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Abstract

Gender quotas have become the preferred tool to increase women's presence in decision-making bodies all over the world. Despite their uneven implementation and limited concrete outcomes, which depends on the context in which they are adopted, gender quotas have elicited and continue to elicit many hopes for gender equality, social change and, more broadly, social justice. Looking closely at the normative arguments upon which gender quotas' adoption rests, this paper asks whether gender quotas can contribute to social transformation, and under which conditions. It investigates how current conceptualizations of gender quotas narrow their scope and their potential contribution to transformative politics, and proposes some venues to articulate gender quotas in the framework of a broader social justice project. In particular it stresses that institutions and complementary measures are an important factor in gender quotas' success in bringing effective social change.

Keywords

Political representation, critical mass, gender equality, social justice, discursive politics

Since their apparition in the Latin American context at the beginning of the 1990s, and their subsequent diffusion in many regions of the world (Krook 2009) gender quotas have elicited many hopes. Indeed, central to quota claims is the idea that gender quota will bring about gender equality, not only in elected assemblies but also more generally in society. While quota policies are inherently controversial, because they run against the grain of ideas of meritocracy, freedom to run for election or traditional formal conception of equality, the conviction that gender quotas will foster gender equality is crucial to their legitimation in the public sphere and to persuade legislative assemblies to pass quota laws. Quotas scholars have fueled these hopes by arguing for example that quotas will change the recruitment process by introducing more transparent rules and institutionalizing deliberative practices (contrary to reserved seats procedures – Bjarnegård and Zetterberg 2011); that they will induce a “mandate” effect for elected women who will feel responsibility to represent women’s interests (Franseschet and Piscopo 2008) that they will lead to more women-friendly policies and legislation (Dahlerup 1988, see Childs and Krook 2008 for a review of the argument); that they will contribute to changes in norms of representation, i.e. how we imagine our ideal representatives (Murray 2013); that they will therefore contribute to a renewal and a modernization of the political elite by leading us to rethink the criteria we use to select candidates; that they will change the style and performance of politics (Dahlerup and Freidenvall 2010); that they will deepen democracy, making representative more responsive and more representative of constituents’ interests; that they will therefore increase democratic legitimacy; that they will empower women; that they will contribute to a decrease in gender stereotypes and provide positive role models for women; and, last but not least, that they will increase female political participation and voting. It is not easy to find any other policy tool with such a simple mechanism – requiring or encouraging the inclusion of a certain number of women candidates or legislators – and so many goals to accomplish. This long list of expected results from the implementation of quotas reminds us that gender quotas are invested with high hopes to contribute transforming society. Gender quota claims are inherently claims about democracy, equality and justice (Phillips 1995). However, there are various ways in which gender quotas can contribute to a project of social justice and equality. Depending on how one defines equality, justice or democracy, one will not conceive of gender quotas as a tool to achieve these goals in the same manner.

In this paper I want to critically analyze gender quota policies from the perspective of social justice. Gender quotas are invested with the objective of bringing more (gender) equality, but the nature of this equality is rarely questioned. Using Amartya Sen’s insight, confronted with equality claims we must always inquire: equality of what? What is the gender equality that gender quotas are supposed to achieve, and who is concerned by these policies. Both questions encourage us to assess quota policies in a more critical manner. They press us to think about quotas and evaluate their achievements in the broader framework of social justice and social change rather than in the narrow framework of the numerical presence of women in legislative assemblies. The aim here is not to discard quotas, as some of their opponents do, as an inefficient, elitist and reformist strategy, which benefits only a minority of women. Although these critiques are important and should be addressed, I believe that the successes of quotas, and their potential, make them indispensable tools for the promotion of gender equality and broad social change. However, I think we must still interrogate their objectives, and the discourses which promote them, in order to ensure that quotas are tailored and implemented in a way that will indeed foster social justice and a broad conception of gender equality. So I think we must evaluate critically justice claims and social change claims made with regard to gender quotas.

So far the relationship between gender quotas, justice and social change has been problematized mostly through the “critical mass debate”, i.e. the link between women’s presence in legislative assemblies and the promotion of women’s interests. Quotas have gained political legitimacy thanks to a rationale stating that they can bring social change and social justice because women representatives will represent women’s interests which have been, so far, under represented. The critical mass debate neatly weaves together arguments about representative democracy, women’s political under-

representation and gender equality in order to legitimize quota policies. This “justice” argument for gender quotas has relied upon the idea that quotas should/would enable a better representation of women’s interests. This focus on the relationship of representation has generated a lot of questions - do women represent women’s interests, and what could these interests be? - and few definitive answers. I explore these issues in the first section of the paper.

