

Gender Quotas I

Increasing the number of women in positions of political power is top priority for women's movements and for governments around the world. Activists, international institutions, and national governments have come to see gender quota laws as the best way to achieve this goal. In the past 15 years, more than 40 countries have adopted measures that require a certain number of those running for or holding legislative office to be women. Political science research on this topic has hewn closely to empirical questions about this phenomenon: Under what conditions do countries adopt gender quota laws? What impact do they have on the percentage of women elected to office? What difference do "quota women" make once elected? This debate, by contrast, focuses on normative questions about gender quota laws. Are quotas a good idea? Should more countries adopt them? Should the United States consider them? We have invited leading scholars to step back from the more cautious findings of their research to tell us what they really think.

Quota Problems: Combating the Dangers of Essentialism

Jane Mansbridge, Harvard University

In Support of Gender Quotas: Setting New Standards, Bringing Visible Gains

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As I write, descriptive representation by gender improves substantive outcomes for women in every polity for which we have a measure. And as I write, significant representation by gender cannot be achieved in any existing polity without some form of quota. At this historical moment, therefore, quotas play an important democratic role in increasing gender equality. Yet because quotas potentially produce institutional rigidity and their need should decrease as structural and cultural conditions improve, it is best to institute them in their most flexible form. Because quotas also encourage essentialism, it is best to institute them in conjunction with major efforts to define in nonessentialist ways the reasons for their institution. Although quotas will inevitably increase essentialist beliefs, a conscious, concerted campaign could mitigate the most destructive effects of this tendency.

The general principle, for collectivities as well as individuals, is that the existence of major dangers should not prevent our taking steps that increase our autonomy and well-being, if at the same time we can take parallel steps that reduce those dangers. A process fraught with danger needs two tracks: one to move forward and one to establish safeguards against the danger. Stasis often proves a poor response to threat.

The case for quotas, which cannot fully be made here, rests on three separate arguments: 1) an argument that descriptive representation is substantively and symbolically important, even necessary, for the descriptively represented group and for the polity as a whole; 2) an argument that a group's lower than proportional representation in a representative assembly has been caused by some form of inappropriate discrimination against that group; and 3) an argument that quotas are the most effective way in practice to achieve descriptive representation. The first two claims are normative. In the case of women, in all countries of the world the evidence supporting both claims is strong. The third claim is prudential. It depends on several factors, including the likelihood of women achieving appropriate representation by other means and the institutional plausibility of achieving a satisfactory quota system in a given country in a given historical moment.

Many thanks to Lisa Baldez for help in editing these thoughts. Comments welcome: jane_mansbridge@harvard.edu.

The case against quotas can be both institutional and cultural. Some specific institutional forms for producing quotas have highly problematic side effects. Here I focus not on the institutional problems but on the tendency of quotas to promote cultural beliefs in “essentialism”—the conviction that the individuals represented through quotas have some essential traits that help define them and that render them unable to be represented adequately by those without such traits. Essentialist beliefs reinforce stereotypes, trap the individuals in the group in the images traditionally held of the group, make it hard for those individuals to treat their identities flexibly and performatively, de-emphasize lines of division within groups to the advantage of dominant groups within the group, and harden lines of division between groups. The argument that men cannot represent women, for example, suggests that women cannot represent men. The argument that only women can represent women suggests that any woman can represent all women. The probability, amounting currently to close to certainty, that quotas will strengthen these essentialist beliefs provides a strong argument against them. It is not an argument that outweighs positive arguments in all specific historical situations. But if a polity institutes quotas, proponents of the quotas should strive to frame them in nonessentialist ways and mount an independent struggle against essentialist tendencies more broadly.

I. The Case for Quotas

Democratic theory does not mandate that every group, no matter how defined, should be represented in proportion to its numbers in the population. In 1969, when President Richard Nixon tried to appoint Harrold Carswell to the Supreme Court and opponents argued that Carswell was “mediocre” in his legal skills, Senator Roman Hruska (R-NE) rejoined, “Even if he is mediocre, there are a lot of mediocre judges and people and lawyers. They’re entitled to a little representation, aren’t they?” The comment provoked immediate ridicule because of the almost universal assumption that democratic norms allow, and the public wants, to choose representatives with greater than average skills.¹

Along the same lines, the political theorist Roland Pennock proclaimed a decade later, “no one would argue that morons should be represented

1. In a Google search for “Harrold Carswell” in June 2005, the first two hits referenced this line, suggesting that Carswell will live in history primarily as an example of mediocrity.

by morons" (Pennock 1979, 314, based on Griffiths and Wollheim 1960, 190). James Morone and Theodore Marmor also scoffed that "[c]ommon sense rebels against representing redheads or left-handers" (Morone and Marmor 1981, 437). More recently, Will Kymlicka concluded summarily, "the general idea of mirror [descriptive] representation is untenable" (1995, 139). Iris Marion Young concluded that "a relation of identity or similarity with constituents says nothing about what the representative does" (1997, 354).

In general, whenever interests conflict, the theory of aggregative (or "adversary") democracy mandates the representation of those interests in proportion to the number of interest bearers in the population (Mansbridge 1980). In addition, whenever different perspectives might significantly improve a deliberation, the theory of deliberative democracy mandates the representation of those perspectives (Mansbridge 1999). These criteria answer what Anne Phillips (1995, 45) has called the "slippery slope" objection that no guiding principles can distinguish which groups have weaker and which stronger democratic claims for representation. Yet neither the democratic mandate for equal representation of interests in moments of conflict nor the mandate for representation of relevant perspectives in deliberation requires representation by actual members of the represented group. Members of a group need such descriptive representation only when their interests or perspectives cannot adequately be represented by individuals who are not themselves members of the group. The key question is when and why those interests and perspectives cannot adequately be represented by others.

In at least two circumstances, the interests and perspectives of members of a group cannot be adequately represented by others: 1) when representatives who are members of a group tend to respond to group-relevant issues with greater concern than nonmembers, and 2) when representatives who themselves are members of a group can communicate better among themselves, with other representatives and with constituents from that group. This capacity for better communication is accentuated a) when issues and even interests are uncrystallized, so that representatives who are members of a group have far more information about the relevant aspects of an issue than nonmembers; b) when a history of mistrust impedes communication and effective delegation between members of a subordinate group and representatives from a dominant group; and c) when the physical presence of representatives from the group induces other representatives to make greater efforts to

understand that group's interests and give those interests more salience. In addition to promoting substantive representation in these contexts, descriptive representatives also play a powerful symbolic legitimating function by making the statement to the entire citizenry, including its other representatives, that members of that group are capable of ruling.² These considerations apply equally to both powerful and marginalized groups, but powerful groups are far less likely in practice to experience proportional shortfalls in descriptive representation. When they occasionally have this experience, they also have a greater capacity to counterbalance in other ways the negative effects of not being descriptively represented.

