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Gender quota spill-over in Sweden:
From politics to business?

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European University Institute
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FROM POLITICS TO BUSINESS?**

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Legal Struggles and Political Mobilisation around Gender Quotas

This paper is part of a case study series stemming from a project, "Gender quotas in Europe: Towards European Parity Citizenship?" funded by the European University Institute Research Council and Jean Monnet Life Long Learning Programme under the scientific coordination of Professors Ruth Rubio-Marín and Eléonore Lépinard. Gender quotas are part of a global trend to improve women's representation in decision-making bodies. In the past decade they have often been extended in terms of the numbers to be reached (40 or 50% instead of 30%), and in terms of the social field they should apply to (from politics to the economy to the administration). The aim of the project is to assess and analyse this global trend in the European context, comparing the adoption (or resistance to) gender quotas in 13 European countries in the fields of electoral politics, corporate boards and public bodies.

The case-studies in this series consider the legal struggles and political mobilisation around Gender Quotas in Austria, Belgium, Denmark, France, Germany, Italy, Norway, Poland, Portugal, Slovenia, Spain, Sweden, and the U.K. They were presented and discussed in earlier versions at a workshop held in September 2014 at the EUI. Based on the workshop method, all working papers have reflected on similar aspects raised by their country case, concerning: 1) domestic/national preconditions and processes of adoption of gender quotas; 2) transnational factors; 3) legal and constitutional challenges raised by gender quotas in both the political and economic spheres; and 4) new frontiers in the field.

The working papers will be also made available on the blog of the workshop, where additional information on the experts and country information sheets can be found, and new developments can be shared. <https://blogs.eui.eu/genderquotas>.

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Abstract

Ever since the 1990s, legislated gender quotas have been adopted across the world as a means to increase the number of women in elected bodies. In recent years, legislated gender quotas have also been adopted to rectify the under-representation of women on company boards. Sweden diverges from this trend. Despite the fact that Sweden has been recognized as a model of gender equality, being ranked among the most gender equal countries in the world and having achieved gender balanced political assemblies, legal gender quotas have not been enacted, neither in the political sphere nor in the economic sphere.

This paper analyses women's path to power in Sweden. It studies the adoption of special measures and provides an assessment of the factors that facilitate or hinder increases in the proportion of women decision-makers in the political and economic sectors. By applying feminist institutional theory, the dynamics of institutional configurations facilitating or hindering change is investigated.

It is argued that the interplay of institutions in the political sector operated in a mutually reinforcing way, thereby constituting a good fit, while the interaction of institutions in the economic sector functioned in a conflicting way. It is also claimed that women's movement organisations (working both within and outside of the political parties) represented critical actors in implementing party quotas in Sweden. Such coordinated efforts did not exist in the corporate sector. There, the forces of resistance were much stronger than the forces for change, thereby hindering the introduction of a legal corporate gender quota.

Keywords

Political representation, corporate board representation, gender, party quotas, corporate governance code, feminist institutional theory, Sweden

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Introduction

Ever since the 1970s, electoral gender quotas have been adopted across the world as a means to increase the number of women in elected bodies. While special measures, including minimum recommendations and party quotas, were the preferred means in the 1970s and 1980s, legislated electoral quotas – statutory quotas – have rapidly spread across the world since the mid-1990s, following the UN World Conference of Women in Beijing in 1995 (Dahlerup & Freidenvall, 2005; Dahlerup, 2006; Krook, 2009). As of 2014, legislated electoral gender quotas have been adopted in approximately 80 countries (www.quotaproject.org). In recent years, gender quotas have also been enacted to increase the number of women in other decision-making bodies, including boards of listed and state-owned companies (Armstrong & Walby, 2012; Piscopo & Muntean, 2013). In consideration of the sequence in the adoption of statutory quotas, political scientist Anne Maria Holli (2011) makes a distinction between three generations of quotas: quotas in elected bodies, particularly in national parliaments; quotas in the public sphere, including public boards and executive organs; and, quotas in the economic sector.

Despite Sweden being recognized as a model of gender equality, being ranked among the most gender equal countries in the world in international comparisons, having enjoyed gender balanced political assemblies¹ ranging from national parliament and the government to regional and municipal councils for the last twenty years or so, and having a higher rate of labour market participation among women than most other countries, no statutory gender quotas have been enacted. Although statutory gender quotas have been greeted with scepticism, more or less all of the political parties have adopted special measures, ranging from voluntary targets and recommendations to party quotas in order to increase the share of women in elected bodies. In the corporate sector as well, statutory gender quotas have been regarded with scepticism, and voluntary codes of conduct have been the preferred strategy to increase the number of women on company boards. While “women’s and men’s equal access to power and influence” is one of the four goals of Swedish gender equality policy and gender balance in all aspects of decision-making is an undisputed principle in Swedish society, ranging from the composition of government to sports clubs, the means of achieving this goal has been subject to much debate (Dahlerup & Freidenvall, 2008).

This paper analyses the adoption of special measures in Sweden, including party quotas and corporate governance codes, and provides an assessment of the factors that facilitate or hinder increases in the proportion of women decision-makers in the political and economic sectors. By applying feminist institutional theory, particularly Mona Lena Krook’s (2009) distinction between systemic, practical and normative institutions, the dynamics of institutional configurations facilitating or hindering change will be investigated. Forces for change as well as forces for resistance in the adoption of special measures to redress gender imbalances in decision-making bodies will also be discussed. It is argued that the interplay of institutions in the political sector operated in a mutually reinforcing way, thereby constituting a good fit, while the interaction of institutions in the economic sector functioned in a conflicting way, thus constituting a poorer fit. In addition, it is also claimed that women’s movement organisations (working both within and outside of the political parties) represented critical actors in implementing party quotas in Sweden. Such coordinated efforts did not exist in the corporate sector. There, the forces of resistance were much stronger than the forces for change, thereby hindering the introduction of a statutory corporate gender quota.

The paper is organised as follows. Section 2 outlines the key features of feminist institutionalism. Sections 3 and 4 analyse the adoption of special measures (including party quotas, corporate governance codes and resistance to statutory quotas) to increase the share of women in elected bodies

¹ This is based on the assumption that a proportion of 40-60 per cent of each sex constitutes an equal or balanced representation.

and on company boards, respectively. In these sections, the national preconditions and processes of adoption of special measures will be addressed, including an assessment of the actors mobilising for gender quotas and those resisting change. Section 5 discusses new frontiers in terms of gender quota politics. Finally, Section 6 concludes by highlighting the importance of actors pushing for change as the key enabling factor.

