than institutional factors.<sup>271</sup> In general, the costs that party leaders perceive in running female candidates are much higher than the actual costs and higher than public opinion surveys suggest.<sup>272</sup>

Additionally, while supply side factors play a role in all of the case studies, they are most relevant in Brazil. The financial costs of running a successful political campaign present a more intractable barrier in Brazil (and Chile) than in the other case studies because candidates must compete for voter's attention with other candidates on the same party list. Gendered differences in income are prevalent around the world and in Brazil. Not only is the wage-gap approximately 20 percent in Brazil, female labor force participation is also low (54 percent) and women are concentrated in low-paying positions in the service and tourism sectors.<sup>273</sup> Between 2014 and 2018 the average campaign funding of white male candidates was two and half times higher than the funding of white female candidates.<sup>274</sup> The gap in funding between Afro-descendant

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<sup>270</sup> Pereira and Porto, "Gender Attitudes and Public Opinion Towards Electoral Gender Quotas in Brazil." 892-94.

<sup>271</sup> Magda Hinojosa, "Why Selection Matters: Explaining Women's Representation in Politics," 22.

<sup>272</sup> Ibid.

<sup>273</sup> International Labor Organization, "Global Wage Report 2018/19: What Lies behind Gender Pay Gaps," Report, November 26, 2018, [http://www.ilo.org/global/publications/books/WCMS\\_650553/lang--en/index.htm](http://www.ilo.org/global/publications/books/WCMS_650553/lang--en/index.htm).

<sup>274</sup> Wylie, "Taking Bread off the Table: Race, Gender, Resources and Political Ambition in Brazil," 131-32.

women and white men was significantly higher.<sup>275</sup> Much of this funding is self-financed and some is collected from donations.<sup>276</sup> The 2015 ban on corporate contributions to federal deputy races has helped narrow this gap, but it remains high.<sup>277</sup> However, gender equality progress on a number of fronts in Brazil has led to a large pool of eligible and aspirant female candidates.<sup>278</sup>

Over 44 percent of political party members in Brazil are women<sup>279</sup> and 52 percent of voters in the most recent election were women, although it should be noted that voting is compulsory.<sup>280</sup> A 2018 study by Instituto Locomotiva and UN Women revealed that the majority of Brazilian women are interested in politics and in increasing the representation of women in the political sphere.<sup>281</sup> The study found that over 90 percent of women believed that there should be more female representation in politics and that they were not adequately represented by current politicians.<sup>282</sup> Over 70 percent said that they felt their vote could have an impact and that they were interested in politics.<sup>283</sup> Further, although women are less likely to work than men, they are more likely to have received a tertiary degree of some kind.<sup>284</sup> These results support the claim that supply

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<sup>275</sup> Wylie, “Taking Bread off the Table: Race, Gender, Resources and Political Ambition in Brazil,” 131-32.

<sup>276</sup> Ibid.

<sup>277</sup> Ibid, 133.

<sup>278</sup> Ibid.

<sup>279</sup> Ibid, 122.

<sup>280</sup> “Voter Demographics in Brazil,” Wilson Center, April 5, 2018, <https://www.wilsoncenter.org/article/voter-demographics-brazil>.

<sup>281</sup> “Presidential Candidacies Join the # Brasil5050 Initiative for Gender Equality - UN Women,” ONU Mulheres Brasil, October 4, 2018, <https://www.onumulheres.org.br/noticias/candidaturas-presidenciais-aderem-a-iniciativa-brasil5050-pela-igualdade-de-genero/>.

<sup>282</sup> Ibid.

<sup>283</sup> “Presidential Candidacies Join the # Brasil5050 Initiative for Gender Equality - UN Women,” ONU Mulheres Brasil.

<sup>284</sup> “Education Attainment - Population with Tertiary Education - OECD Data (Brazil),” OECD, accessed January 20, 2021, <http://data.oecd.org/eduatt/population-with-tertiary-education.htm>.



side barriers to increased representation in Brazil stem more from financial and perceived institutional barriers than from a lack of interested or qualified candidates.

Brazil's quota law makes some efforts to correct for demand and supply side disadvantages for female candidates. In 2009, the original law was amended to add provisions concerning the use of party funds and televised air time.<sup>285</sup> Political parties in Brazil are allocated free broadcast time to advertise their platform and candidates during election years. Per the 2009 amendment, parties were required to devote a minimum of 10 percent of this time to promoting women's political participation.<sup>286</sup> This has since increased to 15 percent of their free broadcast time. Parties must further allocate at least five percent of their public campaign funds to the same purpose.<sup>287</sup> Non-compliance results in a fine equivalent to 12.5 percent of the funds that were supposed to have been spent on advocating the political participation of women.<sup>288</sup> Additionally, during the election campaign season, the Superior Electoral Court airs five minutes of educational campaigns about women's political participation per day.<sup>289</sup> These provisions should play an important role in supporting the success of the gender quota law and educating voters about the significance of female political participation. It is not clear from that these aims have been achieved. The wording of "promoting women's political participation" is vague.<sup>290</sup> Parties can choose whether they promote their own female candidates or whether they use it to deliver standardized messages about gender equality in politics.

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<sup>285</sup> "Brazil," Gender Quotas Database, International IDEA.

<sup>286</sup> Ibid.

<sup>287</sup> Ibid.

<sup>288</sup> Ibid.

<sup>289</sup> Ibid.

<sup>290</sup> Ibid.

Although political parties are not legally allowed to purchase additional television or radio advertisement, political parties still focus the vast majority of their advertisement time on male candidates.<sup>291</sup>

There are numerous factors contributing to the low political representation of women in Brazil, but the most compelling explanatory variables put forth in the literature thus far are institutional. The open list PR system and the allowance for parties to run candidates numbering 150 percent of available seats are electoral features that disadvantage female candidates.<sup>292</sup> Under these conditions, female candidates that are not electoral ‘ringers’ require significant investment from party leaders who seem reluctant to provide this kind of support.<sup>293</sup> The quota law is self-sabotaging in that it applies only to the seats a party fills and that there are no oversight or enforcement mechanisms concerning the *laranja* practice.<sup>294</sup> The weak nature and many loopholes of the gender quota law combined with certain features of the electoral system and the apparent lack of will by party leaders to genuinely support increased female representation creates a perfect storm in which it would be surprising if the quota was effective. All of these factors create barriers for women in moving from aspirant to candidate and from candidate to office holder, but they also prevent women from transitioning from eligible to aspirant. Despite an interest in politics, women are held back from becoming aspiring candidates by the blatant and overwhelming evidence that party leaders do not want serious female candidates, that women receive less support from their parties, and that

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<sup>291</sup> Wylie, “Taking Bread off the Table: Race, Gender, Resources and Political Ambition in Brazil,” 130-35.

<sup>292</sup> Mala N Htun, “Dimensions of Political Inclusion and Exclusion in Brazil: Gender and Race” (Washington, D.C.: Inter-American Development Bank, December 2003), 4-5.

<sup>293</sup> Moisés and Sanchez, “Women’s Political Representation in Brazil,” 28-32.

<sup>294</sup> Wylie, “Taking Bread off the Table: Race, Gender, Resources and Political Ambition in Brazil,” 135.

women have lower electoral success.<sup>295</sup> These challenges mount on top of the other issues women in Brazil face, such as femicide, domestic abuse, a high wage gap, and the ‘double shift’ of wives and mothers, to make running for office a nearly Herculean task.

However, institutional variables alone may not be enough to explain the lack of reform and commitment to adequate enforcement of the quota law in Brazil. Similar issues were initially apparent in both Argentina and Mexico and were subsequently resolved. In understanding why this process has not occurred in Brazil, it is necessary to examine why it did happen in Argentina and Mexico. The answer in both cases rests largely with the sustained activism of women’s coalitions, including both legislators and civil society groups, to ensure the proper implementation of gender quotas in both letter and spirit. These movements formed in the initial push for quotas in both countries. However, such a movement never came about in Brazil. In explaining how a quota law was passed without this support Arújo states, “It must be mentioned that their introduction [gender quotas] did not stem from a position of consensus or a maturity of the debate in Brazilian society, but, rather, from the absence of both.”<sup>296</sup> By this, Arújo means that little debate took place over the passage of gender quotas because many party leaders and legislators did not even consider the issue to be fundamentally about gender parity.<sup>297</sup> Rather, quotas were understood by many as vague, possibly temporary, methods of promoting the legitimacy of the nascent democracy.<sup>298</sup> It is thus not surprising

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<sup>295</sup> Wylie, “Taking Bread off the Table: Race, Gender, Resources and Political Ambition in Brazil,” 136.

<sup>296</sup> Clara Arújo, “Quotas for Women in the Brazilian Legislative System,” in, *The Implementation of Quotas: Latin American Experiences Workshop Report* ed. Erika Räf (Lund: University of Lund, 2001), 75.

<sup>297</sup> Ibid.

<sup>298</sup> Ibid.

that even many Brazilian feminists were divided on the topic.<sup>299</sup> As a result, no movement or coalitions formed to advocate for the law, so none were available after the law passed to ensure its reform and enforcement.

## Chile

Chile is the last of the four case studies to have implemented a national legislated gender quota. The quota, introduced in 2015 as part of a larger constitutional amendment, requires political parties to field no more than 60 percent of either gender on their candidate lists for the Chamber of Deputies and the Senate.<sup>300</sup> Women currently comprise 23 percent of legislators in both.<sup>301</sup> Prior to the implementation of the quota, women represented approximately 16 percent of the legislature. After just one national election cycle, this increased to 23 percent.<sup>302</sup> The next elections will occur in November 2021. Notably, the gender quota was passed during the second term of Chile's first female president, Michelle Bachelet. President Bachelet advocated for measures to improve gender equality throughout both her terms in office, and her support for the quota and immense efforts in passing the 2015 constitutional amendment package were undoubtedly crucial in the adoption of Chile's gender quota.<sup>303</sup>

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<sup>299</sup> Arújo, "Quotas for Women in the Brazilian Legislative System," 75.

<sup>300</sup> Franceschet, "Informal Institutions and Women's Political Representation in Chile (1990-2015)," 146.

<sup>301</sup> "Proportion of seats held by women in national parliaments – Brazil." The World Bank Group (1990 – 2019).

<sup>302</sup> Ibid.

<sup>303</sup> Ricardo Gamboa and Mauricio Morales, "Chile's 2015 Electoral Reform: Changing the Rules of the Game," *Latin American Politics and Society* 58, no. 4 (2016): 126-27, <https://doi.org/10.1111/laps.12005>, 139.

The later adoption of the gender quota in Chile leaves less data with which to evaluate its descriptive success. However, it is possible to compare the rate of change in women's representation in the first election cycle with the quota with the changes seen in Argentina, Brazil, and Mexico. The first election cycles after quotas were introduced in Argentina, Mexico, and Brazil yielded +148,<sup>304</sup> +60,<sup>305</sup> and -10<sup>306</sup> percent changes, respectively, in the proportion of women in each Chamber of Deputies. In Chile, the percent increase in women's representation in the Chamber of Deputies after one election cycle was 43 percent.<sup>307</sup> These numbers show that Chile's gender quota has initially been successful, but less so than Argentina and Mexico. However, it is important to consider that Chile's level of female representation prior to the quota was much higher than in Argentina and Mexico. The Chilean case provides a valuable opportunity to examine how accumulated regional knowledge and evidence on gender quotas influences the implementation of quotas. The initial success of the quota in Chile also suggests that Brazil's limited changes in women's representation cannot be attributed wholly to the use of open list PR, which is used in Chile, as well. Further, the overall degree of gender equality in Chile and the circumstances surrounding the adoption of the quota law present critical information for deciphering the connection between descriptive and substantive representation and the role of gender quotas in increasing substantive representation.

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<sup>304</sup> Krook, "Legislative Quotas in Argentina and France," 165. The Chamber of Deputies was 5.8 percent female in 1991 and 14.4 percent in 1993.

<sup>305</sup> Baldez, "Elected Bodies: The Gender Quota Law for Legislative Candidates in Mexico," 242. The Chamber of Deputies was 8.8 percent female in 1994 and 14.1 percent in 1997.

<sup>306</sup> Arújo, "Quotas for Women in the Brazilian Legislative System," 79. The Chamber of Deputies was 6.23 percent female in 1994 and 5.63 percent in 1998.

<sup>307</sup> "IPU PARLINE Database: CHILE (Cámara de Diputados), ELECTIONS IN 2013," Inter-Parliamentary Union, accessed January 18, 2021, [http://archive.ipu.org/parline-e/reports/arc/2063\\_13.htm](http://archive.ipu.org/parline-e/reports/arc/2063_13.htm). The Chamber of Deputies was 15.8 percent female in 2013 and 22.6 percent in 2017.

The 2015 constitutional amendment package introduced a number of significant changes to the electoral system in Chile. Both the Chamber of Deputies and the Senate increased in size, from 120 to 155 and from 38 to 50, respectively.<sup>308</sup> Significant redistricting also took place. Prior to 2015, there were 60 districts for Deputies and 19 for Senators and each district elected two Deputies and two Senators.<sup>309</sup> While this system also used open list PR, the small district size resulted in a binomial system wherein each party (or coalition) was only allowed to present two candidates per district.<sup>310</sup> This created a number of electoral and political issues especially in light of the coalition-style governance practiced in Chile.<sup>311</sup> The increased district size achieved in 2015 made negotiations over candidate lists much easier for the seven-party coalition in power at the time.<sup>312</sup> Further, these reforms reduced the incumbency advantage experienced in the old system and made elections more competitive by creating more space for smaller and non-coalition parties.<sup>313</sup> These results are favorable to female candidates, as the literature explains that small district magnitude<sup>314</sup> and high incumbency advantage<sup>315</sup> are key barriers to increased women's representation. It is likely that a gender quota introduced into the pre-2015 electoral system would have engendered very few gains in women's representation because the binomial system created conditions in which parties needed to nominate highly financed candidates with name recognition to be successful.<sup>316</sup>

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<sup>308</sup> Gamboa and Morales, "Chile's 2015 Electoral Reform: Changing the Rules of the Game," 128.