Without discarding this normative argument about women’s substantive representation, I argue that it is important, and timely in this “golden era” for gender quotas, to assess them, to evaluate their impact, from another perspective, with another set of expectations and questions in mind, that I designate by the concept of “transformative politics”. I turn to this set of ideas and explore gender quotas from the perspective of transformative politics in the second section of the paper. I borrow the idea of transformative politics, among others, to philosopher Nancy Fraser (2003). In evaluating social justice projects, Nancy Fraser distinguishes between corrective measures and transformative ones. Whereas redistributive policies or welfare measures are corrective remedies which do not challenge the state of power relations among groups or structures of oppression, transformative measures tackle the root of economic inequalities and exploitation by changing economic structures such as forms of ownership of property. Transformative policies are about addressing the root cause (capitalism), while corrective measures address only symptoms of a problem (poverty). Moreover transformative politics means that it’s not only the situation of an exploited class or a dominated group that changes thanks to the remedy, but the situation of everyone in society. This perspective brings new light to the analysis of gender quotas and, I argue, can help us improve quota schemes and harness them more securely to a social justice project, an agenda I explore in the last section of the paper as I lay out the policy measures that should accompany gender quotas in order to exploit their transformative potential.

1. Gender quotas, justice and social change: the critical mass argument and debate

Because gender quotas often run against the grain of central tenets of liberal democracy they have sparked numerous controversies and resistances. Indeed, opponents to quotas typically present quotas as contradictory with democracy because they often curb freedom to run for election by imposing or encouraging a certain number of women candidates on election lists. Quotas are also presented as contradictory with a core democratic and liberal principle, i.e. equality because they favor members of one gender group over the other. Quotas are also perceived as illegitimate because they run against the grain of meritocracy, a principle also central to liberal political culture: only one’s merit, and not one’s sex, should determine his/her chances to access political mandates and responsibilities. To counter these oppositions, supporters of gender quotas all over the world have relentlessly emphasized the normative principles that legitimize gender quotas policies in liberal democracies in the first place. They have stressed that gender quotas do not run counter to democratic principles but on the contrary deepen democracy by improving the process of political representation. Quotas advocates have also stressed that gender quotas, despite the fact that they constitute a positive discrimination in favor of women, do not contradict the principle of equality but on the contrary help achieve equality of outcome. Advocates for quotas have interpreted women’s underrepresentation in political assemblies as a sign of discriminatory practices and stereotypes, rather than a lack of competence, thereby also suggesting that in most democracies the selection of candidates for political elections is a far cry from meritocracy and that the conception of merit itself is gendered (Krook 2006).

Hence normative claims about the relationship between gender quotas and democracy, justice, equality and social changes abound, all the more so that quotas present distinctive features that pit them against common understanding of core liberal principles.

The dominant framework to analyze the relationship between gender quotas, justice and necessary social changes in the contemporary debate is the argument of the “critical mass”. First developed, in a critical manner, by Drude Dahlerup with reference to the Nordic context (Dahlerup 1988), the critical mass argument connects women’s presence in representative assemblies with a better representation of

their interests as a social group. Connecting descriptive representation, women's presence in assemblies, and substantive representation, the inclusion of women's interests in the political process, the critical mass argument presents a powerful, and contested claim in favor of gender quotas. In this section I review the core hypotheses of this argument in favor of gender quotas, as well as the empirical evidence of its validity that we have so far.

There are two main hypotheses in the now vast literature that tries to measure, analyze or legitimize the critical mass argument: the hypothesis of the mandate effect, and the hypothesis of the critical mass effect.

The first claim is that improving women's descriptive representation is going to improve women's substantive representation because female representative will act as delegates for women. The idea that women will represent women's interests is often based on the notion that, despite intra-group differences, women share a similar social position in the structure of gender relations, which implies common group interests (Sapiro 1981, Young 1990, Phillips 1995) underrepresented in a dominantly male assembly. Elaborating on this premise, scholars make the hypothesis that women elected thanks to quotas may feel particularly responsible for representing the interests of their group, because the implementation of gender quotas has signaled that incorporating women's perspective in the political process is important (Franceschet and Piscopo 2008:402). Hence gender quotas are both based on the idea of a *mandate effect* for women representatives, and might induce such an effect as they are implemented and legitimized on these very grounds (Franceschet and Piscopo 2008).