Theoretical Framework

The paper is based on the notion that institutions – the formal and informal ‘rules of the game’ – shape political life. In line with Helmke and Levitsky (2004), formal institutions are defined as the “rules and procedures that are created, communicated, and enforced through channels that are widely accepted as official”, and informal institutions are defined as “socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels” (Helmke & Levitsky, 2004: 727). Institutions, be they formal or informal, are also gendered. A key aspect of feminist institutionalism, therefore, involves analysing the gendered character of institutions and their gendering effects. As pointed out by Mackay (2011: 183), institutions interact to shape political outcomes. They may interact in complementary or contradictory ways, and the institutional configurations and their effects may be gender neutral but also gender biased. Thus, an important notion when analysing institutional reform and change is that institutions are complex and that they may work in facilitating as well as obstructive ways. Informal ‘rules-in-use’ may complement and reinforce formal institutions. They may substitute the regulative framework when there are no formal institutions available. However, they may also provide alternative rules when formal rules are not wanted and do not resonate well with the context they are to be applied in (Mackay, 2011: 184).

Following Mona Lena Krook (2009), the effects of quotas are shaped by rules, practices and norms, which can be conceptualized as three broad categories of institutions: systemic, practical and normative (Krook, 2009). *Systemic institutions* refer to the formal features of political systems, including, for example, the electoral system, the party system and the existence of oversight bodies. *Practical institutions* constitute the formal and informal practices shaping candidate selection criteria and selection practices. *Normative institutions*, finally, are the formal and informal principles guiding candidate selection, including principles such as equality and representation, but also the values and commitments that inform the actions taken by political actors in candidate selections or, more concretely, in the implementation of quota policies. Based on Krook’s conceptualization of institutions, it is important to address the ways in which quotas interact with existing rules, practices and norms. In analyses of institutional stasis and change, it is essential to explore the interplay between various kinds of institutions and institutional levels; sometimes the institutional configuration constitutes a good fit, sometimes it results in conflict.

Regulations in the Political Sector in Sweden

Sweden is well-known for its high representation of women in politics (Bergqvist, 1994; Freidenvall, 2006; Wide, 2006; Wängnerud, 1998). Since universal and equal suffrage was introduced in 1921, the proportion of women members of parliament (MPs) has gradually increased to its current level of 45%, with a take-off phase in the 1970s when the 20% threshold was passed for the first time. This development can be described as a step-by-step or an incremental process (Dahlerup & Freidenvall, 2005; Freidenvall, 2013).

One reason for the increase in the number of women in elected bodies is the adoption of party regulation, ranging from voluntary targets and recommendations (soft quotas) to binding party quotas (Freidenvall, 2006; Freidenvall et al., 2006). These regulations were introduced step-wise in each party, usually first targeting internal party boards and committees and then electoral lists. For example, in 1972 the Liberal Party recommended internal party boards and committees within the party

structure to be made up of a minimum of 40% of each sex. A few years later, in 1974, it recommended all of its electoral lists be based on the zipper system. Over time, the measures adopted were more far-reaching, in gender balance and in sanctions imposed. For example, in 1972 the Social Democratic Party recommended party districts to place “more women” on electoral lists. In 1978, it was recommended that lists reflect the proportion of female party members, in 1987, a 40% minimum target was introduced, and in 1993 gender balance (50%) was promoted through the adoption of party quotas based on the zipper system.

While voluntary targets and recommendations (soft quotas) were introduced in the 1970s, binding party quotas were first introduced in the 1980s. The Green Party was the first party to adopt party quotas. In 1981, when it was first established, the Green Party introduced internal gender quotas, stipulating a minimum of 40% of each sex on internal boards and committees, as well as joint male/female chair of the party. This provision was extended in 1987 to entail a minimum of 40% of each sex on the party’s electoral lists. Later on, the Left Party and the Social Democratic Party followed suit and adopted party quotas in 1987 and 1993, respectively. The Left Party required all electoral lists to consist of a minimum of 50% women, and the Social Democratic Party adopted the zipper system, in which men and women candidate are placed alternately on party lists. While political parties today take different positions on party quotas, most of them nominate an equal number of women and men on electoral lists, i.e. within the 40-60% span. Thus, a key effect of the adoption of party quotas can be observed at the discursive level: competition between the parties together with the gender equality debates generated by the measures have forced parties along the entire spectrum to react and take an active stance on issues of representation (Freidenvall et al., 2006).

While no statutory gender quotas have been enacted in Sweden, government decisions have, since the mid-1980s, prescribed gender-balanced representation on public committees, commissions and boards appointed by the government and various government departments. Given the tendency towards male domination on these bodies, the aim of the provision was to stimulate a better balance (ed. Niskanen, 2009: 31). The provision was gradually tightened, stipulating a minimum of 40% representation of each sex in 1995 and 50% representation of each sex in 1998 (Borchorst, 1999; ed. Niskanen, 2009).

Forces for change

The primary forces for change were the women’s movement organisations, organised within political parties, in political party women’s sections and in autonomous women’s organisations. In the 1920s and 1930s, national women’s federations with regional and local women’s sections within four of the five parliamentary parties were formed (the exception was the Communist Party) with the aim of mobilising women to vote and recruiting women for party work (Freidenvall, 2006, 2013). During the 1940s and 1950s, the national women’s federations grew into mass organisations, recruiting and educating thousands of women and supporting women in the nomination process. Despite the pressure they put on party organisations to place more women on electoral lists, parties usually nominated just one or a few women candidates in each constituency, the ‘obligatory’ woman (Karlsson, 1996). This obligatory woman was to represent women as a group and to comply with the demands for representation made by the women’s sections. The issue of gender quotas sometimes surfaced within the women’s federations. For example, as early as in 1928 the National Federation of Social Democratic Women (SSKF) proposed that the Social Democratic Party introduce gender quotas so that women would be placed in electable positions on electoral lists, but his proposal was rejected in accordance with the notion that all of the positions on the electoral lists should be based on equal opportunity and thus subject to open competition (Freidenvall, 2005). Gender quotas were a controversial issue, even among SSKF members, and an on-going discussion about their pros and cons started within the organisation.