Concern

We know that in the cases of gender and race, legislators who themselves are members of a group respond to issues affecting that group with greater concern than do nonmembers. Female legislators in almost every measured representative body, from the U.S. House of Representatives to the Indian panchayats, give more attention than do male legislators to issues, such as education and women's rights, that also typically concern female constituents more than they do men. Sue Thomas (1994), Michele Swers (2002), and others have shown that the differences between male and female legislators are most likely to appear on issues that absorb a great deal of the legislator's time and energy, such as the choice of committees to join and legislation to sponsor. By contrast, on simple roll-call votes, the representative's party has a greater effect than the representative's gender. Descriptive representatives from groups particularly affected by particular issues tend to care more about those issues, put their time in on them, and struggle to bring them to the legislative fore.

Barry Burden's (2005) recent research also demonstrates the importance of the personal experiences of the representatives. In the U.S. House of Representatives, he reveals, members who smoke are more likely than the nonsmokers to vote against, speak against, and sponsor bills against tobacco control measures. Members with school-age children are more likely than the others to be active on school choice issues. Members with children in public school are more likely to vote against

2. This list of the circumstances in which descriptive representation enhances substantive representation expands on those referenced in Mansbridge 1999. For other positive symbolic effects of descriptive representation, see Mansbridge 1999.

voucher programs that help parents transfer their children out of public school. Members who themselves are Evangelical Protestants or Catholics are more likely to support faith-based initiatives and more likely to oppose stem cell research. The personal experiences of these representatives alert them to the needs of constituents like themselves and impel them to act on those needs, even when the numbers of individuals with those needs within their own districts do not make their pursuit of these issues electorally rational. Descriptive representation of this sort is particularly important on uncrystallized issues—that is, issues that have not found a salient place on the political agenda, so that political parties have not taken positions on those issues and politicians have not run for office on them (Mansbridge 1999).

Communication

In situations of relatively uncrystallized interests, marginalized groups in particular often need a critical legislative mass of descriptive representatives in order for the representatives to consult among themselves, as well as with their constituents, to try to understand what their descriptive constituents most need. In many such cases these representatives are acting as surrogate representatives for descriptive constituents outside their districts as well as within them (Mansbridge 1999).

Descriptive representatives have, moreover, several advantages in communicating with other legislators. In listening, they can respond flexibly, drawing not just from what they have heard from their constituents, but also from what they know from their own lives. In speaking, they can call up anecdotes from personal experience to describe how a piece of legislation may affect their group. They can speak vividly with facts and emotion drawn from their experience. They can speak with authenticity and be believed. They can also call on the relationships they have developed with other legislators for the empathy that the others might need to understand the descriptive representative's position. Even when the descriptive legislator is silent, his or her mere physical presence reminds the other legislators of the perspectives and interests of the group of which he or she is a descriptive member. In deliberative settings, many members of marginalized groups have had the experience of seeing members of dominant groups cut themselves short as they are about to say something demeaning to members of that group and substitute something more sensitive. This behavior is not simply a matter of surface conformity. The presence of someone who represents a group,

particularly descriptively, physically reminds others of that group's interests, making it more likely that those claims and perspectives will be taken into account.³

Descriptive representatives also have advantages in overcoming the mistrust that potentially impedes any interaction between representative and constituent. When the constituents are members of marginalized groups, with a justified history of mistrust of the dominant groups, the need to help overcome constituents' distrust of their representatives is even greater (Mansbridge 1999; Williams 1998). In the early years of the global violence-against-women movement, for example, women of the global "North" (broadly, the developed nations) primarily directed that movement. Women from the "South" (the less-developed nations) distrusted the leadership and failed to coordinate their efforts, with the result that the global movement had relatively little impact. After donors and other organizers realized that the women of the South needed funding to create their own autonomous organizations from which leadership could arise, descriptive representatives from the South began to lead and participate extensively in the global conferences. These representatives brought legitimacy, credibility, and open lines of communication with their "constituents" in their own countries, helping the movement become a model of successful transnational activism.⁴

Descriptive representation thus has positive effects on outcomes important to a group through at least the two mechanisms of investing more heavily through greater concern and communicating interests more thoroughly. The communication function is particularly important when the group's interests are uncrystallized, occur in settings of historical mistrust, or might be overlooked without the representative's physical presence.

The mechanisms of concern and communication apply whether or not a group is marginal in the larger society. White Americans, for example, seem just as alienated from Black representatives as Blacks from White representatives, perhaps more so. Claudine Gay shows that White constituents with Black representatives are less likely than similar con-

3. The effects of descriptive presence may go even deeper. Laboratory experiments reveal that the mere presence of a Black experimenter reduced the level of the subjects' implicit (unconscious) negative associations with Blacks (Banaji, Bazerman, and Chugh 2003).

4. Weldon (forthcoming) analyzes this dynamic, adding that the movement's commitment to a consensual process also gave the potentially marginalized groups of the South a protected voice. Note that "selectoral" (rather than electoral) representation in movements like this poses other legitimacy problems

stituents with White representatives to turn out to vote, to think that their representative would be helpful with a problem, to remember anything that the representative had done for the district, to rate the representative high on a feeling thermometer, or to approve of the way the representative had been handling his or her job (Gay 2001, 2002). Black constituents with White representatives when compared to Blacks with Black representatives reveal the same patterns, but those patterns, if anything, are less strong. Particularly in situations of historical communicative distrust, it seems that everyone wants descriptive representation, including and perhaps especially the members of dominant groups. In practice, however, the dominant groups usually get what they want.

Discrimination

The case for quotas rests not only on the substantive benefits of descriptive representation through concern and communication, but also, quite solidly, on discrimination. Regarding women, the evidence suggests strongly that both surface and structural forms of discrimination currently impede the proportional descriptive representation that one would otherwise expect. In surface discrimination, for example, members of the polity sometimes vote for a man rather than a woman to represent them, even when the woman and man are equally qualified.⁵ In structural discrimination, women are expected to be the primary caregivers for children and the elderly, and are socialized not to see themselves as competitors in politics. They are therefore less likely to enter the competition for office (Lawless and Fox 2005). The case for past discrimination rests on an easily documented history in which women have been legally denied the vote, the capacity to serve on juries, and the like (see Williams 1998, 15–18).