Much has been written about the potential flaws of the mandate effect hypothesis. Indeed, scholars have underscored that this idea presupposes that women share common political interests, thereby downplaying all the differences, linked to ethnicity, class, sexual orientation and so on, that exist within this group (Phillips 1995, Squires 2003). Deconstructing the homogeneity of the category "women", of course undermines the political potential of the critical mass argument, although it does not entail abandoning gender quotas altogether. However, despite these criticisms, the mandate effect is still the object of much scholarly scrutiny that I detail below.

The second hypothesis of the critical mass theory states that above a threshold of female presence the policy outcomes will change, with policies more in favor of women. Hence, the claim here is that there is a *critical mass effect* that combines with the mandate effect. When women are a token minority in an assembly despite their best efforts they will unlikely be able to carry out concretely their mandate to promote women's interests. Policy outcome will therefore not be affected by their mandate effect. However, if women's presence reaches a threshold, often identified as 30 percent of the representatives, policy outcome will most likely be affected by their mandate effect.

Both hypotheses that define the critical mass argument were first formulated at the very end of the eighties, as part of a strategy to legitimize gender quotas, and they have since been tested by many scholars and for many countries. Scholars have measured with surveys female representatives opinions on feminist issues to see if they are more inclined to promote women's interests, they have monitored female MPs intervention in debates on women's rights issues such as abortion or contraception, they have monitored female MPs' sponsorship of bills relating to women's issue, and they have counted when and on which topic female MPs tend to intervene in legislative debates. Scholars have also tried to find correlations between the number of elected women in countries and the public policies implemented in those countries to test the critical mass hypothesis. So we now have many researches on how female legislators might influence the political agenda both at the level of the policy-process (i.e. introducing bills) and the policy-outcome (i.e. getting those bills passed). The results from this vast scholarship on the critical mass argument are mixed. While some research presents evidence that female representatives tend to initiate bills on women's issues, they rarely deeply affect the policy outcome beyond strictly "women's issues" such as reproductive rights or gender quotas.

For example, in Belgium women from left wing and right wing parties have tended to participate more in legislative debates on women's issues (Celis 2006), and the same can be said of Argentina

(Piscopo 2011), Colombia and Costa Rica (Schwindt-Bayer 2006) as well as the U.S. state legislatures (Wittmer and Bouché 2013). However, in all these instances, if women's involvement in the political process is apparent when it comes to defending women's rights, their impact on the policy outcome depends more broadly on the social and political context. For women's rights bills to get pass one needs more than women's presence in political assemblies. Moreover, female representatives' involvement in the policy process might be detrimental to the policy outcome. Dana Wittmer and Vanessa Bouché show that at the level of US State legislatures, when only female representatives sponsor human trafficking bills those are less likely to get funded by the legislature (Wittmer and Bouché 2013).

Similar ambivalent results can be observed at the level of attitudes and opinions. In Québec, female MPs are more progressive than men when it comes to women's rights and sexual minorities rights (Tremblay 2005). In the UK female MPs also express more concern about women's rights in surveys (Norris and Lovenduski 1995). However, in most countries and cases, if female MPs are more proactive in legislative debates over women's issues, they also tend to vote strictly in line with their party affiliation (Norris and Lovenduski 1995, Skjeie 1991) and their parliamentary activity - i.e. number of bill sponsored, committee activity etc. - is often best accounted for by their seniority and experience in the job, not by their gender (Murray 2010).

Hence, overall the evidence for the mandate effect is ambiguous. Although data show that female representatives will be more active on women's issues, this will not systematically affect the policy outcome and this will not run against party lines and on most issues women will think and vote like their party male counterparts. Qualitative studies show that the fact that women act as representatives of women's interests is in fact heavily dependent on the political, historical and social context. Factors such as mobilization by women's rights activists, the existence of a state machinery for women's rights, or the dominant conception of citizenship in a given national context will influence female representatives ability to act upon their mandate to represent women.