During the 1970s, the women’s movement experienced a renaissance (Freidenvall, 2013). The second-wave women’s movement mobilised thousands of young women, encouraging women to protest

against pornography, prostitution and violence against women. Even first-wave women's movement organisations were active in this. For instance, the liberal Fredrika Bremer Association (FBA) organised public hearings on a regular basis in which party leaders and government representatives were asked to explain the under-representation of women in elected bodies and their efforts to rectify this situation. The FBA even coined the term 'the 51% minority', questioning why a majority of the population constituted a minority in decision-making. At the same time, the national women's federations within the political parties noted that local party organisations addressed selection criteria such as geography, age and class in list composition but neglected gender as a category of representation. The federations claimed that the share of women on electoral lists should reflect the share of women in the population, framing women's under-representation in political assemblies as a violation of equal rights and as something that contributed to a skewed view of democracy. The framing of women's political representation as citizens' rights had strategic advantages (Sainsbury, 2005: 199). It highlighted unity among women, as well as the fact that although they constituted half the citizenry, they were only given a limited share of seats in elected bodies. The under-representation of women was thus framed as a question of a deficiency in Swedish democracy. Hence, 'the 51% minority' catchphrase became a useful discursive strategy. Women to the left and to the right, both within the political parties and in the autonomous women's movement organisations, thus challenged the traditional male concept of citizenship, arguing that an all-male political assembly was undemocratic and unacceptable (Dahlerup, 1998).

The women's sections examined the under-representation of women through careful studies, published the results and pushed to get more women in electable positions on the party lists. They were also quick to point to the gains made in rival parties in order to push for stronger measures within their own party. The women's sections were the main actors behind the adoption of special measures within the parties, first pressing parties to adopt voluntary targets and recommendations, and then – in the left-wing parties – also pressing parties to adopt party quotas.

Party elites viewed quotas as a violation of the principle of equal opportunity and the sovereignty of the party districts to compile their own electoral lists. It was a method that not only conflicted with democratic ideas, including the importance of the votes of the electorate, but also with the ideals of gender equality as policies that should aim at improving the situation of both women and men (Freidenvall, 2006). The women's federations had a more positive stance on quotas, although not overly optimistic (Freidenvall, 2006). In the view of the SSKF, gender quotas were seen as a necessary evil or a method to be used only as a last resort. On many occasions the SSKF tried to tone down its demands for more women in politics by avoiding the word 'quotas' or by reformulating it as 'methods of redistribution' (Freidenvall, 2005). In general, however, political parties and women's federations explained women's under-representation in politics as an issue of supply: an effect of women's lack of political resources in terms of time, money, education. Within the women's federations it was also argued that as long as the number of women in politics increased, there was no need for more radical solutions, such as quotas.

Threat as strategy

While the numbers of women in political assemblies increased in the 1970s and 1980s, the representation of women in state committees remained low.² A government report in 1987, which was commissioned by the government to study the matter, displayed a new discourse on political representation, addressing the under-representation of women in politics more explicitly as a matter of power and conflict between the sexes and advocating legislated gender quotas as the only strategy that would increase the number of women in state committees. However, the report concluded that

² Committees are regularly appointed by the Government on a temporary basis to inquire into a matter and submit recommendations. A committee's terms of reference (kommittédirektiv) define the scope and direction of its inquiry.

resistance to quotas in Sweden was very strong, and it, therefore, stopped short of demanding that legal quotas be introduced. Instead, a series of voluntary measures were suggested, with a full-scale quota system to be enacted in relation to a range of political and policy-making institutions if women's numbers did not rise (SOU, 1987: 19). The report explicitly suggested that legal quotas be enacted if a 30% representation was not achieved by 1992. It also recommended that the government strive to achieve a minimum of 40% women in elected bodies by 1994 and 50% by 1998. The report was entitled *Varannan Damernas* (every other one for the ladies), which refers to a countryside dance custom in which women are invited to ask men for every other dance.

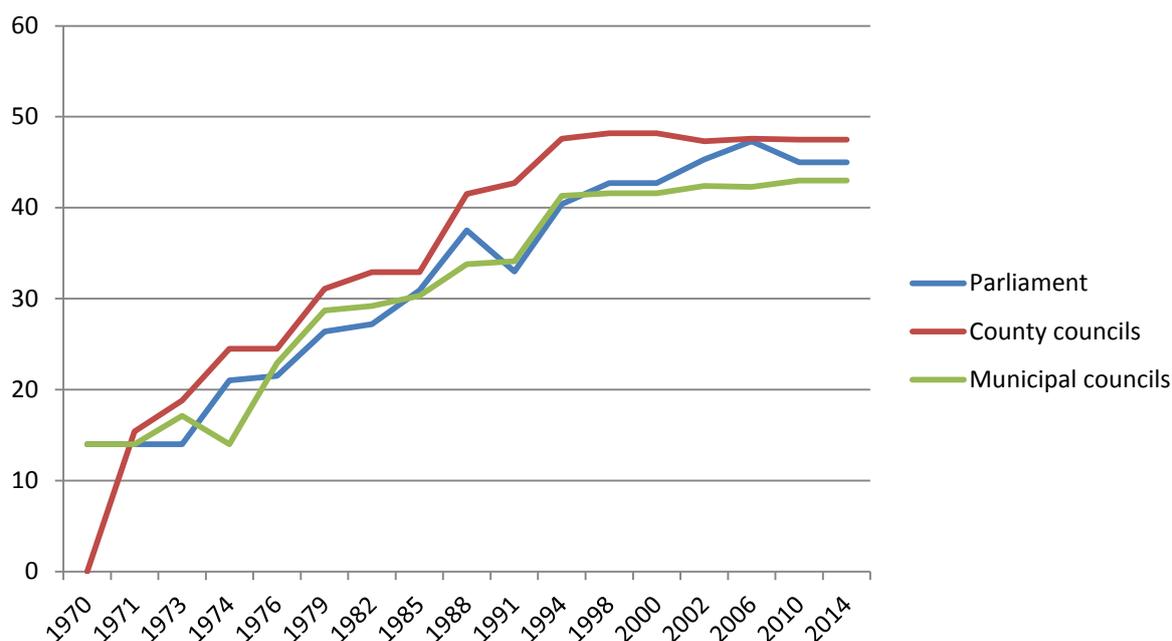
The threat posed by the commission was brought into focus in 1991, when the women's representation in the Swedish parliament decreased for the first time since 1928. A heated debate took place, and the network *Stödstrumporna* (the Support Stockings) was formed. The network, which consisted mainly of influential female academics and journalists, threatened to establish a Women's Party unless the political parties nominated more women for the next election. Although the decrease in 1991 was primarily a result of the right-wing party New Democracy entering the parliament with only three women out of 25 places, the 1991 election gave rise to debate, activism and pressure groups (Freidenvall, 2006, 2013).