<sup>309</sup> Ibid.

<sup>310</sup> Ibid.

<sup>311</sup> Ibid.

<sup>312</sup> Ibid, 129-30.

<sup>313</sup> Ibid.

<sup>314</sup> Funk, Hinojosa, and Piscopo, "Still Left Behind: Gender, Political Parties, and Latin America's Pink Tide," 402.

<sup>315</sup> Schwandt-Bayer, "The Incumbency Disadvantage and Women's Election to Legislative Office," 240-41.

<sup>316</sup> Gray, "Electoral Gender Quotas: Lessons from Argentina and Chile," 68.

It is important to note that in Chile, as in Brazil, no prominent movement emerged to advocate for gender quotas. Certainly, the measure had many supporters in the legislature and among voters, but there was no formation of coalitions to lobby for the quota.<sup>317</sup> The introduction of the quota was, in many ways, a top-down initiative. With President Bachelet as a staunch supporter and her party firmly in the majority, there was no need for such a movement. Furthermore, female legislators in Chile were deeply divided on the issue of gender quotas, which is discussed more thoroughly in Chapter Five.<sup>318</sup> So, the process of designing, implementing, and enforcing the gender quota occurred without the cross-party, cross-sectional women's collaboration that defined this process in Argentina and Mexico.

There are a number of important features of the Chilean gender quota. Notably, women must constitute at least 40 percent of each candidate list which is much higher than the initial quotas in the other three case studies.<sup>319</sup> Argentina, Brazil, and Mexico started with 30 percent quotas. As the quotas proved effective in Argentina<sup>320</sup> and Mexico,<sup>321</sup> this number increased to 50 percent. There has been no change in Brazil, likely because it has yet to meet the 30 percent target.<sup>322</sup> Much like the early rendition of the Mexican quota, Chilean parties may be exempted from the quota if they use primaries to select their candidates.<sup>323</sup> However, the quota sets a limit on the number of candidates

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<sup>317</sup> Mala Htun, "Gender Quotas: Why and How," in *Inclusion without Representation in Latin America: Gender Quotas and Ethnic Reservations* (Cambridge University Press, 2016), 62.

<sup>318</sup> Ibid.

<sup>319</sup> Gamboa and Morales, "Chile's 2015 Electoral Reform: Changing the Rules of the Game," 135.

<sup>320</sup> Krook, "Legislative Quotas in Argentina and France," 165.

<sup>321</sup> Piscopo, "States as Gender Equality Activists: The Evolution of Quota Laws in Latin America," 41.

<sup>322</sup> "Brazil," Gender Quotas Database, International IDEA.

<sup>323</sup> Leslie Schwindt-Bayer, "Chile's Gender Quota: Will It Work?" (James A. Baker II Institute for Public Policy) Rice University, 2015, <https://scholarship.rice.edu/handle/1911/91734>, 14.

that can be chosen through primaries, likely to prevent the same issues this provision caused in Mexico. Up to 40 percent of a party's candidates may be selected through primaries, but at least 60 percent must be selected by party leaders.<sup>324</sup> This allows parties to give voters more influence over their candidates, but also ensures that regardless of which candidates voters choose parties will still be able to select enough female candidates to fulfill the quotas.

Unlike in Argentina, Brazil, and Mexico, the quota law in Chile directly incentivizes political parties to nominate and support female candidates with electoral potential.<sup>325</sup> Parties receive a state-funded grant of approximately 20,000 USD for each female candidate that wins a seat in the Chamber of Deputies or the Senate.<sup>326</sup> This provision rewards parties for investing time and resources into female candidates and discourages parties from running non-viable candidates to fill the quota. The use of a positive incentive for nominating competitive female candidates is especially important because the 2015 amendment also allowed parties to nominate candidates totaling the total number of open seats plus one.<sup>327</sup> This creates similar challenges for women as the 150 percent rule in Brazil, but on a smaller scale which is counteracted somewhat by the financial rewards of investing in strong female candidates.

The most unique feature of the Chilean quota law is the time limit placed on its implementation. No other gender quotas in Latin America are temporary.<sup>328</sup> The 2015 amendment specified that the quota would apply only to four elections, beginning in 2017

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<sup>324</sup> Schwindt-Bayer, "Chile's Gender Quota: Will It Work?" 14.

<sup>325</sup> Gamboa and Morales, "Chile's 2015 Electoral Reform: Changing the Rules of the Game," 135.

<sup>326</sup> Ibid.

<sup>327</sup> Schwindt-Bayer, "Chile's Gender Quota: Will it Work?," 13.

<sup>328</sup> Ibid.



and ending in 2029.<sup>329</sup> There are two potential reasons for the time limit which are at odds with each other, but most likely worked in conjunction when the law was passed. First, proponents of the quota were optimistic that with the other electoral reforms being permanent only a few elections cycles with the quota would be needed for women's representation to increase dramatically and remain at high levels.<sup>330</sup> Second, legislators who opposed the law on the grounds that gender quotas are 'undemocratic,' ineffective, result in the selection of underqualified female candidates, etc., may have advocated intensely for, or been appeased by, the time limit.<sup>331</sup> Current research does not show a definitive answer on why the quota is temporary, but scholars argue that once the time is up it is highly unlikely that the quota will ever be re-introduced.<sup>332</sup> To renew the quota would require another revision to the electoral code, yet it took 20 attempts at reforming the code to pass the first gender quota.<sup>333</sup>

The initial success of the gender quota in Chile despite the use of open list PR means that further examination of the claim that gender quotas are significantly hindered by open PR systems is needed. While Brazil as a case study supports this claim, Chile does not. Richard Matland's research on factors affecting quota implementation in developed and developing countries provides a solid hypothesis as to why the effects of open list PR seem to vary between the two case studies. Matland's study used a statistical analysis of the correlations between the percentage of women in the national legislature

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<sup>329</sup> Schwindt-Bayer, "Chile's Gender Quota: Will it Work?," 13.

<sup>330</sup> Susan Franceschet and Jennifer M. Piscopo, "Deepening Democracy? Electoral Reforms and Gender Quotas in Chile," *Panoramas*, February 23, 2015, <https://www.panoramas.pitt.edu/news-and-politics/deepening-democracy-electoral-reforms-and-gender-quotas-chile>.

<sup>331</sup> *Ibid.*

<sup>332</sup> Schwindt-Bayer, "Chile's Gender Quota: Will it Work?," 13.

<sup>333</sup> *Ibid.*

and female labor force participation, women's "cultural standing," level of development, and electoral system in two data sets.<sup>334</sup> The first data set was comprised of 24 industrialized democracies, the second was 16 less developed democracies.<sup>335</sup> He found that the electoral system variable (PR or majoritarian) was statistically significant and positive in the industrialized democracies, but not in the less developed democracies.<sup>336</sup>

Essentially, the positive correlation between PR systems and women's representation observed in many studies was true in developed democracies but not necessarily in developing countries. To explain this result, Matland suggests that the incentive system for parties to gender balance tickets in PR systems functions differently in industrialized countries than in developing ones. While including women in candidate lists allows parties to broaden their constituencies and appeal to female and progressive voters in some PR systems, he argues that this effect is dampened in developing countries where, "the perceived costs of nominating women are so great that parties prefer to run virtually all-male slates."<sup>337</sup> Matland explains that political costs for nominating women arise when negative attitudes towards women's capacity as legislators are common, women do not constitute a large voter base, and movements for increased female representation are inactive or non-vocal.<sup>338</sup>

Although Matland's study considers the relationship between women's representation and PR systems in general, it is possible to draw a line from his findings to

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<sup>334</sup> Richard E. Matland, "Women's Representation in National Legislatures: Developed and Developing Countries," *Legislative Studies Quarterly* 23, no. 1 (1998): 109–25, <https://doi.org/10.2307/440217>, 112-14.

<sup>335</sup> Ibid.

<sup>336</sup> Ibid, 115-17.

<sup>337</sup> Matland, "Women's Representation in National Legislatures," 119.

<sup>338</sup> Ibid.

the question of why open list PR is seemingly a hindrance in Brazil and not in Chile. While PR systems are positively correlated with women's representation in many countries, this effect is much more pronounced in closed list systems than in open ones.<sup>339</sup> If his conclusion that the perceived costs of nominating women are so high in developing countries that they can counteract the otherwise positive effects of PR systems is accurate, then a logical argument can be made that in Brazil the combination of open lists and high perceived costs of running female candidates severely reduces the efficacy of the gender quota. In Chile, where the gender quota seems to be functioning in an open list system, it is likely that the perceived costs of placing female candidates in electable spots are much lower than in Brazil. Evaluating the accuracy of this claim requires understanding why parties in Brazil and Chile perceive these costs differently and how parties are involved in the underrepresentation of women.

Perceived costs of nominating female candidates can come in many forms. The two most important to consider are electoral costs to the party (voter preference and competitiveness of female candidates) and costs to male politicians who may lose their seat to female candidates. The latter cost is widely cited as one of the primary reasons that the Chilean gender quota was not passed until 2015 despite decades of advocacy work and many legislative attempts at a quota.<sup>340</sup> However, the majority of Chileans have supported the use of a gender quota since at least 2006 when a poll showed that over 70

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<sup>339</sup> Schwindt-Bayer, "Making Quotas Work: The Effect of Gender Quota Laws on the Election of Women," 15.

<sup>340</sup> Melanie M. Hughes, Mona Lena Krook, and Pamela Paxton, "Transnational Women's Activism and the Global Diffusion of Gender Quotas," *International Studies Quarterly* 59, no. 2 (June 1, 2015): 357–72, <https://doi.org/10.1111/isqu.12190>, 369.

percent of respondents agreed with a quota that was being proposed at the time.<sup>341</sup> One way to evaluate gender bias in voters, other than through surveys, is to examine the electoral success of male and female incumbents with similar qualifications and levels of competitiveness. Shair-Rosenfield and Hinojosa did this in a 2014 study of Chile and found that female incumbents were three percent more likely to be re-elected than male incumbents.<sup>342</sup> The study also examined re-nomination of both incumbent men and women and non-incumbent men and women. Non-incumbent in this context does not refer to new candidates, but rather candidates who have previously held the seat, lost it in an election, and want to run for it again.<sup>343</sup> They found that incumbent women were two percentage points more likely to be re-nominated than their male counterparts.<sup>344</sup> For non-incumbents, women were four percentage points less likely to be re-nominated than men.<sup>345</sup>

These results suggest that party leaders are willing to support female candidates through nomination when they have a proven record of success. In fact, parties are slightly more likely to nominate women who have performed well electorally than men who have done the same, although the difference is not statistically significant.<sup>346</sup> The study also reveals that when experience, qualification, and competitiveness are equal, Chilean voters do not exhibit gender bias in their voting.<sup>347</sup> Overall, it appears that the

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<sup>341</sup> Hughes, Krook, and Paxton, "Transnational Women's Activism and the Global Diffusion of Gender Quotas," 369.

<sup>342</sup> Sarah Shair-Rosenfield and Magda Hinojosa, "Does Female Incumbency Reduce Gender Bias in Elections? Evidence from Chile," *Political Research Quarterly* 67, no. 4 (December 1, 2014): 837–50, <https://doi.org/10.1177/1065912914550044>, 846.

<sup>343</sup> *Ibid.*, 843.

<sup>344</sup> *Ibid.*

<sup>345</sup> *Ibid.*, 844.

<sup>346</sup> *Ibid.*, 857-58.

<sup>347</sup> *Ibid.*

nomination behavior of party leaders and the voting patterns of Chileans are strategic rather than dominated by gender biases.<sup>348</sup> Political parties do not perceive a greater cost in nominating female candidates of equal competitive value to male candidates. Without a similar study having been done in Brazil, it is difficult to make a direct comparison. However, the behavior of party elites in so actively trying to circumvent the gender quota, sometimes in ways that seem to be actually detrimental to the electoral success of the party, such as using *laranjas* instead of competitive female candidates, shows that party leaders in Brazil sometimes prioritize gender bias over strategic choices.<sup>349</sup> While this may help to explain some of the gap between female representation in Brazil and Chile, it provides no information about potential bias in the nomination processes for political newcomers, where perceived costs may be greater for female candidates.

Bjarnegård and Zetterberg observe throughout Latin America that political parties that have formal, bureaucratized candidate selection processes increase their proportion of female candidates, on average, by 88 percent when a gender quota is introduced, whereas parties that have informal selection processes see an increase of just 22 percent.<sup>350</sup> They characterize nearly all political parties in Chile as using highly informal selection processes, which is in line with other conclusion from the literature.<sup>351</sup> Although some scholars remark that formal selection processes can disadvantage female candidates this is usually in reference to primaries. The regulation of the percentage of

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<sup>348</sup> Shair-Rosenfield and Hinojosa, "Does Female Incumbency Reduce Gender Bias in Elections?," 857-58.

<sup>349</sup> Miguel, "Political Representation and Gender in Brazil," 210-12.

<sup>350</sup> Elin Bjarnegård and Pär Zetterberg, "Political Parties and Gender Quota Implementation: The Role of Bureaucratized Candidate Selection Procedures," *Comparative Politics* 48, no. 3 (2016): 393-411, <http://dx.doi.org/10.5129/001041516818254400>, 404-05.

<sup>351</sup> *Ibid.*, 401.

candidates that can be elected under primaries in Chile helps to ensure that their use does not impede the nomination of enough female candidates to fulfill the quota. In the 2017 election, approximately 42 percent of candidates for the Chamber of Deputies and 41 percent for the Senate were women, suggesting that parties largely complied with the gender quota.<sup>352</sup> However, the disparity between the percentage of female candidates and women that were elected necessitates examining whether party selection methods produced a high number of less qualified female candidates in Chile, as they did in Brazil.