Moreover, it is also very difficult to identify a critical mass effect as well. Research on the supposed threshold that might explain when and why female representatives might transform the policy process or the policy outcome is not conclusive either. First the concrete effect of women's presence on the policy outcome is almost impossible to measure: it is quite tricky to try to isolate one variable, such as women's presence in the legislature, to explain policy outcomes. The policy process is far too complex and contextual to draw simple relations between the number of women and the policies adopted. Hence, there is no valid empirical test of the critical mass effect. Although scholars have found, in a study of 31 countries, that women's presence in assemblies impact the policy responsiveness of legislatures on women's issues, they have not found a clear link between descriptive and substantive representation that would empirically test the critical mass argument (Schwindt-Bayer and Mishler 2005). Moreover, qualitative case studies, for example on New Zealand, also refrain from arguing that a clear link can be made between women's presence and the policy outcome (Grey 2002). If the relationship between the number of women in legislatures and the policy outcome is hard to pin down, the relationship between the number of women in legislatures or parliamentary committees is also a complex one. While one might argue that women's increase presence will legitimize women's place in politics and favor their further inclusion, studies show that gender quotas can also lead to a *label effect*, women being portrayed as undeserving and unqualified (Franseschet and Piscopo 2008). Women's increase presence, due to quotas or not, can also sometimes lead to overt hostility on the part of their male colleagues as Lyn Kathlene has shown in the U.S. Context (Kathlene 1994). Hence women's presence might affect the policy process in contradictory ways.

If the critical mass argument was a powerful political tool to argue in favor of gender quotas, research has shown that its implementation is much more complex than the slogan suggested in the first place. In fact, quotas rarely alter policy outcome. It does not mean that they do not perform other tasks but it does mean that the critical mass argument, as it is currently understood (i.e. 30% of women will change policy outcomes and politics as usual), has not been verified empirically.

Beyond the question of whether the critical mass argument is empirically valid or not, I believe it is important to question its analytical and political purchase as well. Indeed, as already mentioned, the critical mass argument tends to downplay important differences among women and to homogenize the interests that women are supposed to share. Such homogenization tends to favor the dominant majority within the group 'women' and therefore to promote the interests of the most privileged members of the group. Moreover, the focus on women's interests invariably leads to insist on the act, or relationship, of representation as it is defined and organized in existing political systems, rather than to criticize how political representation is institutionalized and its un-democratic features. Whereas scholars have suggested that gender quotas could enhance or revitalize democracy by promoting a more inclusive conception of representation and promoting increased political participation (Phillips 1995), thereby suggesting that the gender quotas agenda should be part of a broader endeavor to challenge existent political systems to make them more democratic, the critical mass argument proposes a very narrow focus which does not challenge at all the dominant conception of representation. I do not mean to suggest that the focus on the relationship between women's descriptive and substantive representation is useless. On the contrary, this focus has led a lot of scholars and activists to re-conceptualize norms of political representation (Krook 2006, Murray 2013) and to critically assess the notion of critical mass, balancing or correcting this motto with the idea of critical acts, i.e. the importance of the presence of women dedicated to sponsoring women's rights and interests (Dahlerup 1988). So there have been some conceptual gains from this focus. However, I argue that since the critical mass argument remains neatly tailored to fit the liberal agenda and existing political systems, it does not provide an adequate framework to conceptualize the relationship between gender quotas, justice and social change in a more transformative way. Within the critical mass argument framework, at its best social change is limited to more policy outcomes in favor of women's rights, and gender quotas are not part of a wider project of social justice or revitalized democracy.

2. The potential of equality: harnessing quotas to transformative politics

Leaving critical mass arguments aside, how might we reframe the debate about the aims gender quotas are supposed to achieve? Can gender quotas be part of a more ambitious political project of social justice? What are the necessary conditions for this project to exist? In this section I explore these questions, beginning with a discussion on the differences and the relationship between corrective remedies and transformative politics. I continue with an exploration of the definition of equality that might underpin gender quotas. I argue that gender quotas contribute to a reconceptualization of equality that has a social justice potential.

a. Correcting or transforming?