5. Surface discrimination has been declining in the established democracies. In 1937, only 33% of a representative sample of the U.S. population responded “yes” when asked, “If your party nominated a woman for President, would you vote for her if she were qualified for the job?”; by the late 1950s, 52% answered yes; by 1971, 66%; by 1982, 83%; by 1994, 89%; and by 1999, 98% (NORC General Social Survey and earlier surveys referenced therein). In addition, by now, laboratory experiments in the United States using male and female names for fictitious candidates tend to show no difference in support overall, at least among college students, although some differences in estimates of competence in specific policy areas persist along traditional lines (e.g., women are seen as better on nurturing issues, men on military ones). Matland and King 2002 summarize these studies, while reporting on their own finding that Republican voters are less likely to vote for a similarly described female candidate than for a man (probably because female Republicans tend in practice to be more liberal than male ones). In less-developed countries, surface discrimination still plays a major role, both in reported attitudes (Inglehart and Norris 2003) and in the experience of women trying to run for office.

II. The Case Against Quotas

Institutions

Whether or not quotas are the most effective mechanisms for delivering descriptive representation depends on a host of factors, including the degree to which the deck is already stacked institutionally against the descriptive group. We have known for a decade or more that women do better in proportional representation systems and perhaps also slightly better in multimember districts in general (Welch and Studlar 1990), in part because parties putting up lists of more than one candidate feel more compelled to put women on the list, and in part because multimember districts encourage policy-oriented candidates, as opposed to candidates who work specifically for benefits from their districts, and the middle-class women who run for office are more likely to have a policy orientation.⁶ When list systems and multimember constituencies already exist, therefore, it is easier to insert women into the political process without imposing specific quotas.

The effectiveness of quotas also depends on the degree to which a particular culture at a particular moment in history can accept them as legitimate. In France, where a universalist political culture prevents the state from even collecting data on the ethnicity, race, or religion of individuals, women promoting *parité* had to resort to the philosophical ploy of arguing that women were not a “group” but, instead, half of the “universal” human race (Agacinski 2003; Gaspard 1994; Scott 1997). In the United States, the very word “quota” implies the negation of merit, individual worth, and fair competition, as well as the intervention of the state in individual freedom.⁷ In Africa, by contrast, where the idea of representing different territorial, ethnic, and linguistic groups descriptively has long been part of the accepted political culture, representing women descriptively through the allocation of denominated seats does not fall far from the existing norms.

6. By contrast, in the U.S., working-class and black candidates often do slightly better in single-member districts (Welch 1990), perhaps because such districts are more often homogeneously working class or black and the local communicative advantage of these candidates helps them to run on a platform of bringing home local benefits.

7. An article advocating cumulative voting—a procedure sufficiently compatible with existing values in the United States as to have been in place in Illinois for many years—was, in the hands of opponents, enough for them successfully to label Lani Guinier a “quota queen” and cause President Bill Clinton to withdraw his recommendation of Guinier for Attorney General (Carter 1994).

The central institutional challenge is to devise a system of quotas with few unintended negative side effects. The opposition of the feminist journal *Manushi* to the proposed system of rotating seats reserved for women in India, for example, is grounded almost entirely in the unwanted institutional side effects of that system.⁸

Essentialism

The broader challenge, which cannot in practice fully be met, is to institute some form of quota system without encouraging essentialism. It is a commonplace these days to point out that we all have multiple identities, and that those identities are socially constructed, flexible, performative, and in many cases even, with some investment, discardable. The movements toward bisexuality, transgendered identities, multiraciality, and multiple nationality are all helping these forms of identity move down the road that religion in the United States has already traveled, from ascription to choice. In this more flexible world, quotas work on the side of rigidity.

The belief that there is some “essence” of womanness or femininity, blackness or negritude, that members of the group have and that is not accessible to an outsider, reinforces group stereotypes from both without and within. Social psychologists have shown us that human beings, perhaps innately, judge members of an in-group as more alike than they in fact are, and members of an out-group as more different from the in-group than they in fact are (Turner 1987). In order to process reality accurately, we need to combat these cognitive biases. Cultural conventions that reinforce group differences make this struggle harder. In the case of gender, beliefs in a gendered division of labor that make some tasks taboo for either males or females, jokes and traditions about female and male traits, divisions of the universe into the male and female principles, and even the linguistic division into male and female nouns all suggest some essence of maleness and femaleness. Implicit association tests reveal some of these associations, which by and large even the most politically sensitive continue to hold.⁹

Human cognitive capacities tend automatically toward some forms of essentializing. Thus, terms in the language tend to call to mind the dom-

8. *Manushi*, issues 96, 97, and especially 116. See also Baldez forthcoming.

9. For the “gratuitous gendering” of labor, parts of speech, and essences, see Mansbridge 1993. For implicit association tests, see Banaji 2001 and the website (<https://implicit.harvard.edu/implicit/>), which allows one easily to test one’s own unconscious associations.

inant or majority variant of those terms. When we envision “table,” we envision something brown, thus marginalizing the green, white, and yellow tables of this world. When we envision “chair,” we envision something with four legs, and so forth (Bartlett 1990). Thus, “woman” does not automatically conjure up, in today’s world, “woman with disabilities” or “lesbian.” Efforts to remember the heterogeneity within any human group must war against the way the brain itself generalizes.

Quotas can undermine some essentialist beliefs by, for example, bringing sufficient women of different kinds into political arenas to allow both men and women to experience them as capable leaders, thus undermining the belief that women qua women are incapable of rule. At the same time, they are likely to reinforce essentialist beliefs by suggesting that for essentialist reasons, only women can represent women (and therefore that women cannot represent men). Quotas that work by forcing members of a descriptive group to vote only for members of that group and not for members of other groups rigidify group lines in the most dramatic way.

It is particularly hard to avoid essentialist arguments when making the case that descriptive representation is substantively important for the descriptively represented group and for the polity as a whole. It is factually the case that in legislatures all over the world, women are more likely to take the lead on two kinds of “women’s” issues: issues associated with women’s traditional responsibility for the family, such as education and health, and women’s rights issues.¹⁰ But explaining these differences, correctly, as the result of modal differences in experience leading to modal differences in interests and preferences skirts dangerously close to postulating essential differences in interests and perspectives.

The connection is not necessary. It is perfectly possible to talk about and act on the basis of experiences that many women have shared in one form or another without assuming that those experiences represent every woman’s experience or that the forms in which a “shared” experience comes are the same for everyone. Nor need we collapse “experiences” in the plural into a singular “essence.”¹¹

When we move from arguing that descriptive representation by gender will be good for women to the argument that such representation

10. In the U.S. Congress, women are also more likely to take the lead on issues on which noticeable differences appear on average in public opinion polls between men and women. For this category, see Strauss 1998, with thanks to Patricia Connelly.