In the 2013 elections, nearly 21 percent of female candidates for the Chamber of Deputies were elected and 33 percent of women that ran for the Senate were elected.<sup>353</sup> By comparison, 27 percent of male candidates were elected to the Chamber of Deputies and 29 percent to the Senate.<sup>354</sup> In 2017, nine percent of female candidates and 21 percent of male candidates for the Chamber of Deputies were successful women.<sup>355</sup> For the Senate, 19 percent of female candidates and 42 percent of men were elected.<sup>356</sup> Although the redistricting that took place in 2015 makes it difficult to compare how the competitiveness of candidates overall changed between 2013 and 2017, it is possible to evaluate changes in the competition gap between men and women in the two election cycles. Before the gender quota was implemented, female candidates were being elected

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<sup>352</sup> “IPU PARLINE Database: Chile (Cámara de Diputados), Last Elections,” [http://archive.ipu.org/parline-e/reports/2063\\_E.htm](http://archive.ipu.org/parline-e/reports/2063_E.htm).

<sup>353</sup> “IPU PARLINE Database: Chile (Cámara de Diputados), Elections in 2013,” [http://archive.ipu.org/parline-e/reports/arc/2063\\_13.htm](http://archive.ipu.org/parline-e/reports/arc/2063_13.htm).

<sup>354</sup> Ibid.

<sup>355</sup> Ibid.

<sup>356</sup> Ibid.

at similar rates to their male counterparts. After the quota, the competitive gap between men and women widened considerably for both chambers.

Studies of other countries in Latin America, including Mexico, have observed that the proportion of female candidates that are highly qualified and very competitive sometimes dips in the first one or two election cycles after the implementation of a gender quota.<sup>357</sup> Scholars attribute this effect to gender biased recruitment and selection processes which, in the absence of a quota, allow only the most competitive women to be nominated.<sup>358</sup> The ability of parties to identify viable female candidates and the willingness of qualified women to self-select and put themselves forward for nomination also take time to grow. It is possible that some specificities of Chilean candidate selection procedures have exacerbated this issue. Franceschet notes that final decisions on candidate nominations, for those not selected through primaries, are made not by party leaders, but at the level of the national coalition.<sup>359</sup> This decision-making process is highly informal and is led by non-elected elites, mostly men, from the various parties of the coalition<sup>360</sup>. The nature of these negotiations makes it extremely difficult for advocates of increased female representation to have their voices heard at the highest level.<sup>361</sup> Further, the distance of the national coalition from local party organizers may impede efforts to scout and recruit potential new female candidates.

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<sup>357</sup> Caroline C. Beer and Roderic Ai Camp, "Democracy, Gender Quotas, and Political Recruitment in Mexico," *Politics, Groups, and Identities* 4, no. 2 (April 2, 2016): 179–95, <https://doi.org/10.1080/21565503.2015.1120223>, 190.

<sup>358</sup> Ibid.

<sup>359</sup> Franceschet, "Informal Institutions and Women's Political Representation in Chile (1990-2015)," 145.

<sup>360</sup> Ibid.

<sup>361</sup> Ibid.

Although the proportion of women in the Chilean legislature increased less rapidly in the first election cycle after the gender quota than in Argentina and Mexico, there is reason to be optimistic about the potential for women's representation to reach the 40 percent target within the time frame set by the quota. The open list system leaves some of the outcome up to voters, but public opinion polls and the presence of women in other important elected and appointed positions suggests that this will not be a significant barrier. Further, parties are complying with the law and have strong financial incentives to continue doing so. The primary concern with Chile's gender quota is that it will expire after the 2029 elections. Other changes to the electoral code, such as redistricting and the end of the binomial system, will remain and should continue to facilitate the nomination and election of women. How the representation of women evolves in Chile over the next 15 to 20 years will provide a great deal of insight into the impact of gender quotas and the strength of the connection between descriptive and substantive representation. If Chile reaches the 40 percent target and is able to maintain this after the quota expires, this will demonstrate that gender quotas can meaningfully change the gender dynamics of the political sphere.

While Chile's gender quota has been more successful than Brazil's thus far, neither quota emerged as a result of popular mobilization or collective women's activism. In both countries, the quota was achieved through top-down approaches in which little substantive debate was undertaken. For Brazil, this has resulted in a lack of political will to reform the flawed law or to even adequately enforce the current law, so descriptive representation has not increased. In Chile, the quota was introduced as a temporary measure, and it is still uncertain whether the results will be long-lasting. Chapter five will



explore how these dynamics have influenced the substantive representation of women in each country.

## Chapter Four

### Substantive Representation at Critical Mass: Mexico and Argentina

This chapter examines the extent and quality of substantive representation in Argentina and Mexico. Critical mass theory argues that female legislators in a chamber with 30 percent women should be able to effectively formulate and advance policy goals that reflect women's interests.<sup>362</sup> With 40 and 48 percent women in their respective national legislatures, these two case studies have not only reached critical pass, but also surpassed it by a significant margin.<sup>363</sup> Thus, Argentina and Mexico provide valuable opportunities to interrogate the link between descriptive and substantive representation. There are a number of ways to measure and interpret substantive representation, as discussed in the introduction of this paper. In doing so, it is important to distinguish between the willingness of female legislators to work towards women's interests and their ability to do so effectively. The introduction clarifies the use of the term 'women's interests' as it is used in this paper and explains why a value-neutral approach has been adopted. However, this chapter will distinguish between policies that align with conventional feminist views and those that do not when appropriate. It is also important to note here that the lens this chapter uses to analyze the substantive representation of women is only one of many different and valid perspectives. This chapter, and the next, focus on how female legislators represent women, but of course male legislators are also

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<sup>362</sup> Drude Dahlerup, "From a Small to a Large Minority: Women in Scandinavian Politics," 280.

<sup>363</sup> "Proportion of seats held by women in national parliaments – Mexico." The World Bank Group (1990 – 2019).

able to represent women's interests. Examining how male legislators' preferences, voting patterns, and bill sponsorship has changed as a result of gender quotas would be an excellent way to study the symbolic effects of gender quotas in generating widespread cultural shifts.

To evaluate the willingness of female legislators to act in women's interests, this chapter uses data on bill sponsorship and introduction, legislator views and attitudes, and organizations for women's collaboration. Examining the ability of female legislators to achieve women's interests, this chapter looks at formal and informal women's institutions, the presence of women in decision-making roles such as sub-committees and positions in the executive branch, and the success rates of women's interest bills. Finally, this chapter endeavors to clarify the links between descriptive and substantive representation through connecting the successes and failures of substantive representation with those of the quota laws in Argentina and Mexico.

## **Mexico**

The World Economic Forum releases an annual Global Gender Gap Index in which countries receive scores from 0 (imparity) to 1 (parity) according to four topics: Economic participation, Educational attainment, Health and survival, and Political empowerment.<sup>364</sup> Between the first year data was collected in 2006 and 2020, Mexico has

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<sup>364</sup> "Global Gender Gap 2020: Data Explorer," World Economic Forum, 2020, <https://wef.ch/2sChMBp>.

increased its score from 0.65 to 0.75.<sup>365</sup> As a result, it has moved from the 75<sup>th</sup> most equal country in terms of gender equality to the 25<sup>th</sup>.<sup>366</sup> This impressive achievement is due almost entirely to improvements in the political empowerment score, which has more than tripled since 2006, with minor gains in economic participation.<sup>367</sup> The empowerment score is based largely on the percentage of women in the national legislature. There is also one data point for number of year under a female head of state, which is zero for Mexico. Examining these figures, it is apparent that despite increases in ‘political empowerment,’ there have been very few improvements for women in education, health, or employment.<sup>368</sup> Other persistent gender inequalities in Mexico include the high rates of femicide, sexual assault, and domestic violence.<sup>369</sup> More troubling is that some of these issues have worsened even as women’s political opportunities have improved. Over the past five years, for example, instances of femicide have increased by 137 percent.<sup>370</sup>

These figures all suggest that there is considerable work to be done in terms of promoting gender equality and, more broadly, women’s interests. While equal representation is itself a worthy goal, it may seem meaningless to women who continue to suffer from, and lose their lives due to, continued gender inequality. It has been nine years since women reached critical mass in Mexico and three since gender parity was achieved in the legislature, so there is significant data to draw upon in evaluating

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<sup>365</sup> Ricardo Hausmann, Laura Tyson, and Saadia Zahidi, “The Global Gender Gap Report 2006” (Geneva, Switzerland: World Economic Forum), accessed February 21, 2021, <https://www.weforum.org/reports/global-gender-gap-report-2006/>, 9.

<sup>366</sup> Ibid.

<sup>367</sup> Ibid.

<sup>368</sup> “Global Gender Gap 2020: Data Explorer,” World Economic Forum.

<sup>369</sup> José Miguel Vivanco, “Mexican Government Paralyzed in the Face of a Wave of Femicides,” Human Rights Watch, March 3, 2020, <https://www.hrw.org/news/2020/03/03/mexican-government-paralyzed-face-wave-femicides>.

<sup>370</sup> Ibid.

women's substantive representation.<sup>371</sup> After this length of time, it could be reasonably expected to see improvements in the other indicators expressed above, but the Mexican case necessitates understanding the limitations of the state. On some issues, the ability of legislators to affect real change is challenged by problems with the funding and enforcement of laws. Current levels of violence, the strength of non-state actors, and high levels of poverty in some areas may place constraints on the efficacy of women's interest legislation even if substantive representation is high. The same can be said of Brazil in the next chapter.

In analyzing substantive representation, it is important to discuss the vehicles and mechanisms for women's interest legislation in Mexico. The extensive involvement of female legislators in the adoption of the gender quota in Mexico led to the creation of a number of formal and informal cross-partisan venues for discussing issues of women's rights and representation. Although there is no formal Women's Caucus in the legislature, female Deputies and Senators established the 'informal' Women's Parliament of Mexico (PMM) in 1998.<sup>372</sup> The PMM meets annually and includes legislators, civil society members, journalists, and academics.<sup>373</sup> It regularly works with legislative committees on issues relating to gender equality and gender mainstreaming. Collaboration through the PMM also led to the establishment of the bicameral Commission on Gender Equality (CIG).<sup>374</sup> Membership in the CIG is restricted to women, and the committee enjoys

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<sup>371</sup> "Proportion of seats held by women in national parliaments – Mexico." The World Bank Group (1990 – 2019).

<sup>372</sup> "Data on Women in National Parliament," Parline: the IPU's Open Data Platform, accessed February 15, 2021, <https://data.ipu.org/node/110/data-on-women>.

<sup>373</sup> Ibid.

<sup>374</sup> Ibid.

significant latitude in legislative powers.<sup>375</sup> Like most committees in the Mexican congress, the CIG is able to author and sponsor bills, but it also has legislative review power.<sup>376</sup> Draft bills are often sent to the CIG for gendered review of language and potential impact. For bills dealing with certain topics this review process is mandatory. The CIG is also distinct from women's groups in many other legislatures around the world in that it is generally well-regarded by both male and female politicians.<sup>377</sup> While Women's Caucuses and similar organizations in many legislatures struggle to attract female legislators – due to concerns about negative reception from their male counterparts and being 'pigeon-holed' into only worked on issues relating to women and children – the CIG is popular among women from a variety of political parties, including the conservative PAN.<sup>378</sup> The PMM and the CIG are significant components of substantive representation, and of understanding substantive representation, for several reasons.

The establishment of these bodies is a testament to the efficiency and solidarity of the movement for women's political representation; these bodies were a major step towards quota adoption in Mexico and the result of the strong political will of female legislators. The PMM and the CIG continue to serve as venues for cross-party mobilization on a number of issues, including reproductive rights, violence against women, and economic policies to support women.<sup>379</sup> Notably, the inclusion and activity

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<sup>375</sup> Piscopo, "Inclusive Institutions versus Feminist Advocacy: Women's Legislative Committees and Caucuses in Latin America," 4.

<sup>376</sup> Ibid, 5.

<sup>377</sup> Piscopo, "Beyond Hearth and Home: Female Legislators, Feminist Policy Change, and Substantive Representation in Mexico," 93-94.

<sup>378</sup> Ibid.

<sup>379</sup> Piscopo, "Inclusive Institutions versus Feminist Advocacy: Women's Legislative Committees and Caucuses in Latin America," 21.

of conservative female legislators from the late 1990s to the current day demonstrates the ability of female legislators to overcome partisan divides and work as a unified movement when necessary.<sup>380</sup> The majority of women's interest bills introduced in Mexico originate directly or indirectly from the PMM and the CIG, meaning that these bodies are also legislative powerhouses for women's substantive representation.<sup>381</sup> The significance of all of this is that female legislators have organizations through which to leverage their critical mass and the political will and savvy to do so even in spite of partisan divides.

Piscopo notes, however, that while the wide policy remit and consensus-building norms of the CIG lend a wide policy scope and significant degree of political capability for female legislators, the CIG does not encourage policy depth.<sup>382</sup> Essentially, the high degree of institutionalization of the CIG and its cross-partisan nature allow female legislators to act as a collective to promote *gender mainstreaming* on a spectrum of policy issues. However, these same qualities prevent the CIG from serving as a vehicle for *feminist change*. This perspective aligns with the observable outcomes of the CIG. While its members have made a great deal of progress on issues where ideological and partisan differences are negligible or can be easily overcome, such as violence against women or gendered development plans, more controversial topics, such as abortion, are often avoided.<sup>383</sup>

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<sup>380</sup> Piscopo, "Inclusive Institutions versus Feminist Advocacy: Women's Legislative Committees and Caucuses in Latin America," 17-20.

<sup>381</sup> Ibid, 18.

<sup>382</sup> Ibid, 5.

<sup>383</sup> Ibid, 30.