In response to the threat, fearing that many women would switch parties, the Social Democratic Party decided in 1993 to adopt the principle of *varannan damernas* (every other one for the ladies) on all lists for all elections. Although the principle is a party quota, it was voluntary and something that the party districts themselves could decide to introduce. The term *varannan damernas* gave positive associations to more sympathetic rules for taking turns. It thus fitted in well with the idea of gender equality as a harmonious relation between the sexes – not a relation of power and conflict - and of measures that guarantee not only women's but also men's positions in political assemblies. In addition, the term gave positive associations to countryside dance floors (In Swedish, *dansbanor*) and to the political image of the Swedish '*folkhem*', the idea of Sweden as the home of the people, a narrative of solidarity and equality put forward by the Social Democratic Party in the 1930s to disassociate social democratic politics from the antagonistic class-based politics of earlier times. What is more, the metaphor of every other one for the ladies also transformed the framing of quotas as a 'top-down Stalinist method' or a method that was based on conflicts of interests between women and men into a framing of quotas as a dance that promoted the free will of two parties (Törnqvist, 2006). It was thus framed in terms of ideals that enabled calls for equal representation to resonate with discourses of consensus and equality (Bergqvist, 1994; Freidenvall et al, 2006). As pointed out by Maud Eduards (2002), gender politics in Sweden have traditionally been consensus oriented; women and men are supposed to collaborate, side-by-side, and neither is to be given special treatment at the expense of the other. Gender equality is perceived as double emancipation, a win-win situation, with benefits for both sexes. The notion of *varannan damernas* fitted well into this discursive frame.

Rival political parties soon followed suit, adopting similar policies. Some parties opted for a policy of strict proportions, while others preferred softer formulations, such as "at least 40% of each sex". These policies resulted in the election of 41% women in 1994, 43% in 1998, 45% in 2002, and 47% in 2006. At the two last elections to parliament, the proportion of women has decreased, to 45% in 2010 and 44% in 2014.³ Today, gender balance in political decision-making assemblies is an axiom among all of the parties, with the exception of the populist Sweden Democratic Party. The parties differ, however, in their views on how to achieve the shared goal. Figure 1 shows the proportion of women at various levels of government 1970-2014.

³ The decrease in 2010 can be explained primarily by the election of the populist Sweden Democratic Party, with three women out of 20 places in parliament (15% women). The proportion of women elected in the Sweden Democratic party increased to 22% at the 2014, but continued to be considerably lower than in rival parties. At the 2014 election, the proportion of women parliamentarians decreased also in the Liberal Party, from 42% to 26%.

Fig. 1: Women's Representation in Elected Bodies 1971-2010 (in percentages)



Regulation in the Economic Sector in Sweden

Unlike the political sector, the private sector has for a long time not been part of the political debate on gender equality in Sweden (Freidenvall & Hallonsten, 2013). The low proportion of women in decision-making positions in private companies was considered a matter for the business sector itself. It was not until the 1990s, when women's political representation was high on the political agenda that the overwhelming male dominance in the business sector also began to attract attention in public debate. In the ensuing years, several state commissions of inquiry were initiated to analyse the situation.

In 1993, Deputy Prime Minister and Gender Equality Minister Bengt Westerberg (Liberal Party) in the liberal coalition government appointed a commission of inquiry to study the possibility of achieving a more equal distribution of male and female managers in business. In the directives for the commission of inquiry, it was clearly stated that the issue of quotas was not to be taken up. The inquiry resulted in the report *Men's Perceptions about Women and Leadership* (SOU, 1994: 3). It showed that 72% of the private company boards at that time consisted only of men and that 56% of the companies had management teams consisting exclusively of men. The report also underscored that key to understanding the Swedish economy is its corporate tradition. The so-called Swedish model of corporate governance can be described as a system based on consensus between large capital owners and the labour movement, each comprising important elites in the Swedish business sector. The collaboration between the government and industry has even been labelled "*Harpseud democracy*", based on the idea that private owners enjoy considerable autonomy, provided that they take responsibility for their employees and for society in general (Agnblad et al, 2001: 251). The report also noted that a handful of representatives of powerful capitalist networks dominated Swedish industry and commerce. As Heidenreich (2012) has pointed out, the Swedish Stock Exchange continues to be dominated by a few large enterprises. In fact, one family, the Wallenberg family, controls half of the market value on the Stockholm Stock Exchange (Heidenreich, 2012).

Almost ten years later, in 2002, Deputy Prime Minister and Gender Equality Minister Margareta Winberg in the Social Democratic government decided to commission a follow-up of the 1994 study. The study resulted in the report *Male Dominance in Transition* (SOU, 2003: 16). The report concluded

that there are indications of an increased awareness of the problem of women's underrepresentation but that male dominance in positions of leadership persists, even among young executives, indicating that the problem would continue.

Threat as a Strategy

Despite the growing attention, few initiatives to redress the situation were taken, and the share of women on company boards only slowly increased. In 1993, the boards of listed Swedish companies were comprised of 1.4% women members and in 2002, the share of women board members had increased to 5.8% (Nilsson, 2009). Due to the persistent under-representation of women on company boards, particularly in relation to the political sphere, Minister Winberg proposed that statutory gender quotas be adopted. Similar to the study on women in politics (*Varannan Damernas*) she utilized the strategy of threat. In 1999, when she was appointed minister for gender equality, she gave listed companies five years to improve the gender balance; otherwise corporate quotas were to be introduced (Fredell, 2005). In 2002, Minister Winberg repeated her demands: unless companies had achieved a 25% proportion of women board members by 2004, corporate quotas would be adopted (Ibid.). The fact that a bill on Corporate Gender Quotas was presented to the Norwegian parliament in 2002, to take effect in 2005, most likely contributed to making the threat effective. However, there was considerable opposition to quotas, even among women. A survey of 500 women leaders in 2000 showed that 93% of the respondents were against the introduction of statutory corporate quotas (Fredell, 2005).

After Winberg's threat in 2002 to introduce statutory corporate quotas, the proportion of women on company boards rapidly increased (Bohman, Bygren & Edling, 2012). In fact, during the years 2002 and 2006, the proportion of women board members tripled, from 5.8 % to 17.9% (Nilsson, 2009: 293). Right-wing members of parliament asked the government not to go forward with a legal proposal, based on the argument that quotas would threaten the propriety rights of companies to appoint their board members. As alternative solutions, they suggested general debates on gender equality in the business sector, together with management and leadership courses for women executives. The powerful confederation of employers' organisations (*Svenskt Näringsliv*) emphasized the principle of self-regulation in the composition of company boards and maintained that the proportion of women board members would increase automatically once the share of women in mid-level and high-level positions in the private sector increased (Bohman, Bygren & Edling, 2012). Similar to the incremental track discourse that characterized the framing of women's under-representation in politics (Dahlerup & Freidenvall, 2005; Freidenvall et al, 2006), the confederation claimed that once women had entered executive positions in greater numbers, they would be eligible for positions as board directors among the pool of individuals with executive experience (ibid.).

To Adopt Corporate Quotas or Not?