11. For alternate ways of conceiving of groups, see Young 1994 on “seriality,” Ferguson 2003 on family resemblances, and Zerilli 1998.

will be good for the polity, we come even closer to the essentialist danger. It is possible, for example, that on the margin and on average, women in many polities may be slightly more honest, caring, and cooperative than men. Laboratory and field experiments cannot usually detect significant differences between men and women on these and other stereotypically gendered traits. But interacting as a group may accentuate group differences, perhaps in part by activating group stereotypes, which women hold as well as men.¹² In addition, relatively large differences between men and women do appear, on average, in some areas, such as physical aggression and attitudes toward war (Goldstein 2001; Maccoby 1998; Maccoby and Jacklin 1978). Building on the existing differences and influenced by the exaggeration of stereotypes to which the human brain tends, advocates often claim that the polity would benefit from more women in legislatures because of women's greater honesty, care, cooperation, or concern for peace. Some imply that these gender differences are innate.

The temptation to make such claims is great, both because some activists believe in the political significance of innate differences and because such claims have some weight with the general public. The campaign for suffrage in the United States, for example, did not acquire sufficient majorities to pass the required constitutional amendment until the proponents' argument had shifted from one based on women's rights to one based on women's contributions, as women, to the polity (Cott 1987; Krador 1965; Marilley 1996). Such claims slide easily from those based on different experiences, such as modally different experiences of parenting, of housekeeping, and generally of being "outside the beltway," to those based on innate differences. Only a constant, explicit stress on experiences rather than innateness can mitigate this tendency. Optimally, the stress on experience should be coupled with some knowledge of the difficulty of finding any gender differences in the laboratory in most settings once most conditions are made the same (see, e.g., Hyde 1990).

Quotas tend to reinforce the existing human cognitive tendencies to see the members of the group as more similar than they are and more different from members of other groups. Membership in groups is already "something that you are 'born' into and that constitutes you as be-

12. In one experiment, although no significant differences appeared at an individual level, groups with a high proportion of women deliberating to a conclusion about how much to give the disadvantaged were more generous than groups with a high proportion of men (Mendelberg and Karpowitz forthcoming). See also Sunstein 2002 and others on group polarization.

ing who you are and is ascribed to you by others in a way that makes it involuntary from your point of view" (Gould 1996, 182; see also Williams 1998, 6). Based by their nature on group membership, quotas are also almost certain to reinforce the social and personal meanings of that membership, impeding from both outside and inside a flexible, performative relation with one's multiple identities.

The best way to fight the reification of essentialism that quotas inevitably suggest is to reinforce constantly the ways in which the great differences in existing systems of representation derive from historical and structural biases. For African Americans, for example, the near exclusion of black veterans in the South from business and home loans under the GI Bill by making applications local, a deliberate policy insisted upon for racial reasons by white southern senators, resulted in greatly lower rates of home ownership and, therefore, family wealth for blacks (Katznelson 2005). Yet the instability of politics as a career makes some family wealth a major asset in running for political office. For women, the currently near-universal assumption that women will take primary responsibility for child care makes an early political career difficult. Yet politicians who begin their careers late are less likely to reach the highest political office, and those who begin a political career after their children have gone to college are even less likely to advance far in the system. These deep structural biases, in addition to the unconscious assumptions that prejudice the voters, the party leaders who might ask someone to run for office, and the potential candidates themselves, work to make it unlikely that without some institutional intervention, African Americans and women will be represented in law-making bodies in proportion to their numbers in the population. Making arguments for quotas explicitly and only on the basis of these historical and structural biases helps, to some degree, to counter essentialist arguments.

We also know that the elected women who will represent "women" descriptively will not represent proportionally the full diversity of women in the polity. Iris Marion Young (1997) points out that whenever any one individual represents many, the process necessarily suppresses the differences among the many. Descriptive representation does not avoid this problem. The diversity within historically disadvantaged groups is no less than in any other groups; all forms of representation here too result in the suppression of difference. Thus, Young warns that any scheme of representation must rest on "acknowledging and affirming that there is a difference, a separation, between the representative

and the constituents,” and she stresses the importance of authorization and accountability.¹³

If biases in proportionality are corrected only for gender, the voting citizens in the polity will not be represented proportionally in their diversity (leaving aside the issues of representing noncitizens in the polity, nonresidents who are affected by the policies, and future generations). The highly educated, middle-class, dominant-ethnicity women who are most likely to be elected in systems engineered to represent only gender proportionally will represent “women’s” issues primarily through their own experiences, which, although in some ways like, will also be unlike those of women who do not share their class or ethnic/racial background.¹⁴ The writings and activism of women of color make it clear that specific problems and perspectives arise from specific intersections of social advantage and disadvantage, structure and culture (Collins 1990; Combahee River Collective [1977] 1983; Crenshaw 1991; Harris 1990). Yet separate quotas for women and for African Americans could result in the election of no female African Americans.¹⁵

Some of these problems could be addressed through new democratic mechanisms. First, citizen assemblies drawn randomly from the population can serve both as deliberative forums and as checks on the inevitable misrepresentation in elected assemblies.¹⁶ Second, political parties creating gender quotas through party lists could try consciously to represent the most relevant heterogeneities within gender.¹⁷ Third, systems could perhaps be organized to choose primarily descriptive representatives who have strong mutual relations with the most disadvan-

13. Young uses this analysis to conclude that constituents should not seek descriptive representation, but rather focus on accountability and authorization (Young 2000, 129).

14. See, e.g. re suffrage, Davis 1983 and Dovi 2002.

15. In the United States in the 1980s and 1990s, for example, African-American men were proportionally represented descriptively in state legislatures. The under-representation of African Americans was concentrated on African-American women (Darcy, Hadley, and Kirksey 1993).

16. For example, The British Columbia Citizens’ Assembly (see <http://www.citizensassembly.bc.ca/public/extra/Whatis.xml>) and Warren forthcoming). Such randomly selected assemblies are usually still not fully representative, because although the original selection is random and citizens are paid for their attendance, retired middle-class and upper-working-class people are more likely to accept the assignment than the working-age and poor. Moreover, the participants in citizen assemblies have no reporting and formal accountability relationship with constituents. What relationship there is works only through the feelings among the represented that the randomly selected representatives are “like” them, and the voluntary feelings among the representatives that they have an obligation to act both for the public good and for the good of any group they happen to represent descriptively or through conviction. These feelings on both sides are, however, neither trivial nor irrelevant to the relationship. Such feelings play a neglected but important role even in the elected representative/constituent interaction, where a representative’s actual communication with all constituents is perforce relatively meager.