Although some scholars point to the issue of abortion as an illustration of the limits of female substantive representation in Mexico, Piscopo notes that the reluctance of the CIG to act on reproductive rights can be perceived as a function of ideological and partisan divides among women rather than oppression of female legislators by male party leaders.<sup>384</sup> Lopreite concurs, noting that Mexico's political climate is distinct from many other Latin American countries in the highly programmatic nature of its political parties and the steep ideological divides between them.<sup>385</sup> This, she adds, has prevented progress on some feminist issues at the national level, although increased representation of women in leftist parties, such as the PRD, and the continued mobilization of women's civil society groups has led to tangible outcomes at the subnational level in territories controlled by left-leaning parties.<sup>386</sup> Later portions of this chapter will discuss the role of party politics and the relative power of female legislators compared to their male counterparts. The most important aspects of the CIG are that female legislators in Mexico have a committee with substantial legislative powers that is focused solely on gender equality and not, for example, women and children.

The CIG provides an excellent policy environment for women's interests, but do female legislators face marginalization in bill sponsorship and passage and how are they represented in other legislative committees? Kerevel and Atkeson conducted a study in 2013 of the legislative success and representation of women in the Mexican Chamber of

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<sup>384</sup> Piscopo, "Inclusive Institutions versus Feminist Advocacy: Women's Legislative Committees and Caucuses in Latin America," 30.

<sup>385</sup> Debora Lopreite, "Explaining Policy Outcomes in Federal Contexts: The Politics of Reproductive Rights in Argentina and Mexico," *Bulletin of Latin American Research* 33, no. 4 (2014): 389–404, <https://doi.org/10.1111/blar.12209>, 400-01.

<sup>386</sup> Ibid.



Deputies between 2000 and 2009.<sup>387</sup> In 2000, women constituted 16 percent of the Chamber.<sup>388</sup> By 2009, 27 percent of Deputies were women.<sup>389</sup> Examining bill sponsorship, the study found that throughout the three legislative terms measured, men and women sponsored bills at comparable rates and that there was no significant change in the relative sponsorship of bills by gender due to the gender quota.<sup>390</sup> These results contradict the ‘backlash’ theory advanced by some opponents of critical mass, who argue that the increased representation of women causes male legislators to marginalize their female counterparts more than before the introduction of quotas.<sup>391</sup> However, the results also do not provide evidence for increase legislative relevance or activity of female Deputies after the quota.

Kerevel and Atkeson also found that there were no statistically significant discrepancies in bill passage rates between male and female Deputies across the three legislative periods.<sup>392</sup> Moreover, the study revealed that women’s interest bills passed floor votes at a much higher rate than other bills.<sup>393</sup> These results do not speak to the final success of bill sponsored by women, as all bills must receive a majority in both Chambers and be approved by the President. However, this study suggests that bill sponsorship and success in the Chamber of Deputies is similar for men and women, that this has not

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<sup>387</sup> Yann P. Kerevel and Lonna Rae Atkeson, “Explaining the Marginalization of Women in Legislative Institutions,” *The Journal of Politics* 75, no. 4 (October 1, 2013): 980–92, <https://doi.org/10.1017/S0022381613000960>. 982.

<sup>388</sup> “Proportion of seats held by women in national parliaments – Mexico.” The World Bank Group (1990 – 2019).

<sup>389</sup> Ibid.

<sup>390</sup> Kerevel and Atkeson, “Explaining the Marginalization of Women in Legislative Institutions,” 987.

<sup>391</sup> Kathleen A. Bratton, “The Effect of Legislative Diversity on Agenda Setting: Evidence from Six State Legislatures,” *American Politics Research* 30, no. 2 (March 1, 2002): 115–42, <https://doi.org/10.1177/1532673X02030002001>, 119-20.

<sup>392</sup> Kerevel and Atkeson, “Explaining the Marginalization of Women in Legislative Institutions,” 986.

<sup>393</sup> Ibid, 989.

changed significantly as a result of the gender quota, and that women's interest bills are not stifled by male Deputies. These findings would benefit greatly from a similar study examining legislative behavior over the past 12 years, but, unfortunately, such research is not currently available.

Analyzing where women are represented in the Mexican legislature, numerous studies have found that the distribution of legislative power is not equal between men and women. Male legislators are slightly more likely to be members of party leadership than their female counterparts.<sup>394</sup> Further, although men and women occupy similar numbers of leadership positions in the legislature, women are underrepresented in high prestige legislative committees, particularly those concerning economics and finance.<sup>395</sup> Instead, female legislators are concentrated in low prestige committees, especially those relating to social welfare. In the executive branch, women have been historically underrepresented in cabinet positions.<sup>396</sup> Although President Lopez-Obrador's current cabinet is 50 percent women,<sup>397</sup> this can be understood to be a product of the left-leaning policies of his political party, the National Regeneration Movement, rather than a general trend towards increased representation of women in executive positions. Since 2000, President Lopez-Obrador's cabinet is the first to contain more than three women at any one time.<sup>398</sup> Zetterberg demonstrates that there is little evidence for a 'role model effect' in executive positions at the national or subnational level in Mexico, explaining that the

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<sup>394</sup> Kerevel and Atkeson, "Explaining the Marginalization of Women in Legislative Institutions," 987-89.

<sup>395</sup> Ibid.

<sup>396</sup> Ibid.

<sup>397</sup> Diego Oré, "Mexico Presidential Front-Runner Unveils Planned Cabinet," *Reuters*, December 14, 2017, <https://www.reuters.com/article/us-mexico-election-idUSKBN1E82RV>.

<sup>398</sup> Roderic Ai Camp, "Peña Nieto's Cabinet: What Does It Tell Us About Mexican Leadership?," Wilson Center, accessed February 10, 2021, <https://www.wilsoncenter.org/publication/pena-nietos-cabinet-what-does-it-tell-us-about-mexican-leadership>.

ban on re-election until 2015, prevalence of clientelism, and deeply entrenched male-dominated political networks all continue to work against women in positions outside the legislature.<sup>399</sup>

Having established that a powerful legislative vehicle exists for women's interest legislation, that female Deputies sponsor bills and get them passed at similar rates to their male counterparts, and that increased representation in the legislature has not translated perfectly to increased representation in executive positions at the national or subnational level, it is now important to examine women's interest bills in Mexico. Studies examining specifically the passage of women's interests bill in Mexico were not located. Scholars analyzing bill introduction note that party leaders are able to maintain control over voting behavior through roll-call voting, which allows legislators to introduce bills with a high degree of autonomy as bills are typically unable to advance without support from party leaders.<sup>400</sup> This feature of the Mexican political environment limits the ability of female legislators to vote in favor of women's interests, but allows for the introduction of a wide array of bills. However, as party platforms and the balance of power between political parties have shifted new opportunities for more progressive women's interest legislation may have opened.

Two studies on bill introduction allow for examination of the periods 1997-2009 and 2015-2019. Piscopo's 2014 study covers the first period, finding a statistically significant correlation between the proportion of women in the legislature and the

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<sup>399</sup> Zetterberg, "Women's Conditioned Access to Political Office in Mexico," 207-09.

<sup>400</sup> Piscopo, "Beyond Hearth and Home: Female Legislators, Feminist Policy Change, and Substantive Representation in Mexico," 100.

percentage of women's interest bills introduced.<sup>401</sup> Further, female legislators do seem to represent women's interests much more than male legislators, sponsoring 73 percent of such bills between 1997 and 2009.<sup>402</sup> In fact, of all the female legislators in office during this period, 31 percent sponsored at least one women's interest bill.<sup>403</sup> Among male legislators, the figure was just five percent.<sup>404</sup> Female legislators were also much more likely to sponsor bills coded by researchers as feminist, as opposed to simply women's interest.<sup>405</sup> This tendency was true across political parties; Piscopo found that a female legislator of the conservative PAN was still more likely to introduce a feminist bill than a male legislator from the leftist PRD.<sup>406</sup> However, throughout the 1997-2009 period, women's interest bills remained a small portion of total bills introduced, increasing from nearly five percent to just under seven percent by 2009.<sup>407</sup> This study shows that female legislators work to represent women's interests, that increased representation is correlated with higher proportions of women's interest bills, and that women are more likely than men to sponsor feminist legislation.

Vidal-Correa's study of women's interest bills from 2015-2019 focuses on the first year of the two legislative periods during this time frame, 2015 and 2018.<sup>408</sup> This study also found an increase in the proportion of bills that represented women's interests,

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<sup>401</sup> Piscopo, "Beyond Hearth and Home: Female Legislators, Feminist Policy Change, and Substantive Representation in Mexico," 100.

<sup>402</sup> Ibid, 103.

<sup>403</sup> Ibid, 104.

<sup>404</sup> Ibid.

<sup>405</sup> Ibid, 107.

<sup>406</sup> Ibid.

<sup>407</sup> Ibid, 100.

<sup>408</sup> Fernanda Vidal-Correa, "Transitioning from Descriptive to Substantive Representation: A Study of the Mexican Congress," *Acta Politologica* 12, no. 3 (2020): 27-50, [https://doi.org/10.14712/1803-8220/7\\_2020](https://doi.org/10.14712/1803-8220/7_2020).

from seven percent to 11 percent.<sup>409</sup> Female legislators during this period also sponsored the majority of women's interest bills – 67 percent in 2015 and 80 percent in 2018.<sup>410</sup> Vidal-Correa's study delved further into the content of women's interest bills than Piscopo's work, revealing that in the 2015-2019 period such bills demonstrated meaningful and responsive policy work. The most commonly addressed issues in women's interest bills were violence, gender quotas, and employment.<sup>411</sup> While most bills continued to conceptualize women as mothers and caretakers – for example most of the employment bills focused on maternity leave, child care, and access to breastfeeding facilities – there was also a clear commitment to the increased representation of women in nontraditional roles.<sup>412</sup> Gender quota bills were sponsored for the Supreme Court and the police force, while other proposed legislation aimed to promote women in the military.<sup>413</sup> Bills on violence against women were similarly significant, covering the gamut from the characterization of violence, to punishment, to prevention programs, to care for victims.<sup>414</sup> These results suggest that female legislators do seek to represent women's interests, but not always feminist interests. Further, women's interest legislation, although increasing with the descriptive representation of women, remains a small portion of total bills and is not a central focus for most legislators. Vidal-Correa's conclusion eloquently explains the progress made in the substantive representation of women in Mexico and the work that remains to be done.

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<sup>409</sup> Vidal-Correa, "Transitioning from Descriptive to Substantive Representation: A Study of the Mexican Congress," 38.

<sup>410</sup> Ibid, 39.

<sup>411</sup> Ibid, 40.

<sup>412</sup> Ibid, 41.

<sup>413</sup> Ibid, 42.

<sup>414</sup> Ibid.

“Yes, women legislators seem to be more likely than men to sponsor WI [Women’s Interest] bills, but the work of all legislators is yet to embrace identity politics. Furthermore, the connection between descriptive and substantive representation exists. However, it is not isolated from the political context and from the beliefs and ideologies of the legislators. Perhaps the best way to guarantee substantive representation that truly targets women’s issues is by defining this concept through a collective process. If this is the case, legislators need to work hand in hand with women’s agencies and committees as well as any other organisations capable of articulating interests. This does not imply that women legislators are not addressing women’s interests. As the data show, women legislators, until very recently, were mostly the ones pushing the issues on the agenda. By working with other actors, individuals, or organisations, and maybe becoming more experienced, legislators will achieve a process that recognises the significance of articulating interests, and with this, better represent all types of women, of all identities.”<sup>415</sup>

While female legislators in Mexico have many of the tools necessary to represent women’s interests, these interests remain relatively narrow and bills are focused on topics where consensus-building is easily achievable. The will of female legislators to act on behalf of the women they represent is just the first step in achieving representation. The numerical increases in female legislators have made it possible for women to express this will through bill introduction and to pass legislation on some issues, but true substantive representation ultimately requires that women’s interests be promoted in their full breadth and depth. This has yet to be achieved in Mexico. Further, while it is encouraging that female legislators are so willing to sponsor women’s interest legislation, the continued scarcity of male legislators doing the same suggests that critical mass has not engendered a broader shift in political culture or attitudes about women. This is not to say that substantive representation has failed in Mexico. As later portions of this paper will show, in relative terms substantive representation has actually been successful. The total amount of time that there has been a critical mass of women in the legislature is just 10 years. While critical mass theory suggests a rapid increase in substantive representation, it may

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<sup>415</sup> Vidal-Correa, “Transitioning from Descriptive to Substantive Representation: A Study of the Mexican Congress,” 45.

simply be the case that this process is more gradual than the theory argues. Whether this slower rate of change is the result of nearly universal factors or contextual ones specific to some countries is unclear. However, strictly defined party ideologies and high level of party discipline are certainly limiting factors for women's substantive representation in Mexico.

## **Argentina**

Argentina is just five places below Mexico in the World Economic Forum's Global Gender Gap Index, ranked 30<sup>th</sup> while Mexico is 25<sup>th</sup>.<sup>416</sup> With an overall score of 0.746, the gender gaps in the two countries are roughly equal.<sup>417</sup> However, country performance on specific variables is actually quite different. While Mexico and Argentina receive similar scores for educational attainment and health, their political empowerment scores vary considerably. Mexico received a 0.468 score for political empowerment in 2020, while Argentina's was much lower at 0.387.<sup>418</sup> The difference is due to the larger portion of women in the Mexican legislature and the significantly smaller percentage of women in ministerial positions (42 percent in Mexico and 25 percent in Argentina).<sup>419</sup> By contrast, Argentina's economic participation score was slightly higher than Mexico's, largely due to higher female labor force participation in the former.<sup>420</sup> Further, the

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<sup>416</sup> "Global Gender Gap 2020: Data Explorer," World Economic Forum.

<sup>417</sup> Ibid.

<sup>418</sup> Ibid.