Affirmative action policies, like quotas, are designed and defined as corrective remedies: they are supposed to level the playing field for a group which has been previously discriminated against, they correct a structural imbalance, they compensate for previous discrimination or exclusion. As Nancy Fraser notes (2003), corrective measures benefit only one group, and they are supposed to grant access to jobs or positions to women or minorities without changing the structure of the job market (creating more jobs, or different jobs) or the structure of the political system (creating new or different modes of democratic representation or participation). For example, affirmative action politics in employment do not address the issue of how the labor market is gender segregated and more broadly how the economy (including domestic economy) is gendered. Rather, they enable some (few) women to access jobs despite the horizontal and vertical gender segregation of the job market, while both types of segregation are more or less left intact.

At face value gender quotas are only corrective mechanisms: like other affirmative action policies, gender quotas acknowledge existing gender inequalities and how they are embedded in pervading structures of power (on the labor market or with respect to the division of house labor) but do not

address the root cause of the problem (job market segregation, gendered division of labor, public/private divide) at all. Like many affirmative action policies, gender quotas aims at correcting inequalities at the margins, or rather at the high end of a pyramid of inequalities embedded in social mechanisms that extend way beyond the realm of political representation or corporate boards.

This tactic of social engineering to correct inequalities raises two fundamental questions: 1/ to what extent giving access to high prestige occupations to a minority of women can be considered a social justice project which fosters a more equal society? And 2/ how is this tackling the roots of inequality, the social structures creating inequalities in the first place? Hence the corrective nature of gender quotas raises the criticism that they are an elitist mechanism with no ability to transform more deeply the society at large.

Nancy Fraser opposes corrective measures to transformative ones. Transformative measures transform the structure of power relations; they restructure social relations in a deep way, leading to pervasive social change. Transformative politics is about addressing the root cause (e.g. capitalist's definition of private property, private/public dichotomy, global structure of the job market etc.), while corrective measures address only symptoms of the problem. Moreover transformative politics means that it's not only the situation of an exploited class or a dominated group that changes thanks to the remedy, but the situation of everyone in society.

Put this way, corrective mechanisms and transformative measures appear quite incompatible. While one seems pragmatist, reformist but with no potential for a broader social justice agenda, the other seems radical, ambitious and very difficult to implement concretely. However, the difference between corrective and transformative measures is not as clear as it seems. Indeed, Nancy Fraser herself suggests that there might be something like 'non-reformists reforms' (Fraser 2003). These non-reformist reforms use corrective mechanisms but, by doing so, they alter or transform the grounds upon which future policies will be elaborated (and future social struggles will be fought). These non-reformist reforms, despite their apparent corrective nature, initiate a trajectory of social change. Fraser gives the example of the minimum living wage. This type of measure does not change the rule of capitalist property but would change the way work and non-work are valued in society.

Following on Fraser's insights, I argue that gender quotas, which appear at first sight as a reformist tool, may in fact contribute to a more radical social transformation than their current political agenda reveals. Nonetheless, whether a corrective mechanism can become a transformative one heavily depends on *context*. Quotas are not *per se* just a corrective mechanism or a transformative tool. I argue that their transformative potential will depend on the discursive politics (Lombardo et al. 2009) over the meaning attributed to quotas. In order for quotas to be transformative they have to be invested with specific meanings, in particular specific definitions of equality and of the beneficiaries of these measures.

b. The discursive politics of gender quotas and the definition of equality

As already mentioned, the discursive politics of gender quotas usually revolve around core principles of liberal democracies such as meritocracy or freedom to run for elections. An important debate that gender quotas spur is about the meaning of equality. While opponents to quotas view them as a breach of the equality principle, since they favor a group at the expense of another one, their advocates view them as a mean to achieve a deeper or more robust form of equality. Both claims can be true at the same time because they refer to different conceptions of equality. While opponents to quotas defend a formal conception of equality, that all individual should be treated in the same manner and hold the same rights, advocates of quotas adopt a definition of equality as equal opportunity or substantive equality (i.e. equality of outcome). This last understanding of equality, as substantive equality has a transformative potential because it challenges liberal notions of equality as formal equality or equal opportunities. While they are usually justified from a legal point of view using an equal opportunity perspective (a leveling the playing field argument typical of affirmative action schemes), quotas have

in fact the potential to promote a broader and transformative conception of equality. Indeed, they introduce in the constitutional order the notion that formal gender equality is not enough: until concrete gender inequalities, such as women's underrepresentation, persist, one cannot pretend that gender equality has been achieved and the gap between the constitutional promise of equality and the reality undermines the legitimacy of the constitutional order. Whereas this claim might appear obvious, it is in fact quite recent that power holders and legal scholars alike consider it seriously. For a long time the discrepancy between formal equal rights and concrete inequalities did not undermine the liberal constitutional order. From that perspective gender quotas are part of a larger process by which the legal definition of equality is being refashioned.