17. It is not clear, however, what incentives parties would have to diversify their lists in this way.

tagged subgroups within their descriptive group (Dovi 2002). In current practice, only political self-organizing among marginalized groups can provide forums for the deliberation and articulation of interests, from which members at various intersections in those groups can enter the representative process. Given the relatively meager resources of many marginalized groups, that self-organizing must usually be funded from outside the group.¹⁸ Although no practically imaginable reform will eliminate this problem, those involved in electoral reform should at least try to prevent the marginalization of subgroups from being worse under quotas than under nonquota systems.

In short, with the great costs in increasing essentialism that are likely to attend any move toward quotas, such a move should be combined with significant conscious efforts to point out that the need for quotas derives from biases in current systems produced by historical and structural discrimination, to anchor arguments for descriptive representation in differences in experience rather than innate characteristics, to find ways to represent institutionally the diversity within the group, to remind both members of the group and others of the great dissimilarities within the group and the great similarities with others outside the group, and to stress the fluidity of identity.

Quotas inherently rigidify identities. If adopted, they should be kept as flexible as possible, being instituted preferably at the party level rather than at the legislative level, by voluntary adoption rather than by legislation, and by legislation rather than by constitutional mandate. They should be used and portrayed as a practical and perhaps temporary response to centuries of discrimination, rather than as an eternally necessary recognition of essential differences. Even when quotas are the best practical route for achieving substantive gains, we should go forward with them conscious of the dangers and ringing them with safeguards. Subordinate groups have much to lose from practices that reinscribe difference.

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18. See Weldon 2006. The best descriptive representatives will themselves contribute to organizing their own communities, but if they are concerned with reelection, they will probably not focus on the hardest segments to organize.

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In Support of Gender Quotas: Setting New Standards, Bringing Visible Gains

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Are gender quotas a good idea? Yes, for two reasons: Quotas are an effective mechanism for improving women's numerical representation, and they encourage new attitudes towards women in politics. I argue that the numerical and ideational gains brought by gender quotas outweigh the potential pitfalls they might introduce. From a pragmatic standpoint, quotas constitute an imperfect means to a positive end: women's political empowerment. What is more, formal rules may become norms, reinforcing changing attitudes.

The implementation of candidate gender quotas is often followed by a dramatic increase in women's parliamentary participation. This process is supported by cross-national, cross-temporal and nation-specific evidence (Kittilson forthcoming). As an exemplar of the process, in 1988 the German Social Democratic Party (SPD) adopted candidate gender quotas, and the proportion of women from the SPD rose from 18% in 1987 to 27% in the first postquota election of 1990. Gender quotas are effective because they set benchmarks and allow advocates for change to hold the key players accountable for these goals. In most political systems, parties are the gatekeepers to elected office, and they can facilitate or hinder women's efforts to gain nomination in winnable positions. Because parties are not unitary actors, but rather made up of competing factions, the process of agreeing on quotas establishes shared goals and a formal commitment, making it unlikely that women's claims will slip off the agenda when a new issue emerges.

Gender quotas are a mechanism for enriching democratic inclusion. They represent a shared agreement that women have often received short shrift in the nomination process, and an admission that a concerted effort should be made to get more women elected. With a formal commit-

I would like to thank Marilyn Dantico, Kim Fridkin, Adrian Pantoja, Becki Scola, and the editors of *Politics & Gender* for their constructive comments on this essay.

ment, women can insist that their party measure up to defined standards. Without clear, stated objectives, most goals are forgotten. Promises to increase women's candidacies can be mere lip service if not institutionalized as formal rules. The process of setting benchmarks commits political leaders and party faithful alike, and participation in the process may alter perceptions of the importance of gender balance, and as a result, women's presence becomes a "party position" in itself.

Because effectiveness is one of the justifications upon which I base a case for quotas, one might question why a national-level quota law was largely ineffective in France. The simple answer is this: All quotas are not created equal. Quota policies may prove ineffective if they contain loopholes. Further, without the support of those charged with implementation, quotas may not be enforced, as occurred in the French case.

The French policy is a national-level requirement that all parties nominate equal proportions of men and women as candidates in their election lists in municipal elections, and as overall equal proportions of *candidates* in National Assembly elections. However, the first postquota national elections of 2002 brought few gains: Women still held only 12% of the seats in the French National Assembly, up only one and a half percentage points from the previous election. Most of the major parties violated either the spirit or the letter of the new law, nominating women to unwinnable seats, or simply ignoring the new law and accepting the financial penalty (Russell and O'Conneide 2003). For example, the French Socialist Party (PS) nominated women in only 36% of the districts it contested and the Union for a Presidential Majority (UMP) nominated only 20%, while the smaller National Front (FN) nominated women in 49% of its races.

The major parties, such as the PS and UMP, could afford the fines in their state subsidies, while smaller parties could not, and thus complied fully. French parties receive public subsidy based upon two separate equations. The first is calculated on the basis of the votes a party receives (equal to about 1.55 euros per vote), and the second on its share of seats (equal to about 45,125.00 euros per seat). Parties deviating from a 50/50 split by more than 2% are fined in the first "votes" equation, not the "seats." The larger the difference between male and female candidates offered by a party, the larger the party's fine. On the basis of these calculations, Bird (2002) estimates that the UMP had its subsidies reduced by roughly four million euros—a significant sum, but some party leaders may have speculated that they could make up for this loss on the "seats" end of the subsidy equation. In fact, Bird (2002, 696) quotes a member

of the UMP's nominations committee as stating, "It is more profitable to have men elected than to have female candidates defeated."

The quota policy was difficult to implement for National Assembly elections due to the single-member districts from which legislators are elected. As opposed to multimember districts, which are more easily "balanced" by adding women to the party lists, single-member districts require seats to be designated specifically for women, to the exclusion of all men. Faced with challenges to entrenched power holders, many French party leaders skirted the quota policy because they remained unconvinced of the electoral payoff for their party. In fact, it appears that some nomination committees may have calculated that women candidates might cost the party votes. Without the backing of the party leaders, these rule changes were ignored. In short, the more effective strategy for women activists is to couple demands for inclusion at the national level with party-level efforts to win the cooperation of party leaders (Kittilson forthcoming). Party-level campaigns for quotas may drum up support based upon democratic ideals, such as inclusion or justice, or based on the promise that women candidates may yield a decisive "women's vote."

Further, gender quotas fall short if they lack the sort of sanctions that make the policy costly to ignore. For example, if a party were to risk disqualification or losing the bulk of its total state subsidies by ignoring gender requirements, it would have a distinct incentive to follow the law. Moreover, a more specific policy that mandates equal proportions of women in *winnable seats* would bring greater gains.