<sup>419</sup> Ibid.

<sup>420</sup> Ibid.

amount of progress made by Argentina since the first publication of the Global Gender Gap in 2006 has been much less than that made by Mexico. In the years since 2006, Argentina has moved up just nine spots (from 41<sup>st</sup> to 30<sup>th</sup>), while Mexico has progressed by 50 positions (from 75<sup>th</sup> to 25<sup>th</sup>).<sup>421</sup> Argentina, of course, began the period of measurement with a higher level of gender equality than Mexico, and the main difference between their ranks is due to the fact that the Argentine legislature has yet to achieve gender parity. These results suggest that overall gender equality is similar in Argentina and Mexico, with the primary gains for the latter made in terms of descriptive representation. There is no indication from these statistics of a significant difference in levels of substantive representation between the two case studies, but, as the remainder of this chapter will demonstrate, such differences are both prevalent and significant.

Beginning with the legislative venues for women's substantive representation, it is apparent that female legislators in Argentina do not have the same formal tools for collective action as their counterparts in Mexico. Unlike in Mexico, there is no bicameral institution for female legislators or women's interests.<sup>422</sup> In the Chamber of Deputies, there is the Family, Women, Childhood, and Adolescence (CFMNA) committee, which is open to both male and female legislators.<sup>423</sup> The Senate has had a Women's Bench since 2008, which operates much like a Women's Caucus.<sup>424</sup> While the CFMNA and the Women's Bench both have review powers, neither has bill introduction powers.<sup>425</sup> This

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<sup>421</sup> Hausmann, Tyson, and Zahidi, "The Global Gender Gap Report 2006," 9.

<sup>422</sup> Piscopo, "Inclusive Institutions versus Feminist Advocacy: Women's Legislative Committees and Caucuses in Latin America," 4.

<sup>423</sup> Ibid.

<sup>424</sup> Ibid.

<sup>425</sup> Ibid.



is, however, typical of legislative committees in Argentina.<sup>426</sup> Thus, the CIG has more legislative weight than either the CFMNA or the Women's Bench. The policy remits of these institutions are also distinct. The CIG and Women's Bench are both women/gender quality focused in name and in policy scope, and membership in both is restricted to female legislators.<sup>427</sup> The CFMNA is quite different in that women are just a small portion of the broader policy remit and there is no specific focus on gender quality. Indeed, the CFMNA reflects a global tendency to lump women and children together, as 'women-and-children,' rather to view women's issues and domestic issues as largely separate areas that both benefit from gendered perspective policy making. Neither the CFMNA nor the Women's Bench truly serve as a focal point for collective action as the CIG does in Mexico.<sup>428</sup>

While the broader policy area of the CFMNA and the inclusion of male legislators in its membership are limiting factors, the similar legislative behavior of the Women's Bench – where neither of these issues are apparent – highlights the deeper struggles of substantive representation in Argentina. Piscopo's interviews with female legislators in Argentina reveal that despite the high proportion of women, many continue to fear being perceived as exclusively or overly interested in the representation of women's interests.<sup>429</sup> The prevalence of this attitude alone presents a compelling argument that substantive representation in Argentina is lacking, considering that one of the central arguments of critical mass theory is that achieving critical mass allows women to move

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<sup>426</sup> Piscopo, "Inclusive Institutions versus Feminist Advocacy: Women's Legislative Committees and Caucuses in Latin America," 4.

<sup>427</sup> Ibid, 5.

<sup>428</sup> Ibid, 14.

<sup>429</sup> Ibid, 30.

beyond the role entrapment and isolation effects that prevent them from acting as representatives for other women.<sup>430</sup>

Another challenge to substantive representation in Argentina is the lack of focus on consensus-building among female legislators. Rather, there is a tendency to operate in temporary and informal coalitions to sponsor and promote women's interest legislation.<sup>431</sup> This can be viewed as part of the larger pattern of women's mobilization in Argentina that goes back to the introduction of the gender quota and is the result of perspectives about the role of gender in politics that are fundamentally different from those held by women in Mexico. Efforts to pass the gender quota for example, were not generally part of a broader women's movement but included women from many different views that agreed almost solely on the quota.<sup>432</sup> By contrast, the gender quota movement in Mexico was part of a larger push for more democratic and inclusive governance that emphasized gender equality as means of achieving improved governance.<sup>433</sup> Additionally, the political networks established by quota advocates in Mexico did not disappear when the quota law was passed, instead they remained institutionalized both formally and informally as part of the Mexican political system. In Argentina, the Network of Feminist Politicians – established in 1990 to mobilize for the quota law – almost immediately disintegrated after the law was passed.<sup>434</sup> Instead of continuing to build consensus for women's issues, “members redirected their political action towards

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<sup>430</sup> Childs and Krook, “Critical Mass Theory and Women's Political Representation,” 727.

<sup>431</sup> Piscopo, “Inclusive Institutions versus Feminist Advocacy: Women's Legislative Committees and Caucuses in Latin America,” 17.

<sup>432</sup> *Ibid.*, 30.

<sup>433</sup> Tarrés. “The Political Participation of Women in Contemporary Mexico, 1980-2000,” 411-12.

<sup>434</sup> Niki Johnson and Nelida Archenti, “Engendering the Legislative Agenda With and Without the Quota. A Comparative Study of Argentina and Uruguay,” *Sociologia, Problemas e Práticas* 52 (September 1, 2006): 133-153, ISSN 0873-6529, 146.

the interior of their parties in order to guarantee compliance with the Law and to position themselves within the internal party competition for the spaces that had been opened up by the quota system.”<sup>435</sup> The coalitions supporting the Mexican gender quota advocated for a number of other reforms and were dedicated to creating lasting soft infrastructure for women’s collective action in government.<sup>436</sup> Whereas women’s interest legislation, lobbying, and activism in Mexico still place a heavy emphasis on gender mainstreaming and bringing a gendered perspective to all aspects of government, this issue has received considerably less attention in Argentina.<sup>437</sup>

The lack of consensus-building and unity in women’s organizations in the legislature prevent female legislators from acting as a bloc to achieve broader goals such as gender mainstreaming. However, the emphasis on temporary coalitions that often involve outside groups and individuals allows female legislators to rally support for causes that are difficult to address in Mexico, such as reproductive rights.<sup>438</sup> Thus, legislators have achieved substantive representation in the sense that they have been able to create targeted change on a variety of issues, and have passed significant feminist legislation in addition to women’s interest legislation, but have not succeeded in some of the wide ranging reforms that women in Mexico have passed. Abortion laws illustrate this difference well. In December 2020, federal legislators voted to legalize elective

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<sup>435</sup> Johnson and Nelida Archenti, “Engendering the Legislative Agenda With and Without the Quota. A Comparative Study of Argentina and Uruguay,” 146.

<sup>436</sup> Tarrés, “The political participation of women in contemporary Mexico, 1980-2000,” 411-12.

<sup>437</sup> *Ibid*, 30.

<sup>438</sup> Lopreite, “Explaining Policy Outcomes in Federal Contexts: The Politics of Reproductive Rights in Argentina and Mexico,” 399-401.

abortions for up to 14 weeks of a pregnancy.<sup>439</sup> In doing so, Argentina became only the fourth country in all of Latin America to legalize elective abortions – termination for a reason other than threat to the mother’s life or rape – after Cuba, Guyana, and Uruguay.<sup>440</sup> Such legislation has been impossible at the federal level in Mexico, largely because women’s issues are tackled through the CIG, the CIG relies on consensus, and there is no consensus on abortion in Mexico, nor in many other Latin American countries.<sup>441</sup> Thus, the types of substantive representation in Argentina are different from that of Mexico, but it would be difficult to argue that one country has a higher degree of substantive representation than the other simply because of these differences.

Examining legislative behavior among female Deputies, a number of studies show that women do represent women’s interests in Argentina. Unfortunately, no studies covering any period of time after 2007 were located. However, women reached critical mass in 2002 and their representation increased to 40 percent by 2007, so this still allows for five years of study during which female legislators were 30 percent or more of the total.<sup>442</sup> Htun, Lacalle, and Micozzi conducted a study of all of the bills introduced in Argentina between 1983 and 2007 with a focus on women’s interest legislation.<sup>443</sup> They included 172,130 bills in the study, of which 3,272 bill (1.8 percent) were coded as

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<sup>439</sup> Daniel Politi and Ernesto Londoño, “Argentina Legalizes Abortion, a Milestone in a Conservative Region,” *The New York Times*, December 30, 2020, <https://www.nytimes.com/2020/12/30/world/americas/argentina-legalizes-abortion.html>.

<sup>440</sup> Ibid.

<sup>441</sup> Lopreite, “Explaining Policy Outcomes in Federal Contexts: The Politics of Reproductive Rights in Argentina and Mexico,” 401.

<sup>442</sup> “Proportion of seats held by women in national parliaments – Mexico.” The World Bank Group (1990 – 2019).

<sup>443</sup> Mala Htun, Marina Lacalle, and Juan Pablo Micozzi, “Does Women’s Presence Change Legislative Behavior? Evidence from Argentina, 1983–2007,” *Journal of Politics in Latin America* 5, no. 1 (April 1, 2013): 95–125, <https://doi.org/10.1177/1866802X1300500105>.

women's interest.<sup>444</sup> The study found that the correlation between increased representation of women and the number of women's interest bills introduced was positive and highly significant and that the number of women's interest bills increased at a greater rate than the overall increase in bills.<sup>445</sup> Membership in the CFMNA or Women's Bench was also positively correlated with sponsorship of women's interest legislation.<sup>446</sup>

Moreover, this study found that the increased presence of female legislators influences male bill introduction behavior. With more women in both chambers, male Deputies and Senators sponsored more women's interest legislation.<sup>447</sup> This last result is, thus far, the only distinction from studies of legislative behavior in Mexico, which found that women's presence did not significantly alter introduction of women's interest bills by men.<sup>448</sup> Using predictive statistics based on the bill sponsorship data, the study found that if there are no women in the legislature, individual male Deputies are likely to author 0.5 women's interest bills per year whereas the lone female Deputy would be likely to write two women's interest bills.<sup>449</sup> With 30 percent female legislators, each male Deputy is predicted to sponsor one women's interest bill each year and each female Deputy is predicted to sponsor three women's interest bills.<sup>450</sup> Although these results are predictive, they do reflect the observed trends in women's interest legislation and its

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<sup>444</sup> Htun, Lacalle, and Micozzi, "Does Women's Presence Change Legislative Behavior? Evidence from Argentina, 1983–2007," 106.

<sup>445</sup> Ibid, 108.

<sup>446</sup> Ibid, 110.

<sup>447</sup> Ibid.

<sup>448</sup> Piscopo, "Beyond Hearth and Home: Female Legislators, Feminist Policy Change, and Substantive Representation in Mexico," 103.

<sup>449</sup> Htun, Lacalle, and Micozzi, "Does Women's Presence Change Legislative Behavior? Evidence from Argentina, 1983–2007," 111-12.

<sup>450</sup> Ibid.

sponsors in Argentina. Even if the effects on real individual male Deputies are smaller than the authors suggest, for example if the increases are driven by several prolific male Deputies and not a general increase, the endurance and consistency of this trend over time suggests that shifts in political culture have occurred in Argentina as a result of women's higher descriptive representation.

Johnson and Archenti's study of 1994-2003 reinforces this theory.<sup>451</sup> Their study found that during this period, the percentage of committees in the Chamber of Deputies with a female President or Vice-President increased substantially. The proportion of female committee Presidents increased by 23 percentage points and the increase for female Vice-Presidents was 11 percentage points, so that by 2003, 30 percent of committees had a female President and 24 percent had a woman as Vice-President.<sup>452</sup> This suggests that women in the Chamber of Deputies were very quickly able to gain access to key leadership and decision-making positions as their descriptive representation increased. Significantly, this effect has not been limited to legislative seats. While women continue to be underrepresented in the executive branch, over the past 10 years they have accounted for 20 to 25 percent of executive cabinet seats – a marked increase from the zero women in executive cabinets between 1983 and 1995.<sup>453</sup> Taken together, these results show some evidence for both a shift in political climate as it relates to gender and for the role model effect. However, it should be noted that the gender distribution of

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<sup>451</sup> Johnson and Archenti, "Engendering the Legislative Agenda with and without the Quota. A Comparative Study of Argentina and Uruguay," 136.

<sup>452</sup> Ibid, 138.

<sup>453</sup> Barnes and Jones, "Women's Representation in the Argentine National and Subnational Governments," 123-24.

committee assignments still favors men for more prestigious committees.<sup>454</sup> Women are overrepresented in committees related to women, family, children, and social issues.<sup>455</sup> Similarly, they are underrepresented on budgetary and economic committees that have more political weight and are generally held in higher esteem.<sup>456</sup>

Johnson and Archenti's study also looked at the primary issues tackled in women's interest legislation, finding that most bills were related to marriage and maternity (35 percent), some dealt with violence against women (11 percent) and political rights (8 percent), and relatively few with more controversial issues such as reproductive rights.<sup>457</sup> However, feminist legislation in Argentina has a better track record than in Mexico, as the country has passed progressive laws on contraception, sexual education, and abortion that have often been ahead of the curve in Latin America.<sup>458</sup> While the majority of women's interest legislation introduced in Argentina is not necessarily feminist legislation, some of it is and some of it has been highly successful.

Female legislators have the resources to promote substantive representation in Argentina. The tools and methods that they employ, while often different from their counterparts in Mexico, have the potential for success. While not all female legislators work on women's interest legislation and some do not want to be associated with it, many women actively promote a variety of causes, including ones that could be called

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<sup>454</sup> Tiffany Barnes, *Gendering Legislative Behavior* (New York, NY:Cambridge University Press, 2016), 91.

<sup>455</sup> Ibid.

<sup>456</sup> Ibid.