A more substantive conception of equality, as it is slowly legitimized and enshrined in the constitutional order can transform how we analyze and identify inequalities. It leads us to question liberal ideas of "merit" and "fairness" and to embed our thinking on these issues in concrete analyses of the social mechanisms that produce and reproduce unequal results. The discrepancy between formal equal rights (to run for elections) and concrete persisting inequalities (women's underrepresentation) orient our gaze to the power relations that shape the production and reproduction of gender inequalities. Whereas a formal conception of equality will identify women themselves as the culprit of their own underrepresentation, a substantive conception of equality identify the removal of barriers and discriminatory practices as essential to women's political participation. Once the gaze is oriented towards obstacles and barriers to be removed, a number of structural changes in political institutions and beyond appear on the agenda in order to foster women's participation. Typically discussion on gender quotas policies will lead representatives to discuss the issue of limiting mandates a representative can hold at the same time or consecutively, or the issue of distributing speech time and responsibilities equally among male and female representatives, or the issue of changing the organization of the political life (e.g. assemblies' schedules), or the issue of changing patterns of recruitments for potential candidates and providing training and mentoring for women. For example in the French debate over the parity laws all these questions, rarely discussed before by deputies in a systematic manner, suddenly emerged on the political scene. While these debates did not lead to all the measures that female representatives asked for, they exemplify how a corrective measure such as gender quotas contributed to shift the ground upon which future policies will be fought. In that sense gender quotas can be understood as a non-reformist reform.

As they focus our attention on obstacles and discriminations that women face in politics, gender quotas also reveal the male norm that defines the political realm. By reframing women's underrepresentation as un-natural, the product of discriminatory practices, gender quotas challenge the supposed neutrality of the political sphere. They reveal the public/political space as thoroughly gendered and masculine rather than universal. In so far as gender quotas reveal the gendered norms that pervade the political space, and their exclusionary effects, they again contribute to a broader social transformation than just adding women into political assemblies. As philosopher Etienne Balibar (1995:67) notes:

"An emancipatory movement (...) has a symbolic and universalistic dimension *per se*: although it mobilizes in first rank members of the oppressed group, it can achieve its goals only if it becomes a general movement, if it aims at changing the whole fabric of society. Inasmuch as women struggling for parity transform resistance into politics they are not trying to win particular rights for a 'community' (...). Rather this struggle virtually transforms the community. It is therefore immediately universalistic: which allows us to imagine that it could transform the very notion of politics, including forms of authority and representation, which suddenly appear particularistic"

The example chosen by Balibar is suggestive: the French parity claim for a 50 percent gender quotas in French political assemblies, has a universal dimension and a transformative potential because it could transform "the very notion of politics".

Finally, as Balibar suggests, in order to be transformative, quotas policies must expand beyond a particular community. In other words, once a gender quotas claim begins to reveal exclusionary norms

and to contest existing understanding of politics, forms of authority and representation, they can also lead to unveil the exclusion of other minority groups from political representation based on their ethnic identity or their class. By including other underrepresented minorities in their claim for inclusion, gender quotas advocates could strengthen their critique of the political system and its exclusionary bias, and increase the transformative potential of their demand.

c. Framing gender quotas

It is important to analyze the discursive politics of gender quotas because the way quotas will be framed normatively will impact their efficiency and their implementation. Indeed, as advocates and opponents of quotas struggle to define their acceptable meaning, they implicitly decide over what quotas will be able to achieve and for whom. While gender quotas point towards substantive conceptions of equality, more often than not they are legitimized in the public sphere using other types of rationales. The need to achieve consensus in the political arena in order to pass gender quotas bills often leads quotas activists to subsume the transformative aims of quotas under other, more consensual, objectives.