In 2005 the Ministry of Justice noted in a memorandum that the proportion of women in top management would not increase by itself at the pace needed to reach the goal set by Minister Winberg. As of 2005, the proportion of female board members in listed companies was approximately 16%. The Social Democratic government hesitated: Mona Sahlin (Gender Equality Minister 2003-2005) declared that the government intended to present a legislative proposal for gender quotas on corporate boards. However, the succeeding minister, Jens Orback (2005-2006), argued that time was not ripe for the introduction of quotas. A couple of months later, he changed his mind and decided to commission a new study with the aim of preparing the introduction of a statutory quota (Fredell, 2005).

In the final report, *The Gender Composition on Corporate Boards* (Ds, 2006: 11), it was suggested that corporate quotas be adopted. Framing the demand as an issue of equal rights and relating it to one of the goals of Swedish gender equality policy - "equal access by women and men to positions of power and influence" - the report proposed that the members of the boards of public limited-liability

companies should consist of at least 40% of each sex. The rules should take effect for listed companies on 1 January 2008, whereas unlisted public limited-liability companies would not be included until 1 January 2010. Companies that were already formed would have a two-year transition period. Furthermore, state-owned and private limited-liability companies should be subject to the 2008 rules, while municipal companies were excluded from legislation. Failure to comply with the rules, would result in a company paying a fine - SEK 150 000 - to *Bolagsverket* (Swedish Companies Registration Office).

The report also concluded that there were no legal obstacles to rules that limit the power of the shareholders to elect board members in EU regulations (ECHR and EC law). Nor were there any obstacles in the Swedish Instrument of Government (Constitution) or in the Anti-Discrimination legislation. It was also concluded that a restriction of the type at issue could not be considered to be an 'unauthorized' restriction on ownership, nor were the suggested rules in conflict with freedom of trade. Thus, the report made it perfectly clear that the proposed rules on the gender distribution of company boards were not in violation of Swedish legislation or of ECHR.

Meanwhile, processes had begun within the business sector to avoid a quota regulation for company boards. In January 2004, representatives of *StyrelseAkademin* (a group of representatives from the private and financial sector) presented codes for board work. Later the same year, a state commission (*Förtroendekommissionen*), which included representatives from the business sector, was established to formulate corporate governance codes at the national level. In its final report, the Swedish Code of Corporate Governance was presented. The code applied to all large companies listed on the Stockholm Stock Exchange and stipulated, among other rules of conduct, a balanced gender distribution on boards. The code was based on the principle of 'comply or explain', meaning that a company can deviate from the code without this being seen as violation, however it must explain why the deviation occurred. There was no provision for sanctions against those that breach the code, except for the possible 'bad will' a violation of the code could result in.

In September 2006, a right-center coalition won the election and formed a new government (the Alliance government). The new government declared that corporate quotas were not 'a suitable method for improving gender equality in business, since the composition of boards is an issue for the company owners' (Sveriges Riksdag, 2008: 35). The Minister for Gender Equality, Nyamko Sabuni (Liberal Party) insisted that merit and competence should be the guiding principle in candidate selection: In an article in the evening paper *Expressen*, Sabuni stated that "I want a gender equal society in which women and men are judged on the basis of our competence, abilities and merits, not on the grounds of our sex or colour of our skin" (*Expressen*, 27 October 2008). The issue of corporate gender quotas thus came to a halt (Nilsson, 2009). Rather than proposing quotas, the Alliance government proposed a series of initiatives to promote women leaders (Freidenvall & Hallonsten, 2013). For instance, a national board programme for women was established in 2009 to promote women for leadership functions. About 200 women were accepted into a mentoring program, each being awarded a scholarship for educational purposes. In 2011, *Almi Företagspartner AB* (Almi) received financial assistance to develop a four-year program in order to support female entrepreneurs. Projects such as the Albright Foundation and The Battle of the Numbers aimed at promoting diversified company boards by presenting concrete examples of how to increase the number of women in leading positions. Generally, the government initiatives focused on the supply side of candidate selection. Occasionally, the Minister of Finance Anders Borg (the Moderate Party) warned the Swedish business sector that he would impose quotas unless they moved quickly to rectify gender imbalances on their boards. He claimed that if current developments continue, Sweden would be forced to enact quotas, following countries such as Norway. No concrete proposal has been made so far.