<sup>457</sup> Johnson and Archenti, "Engendering the Legislative Agenda with and without the Quota. A Comparative Study of Argentina and Uruguay," 139.

<sup>458</sup> Ibid.

progressive or feminist. Most importantly, there is significant evidence that substantive representation has increased on a number of levels as descriptive representation has risen. That there is a clear link between the two supports some aspects of critical mass theory, but the differences in the types of representation seen in Argentina and Mexico show that the presence of women in legislatures is not the sole factor in substantive representation. Indeed, the continued collaboration and activism of female legislators and civil society networks has been critical in ensuring increased substantive representation despite institutional challenges. In different ways, this organizing can be traced back to the gender quota movement in each country. Mobilization in support of the gender quota in Argentina was not driven by consensus and party divides among female legislators were apparent. The coalitions established for the quota were also not long-lasting, but they established a pattern of single-issue collaboration within the legislature and with civil society that has enabled Argentina to achieve a high degree of substantive representation, especially on feminist issues. Cross-party and civil society women's networks in Mexico were born out of the gender quota movement and have lasted to this day, held together through consensus norms. This has engendered a high degree of substantive representation in Mexico in regards to broader women's interests and gender mainstreaming, while feminist issues remain underrepresented.



## **Chapter Five**

### **Substantive Representation Below Critical Mass: Brazil and Chile**

This chapter will examine the two case studies in which female legislators have not reached critical mass: Brazil and Chile. Using similar methods to Chapter Four, the extent of substantive representation will be evaluated. In doing so, this chapter will analyze the tools that female legislators have available to them in order to affect substantive representation, their involvement in women's interest legislation, and their effectiveness in promoting women's interests. Chapter Five will, however, pay greater attention to outcomes than was demonstrated in Chapter Four. In Argentina and Mexico, the achievement of critical mass means that the central investigative focus must be on how critical mass has translated to substantive representation. In the available literature, this is assessed primarily through the behavior of female legislators and sometimes male legislators. In the absence of a critical mass of female legislators, it is necessary to not only examine the behavior of existing female legislators, but also to compare and contrast the gender equality outcomes that have been achieved in the case studies. In other words, this chapter asks whether a high degree of substantive representation is possible without critical mass and it brings in new methodology to answer that question.

## Brazil

Brazil is ranked 92<sup>nd</sup> in the Global Gender Gap report, and received 0.691 as its most recent score.<sup>459</sup> These values place Brazil well below Argentina and Mexico in terms of gender equality, but this difference is derived almost entirely from the political empowerment category. Brazil performs better than Argentina and Mexico in economic participation and equally as well in education and health.<sup>460</sup> Indeed, all that separates Brazil's 92<sup>nd</sup> position from Mexico's 25<sup>th</sup> place are the discrepancies in the percentage of women in the Congress and in ministerial positions.<sup>461</sup> These results provide an initial suggestion that despite low descriptive representative, Brazil has been able to achieve important gender equality outcomes, hallmarks of successful substantive representation.

Women currently comprise approximately 15 percent of the Brazilian legislature.<sup>462</sup> However, Brazil has had a large, highly active, and diverse feminist movement since the 1980s.<sup>463</sup> Activist networks are complex and enormous and reach the highest levels of decision-making in the country. One of the most impressive strengths of substantive representation in Brazil is the high degree of organization and coordination in and between women's groups in the legislature and in civil society.<sup>464</sup> Like Argentina and Mexico, Brazil has organizations for women's issues in the legislature. There is no bicameral organization; however, the Chamber of Deputies has the Women's Caucus and

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<sup>459</sup> "Global Gender Gap 2020: Data Explorer," World Economic Forum.

<sup>460</sup> Ibid.

<sup>461</sup> Ibid.

<sup>462</sup> "Proportion of seats held by women in national parliaments – Brazil." The World Bank Group (1990 – 2019).

<sup>463</sup> Htun. "Puzzles of Women's Rights in Brazil," 736-38.

<sup>464</sup> Ibid.

the Senate has the Women's Bench. The Women's Secretariat was founded in 2013 to combine the previously existing women's bench, often called *Bancada do Batom* or Lipstick Lobby,<sup>465</sup> and the Women's Prosecutor's Office, created in 2009.<sup>466</sup> Although the Women's Secretariat occasionally deals with issues relating to family and children, its primary mandate is women's issues and its historical roots are in the Brazilian feminist movement.<sup>467</sup> Despite lacking some of the powers that women's legislative groups possess in Argentina and Mexico, the Women's Secretariat has made impressive gains.

The formal powers of the Women's Secretariat include legislative monitoring, and receiving and providing legal advice on complaints related to sexual and domestic violence.<sup>468</sup> Critically, the organization serves as a kind of clearinghouse for women's issues at the federal level and works closely with the National Council of Women's Rights and the Special National Secretariat for Women's Policies, a ministerial body.<sup>469</sup> The collaboration between female legislators who, at the time, did not have a women's caucus and the National Council of Women's Rights was crucial for the progressive achievements of Brazil's 1988 Constitution.<sup>470</sup> Such achievements included enumerating the equality of men and women under the law, obligating the state to prevent domestic violence, and mandating 120 days of paid maternity leave.<sup>471</sup>

Perhaps most importantly, the Women's Secretariat is closely involved with a number of non-governmental women's organizations, including the Center for Feminist

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<sup>465</sup> Htun, "Puzzles of Women's Rights in Brazil," 736.

<sup>466</sup> Portal da Câmara dos Deputados. "Secretaria Da Mulher." Accessed March 18, 2021.  
<https://www2.camara.leg.br/a-camara/estruturaadm/secretarias/secretaria-da-mulher>.

<sup>467</sup> Htun, "Puzzles of Women's Rights in Brazil," 736.

<sup>468</sup> Portal da Câmara dos Deputados. "Secretaria Da Mulher."

<sup>469</sup> Htun, "Puzzles of Women's Rights in Brazil," 738.

<sup>470</sup> Ibid, 737.

<sup>471</sup> Ibid.

Studies and Advisory Services, which was founded in 1988 to assist lawmakers in drafting and passing progressive women's interest legislation.<sup>472</sup> Furthermore, although these coalitions change as civil society organizations grow, decline, or shift, the overall pattern of collaboration is enduring. The Women's Secretariat has worked closely with the Center for Feminist Studies since the 1980s and continues to do so today.<sup>473</sup> In the Senate, the Women's Bench, founded in 1998, operates very similarly.<sup>474</sup> It works on projects relating to women's health, employment, and involvement in politics in addition to prevention of violence against women and housing a Special Prosecutor's Office for Women.<sup>475</sup> The functions and methods of the women's legislative organizations are thus distinct from those in Argentina and Mexico. In Brazil, female legislators pursue feminist legislation that would push the boundaries of what is acceptable in Mexico's CIG.<sup>476</sup> Furthermore, while legislators in Argentina are advocating similarly progressive policies, they do so in ad-hoc coalitions that do not resemble the strong network of advocacy present in Brazil. Women in the Brazilian Congress have a plethora of formal and informal tools available to them to advance women's representation and equality and many are willing to use them.<sup>477</sup> To characterize the general nature of women's organization within the Brazilian Congress, it falls somewhere between the overly consensus-driven system in Mexico and the temporary and insecure networks of organization in Argentina.

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<sup>472</sup> Htun, "Puzzles of Women's Rights in Brazil," 739-40.

<sup>473</sup> Ibid.

<sup>474</sup> Portal Institucional do Senado Federal. "Bancada Feminina Do Senado." Accessed March 18, 2021. <https://www12.senado.leg.br/institucional/procuradoria/bancada-feminina-do-senado>.

<sup>475</sup> Ibid.

<sup>476</sup> Teresa Sacchet, "Beyond Numbers," *International Feminist Journal of Politics* 10, no. 3 (September 1, 2008): 369-86, <https://doi.org/10.1080/14616740802185700>.

<sup>477</sup> Ibid, 378.

Having established that many of the tools needed for substantive representation through collaboration do indeed exist and function well in Brazil, the next piece to analyze is legislative behavior. One important distinction between Argentina and Mexico in Chapter Four and Brazil and Chile in this chapter is the closed list versus open list voting system. Scholars have suggested that closed list systems are predicated on voter support for party platforms and not as much on the experience, past performance, and policies of individual candidates.<sup>478</sup> In an open list system, where voters can rank their candidate choices, candidates may feel a greater need to target specific constituencies and to act in office in ways that attract these constituencies. Essentially, legislators, once in office, may feel a pressure to work towards the specific needs of their constituents rather than simply toeing the party line. In this sense, one might expect female legislators in open list systems to be more actively committed to women's issues in office, if women are a key constituency, than female legislators in closed list systems.<sup>479</sup> Unfortunately, similar data on bill sponsorship and introduction as those presented in the previous chapter were not located for Brazil. This is likely because the majority of bills that pass in Brazil, approximately 75 percent, originate from the executive branch.<sup>480</sup> However, data concerning the prominence of female legislators, the prevalence of women in appointed positions, discourses in the Chamber of Deputies, and survey responses are available to

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<sup>478</sup> Manon Tremblay, "The Substantive Representation of Women and PR: Some Reflections on the Role of Surrogate Representation and Critical Mass," *Politics & Gender* 2, no. 4 (December 2006): 502–11, <https://doi.org/10.1017/S1743923X06231143>, 511.

<sup>479</sup> Ibid.

<sup>480</sup> Mala Htun and Timothy J. Power, "Gender, Parties, and Support for Equal Rights in the Brazilian Congress," *Latin American Politics and Society* 48, no. 4 (2006): 83–104, <https://doi.org/10.1111/j.1548-2456.2006.tb00366.x>, 100.

assist in determining whether and how female legislators represent women and what barriers are present.

Female legislators in Brazil possess less political clout, occupy fewer leadership positions, and are less likely to be involved in ‘hard politics’ than their male counterparts. In Brazil’s case, the Interunion Department of Parliamentary Aides provides useful data on the political power of legislators.<sup>481</sup> Each year, a list is compiled of the “Best 100 Heads in National Congress,” based on legislator’s formal positions, decision-making power, and reputation with others.<sup>482</sup> One analysis of this list found that between 1994 and 2009, the number of women considered among the top 100 most influential members of Congress never rose beyond six and averaged just under five.<sup>483</sup> In other words, among the most powerful members of the Brazilian Congress, typically just five percent of them are women. This underrepresentation is due to a number of factors; dismissals of women’s lack of influence as the result of inexperience are not fully accurate. Indeed, one of the main issues explaining the lower political standing of many female legislators is their formal relegation to ‘soft’ committees and informal expectation to focus on social issues rather than high prestige projects with high economic and political impact.<sup>484</sup> An analysis of 1999 to 2006 found that 86 percent of women served on ‘soft’ committees while just 55 percent of men did the same.<sup>485</sup> In high prestige committees, 75 percent of men participated compared to 47 percent of women.<sup>486</sup> The same is true of ministerial

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<sup>481</sup> Louis F. Miguel, “Policy Priorities and Women’s Double Bind in Brazil,” in *The Impact of Gender Quotas* (Oxford University Press, 2012), 104.

<sup>482</sup> Ibid.

<sup>483</sup> Ibid.

<sup>484</sup> Ibid, 116.

<sup>485</sup> Ibid, 109.

<sup>486</sup> Ibid.

positions, where women are extremely underrepresented, especially in high status ministries.<sup>487</sup> The current Brazilian cabinet is just nine percent women, which is not an uncommonly low number for the country.<sup>488</sup> Even under a female President, Dilma Rousseff, women held just two of the ten ministerial posts considered to be politically and economically important.<sup>489</sup>

These results suggest two things. First, female legislators in Brazil have not escaped the tokenization and role entrapment observed by Kanter in the absence of critical mass.<sup>490</sup> Female legislators are pressured to focus on social issues, of which women's interests are a large part, but work on these issues is considered less important than other legislative priorities and prevents women from accumulating political clout.<sup>491</sup> This creates a cycle in which female legislators work hard to promote women's issues but, partially as a result of that work, are unable to move up the proverbial legislative ladder and gain the power that might facilitate broader and deeper policy change for women. However, these results are not substantively different from what has been observed in Argentina and Mexico. Although in those countries women have made more progress in accessing leadership and cabinet positions, including those on traditionally 'masculine' topics, this has only occurred very recently. Second, the continued low presence of women in ministry and cabinet posts, as well as in the judicial branch,

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<sup>487</sup> Clare Arújo, Anna Calasanti, and Mala Htun, "Women, Power, and Policy in Brazil," in *Gender and Representation in Latin America*, ed. Leslie A. Schwindt-Bayer (Oxford University Press, 2018), 216-17.

<sup>488</sup> "Women's Power Index," Council on Foreign Relations, accessed March 22, 2021, <https://www.cfr.org/article/womens-power-index>.

<sup>489</sup> Arújo, Calasanti, and Htun, "Women, Power, and Policy in Brazil," 216-17.

<sup>490</sup> Moss Kanter, "Some Effects of Proportions on Group Life: Skewed Sex Ratios and Responses to Token Women," 966.

<sup>491</sup> Miguel, "Policy Priorities and Women's Double Bind in Brazil," 116.

demonstrates that there has not been a role-model effect in Brazil as a result of the quota. This, too, is largely consistent with findings from Argentina and Mexico which, while slightly more encouraging, generally do not support the existence of a role-model effect.

In terms of data on bills, the available results do not speak specifically to women's interest legislation, but rather to the overall success of female legislators. Estimates place the passage rate of bills introduced by female legislators between 1.5 percent and 4.5 percent, compared to five to seven percent for both genders.<sup>492</sup> Furthermore, 19 percent of the bills passed by women in the study were for largely superficial projects, such as naming institutions or creating commemorative dates.<sup>493</sup> For both genders, this figure was just 3.8 percent.<sup>494</sup> These statistics demonstrate that female legislators have more difficulty passing legislation and that when they do pass legislation it is much more likely to be relatively unimportant. In a broader sense, this shows that female legislators face additional barriers in law-making compared to their male counterparts. This provides evidence of persistent discrimination within the Congress and suggests a major impediment for the substantive representation of women.