The French example of the 1999 parity constitutional reform is a case in point. Parity activists lobbied for a 50 percent quotas rather than a lower share. Their argument relied on the idea that achieving gender equality meant having 50 percent, not 30 percent of women elected. Moreover, this strategy of a higher threshold had another advantage from the point of view of parity advocates. Indeed, in the French political context of the nineties quotas and affirmative action policies were widely viewed negatively and as anti-French. Hence any measure that appeared to unduly advantage a specific group was framed as undesirable and was presented as unconstitutional. Parity activists therefore insisted that parity was not an affirmative action scheme but a new and better way to define gender equality and to achieve ‘perfect equality’. However, as they distinguished their claim from quota claims, most of the transformative agenda of gender quotas disappeared from their discourse (Lépinard 2007, 2013).

Indeed, rather than saying that women face structural barriers in politics which means that the political system must be reformed, they argued that the equal presence of men and women in political assemblies would renew democracy and make it “complete”, that it would repair women’s original exclusion from the political sphere. Instead of saying that in a given social context affirmative action is needed to remedy the consequences of structural discrimination, they argued that parity should be a universal, normative principle essential to democracy, a new pillar of democratic political system. They linked parity with a revitalization of democracy in very broad, normative and vague terms, but they lost view of the concrete analysis of how discrimination against women, and against other minority groups, work in the particular context of the French political institutions. Despite an important constitutional reform and a victory of parity advocates, many gender power relations which still persist and structure participation in power were left un-scrutinized. While parity was legitimized as a mean to bridge the democratic deficit, it became harder for parity supporters to ask for reforms of the electoral system or to put on the agenda other equality issues.

This example shows that rationales to legitimize quotas matter: the discursive politics of quotas has implication for their implementation. Another example is the argument that gender quotas on companies’ boards will increase economic competitiveness. Although appealing to the business community, these arguments are detrimental to the aim of gender equality and social justice that quotas should promote. Indeed, they subsume normative argument about equality under pragmatic economic arguments, with the risk that quotas will be delegitimized if they don’t deliver economic results (which may likely be the case). These arguments make gender discrimination invisible and create a normative hierarchy between economic profitability and equality (and therefore a hierarchy between the economic sphere and the political sphere). Of course these are strategic arguments,

developed and voiced to create consensus about disputed reforms. However, these arguments have political and practical consequences for gender quota reforms.

3. Gender quotas and the social justice agenda: why institutions and other measures matter

Framing quotas is important to ensure that their transformative potential is not lost in the process of adopting quota measures. However it is not enough to ensure that quotas are part of a broader social justice agenda. Indeed, two factors are important in making sure that gender quotas can be part of a broader agenda that promotes social justice and democracy. The first element is the institutional and political context. The second is a set of measures that can accompany gender quotas.

In many, if not all, national contexts, power-holders, mostly male, are generally opposed to compulsory quota mechanisms. They try to water down the content of reforms and they resist their implementation. Some factors may help compensate for this general lack of good will and to make sure that quotas will be implemented in an effective way. International back-up is a very important factor: normative commitments for gender equality at the international level and legal and political legitimization of affirmative action measures at the E.U level have been very important in pushing the gender quota agenda in many European countries. Another important feature of the political context is the back up of the women's movement and social movements in general. If reforms are crafted top-down with no involvement of the women's movement then the power-balance will not likely be in favor of transformative changes but rather cosmetic reforms so that countries "look" modern or women friendly, in order for example to make them appear liberal and democratic after periods of authoritarian regimes. Finally, the institutionalization of gender equality issues is an important factor to prevent backlash and to incrementally improve the implementation of quotas. For example in some of the Latin American successful cases of implementation of quotas, such as Mexico, electoral commissions and tribunals monitor elections. These bodies are important because they apply sanctions if quotas do not meet their supposed target, for example for the number of female candidates. In France the parity reform also led to the institutionalization of an Observatory for parity, which, although it does not have the power of electoral tribunal to apply sanctions, monitors and reports on progress being made in the implementation of the parity law. Such institutions can also provide a safeguard against backlash, for example when legislators attempt at changing the quota legislation to make them less efficient.

International norms and soft-power, the pressure from social movements and the institutionalization of gender quotas policies will provide a context in which gender quotas are legitimized and will likely be more efficient in bringing women into politics or on company boards. But these favorable conditions do not automatically entail that quotas will be transformative. They will make quotas' implementation easier and more efficient but do not automatically mean that gender quotas will be linked with a broader social justice agenda. For this to happen, complementary measures that challenge the structure of gender power relations upon which women's exclusion from the political sphere is based are needed. I list them below from the most directly linked to gender quotas mechanisms to the most systemic ones.