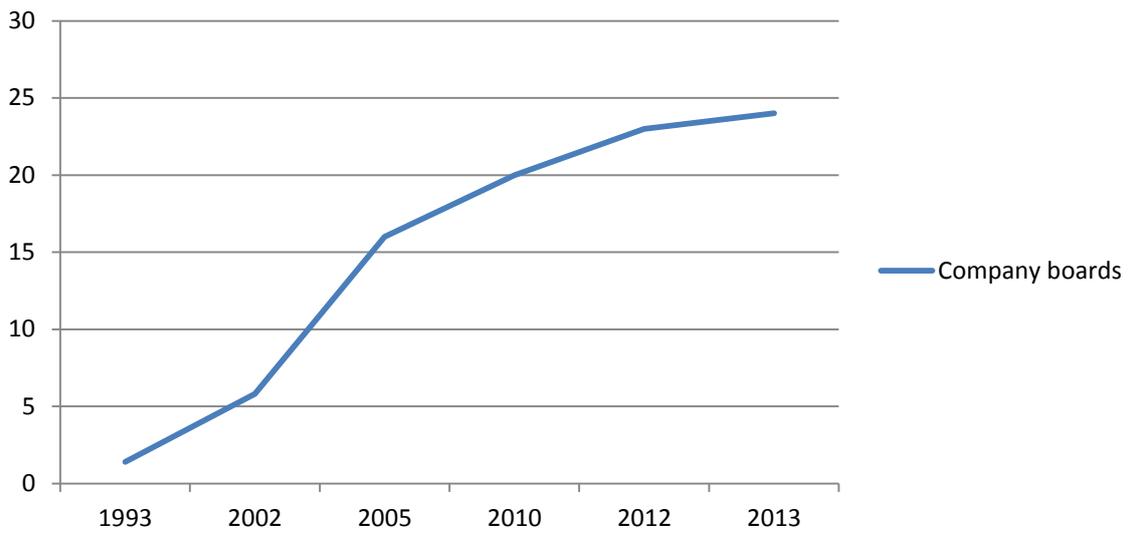
Recent Developments

In the Swedish parliament, motions in favour of corporate gender quotas (by the Social Democratic Party, the Green Party and the Left Party) have been rejected, based on the notion that it is the responsibility of company owners to ensure ‘diversity’ within company boards and to utilize the competence of both women and men. In the most recent committee report to date, it is highlighted that “an equal representation of women and men should be promoted by other means than binding quotas” (bet. 2013/14:CU8). In a response to the proposal by the European Commission (KOM(2012) 614) for a new directive on a minimum representation of 40% of each sex on company boards by 2020, the Swedish Parliament stated that the proposal is in conflict with the principle of subsidiarity (utl. 2012/13:CU14, rskr. 2012/13:138). While the Parliament made clear that it welcomes initiatives to achieve an equal distribution of women and men in decision-making positions in the economic sector, it claimed that the proposal was not attune to the decisive role of share-holders in many EU member states. The goal of achieving a more gender equal distribution of power in decision-making in the business sector was deemed to be better achieved through national initiatives. In a parliamentary debate on 18 June 2013, Gender Equality Minister Maria Arnholm (Liberal Party) reiterated the responsibility of company owners themselves to secure diversity on their company boards and that both women’s and men’s competence should be utilized. Arnholm also maintained that company boards should ‘live up to the rule of self-regulation’ that is stipulated in the Code of Corporate Governance (Answer to Interpellation 2012/13: 578). She also claimed that the State must lead by good example, making reference to the gender composition of state-owned company boards. 49% of the members of the state-owned company boards are women, while 41% of the chairs of those boards are women.

The Confederation of Swedish Enterprise has reacted to the directive to impose gender quotas for boards of directors with a letter directed to Commission President José Manuel Barroso in 2012, in which it expressed its strong opposition to the imposition of mandatory regulations regarding gender quotas for boards of directors on listed companies. While the confederation stressed that “diversity and a better gender balance in boards are important,” and that “many Swedish companies are currently actively engaged in efforts to strengthen the role of women,” these efforts should include changes in “human resources practices, encouraging gender-friendly practices within the company, fostering coaching and mentoring of women and setting targets and measuring performance” (Letter to Mr. Barroso from Svenskt Näringsliv, 14 Sept 2012). For the Confederation, the size and composition of boards of directors are issues that company owners alone must decide on, and quotas constitute “a disproportionate and unacceptable interference in ownership rights.” What is more, quotas can even “jeopardize the proper functioning of the decision-making organs and cause severe management disturbances” (Ibid.).

Women’s representation on company boards 1993-2013 is illustrated in Figure 2.

Figure 2. Women's Representation on company boards (in percentages)



Comparing Regulations in the Political and Economic Sectors

The institutional configurations at play in the two cases can be summarized as in Table 1.

Table 1. Institutional configurations of gender quotas

	POLITICAL SECTOR Party quotas	BUSINESS SECTOR Corporate quotas?
Systemic institutions	PR system, large district magnitudes, closed lists, dominance of Social Democratic Party	Swedish model (<i>Harpsund</i> democracy), weak state, strong business sector, dominance of Wallenberg family
Practical institutions	Candidate selections rules (formal, decentralized), contagion effects	Candidate selection rules (owners decide), no contagion effects (few families)
Normative institutions	Equal representation, citizen's rights, consensus politics, gender as a relevant selection criterion. democracy	No state intervention, autonomy, self-determination, corporate social responsibility, equality of opportunity, meritocracy
	Good fit	Institutions in conflict

The implementation of party regulations on candidate selection for elected bodies in politics, including targets, recommendations and party quotas, was facilitated by the fact that elections at all levels of government in Sweden are based on proportional representation (PR) with high district magnitudes and closed electoral lists. Although a system of preferential voting has been introduced, it was introduced in 1998, i.e. after the adoption of soft quotas and party quotas, and at a time when women's parliamentary representation reached 43%. The adoption of party quotas was also facilitated by the fact that Swedish politics has been dominated by the Social Democratic Party, although liberal parties have also introduced recommendation for gender balanced electoral lists. Party practices were also beneficial. Although parties varied in their adoption of special measures, they were all pressured by female party members and women's organisations to add gender as a selection criterion and to increase the number of women on electoral lists. The quota provisions that were adopted functioned as "high-echelon quotas"; they were introduced in a political situation in which parliamentary representation was already on the increase, around 30 percent (Freidenvall et al, 2006). Thus, an already strong group of women in the parties took advantage of their positions of power to protect the level of representation against backlash, and the adoption of party quotas supported the incremental track that parties in Sweden have embarked upon since the 1970s. The implementation of party regulation was also facilitated by contagion effects. Once a party had introduced a new measure to increase the share of women on electoral lists, rival parties followed suit in order not to be punished electorally. At the normative level, ideals about representation and equality were contested. Over time, the view of women's political representation changed: from the perception that one woman - the obligatory woman - was enough to represent women to the notion that women comprise half of the citizenry and should as such be equally represented. While resistance to quotas lingered on, the reframing of quotas from a system that is perceived to create unfair advantages into a system that aims at an equal division and sharing of political power enabled the adoption of party quotas. In sum, while systemic and practical institutions have been quite favourable towards equal representation in Sweden, the normative institutions have been the most resistant ones. With the reframing of quotas, the content of institutions has shifted in mutually reinforcing ways.

In relation to the economic sector, systemic institutions, including the so-called Swedish model of corporate governance with its *Harpsund* democracy hindered the introduction of statutory corporate quotas. Although regulations, such as the Swedish instrument of Government, the Anti-Discrimination Act and the Company Act, did not pose any formal problems in the adoption of special measures, the large power of private capitalists and the relative weakness of the Swedish state in the business sector

represented strong forces of resistance. At the practical level, the practices of AGM/owners, having a key role in discharging and appointing board members, might function as a hinder in the adoption of corporate quotas. With the Code of Corporate Governance, companies and their nomination committees could continue to review the performance of the boards and nominate new candidates, because the selection criteria did not specify the ways in which gender balance was to be achieved. Their right to self-determination and autonomy was thus protected. Concerning norms, finally, the principle of self-regulation in directing the composition of boards seems to have been a stronger value than gender. What is more, diversity rather than gender appeared to be an important criterion in the selection of board members. Similar to the political sector, however, great resistance to quotas persisted. Quotas were seen as a method in conflict with the rule of equality of opportunity and meritocracy. More importantly, it was seen as a break with the idea of non-interference of the state in the business sector and with the privilege of capitalists having being granted a historical free zone by the state in matters of private ownership. As stated in the 1990 state report, the few demands that have been imposed by the state on private companies over the years for reducing their power have not been met. In addition, such demands have rarely been made (SOU, 1990: 44). One main conflict line was thus the struggle between the Swedish state and private companies fighting for autonomy. Through the promotion of statutory quotas, the holy alliance between the state and capital was endangered.