In the absence of data on women's interest bill sponsorship and introduction, another way of examining legislators' commitment to women's interests is through speeches and parliamentary discussion. In plenary debates, issues of 'hard politics' are the central focus, reinforcing their primacy in the Congress in general.<sup>495</sup> Male legislators are more likely to speak on these issues, a difference of six percentage points.<sup>496</sup>

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<sup>492</sup> Miguel, "Policy Priorities and Women's Double Bind in Brazil," 116.

<sup>493</sup> Ibid.

<sup>494</sup> Ibid.

<sup>495</sup> Ibid, 111-13.

<sup>496</sup> Ibid.



However, women are more 16 percentage points likely to discuss ‘soft politics,’ which nearly evens the total number of speeches given by each gender.<sup>497</sup> Incumbency may contribute to this disparity. The same study found a steep decline in the number of speeches on ‘soft politics’ from first term legislators to third term legislators.<sup>498</sup> Turning to content about women’s issues, female legislators are nearly twice as likely to discuss abortion than their male colleagues, although the topic is not heavily discussed due to stigma.<sup>499</sup> Analysis of the speeches made on International Women’s Day between 1975 and 2006 provide some further insight. Women were also twice as likely to speak about women and women’s issues on this day compared to men.<sup>500</sup> Female legislators also used the occasion to raise legitimate policy issues relating to women much more frequently than their male counterparts.<sup>501</sup> While the majority of speeches given by male legislators were ritual, depoliticized, or historical in nature, 86 percent of speeches made by female legislators made real critiques of gender issues or were focused on serious policy changes.<sup>502</sup> While narrow in scope, these statistics do provide some evidence that female legislators in Brazil are concerned with women’s issues and that this concern is both more frequent and more substantive than that generally demonstrated by male colleagues. This is consistent with research from Argentina and Mexico showing that female legislators are, on average, more willing to represent women’s interests than their male counterparts.

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<sup>497</sup> Miguel, “Policy Priorities and Women’s Double Bind in Brazil,” 111-13.

<sup>498</sup> Ibid.

<sup>499</sup> Ibid, 114.

<sup>500</sup> Ibid.

<sup>501</sup> Ibid, 115.

<sup>502</sup> Ibid.

Data from the Center for Feminist Studies and Advisory Services (CFEMEA) provides more recent information about the policy perspectives of male and female legislators in regards to women's rights.<sup>503</sup> The 2019 version of the CFEMEA's report on Women's Resistance in the National Congress notes that of the 77 women in the Congress, 20 identify openly as feminists.<sup>504</sup> CFEMEA's data also sheds light on the success of collaborations between female legislators and non-governmental organizations in Brazil. In 2019 alone, CFEMEA monitored 230 proposals for bills pertaining to women's rights and access to services.<sup>505</sup> In the same year, 75 of these bills were presented in the Chamber of Deputies.<sup>506</sup> The report remarks that this is a marked increase from previous years; however, many of the bills, especially those concerning reproductive rights and abortion, sought to, from a feminist perspective, restrict women's rights.<sup>507</sup> Thus, women's issues are being deliberated and addressed extensively in the Brazilian Congress, but not always in keeping with Western feminist orthodoxy.

A survey conducted by CFEMEA between 2007 and 2010 gathered results about views on women's issues from 321 legislators.<sup>508</sup> Eight percent of respondents were women and 92 percent were men.<sup>509</sup> The majority of the respondents were from the center or center-left, 62 percent for men and 45 percent for women.<sup>510</sup> Another 41 percent

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<sup>503</sup> "Mulheres e Resistência No Congresso Nacional" (Centro Feminista de Estudos e Assessoria, 2019), <https://www.cfemea.org.br/index.php/publicacoes/4296-direitos-da-mulher-o-que-pensam-os-parlamentares>.

<sup>504</sup> Ibid, 7.

<sup>505</sup> Ibid, 9-10.

<sup>506</sup> Ibid.

<sup>507</sup> Ibid.

<sup>508</sup> Eneida Vinhaes Dultra et al., *Como parlamentares pensam os direitos das mulheres? Pesquisa na legislatura 2007 - 2010 do congresso nacional* (Centro Feminista de Estudos e Assessoria, 2009), <http://www.bibliotecadigital.abong.org.br/handle/11465/268>.

<sup>509</sup> Ibid, 13.

<sup>510</sup> Ibid, 71.

of women were from the left. The low percentage of respondents from the right (nine percent for men and eight percent for women) certainly skews the results, but the data is still useful for evaluating the difference in viewpoints between male and female legislators. Selected results from the report, translated using Google Translate, are summarized in a table below.

**Table 1: Brazilian Legislator Survey Results: Women’s Rights 2007-2010<sup>511</sup>**

Statement/Policy	Position	Both Genders	Women	Men
Political parties should be punished for non-compliance with the gender quota	Agree or somewhat agree	37	85	32
	Disagree or somewhat disagree	62	15	67
Placement mandates should be implemented for candidate lists	Agree or somewhat agree	25	67	21
	Disagree or somewhat disagree	73	33	76
Parties should devote 30% of candidate funds to female candidates	Agree or somewhat agree	64	89	61
	Disagree or somewhat disagree	35	7	37
Regulated 1 month paternity leave	Agree or somewhat agree	39	-	-
	Disagree or somewhat disagree	59	-	-
Extend maternity leave to 6 months	Agree or somewhat agree	51	-	-
	Disagree or somewhat disagree	46	-	-
Allow abortion if serious risk to mother’s health	Agree or somewhat agree	89	-	-
	Disagree or somewhat disagree	9	-	-
Allow abortion at 12 weeks (no other conditions)	Agree or somewhat agree	23	-	-
	Disagree or somewhat disagree	72	-	-
Allow abortion at 20 weeks in cases of rape	Agree or somewhat agree	61	-	-
	Disagree or somewhat disagree	35	-	-

\*Non-responses and ‘Do not know’ responses are not included in this table.

\*\*Gender disaggregated data is presented as given in the cited report. Some questions did not report gender disaggregated data.

<sup>511</sup> Dultra et al., *Como parlamentares pensam os direitos das mulheres? Pesquisa na legislatura 2007 - 2010 do congresso nacional*, 73-98.

There are several key takeaways from the data presented in Table 1. The responses to questions about the gender quota demonstrate a concerning lack of support for the quota law in among men. In particular, the limited agreement among men for punishments for non-compliance and enforcement of placement mandates suggests that male legislators would prefer the quota be loose and, perhaps, ineffectual. Given the low proportion of women in the legislature even after the quota, this implies that many male legislators prefer or are satisfied with the underrepresentation of women. The opposition from male legislators to increased descriptive representation for women has several important implications for substantive representation. It suggests that male legislators do not understand the importance of female representation or are unwilling to sacrifice candidate spots in order to increase women's presence in the legislature. This bodes poorly for women eventually reaching critical mass in Brazil. If part of their reluctance to support effective quota measures comes from gender bias or a lack of value placed on women's issues, this indicates significant barriers for female legislators in enacting substantive representation without critical mass. Further, it may suggest that the opposition from male legislators goes deeper than placement mandates and enforcement mechanisms; some men may reject the quota entirely. This perspective would seriously jeopardize opportunities for female legislators to represent women in office or, for that matter, to represent anyone effectively if their male counterparts believe they have gained their position 'illegitimately.'

Unfortunately, gender disaggregated results were not available for the questions on abortion and parental leave. However, because 92 percent of the respondents were men the data provides considerable insight about the perspective of male legislators even

without disaggregation.<sup>512</sup> The relatively high support for extended maternal leave suggests that legislators in general, and men in particular, do consider women's labor rights important. The support for paternal leave seems to imply that legislators understand the relevance of gendered division of domestic labor, even if they do not directly consider paternal leave a women's rights issue. Responses to the questions on abortion mostly reflect satisfaction with the current laws on abortion, as well as the continued public sentiment against legalized abortion without extenuating circumstances. This data demonstrates limited progress on some women's issues, divisions between male and female legislators in regards to women's political representation, and continued resistance to some feminist policies.

Ultimately, the perspectives reflected in Table 1 suggest that female legislators face significant barriers in enacting effective substantive representation and that their presence has not engendered a broader cultural shift in the legislature. The efficacy of the Women's Secretariat and the deep and persistent collaboration between female legislators and civil society actors in encouraging.<sup>513</sup> Furthermore, outcomes for women in health, education, and especially employment in Brazil demonstrate that gender equality is being addressed on a number of fronts even with the low proportion of women in the legislature.<sup>514</sup> However, much of this progress has been due to the tireless efforts of civil society organizations and public movements.<sup>515</sup> Female legislators in Brazil struggle to

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<sup>512</sup> Dultra et al., *Como parlamentares pensam os direitos das mulheres? Pesquisa na legislatura 2007 - 2010 do congresso nacional*, 13.

<sup>513</sup> Htun, "Puzzles of Women's Rights in Brazil," 736.

<sup>514</sup> "Global Gender Gap 2020: Data Explorer," World Economic Forum.

<sup>515</sup> Arújo, Calasanti, and Htun, "Women, Power, and Policy in Brazil," 223-25.

attain political clout and prestige and face gender bias within the legislature.<sup>516</sup> Many of these problems reflect those apparent in Argentina and Mexico, yet more progress has been made regarding substantive representation in those countries than in Brazil.

## **Chile**

In 2020, Chile ranked 57<sup>th</sup> in the Global Gender Gap Report, scoring an overall total of 0.723.<sup>517</sup> This score places Chile just slightly below Argentina, which scored 0.746.<sup>518</sup> The difference in their scores comes almost entirely from the political empowerment category. Chile, Argentina, and Mexico rank roughly the same in the three other categories.<sup>519</sup> Observing the pattern with all four case studies, it seems that in many measurable outcomes of gender equality there is little substantive difference other than the proportion of women in government. Data on bill introduction and voting behavior on women's interests bills in the legislature was not located for this case study. The recent introduction of the gender quota limits the overall amount of available literature on this topic and the 'presidentialist' nature of legislation in Chile would challenge the usefulness of this data if it was available. Instead, this section devotes greater attention to the relationships between formal and informal institutions and norms and substantive representation.

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<sup>516</sup> Miguel, "Policy Priorities and Women's Double Bind in Brazil," 113-16.

<sup>517</sup> "Global Gender Gap 2020: Data Explorer," World Economic Forum.

<sup>518</sup> Ibid.

<sup>519</sup> Ibid.

Chile is an intriguing case study of women’s substantive representation. The gender quota has only been in place a few short years and the proportion of women remains below critical mass at 22.6 percent.<sup>520</sup> Much of the progress the country has made on women’s issues took place under the two terms of a female President, Michelle Bachelet from 2006 to 2010 and from 2015 to 2018. Furthermore, Chile has several distinct formal and informal facets of governance that influence both the descriptive and substantive representation. The country is often characterized as ‘presidentialist,’ meaning that a great deal of power, including legislative power, rests within the Executive Branch.<sup>521</sup> Despite this, governance is often informally regulating by consensus norms.<sup>522</sup> This is rooted partially in the fact that politics is dominated by coalitions rather than one or two parties at a time, as in Argentina.<sup>523</sup> However, although parties typically must form coalitions to govern, they are each stable and ideologically well-defined, as in Mexico.<sup>524</sup> This creates a system in which the President has considerable legislative power, but often prioritizes consensus in policy-making in a political system dominated by coalitions of strong and well-defined political parties. Among these parties, the socially conservative Christian Democrats typically features in

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<sup>520</sup> “Proportion of seats held by women in national parliaments – Chile.” The World Bank Group (1990 – 2019).

<sup>521</sup> Franceschet, “Informal Institutions and Women’s Political Representation in Chile (1990-2015),” 149-53.

<sup>522</sup> Peter Siavelis, “Accommodating Informal Institutions and Chilean Democracy,” in *Informal Institutions and Democracy: Lessons from Latin America* (Baltimore, MD: Johns Hopkins University Press, 2006), 33–55.

<sup>523</sup> *Ibid*, 34-36.

<sup>524</sup> Franceschet, “Informal Institutions and Women’s Political Representation in Chile (1990-2015),” 149-53.

the ruling coalition.<sup>525</sup> These characteristics of governance in Chile present numerous potential implications for the substantive representation of women.

The legislative power of the Executive, which is similar in many ways to Brazil,<sup>526</sup> means that women's interest legislation is, like nearly all other legislation, largely dependent on Presidential support.<sup>527</sup> Thus, the political party, identity, and values of each President greatly affect the progress, or stalling, of women's rights and gender equality. This can work both for and against substantive representation in terms of gender equality outcomes through legislation, but the larger influence of the Executive Branch necessarily means that less power rests in the legislature and, thus, female legislators have less power with which to enact substantive representation. In Chile as in Mexico, consensus norms are important. However, these norms apply to governance in general in Chile, as opposed to specifically to women's organizations in Mexico.<sup>528</sup> Additionally, the presence of strong, socially conservative parties is not limited to the right in Chile. The Christian Democrats are often a leading force in center and center-left coalitions, meaning that political opposition to some feminist policies is common among right, center-right, center, and center-left governments.<sup>529</sup> This is not unique in Latin America, but the prominence of the Christian Democrats due to the party's leading role in steering the country into democratization does lend the party a special place in Chilean politics.<sup>530</sup>

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<sup>525</sup> Franceschet, "Informal Institutions and Women's Political Representation in Chile (1990-2015)," 143.

<sup>526</sup> Htun and Power, "Gender, Parties, and Support for Equal Rights in the Brazilian Congress," 100.

<sup>527</sup> Franceschet, "Informal Institutions and Women's Political Representation in Chile (1990-2015)," 149-53.