If gender quotas are so important to women's gains in parliament, one might also ask, how did Finnish women, for example, make such remarkable strides in getting elected to the national parliament *without any formal gender quota policies*? By 1970, Finnish women already held nearly 20% of the seats in the Eduskunta. Early in the 1960s, Finnish women activists had concentrated the full force of their efforts on party politics and gaining equality, rather than aiming part of their efforts outside party channels through an autonomous women's movement. Importantly, Finland's electoral rules are uniquely conducive to women's parliamentary participation. In general, party-list proportional representation systems create incentives for parties to include women on the list. By adding women candidates to the list, the party broadens its appeal among women voters. In Finland, women have long been an especially important constituency, for they have turned out to vote at higher rates than their male counterparts since the 1970s (Sundberg 1995).

In most party-list proportional systems, voters are bound to cast a ballot for “closed” lists, which are comprised of a predetermined set of candidates ranked by party leaders. In most Western European nations in the 1970s, women were most often relegated to the bottom of these lists, rendering them the last to fill party seats in parliament. Therefore, without a sweeping victory for the party, women’s chances to win a seat were grim. However, what is unique to Finland is that the ballot rules allow voters to indicate their preference for particular candidates on the list. Finnish women candidates avoided the trap of predetermined ranking, and voters were able to support women candidates. In essence, the configuration of electoral rules in Finland did not present the same barriers as in other party-list systems. As a result, Finnish women made great strides in parliamentary presence early on, and saw little need to press for candidate gender quotas.

However, few political systems offer this specific set of favorable electoral rules. And a reworking of national electoral rules is usually not a practical goal. In the design of a new constitution, an electoral configuration based on Finland’s system might be ideal. Not only do Finnish women face fewer obstacles to elected office, but the same “logic of inclusion” and ability to cast preference votes favors the election of candidates from minority groups in general. In short, this open-list configuration enhances the opportunity for diversity in parliament—at least in countries where voters are likely to support women.

Debates over quotas often focus on candidate quotas at the national or even party levels. Yet gender quotas are not exclusive to parliamentary bodies. Where single-member districts make implementing candidate quotas difficult in practice, gender quotas within the party ranks may be a more effective policy. Cross-national research shows that more women in the top echelons of the party leadership leads to more women in parliament (Kittilson forthcoming). The most common way for women to gain positions among top party leaders is by gaining midlevel positions. In a sequence of positive forces for change, gender quotas for positions at all levels, including decision-making bodies, is an effective way of raising the number of women nominated and elected.

Importantly, often the more contentious candidate quotas may be less imperative where intraparty quotas are adopted. In fact, gender quotas within political parties can provide a foundation upon which women can launch efforts to gain nomination for parliamentary seats, change the party culture, and press for policy goals. With women’s presence at the local or intraparty level, the infrastructure behind

female candidates is set, even if women suffer setbacks in a particular election.

In the United States, gender quotas at the candidate level may not be a good idea. Such rules mean that a certain number of open seats would be designated as “women only.” This is likely to be far too contentious to be a practical strategy. Instead, it would be more effective for women to push for internal gender quotas of 50% within the Democratic and Republican Parties. Although the Democratic Party currently requires that half of its delegates to caucuses be women, these quotas would be more effective if they were to apply at all levels within the national, state, and local parties. For example, in the resource-intensive candidate-centered campaigns of U.S. politics, women among the top leadership ranks of the parties may push for greater resources in contested races with women candidates.

Gender quotas do reify differences between men and women. However, traditionally “gender blind” approaches to women’s underrepresentation have not created the equal opportunities they promise. In political systems where prescriptions for women’s numerical underrepresentation merely call for incremental change based on women’s educational and professional gains, such as in the United States, women’s numbers in the national legislatures lag far behind those where direct steps are taken. At the current rate, it will take decades to see anything approaching equal presence for women.

Will quotas lead to fundamental transformations in party or parliamentary culture? Not necessarily. Will quotas deliver policy changes that enhance women’s opportunities and lives? More than likely. Women’s faces in the halls of parliament may not spontaneously generate a “women-friendly” environment, nor comprehensive substantive changes. However, bringing in the perspectives of women to the decision-making process enhances the chances for real change. More women means greater odds that the issues that affect women’s lives disproportionate to men’s will be debated among political decision makers.

Several cross-national and country-specific studies support this proposition. In the United States, Carroll’s (2002) in-depth interviews with women in Congress reveal that these women most often share a group identity and carry a responsibility to represent women’s interests. Similarly, research on the U.S. Congress finds that female legislators raise new issues that are important to women as a group (Dodson et al. 1995), and that they demonstrate greater commitment to these issues in the legislative process, even after controlling for their partisan affiliations

(Swers 2002). When and where women's presence is stronger, this group consciousness may have a substantive impact. In the United States, Sue Thomas (1994) shows that when women constitute 20% of the state legislature, the legislature is more likely to pass bills concerning women. In a survey of party politicians in five Scandinavian countries, Lena Wangnerud (2000) finds that the majority of respondents indicate that their party altered its issue position at least once in direct response to the presence of female legislators among them. In another example, in Norway, which is a world leader in women's representation, Kathleen Bratton and Leonard Ray (2002) find that at the municipal level, the proportion of women elected is positively related to the percentage of children in state-funded child-care facilities.

Admittedly, gender quotas can be used by political parties as mere rhetorical symbols designed to attract more votes. The finding that quotas often spread among parties within a country and to the national level in a process of "contagion" (Baldez 2004; Matland and Studlar 1996) suggests that quotas may be more of an election strategy than a real reflection of a party's support for women's parliamentary presence. However, quotas may be adopted for one reason but have broader, unintended consequences. Once women have gained power, it is difficult to take it away, and women will become entrenched power holders. Achieved gains mark a new standard, or norm, upon which parties can be held accountable in the future. Heightening women's presence in parliament—even when they are labeled "quota women" by some—shapes our collective perceptions of what political leaders should look like, where women's place is, and by changing expectations, encourages a greater number of young women to enter party politics and run for elected office.

In short, then, in addition to their practical efficiency, gender quotas and the increase in women's parliamentary presence that quotas achieve also have ideational, or normative, effects. In their study of the "rising tide" of women's equality around the world, Ronald Inglehart and Pippa Norris (2003) argue that cultural change is necessary for institutional change. Attitudes surrounding women's roles shape the kinds of policies that are adopted. Indeed, changes in attitudes and values underpin women's advances toward greater equality—formal rules are not sufficient. However, formal rules and informal cultural norms mutually reinforce each other. In this way, gender quota policies can act as mechanisms for bringing women immediate gains in parliamentary seats, and can also reshape attitudes, values, and ideas towards women's roles in

politics long after the quotas have expired. So even where general attitudes toward quotas might be overtly hostile, the adoption of this policy may in itself alter attitudes toward women's representation over the long term.