Compared to the issue of party quotas, neither social democratic nor liberal women's federations lobbied hard to promote corporate gender quotas, at least not in a systematic way. Thus, there was no social mobilisation or feminist activism around the issue. The radical feminist analysis (including its analysis of structural discrimination and subordination of women in the business sector) that permeated much of the discussion on gender at the time of quota adoption might have scared off potential quota proponents in the business sector, since it might have created an antagonistic climate in the relationship between business and state authorities, a relationship that most politicians respected. Generally, the radicalized discursive climate, the weak state and a relatively strong business community represented factors that hindered change.

Old and New Frontiers

Recent developments in Sweden point to continued promotion of gender balance in decision-making bodies in the political and economic sectors, although the measures to achieve this goal vary depending on the actors involved. The Alliance parties, as well as the xenophobic Sweden Democratic Party, seem to continue on their paths as opponents of any kinds of statutory quotas, while the three left wing parties – the Social Democratic Party, the Green Party and the Left Party – have all continued on their paths as quota proponents. They adopted party quotas for electoral lists in the 1980s and 1990s, and in the 2000s they all submitted motions to the parliament proposing the introduction of corporate gender quotas. As of September 2014, the new Swedish government, comprised of the Social Democratic Party and the Green Party and having declared itself as a feminist government, promised to proceed with a law on corporate gender quotas in case the proportion of women board members had not increased to 40 % by 2016. The strategy of threat, thus, continues to be a preferred strategy. For women's organisations, including the women's sections within the parties, corporate gender quotas are not a key issue. Neither has the Feminist Initiative, a feminist party that is represented in several municipal councils and that managed to secure a seat in the European parliament in the 2014 election, put the issue at the top of its agenda.⁴

⁴ The Feminist Initiative is a feminist political party in Sweden. Since its founding in April 2005, the party has put up candidates for elections to the municipal councils, county councils, national parliament and European Parliament. At the 2010 general election it received four seats in the municipal council of Simrishamn and at the 2014 general election it gained representation in 13 municipal councils throughout the country. It also received one seat in the European Parliament in 2014. It consists of approximately 20,000 members as of December 2014. Among its prioritized issues are

Issues pertaining to social representation continue to be important in Swedish party politics. For instance, in the 2014 election campaign, the Social Democratic Party has adopted a quota policy for age: “25 under 35”. The policy mandates that 25% of the electable positions on the electoral lists should go to persons under the age of 35. The issue of ethnic minority representation seems to be a more difficult issue to resolve, primarily due to the problems of categorisation. Nonetheless, in some parties, including the comparatively large Social Democratic Party, party districts are recommended to ensure that their electoral lists reflect “the diversity” of the population.

Resistance to quotas, however, may linger on. For instance, in 1995, the academic sector was subjected to gender quotas, when the Minister of Education Carl Tham decided to increase the proportion of women academics. Thirty professor chairs and a number of graduate and research assistant positions were subject to a new type of open, competition-based recruitment procedure, so-called earmarking. The procedure favoured minority candidates (in this case women) in cases where applicants had comparable qualifications (Dahlerup & Freidenvall, 2008; Törnkvist, 2006). The system of earmarking was ended as a result of a decision by the EU Court of Justice in 2003.

Another example is the attempt to apply a system of reserved seats in academia for ethnic minorities. In 2003, Minister for Gender Equality Issues Jens Orback decided to improve ethnic diversity among law students. 30 of a total of 300 places at the prestigious School of Law at Uppsala University were reserved for students of minority background (defined as students with foreign-born parents). This effort was also terminated when the Supreme Court of Sweden ruled that Uppsala University was guilty of discrimination against Swedish applicants by using a system where places were reserved for less qualified people with immigrant background. The decision of the court was the final ruling on a case brought by two women that were not admitted to the course in 2003, despite having better grades than all 30 of the successful immigrant applicants. The Supreme Court ruled that setting quotas is acceptable, but only as long as applicants are treated equally (Dahlerup & Freidenvall, 2008).

A more successful example is the regulation of parental leave. In Sweden, parents are entitled to 16 months of paid parental leave per child and are paid around 80% of their salary. In 1995, a so-called ‘daddy month’ was introduced in order to increase the fathers’ share of parental leave (Borchorst & Freidenvall, 2012). This type of quota provision stipulates that 30 days of the paid parental leave should be reserved for one of the parents (i.e. father) and cannot be transferred to the other parent (i.e. to the mother). In 2002, a second daddy month was introduced. As of 2014, fathers used 25% of the total parental leave taken, and in January 2016 a third daddy month will be introduced in order to make the care of small children more gender equal.

Conclusion

Sweden has developed two distinct approaches to gender quotas, with party quotas for elected bodies and corporate governance codes for the business sector. In general, there has been persistent criticism of statutory measures to redress the under-representation of women in politics and business. The case of regulation in the political sector shows that a rather good fit between systemic, practical and normative institutions has facilitated the introduction of party quotas. Quite to the contrary, the case of regulation in the business sector shows that the interplay between institutions has been filled with conflict.

In the political sector, the women’s movement organisations, mobilising both within the parties and in the autonomous women’s movement, have been an important force for change. They have mobilised around the issue, put the issue on the political agenda and pressured the political parties for change.

(Contd.) _____

work and the economy, welfare, security and human rights, and sustainability and planned. One of its major slogans for the 2014 elections was “out with the racists, in with the feminists.”

The PR-electoral system, large district magnitude and closed electoral lists as well as contagion effects functioned as important enabling factors.

In the field of business, there was no movement pressing for change. In fact, women's representation on company boards was not identified as a key issue for the women's movement. The most critical actors – forces of resistance – were representatives of the strong business sector, including the dominant Confederation of Employers' Organisations, but also, as in Norway, representatives of the liberal/conservative governments. Although some ministers were positive toward the imposition of quotas, in particular women ministers within the Social Democratic government, they did not use the window of opportunity to introduce legislation. It remains to be seen if the new feminist government of Sweden manages to solve the issue of corporate gender quotas once and for all.