<sup>528</sup> Ibid.

<sup>529</sup> Marcela Ríos Tobar, "Feminist Politics in Contemporary Chile: From the Democratic Transition to Bachelet," in *Feminist Agendas and Democracy in Latin America*, ed. Jane S. Jaquette (Duke University Press, 2009), 19-63, <https://doi.org/10.1215/9780822392569-003>, 24-27.

<sup>530</sup> Ibid.



Chile has the weakest formal organization of female legislators of the four case studies. While the Senate has no organization of any kind, the Chamber of Deputies does have a Women's Caucus.<sup>531</sup> However, the Women's Caucus is informal, meaning that it does not have any official powers and there are no formal rules governing the body.<sup>532</sup> The Women's Caucus further lacks both a communication plan and a strategic plan.<sup>533</sup> The organization's main focus is gender equality, rather than something more broad such as women, children, and family. It is open to male and female legislators of all parties.<sup>534</sup> However, despite the informality of the Women's Caucus, the Chamber of Deputies does have a formal Commission on Women and Gender Equality.<sup>535</sup> This Commission has 16 members, all women, and authors a handful of bills and reports each year.<sup>536</sup> Notably, it has sponsored a number of feminist bills in the last five years. In 2018, the Commission authored an unsuccessful bill to decriminalize abortion without conditions until 14 weeks.<sup>537</sup> The bill was revived this year, around the same time that Argentina legalized abortion, and will be voted on in April.<sup>538</sup> In the same year, the Commission introduced a bill requiring political parties to implement protocols for the prevention and punishment of sexual harassment.<sup>539</sup> In 2021, the organization authored a bill that would provide

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<sup>531</sup> "Chamber of Deputies Specialized Bodies - Chile," Parline: the IPU's Open Data Platform, accessed March 21, 2021, [https://data.ipu.org/node/35/parliamentary-bodies/specialized-bodies/womens\\_caucus](https://data.ipu.org/node/35/parliamentary-bodies/specialized-bodies/womens_caucus).

<sup>532</sup> Ibid.

<sup>533</sup> Ibid.

<sup>534</sup> Ibid.

<sup>535</sup> "Comisión de Mujeres y Equidad de Género," Honorable Cámara de Diputados de Chile, accessed March 21, 2021, <https://www.camara.cl/>.

<sup>536</sup> Ibid.

<sup>537</sup> Ibid.

<sup>538</sup> Ernesto Londoño, "Defective Birth Control Blamed for Scores of Unplanned Pregnancies in Chile," *The New York Times*, March 2, 2021, <https://www.nytimes.com/2021/03/02/world/americas/chile-women-birth-control.html>.

<sup>539</sup> "Comisión de Mujeres y Equidad de Género," Honorable Cámara de Diputados de Chile.

protection and reparations to the families of femicide victims.<sup>540</sup> The Commission on Women and Gender Equality is smaller and has less formal power than the CIG in Mexico, for example. Although the body does not produce a large quantity of legislation, it is clearly willing to sponsor progressive, feminist bills. However, opportunities for substantive women's collaboration within the legislature are limited.

Chile has in recent years created a number of other governmental bodies outside the legislature that deal with women's interests, some of which are prominent and well-funded. Immediately after the democratic transition in 1990, the government created a women's policy agency called Servicio Nacional de la Mujer (SERNAM).<sup>541</sup> The creation of SERNAM was tied to the activism of a group called the Coalition of Women for Democracy, and quickly resulted in the establishment of a highly successful national Plan for Equal Opportunity of Women.<sup>542</sup> This echoed the establishment of important women's organizations in government that took place in Argentina and Mexico; this repetitive narrative reinforces the primacy of women's activism in achieving substantive change. In 2015, SERNAM was upgraded to a Ministry for Women, which enjoys a great deal of funding, resources, and policy influence.<sup>543</sup> The work of these organizations, with considerable support from President Bachelet in her second term, has resulted in a number of progressive, feminist policies in Chile, including universal day-care for low-income families, access to contraception for all women and girls 14 and older, and the expansion of laws on violence against women and domestic violence.<sup>544</sup>

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<sup>540</sup> Comisión de Mujeres y Equidad de Género," Honorable Cámara de Diputados de Chile.

<sup>541</sup> Franceschet, "Informal Institutions and Women's Political Representation in Chile (1990-2015)," 141.

<sup>542</sup> Tobar, "Feminist Politics in Contemporary Chile: From the Democratic Transition to Bachelet," 24.

<sup>543</sup> Ibid.

<sup>544</sup> Ibid, 38-39.

However, it is important to note that Chile does not have the same history of solidarity among female legislators as Argentina and Mexico. The establishment of the quota law in each country is a prime example of this, but the same pattern extends to other divisive issues. Whereas women in Mexico were able to overcome strict party ideologies to support the quota through organization, collaboration, and consensus and women in Argentina were able to form coalitions to push through the quota, female legislators in Chile were deeply divided on the quota. In a 2008 survey, just 49 percent of women in the coalition on the right, Alianza, expressed support for a gender quota.<sup>545</sup> Htun cites an interview she conducted with a female legislator from Alianza in 2012 to explain how partisan divisions among women extend to other issues, summarizing the interviewee's remarks as follows: "whereas they could find common ground on women's access to work and the problem of violence, they would continue to disagree on abortion and on quotas."<sup>546</sup> These remarks indicate that female legislators are committed to promoting substantive representation on issues where consensus is available, such as equality under the law, labor and employment, education, health, and violence against women. However, on more divisive issues female legislators do not act as a unified group, and this is not the case for just a few hardline Deputies or Senators but for a large portion of women. Furthermore, the division seems to be the result of deeply entrenched features of party politics rather than the lack of critical mass. The gender quota ultimately passed because of the incredible support President Bachelet placed behind it, indicating

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<sup>545</sup> Mala Htun, "Gender Quotas: Why and How," in *Inclusion without Representation in Latin America: Gender Quotas and Ethnic Reservations* (Cambridge University Press, 2016), 62.

<sup>546</sup> *Ibid.*, 63.

once more that the executive is often the final arbiter of gender issues, and most other issues, in Chile.<sup>547</sup>

When discussing substantive representation in Chile, it is important to recognize that while women are not well-represented in the legislature, they have done better in appointed positions than their counterparts in Argentina, Brazil, and Mexico. Since 1990, women have comprised an average of 29 percent of each administration's initial Executive Cabinet; since 2000 this number has been 37 percent.<sup>548</sup> Currently, women represent 33 percent of the Cabinet.<sup>549</sup> This is a marked different to the low presence of women in appointed positions in Mexico (until President Lopez Obrador) and Brazil, and it is slightly above the representation in Argentina which has typically been 20 to 25 percent in the past decade.<sup>550</sup>

Franceschet neatly sums up the case of women's substantive representation in Chile by boiling it down to three key facets.<sup>551</sup> First, although women have not reached critical mass in the Chilean legislature, they are highly active on women's issues and have the support of the influential Ministry for Women (formerly SERNAM) behind them.<sup>552</sup> Second, consensus-building norms and clearly defined partisan ideology influence all policy-making, including on gender issues, and this can both help and hinder

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<sup>547</sup> Htun, "Gender Quotas: Why and How," 63.

<sup>548</sup> Franceschet, "Informal Institutions and Women's Political Representation in Chile (1990-2015)," 141.

<sup>549</sup> "Women's Power Index," Council on Foreign Relations

<sup>550</sup> Barnes and Jones, "Women's Representation in the Argentine National and Subnational Governments," 123-24.

<sup>551</sup> Susan Franceschet, "Gendered Institutions and Women's Substantive Representation: Female Legislators in Argentina and Chile," in *Gender, Politics and Institutions: Towards a Feminist Institutionalism*, ed. Mona Lena Krook and Fiona Mackay, Gender and Politics Series (London: Palgrave Macmillan UK, 2011), 58-78, [https://doi.org/10.1057/9780230303911\\_4](https://doi.org/10.1057/9780230303911_4).

<sup>552</sup> Franceschet, "Gendered Institutions and Women's Substantive Representation: Female Legislators in Argentina and Chile," 69-73.

women's interest legislation depending on the specific topic addressed.<sup>553</sup> Third, the presidentialist nature of the political system means that outcomes on gender issues are often ultimately determined by the President and the executive, sometimes regardless of the efforts of legislators.<sup>554</sup> Chile is thus well-positioned to make great strides on women's issues when supported by the President and to 'weather the storm' with continued progress on non-controversial issues through the Ministry for Women when without executive support.<sup>555</sup> Female legislators are largely willing to work on women's interest legislation and do so, in part, through the Commission on Women and Gender Equality.<sup>556</sup> However, this work is marked by partisan divides. Consensus norms are not prioritized within women's groups, but instead refer to the need for consensus between the legislature and the executive. Despite this, the high proportion of women in executive cabinets over the last two decades is a highly encouraging sign for women's substantive representation given the enormous influence of the executive.<sup>557</sup>

Taking all of this into account, the degree of substantive representation for women in Chile is not high. In comparison to the other case studies, Chile seems to lag behind Argentina and Mexico, although each country has areas in which substantive representation is stronger and weaker than the other case studies. All three countries are ahead of Brazil in both substantive and descriptive representation. The first chapter of this paper defined substantive representation as a measure of the position and agency of

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<sup>553</sup> Franceschet, "Gendered Institutions and Women's Substantive Representation: Female Legislators in Argentina and Chile," 69-73.

<sup>554</sup> Ibid.

<sup>555</sup> Ibid.

<sup>556</sup> "Comisión de Mujeres y Equidad de Género," Honorable Cámara de Diputados de Chile.

<sup>557</sup> Franceschet, "Informal Institutions and Women's Political Representation in Chile (1990-2015)," 141.

women within legislative bodies and their power and will to represent women's interests. The vast majority of progress on gender equality in Chile has taken place under a female president who has, at times, gone to great lengths to ensure that both feminist and women's interest measures are implemented.<sup>558</sup> Female legislators, while making great strides on some issues, are often divided and the institutional tools, both formal and informal, at their disposal are weak compared to those in the other case studies.<sup>559</sup> In Chile, as in Argentina, connections between civil society groups and female legislators do not feature heavily in legislation on women's issues.<sup>560</sup> However, the general trajectory of both descriptive and substantive representation for women has been positive. The legislative activity of the Commission on Women and Gender Equality in recent years illustrates this point.<sup>561</sup> Furthermore, women in the executive, including in the cabinet and ministries, are enacting substantive representation in Chile.<sup>562</sup> This raises questions about placing the locus of research on substantive representation on legislative bodies when clearly other parts of government can conduct similar work.

In both Brazil and Chile, there were no strong activism networks supporting the adoption and implementation of gender quotas. However, civil society organizations are important sources of substantive representation in both countries. Indeed, the connections between non-governmental institutions and female legislators are crucial in both countries for women's interest issues and legislation. The lack of political clout of female

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<sup>558</sup> Htun, "Gender Quotas: Why and How," 63.

<sup>559</sup> Franceschet, "Informal Institutions and Women's Political Representation in Chile (1990-2015)," 149-53.

<sup>560</sup> *Ibid.*

<sup>561</sup> "Comisión de Mujeres y Equidad de Género," Honorable Cámara de Diputados de Chile.

<sup>562</sup> Tobar, "Feminist Politics in Contemporary Chile: From the Democratic Transition to Bachelet," 38-39.

legislators in both countries and the signs of continued tokenization suggest that lower descriptive representation is hindering substantive representation. However, women have forged networks and connections to continue working to represent women's interests nonetheless.

## Conclusion

This paper analyzed gender quotas and their descriptive and substantive effects in Argentina, Brazil, Chile, and Mexico to answer the question: To what extent and in what ways does women's collaboration influence the relationship between the descriptive and substantive representation of women in the context of legislated candidate gender quotas? The findings of this paper support the hypothesis. Women's collaboration within the legislature and between the legislature and civil society is a critical and overlooked variable in defining the relationship between descriptive and substantive representation. Specifically, cross-party collaboration among legislators and with women's civil society groups resulted in more effective articulation of women's interest and feminist goals. Networks of women in civil society and women in the legislature that were founded during the gender quota movement and persisted afterwards are associated with higher substantive representation. In Mexico and Argentina, patterns of collaboration were defined during the movement for gender quotas and have endured to this day. In Brazil and Chile, collaboration has been lower and no movement for gender quotas was ever active.

In Mexico, high descriptive representation has not led to full substantive representation, particularly in regards to feminist issues. The same has occurred in Argentina, although there feminist issues have received more attention and representation of broader women's interest and gender mainstreaming has been less effective. In Brazil and Chile, women enjoy a relatively high degree of substantive representation, albeit lower than in Argentina and Mexico, despite low descriptive representation. This paper



found that these discrepancies can be explained, in large part, by the collaboration and consensus patterns and norms among female legislators and women's civil society groups. This conclusion adds to the current understanding of the impact of gender quotas by identifying women and women's organizations as critical actors. More importantly, it suggests that an increased focus on when, how, and why women mobilize is needed in order to fully understand the degrees of descriptive and substantive representation that arise from gender quotas.

This finding could be explored in future research to study the methods of mobilization that are most effective and the degree of institutionalization of women's networks necessary to ensure lasting high descriptive and substantive representation. It is also worth considering whether this mobilization must occur on a grass-roots level, as in the case studies, or whether it could be engineered through forums and existing women's organizations in other countries. This is an important consideration for public policy. It is clear that in countries where gender quota adoption or reform is being debated, women must be involved in the discussion and given the opportunity to organize collectively. The best format of that debate and organization, however, remains unclear. It is also important to recognize that this paper did not explore the dynamics of race, ethnicity, or class in gender quotas and their effects. However, these are, of course, significant issues that remain understudied in research on gender quotas. Future research should work to identify the most effective forms of mobilization to ensure that gender quotas promote substantive representation of all women.

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