In addition to creating new standards regarding what is appropriate for women's parliamentary presence within countries, gender quotas can be a powerful symbol for democracy and justice beyond national borders. Gender quotas represent practical means for achieving the democratic ideal of inclusion. Where democracies adopt gender quotas for candidates or within the political parties, those quotas and women's presence can serve as a peg upon which women in newly emerging democracies hang their claims for equitable representation. As such, gender quotas may enhance the opportunities for women's political empowerment globally.

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The Desirability of Gender Quotas: Considering Context and Design

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October 3, 2005, marks a dozen years since Argentina started the quota ball rolling via the first use of gender quota legislation applying to all parties for the election of national legislators.¹ For the October 3, 1993, Argentine Chamber of Deputies election, all political parties were required to present closed party lists on which women accounted for a minimum of 30% of the candidates, and furthermore, a comparable proportion of these women had to be placed in "electable" positions on the lists (Jones 1996). Although the initial implementation process was not free of problems (Durrieu 1999), in a short time the gender quota became an established fixture of the Argentine political system. The impact of the quota legislation on the representation of women in the Argentine congress was nothing short of dramatic, with women now accounting for 34% and 44% of the seats in the Argentine Chamber of Deputies and Senate, respectively, a marked contrast to the situation prior to the adoption of the quota legislation, when women on average held a mere 5% of the seats in both legislative bodies.

Over the past dozen years, a host of other countries have adopted quota legislation. While the effectiveness of this quota legislation in enhancing the presence of women in the legislature has varied, with far more negative than positive experiences (Htun and Jones 2002; Krook 2005), we can identify several other "success" stories, such as Belgium (Meier 2004), Costa Rica (Jones 2004), and Mexico (Baldez 2004). Here, however, my goal is not to explain the success or failure of different forms of quota legislation, or to analyze the effect of increases in the number of female legislators on public policy. Instead, I will endeavor to answer the three questions posed by the editors for the authors in this Critical Per-

1. Prior to this date, the world's experience with quotas had been limited to intraparty quota rules and token reserved seats. For a cogent discussion of the distinction between quota legislation, reserved seat legislation, and intraparty quota rules, see Norris (2001).

spectives on Gender and Politics section: 1) Are quotas a good idea? 2) Should more countries adopt them? 3) Should the United States consider them?

Are Gender Quotas a Good Idea?

My answer to this question is context and quota contingent. By context, I refer to existing barriers to women's equal representation in a country (or state or municipality). By quota, I refer to the specifics of the quota legislation being discussed.

Quotas are a good idea in instances where women are significantly underrepresented in proportion to their presence in the general population (i.e., approximately 50%).² This significant underrepresentation constitutes a very strong signal that there are cultural, economic, institutional, and/or societal factors that combine to unfairly limit women's access to equal representation in public office. And in virtually all instances, the only method that will redress this underrepresentation in the short or medium term is the adoption of effective gender quotas.

For example, a country like Denmark, which has neither a national quota law nor relevant political parties that possess intraparty quota rules (International IDEA and Stockholm University 2005), and yet where women account for 37% of the unicameral national legislature (Folketinget), is a place where I would suggest that the adoption of gender quotas is not a particularly good idea. On the basis of the current gender distribution of legislative seats, it would appear that significant barriers to the election of women legislators do not exist, and that the political costs of gender quota legislation outweigh the marginal representational benefits that would be achieved by this legislation.

In contrast, a country like Japan, which has neither a national quota law nor relevant political parties that possess intraparty quota rules (International IDEA and Stockholm University 2005), and where women account only for 7% of the national lower house (Shugiin), is a place where I would suggest that the adoption of gender quotas is a good idea. Clearly, the Japanese political system possesses a variety of cultural, economic, institutional, and/or societal barriers that combine to severely limit the election of female legislators.

2. I do not address the issue regarding what constitutes "significant" underrepresentation, since what is considered significant will depend in part on context-specific factors, such as age of the democracy, the status of women in society, political culture, etc.

As I mentioned, my response to this question also depends on the type of gender quota that is being proposed. All quota legislation is not equally effective in the goal of facilitating the election of a substantial proportion of female legislators (Htun and Jones 2002; Jones 2004; Krook 2005). The most effective quota laws generally contain all of the following features: placement mandates (in concert with closed party lists), a high minimum percentage of women candidates (or low maximum percentages for either sex), application to all legislative seats (and not, for instance, to only a modest proportion of the seats), the employment of quotas within a context of moderate-to-large multimember electoral districts (i.e., districts that elect a moderate to large number of legislators), and adequate enforcement of compliance with the quota legislation.³ Quota legislation that lacks one or more of these features often will be ineffective.

Quota legislation that is likely to be effective—that is, it will result in the election of a substantial proportion of women legislators—is a good idea. In contrast, quota legislation that is likely to be ineffective is not a good idea. The latter legislation will in most instances not have the desired effect (i.e., the election of a substantial proportion of female legislators). At the same time, it will allow the primarily male establishment to claim to have supported legislation to enhance women's representation (and, hence, not to feel as much pressure to support other legislation in the future that would be beneficial for women, perhaps even an effective gender quota law). It is also likely to weaken a country's most prominent feminist leaders (assuming they were key advocates of the adopted quota legislation), who, following election after election in which the proportion of women elected does not significantly increase, will be compelled to explain the quota legislation's failure to their constituents.

One caveat to the preceding statement that the adoption of ineffective quota legislation is a bad idea is the following. It is possible for quota activists to employ a two-stage quota legislation adoption strategy. Under this strategy, quota activists agree to the adoption of inferior legislation (the first stage) under the logic that at that point in time, they have two choices: the inferior quota legislation or no quota legislation at all. At the same time, the antiquota establishment is content with the ineffective legislation because it realizes that it will, in practice, not have a salient impact on the electoral process. Then, once this

3. Quota legislation can potentially be successful in concert with relatively small electoral districts, assuming an ideal configuration of the rules regarding placement mandates, minimum quota percentages, compliance, and seat allocation.

adopted quota legislation fails to have its “promised” effect of electing a significant proportion of women, quota activists can use the gap between the legislation’s “promise” of enhanced female representation and the legislation’s “reality” of limited female electoral gains to pressure the antiquota establishment, via the courts and public opinion, to adopt effective quota legislation (the second stage).

Should More Countries Adopt Gender Quotas?

The answer to this question follows directly from the discussion in the previous section. If a country finds itself in a situation where women are significantly underrepresented in its legislative bodies (national, state, municipal), and at the same time the type of quota legislation proposed is likely to be effective, then that country should by all means adopt quota legislation. Quota legislation represents the only method by which to substantially increase the percentage of female legislators in a country in the short to medium term.