References

- Agnblad, JE Berglöf, P Högfeldt and J Svancar (2001). *Ownership and control in Sweden: Strong owners, weak minorities, and social control*, in F Barca and M Becht eds. *The control of corporate Europe*. Oxford University Press, Oxford.
- Armstrong, J and S Walby (2012). *Gender quotas in management boards*. Briefing note for the European Parliament, Policy Department C: Citizens' Rights and Constitutional Affairs, PE 462.429.
- Bergqvist, Christina (1994). *Mäns makt och kvinnors intressen*. Acta Universitatis Upsaliensis. Uppsala: Uppsala Universitet.
- Bohman, L, M Bygren and C Edling (2012). *Surge under Threat: The Rapid Increase of Women on Swedish Boards of Directors*, in C Fagan, M González Menéndez, and S Gómez Ansón eds., *Women on Corporate Boards and in Top Management: European Trends and Policy* (pp. 91-108). Houndmills, Basingstoke: Palgrave Macmillan.
- Borchorst, A (1999). *Likestilte Demokratiers? Kjønn og politikk i Norden*. Oslo: Universitetsforlaget.
- Borchorst, A and L Freidenvall (2012). *Parental Leave Reforms in Denmark and Sweden: Similar and Different*, in L Freidenvall and M Micheletti eds. *Comparisons, Quotas and Critical Change* (pp- 38-50). Stockholm: Stockholm University.
- Dahlerup, D (1998). *Rödströmperne. Den danske Rödströmpebevaegelses udvikling, nytænkning og gennemslag 1970-85*. Copenhagen: Gyldendal.
- Dahlerup, D ed. (2006). *Women, Quotas and Politics*. London and New York: Routledge.
- Dahlerup, D and L Freidenvall (2005). *Quotas as a 'Fast Track' to Equal Political Representation for Women. Why Scandinavia is No Longer the Model*. *International Feminist Journal of Politics* 7 (1): 26-48.
- Dahlerup, D and L Freidenvall (2008). *Kvotering*. Stockholm: SNS.
- Eduards, M (2002). *Förbjuden handling: om kvinnors organisering och feministisk teori*. Malmö: Liber.
- Fredell, Å (2005). *Lagstadgad könskvotering i bolagsstyrelser? En analys av den svenska mediadebatten*. Working Paper Series, No 2. The Research Program on Gender Quotas. Stockholm: Stockholm University.
- Freidenvall, L (2005). *A Discursive Struggle – The Swedish National Federation of Social Democratic Women and Gender Quotas*. *Nordic Journal of Women's Studies* 13 (3): 175-186.
- Freidenvall, L (2006). *Vägen till Varannan damernas. Kvinnorepresentation, kandidaturval och kvotering i svensk politik 1970-2002*. Stockholms universitet.
- Freidenvall, L (2013). *Sweden: Step by step – Women's Inroads into Parliamentary Politics*, in D Dahlerup and M Leyenaar eds. *Breaking Male Dominance in Old Democracies* (pp. 97-123). Oxford: Oxford University Press.
- Freidenvall, L, D Dahlerup and H Skejje (2006). *The Nordic countries. An Incremental Model*, in D Dahlerup ed., *Women, Quotas and Politics* (pp. 55-82). London: Routledge.
- Freidenvall, L and H Hallonsten (2013). *Why not Corporate Gender Quotas in Sweden?* *Representation* 49 (4):467-85.

- Heidenrich, V (2012). *Why Gender Quotas on Company Boards in Norway – and Not in Sweden?* in F Engelstad and M Teigen eds. *Firms, Boards, and Gender Quotas in Comparative Perspectives* (Comparative Social Research) 29:147-183.
- Helmke, G and S Levitsky (2004). *Informal Institutions and Comparative Politics: A Research Agenda*. *Perspectives on Politics* 2 (4): 725-740.
- Holli, AM (2011). *Transforming local politics? The impact of gender quotas in Finland*, in B Pini and P McDonald eds. *Women and Representation in Local Governments. International Case Studies* (pp. 142-158). London and New York: Routledge.
- Karlsson, G (1996). *Från broderskap till systerskap. Det socialdemokratiska kvinnoförbundets kamp för inflytande och makt i SAP*. Lund: Arkiv Förlag.
- Krook, ML (2009). *Quotas for Women in Politics. Gender and Candidate Selection Worldwide*. New York: Oxford University Press.
- Krook, ML and F Mackay eds. (2011). *Gender, Politics, and Institutions: Towards a Feminist Institutionalism*. New York: Palgrave.
- Meier, P (2013). *Quotas, Quotas Everywhere. From Party Regulations to Gender Quotas for Corporate Management Boards. Another Case of Contagion*. *Representation* 49 (4):453-466.
- Meier, P (2014). *Quotas for advisory committees, business and politics. Just more of the same?* *International Political Science Review* 35 (1):106-118.
- Nilsson, T (2009). *Kön och makt I svenskt näringsliv*, in K Niskanen and A Nyberg eds. *Kön och Makt I Norden del 1 Landsrapporter*. Oslo: Nordic Council of Ministers.
- Niskanen, K ed. (2009). *Gender and Power in the Nordic Countries. With focus on politics and business*. NIKK Publications 2011:1. Oslo: the Nordic Gender Institute.
- Piscopo, J and S Clark Muntean (2013). *Getting Women on Board: A cross-country comparison of corporate quotas in the European Union*. Paper presented at the 3rd European Conference on Politics and Gender, Barcelona, 21-23 March 2013.
- Sabuni, N (2008). *Quotas are the Wrong Way to Go*. Expressen, 27 October 2008.
- Sainsbury, D (2005). "Party Feminism, State Feminism and Women's Representation in Sweden", in J Lovenduski ed. *State Feminism and Political Representation* (pp. 195-215). Cambridge: Cambridge University Press.
- Teigen, M (2012). "Gender Quota on Corporate Boards. On the Diffusion of a Distinct National Policy Reform." *Comparative Social Research* 29:115-146.
- Törnqvist, M (2006). *Könspolitik på gränsen. Debatterna om varannan damernas och Thamprofessorerna*. Stockholm: Stockholm University, Ph.D. dissertation.
- Wide, J (2006). *Kvinnors politiska representation i ett jämförande perspektiv - nationell och lokal nivå*. Umeå: Umeå Universitet. Ph. D. Dissertation.
- Wängnerud, L (1998). *Politikens andra sida. Om kvinnorepresentation i Sveriges riksdag*. Göteborg. Göteborg studies in politics 53. Ph.D. Dissertation.

Government Reports and Other Official Sources

Answer to Interpellation 2012/13:578. Swedish Parliament.

Bet. 2013/14:CU8. Swedish Parliament.

Ds 2006:11. Könsfördelningen i bolagsstyrelser. Stockholm: Justitiedepartementet.

- Prop. 2005/06:155. *Makt att forma samhället och sitt eget liv. Nya mål i jämställdhetspolitiken.* Swedish Parliament
- Riksdagsskrivelse, rskr. 2012/13:138. Swedish Parliament.
- SOU 1990:44. *Demokrati och makt i Sverige.* Maktutredningens huvudrapport. Stockholm: Justitiedepartementet.
- SOU 1994:3. *Mäns föreställningar om kvinnor och chefskap.* Stockholm: Socialdepartementet.
- SOU 2003:16. *Mansdominans I förändring. Om ledningsgrupper och styrelser.* Stockholm: Utbildningsdepartementet.
- SOU 2004:130. *Svensk kod för bolagsstyrning.* Stockholm: Justitiedepartementet. Utlåtande, utl. 2012/13:CU14. Swedish Parliament.