- Rules to reform the day-to-day political practices must accompany gender quotas to help them fulfill their goal beyond numbers. Indeed, despite their physical presence in political assemblies in greater numbers, women may still not have a real voice in the political process. To make sure that gender quotas contribute to a redistribution of political power, and not only seats in assemblies, gender-balance should be implemented in legislative commissions and committees, as well as in public discourse time (equal share of public discourse time in assemblies and commissions for men and women).
- The rules organizing political mandates should also be reformed. For example pensions schemes for political representatives, family/parental/sickness leaves, daycare facilities are necessary

measures to make sure that quotas truly enable women to be included in politics. Indeed, without such reforms there might be a high turn over of female politicians, or a delayed entry in politics for young women, with both phenomena preventing women from developing political careers and access to leadership positions.

- The symbolic inclusion of women in politics should be manifest. Political parties and institutions should sanction sexist discourses in the public realm by representatives of political authority. Adequate protocols to combat sexual harassment and discrimination in political institutions should be adopted.
- Electoral systems should be reformed in order to be more inclusive and less adversarial. Indeed, women's exclusion from politics is often the result of electoral designs privileging notability; incumbency or personal wealth. Adequate rules for campaign financing, ensuring public financing and a cap on private donations are crucial for women to be able to participate in electoral competition. Uninominal member district type of elections should be avoided because they tend to favor candidates with large social networks and prestigious social occupations, who tend to be men. They also favor an adversarial style of political debate in which women rarely fare well because their feminine attributes pits them against the maleness that is required and expected to fight the oratory battle.
- Political recruitment should be reformed: parties should implement affirmative action policies (training, capacity building, mentoring policies) in favor of ethnic minorities and economically disadvantaged group in order to broaden the social basis of their membership and the candidate pool. Educational institutions that train the political elite should be accountable for their recruitment practices and take affirmative steps to increase the presence of women minorities and disadvantaged groups.
- Political institutions should be reformed to ensure the inclusion of minority groups' views and interests and their ability to shape policy outcomes. As suggested by Iris Young, minority groups should have a veto power for decisions that concern them directly (e.g. abortion policies for women) and they should also be granted the necessary means to organize themselves in order to voice their concerns (Young 1990). These reforms can also be part of a broader agenda in favor of participatory democracy.
- With respect to the employment sector, we must link quotas on corporate boards with equal pay policies in employment, gender de-segregation of occupations and a redefinition of what is productivity and what is merit
- Finally, beyond the political system and political institutions paternity leave should be extended and mandatory in order to deconstruct the gendered dichotomy between private and public spheres.

To be part of an emancipatory and transformative political strategy, gender quotas must have a broader goal than a number of seats or positions held by women. A deeper transformation of politics, that will affect other under-represented group, is necessary. Hence, despite the fact that gender quotas are about reaching a certain number, we cannot reduce gender equality to numerical equality. On the contrary, we must link quotas with justice claims in order to reveal and challenge structural discriminations. Otherwise, if we focus on reaching a given number, we might reach 50 percent women in decision-making bodies, but many mechanisms of discrimination that exclude women and other groups from participation in power will remain intact. To make gender quotas transformative measures, rather than corrective remedies, two steps are necessary. First gender quotas must be frame so as to challenge gender discriminations and the male norms that structure political institution. Attention must be focused on discriminatory practices and discourses, which exclude women and other minority from decision-making bodies. The dominant norms that organize democratic institutions or the workplace, such as merit, freedom, productivity, must be challenged in order to reveal their gendered assumptions. Second, gender quotas must be complemented by a set of measures

that will foster the real inclusion of women, their effective participation in the political process rather than their mere presence. Beyond the scope of politics, the gendered dimension of the public/private dichotomy must also be challenged, for example by promoting an investment of men in the domestic sphere thanks to paternity leave schemes. Gender quotas are a successful policy tool, as their global diffusion around the world attests. Their success is certainly related to their simplicity: they are efficient and hard to resist because they propose a simple mechanism to redress a complex process of exclusion and discrimination. Their reliance on sheer numbers is their strength. However at the same time we should be aware that there is a risk in reducing equality to numbers and to presence. The risk is to reify equality and its transformative potential because equal presence does not mean equal power in decision-making, and because true equality and inclusion demands much more than equal presence.

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