If, on the other hand, a country finds itself in a situation where women are not significantly underrepresented in its legislative bodies, then that country should not adopt quota legislation. Similarly, even if a country finds itself in a situation where women are significantly underrepresented in its legislative bodies, but the quota legislation proposed is unlikely to be effective, then quotas are not a good idea (unless, perhaps, as part of a well-planned two-stage “bait and switch” strategy, such as that described in the previous section).

Should the United States Consider Adopting Gender Quotas?

The anemic representation of women in the U.S. House of Representatives (15%) and U.S. Senate (14%) is a national embarrassment. As of June 30, 2005, the Inter-Parliamentary Union’s ranking of women in the lower/unicameral legislature of the world’s nations placed the United States sixtieth (Inter-Parliamentary Union 2005). While this ranking is somewhat misleading, since several of the legislatures ranked ahead of the United States are oppressive dictatorships (e.g., Cuba) where the national legislature performs a purely decorative function and has scant political or policy relevance, the fact remains that the percentages of women in the U.S. House of Representatives and Senate are comparatively very low. Furthermore, this low level of female legislative presence is repeated in the country’s state legislatures where, as of 2005, a mere

average of 23% of state legislators were women, with the state with the greatest presence of female legislators (Maryland) possessing a legislature (General Assembly and Senate) in which only a third (34%) of the members were women (Center for American Women in Politics 2005).

This significant underrepresentation of women would at first glance make the United States an excellent candidate for gender quotas. Furthermore, the United States already has substantial experience with implicit racial and ethnic quotas, that is, majority-minority districts (Lublin 1999) designed to increase the descriptive representation of racial and ethnic minorities (principally African Americans and Latinos, but also Native Americans and Asian Americans).⁴ The United States also is not without experience with gender quotas, as the Democratic Party employs gender quotas for the selection of delegates to its quadrennial national convention. In 2004, the party's rules mandated that the rank-ordered closed party lists used for the election of delegates at the state/district level alternate women and men on the list (i.e., a zipper system).

However, unlike the case for the selection of delegates to the Democratic National Convention, all members of the U.S. House of Representatives and U.S. Senate are selected from single-member districts. In a similar vein, an overwhelming majority of U.S. state legislators also are chosen from single-member districts. Furthermore, the most popular electoral reform being advocated today in the United States (instant runoff voting/the alternative vote) would not alter the single-member district aspect of elections at the national, state, and local level.

Finally, the successful creation of majority-minority electoral districts depends in large part on residential housing segregation based on race and ethnicity. The lack of gender-based housing segregation, combined with the relative absence of gender-polarized voting, indicates that the majority-minority district model is not an option for the enhancement of women's representation in the United States. At the same time, the options of mandating that specific congressional districts only elect women or that a political party present a set of congressional candidates of which women represent a minimum percentage (e.g., no more than 67% of a party's U.S. House candidates can be of the same sex) are sufficiently at odds with political and constitutional reality in the United States that it is unrealistic even to consider them as potential remedies.

4. Although there is no legislation requiring majority-minority districts to be represented by legislators who belong to the minority group that is the majority (or plurality) in the district, empirically there are relatively few cases in which Anglos (or other nonmembers of the minority group) are elected in majority-minority districts (Lublin 1999).

In sum, while the United States clearly represents a case where women are significantly underrepresented in the country's most prominent legislative bodies, it is not a good case for the adoption of quotas, inasmuch as quota legislation is incompatible with the combination of the electoral rules (i.e., single-member districts) employed to select all national and most state legislators and the country's weak political party system in which individual politicians, not the national or state political parties, are the relevant political unit. In addition, any reform of the current single-member plurality (or majority runoff) districts employed for the election of all national and most state legislators is unlikely in the immediate future. And in any event, the most likely electoral reform (instant runoff voting) would not alter the single-member district nature of the system.

While the probability of the creation of multimember districts for the election of members of the U.S. House of Representatives and Senate is extremely unlikely in at least the short to medium term, quotas do represent a potential viable option for the United States at the state level in two rare instances: for the election of legislators to the handful of state legislative chambers that presently employ multimember districts for the election of a large percentage of their legislators (e.g., at least two-fifths of the chamber) and to the one state legislative chamber in which there exists a realistic (albeit still remote) possibility of adopting multimember districts along with a semiproportional form of seat allocation (i.e., cumulative voting).

Eleven state legislative chambers (10 lower houses and one senate) elect their members (in all cases more than half) from multimember districts (with the most common size for these districts being two legislators) (Squire and Hamm 2005).⁵ In these states, the adoption of effective quota legislation is eminently feasible. For example, legislation could be adopted that specifies that no more than 50% of the candidates in a district with an even number of legislators can be of the same sex (with a one-candidate gender difference allowed in districts with an odd number of legislators).⁶ However, in some of these chambers (where multimember districts are employed), quota legislation may not be advisable due to the

5. Two of the chambers (the Idaho House and the Washington House) possess two-member districts in which citizens cast a single ballot in two separate races within their district (i.e., the "post or place" system) (Squire and Hamm 2005). The remaining nine chambers employ the plurality rule, with voters allowed to vote for multiple candidates (but not allowed to cast multiple votes for the same candidate).

6. In a district that elects three members (or where a party has three candidates, if, for instance, it does not present a full slate), a party would have to present at least one female candidate, while in a district with five members, a party would have to present at least two female candidates, etc.

substantial proportion of women elected to office at present (without quota legislation), such as the Idaho House (36% female), Maryland House (35%), Arizona House (33%), and Vermont Senate (33%). In contrast, quota legislation would clearly be advisable in some of the other chambers, such as the South Dakota House (20% female), North Dakota House (19%), West Virginia House (18%), and New Jersey House (16%).

For instance, the New Jersey House (General Assembly), North Dakota House, and South Dakota House elect all of their members from two-member districts (every political party can nominate two candidates, and voters are provided with two, noncumulative, votes). If gender quota legislation were adopted, requiring each political party to nominate one person of each sex for elections in every district, the percentage of women elected would increase dramatically. This increase would be especially large in New Jersey, where in July 2005, only three districts had legislators from different parties (one Democrat and one Republican), while the 37 other districts had legislators from the same party (i.e., both were either Democrats or Republicans).⁷ Assuming that partisanship would continue to dominate vote choice more than would gender (which is the case in most instances), the adoption of a 50% quota would substantially increase (to somewhere between 35% and 50%) the percentage of women in the New Jersey General Assembly.

The other potential avenue for the implementation of effective quota legislation would exist in Illinois if the state returns to the use of cumulative voting to elect the members of its House of Representatives (between 1870 and 1980, the Illinois House was elected using cumulative voting). Under the proposed system, each district would elect three representatives. Were cumulative voting to be adopted in Illinois, political parties could be required (via the adoption of gender quota legislation) to present lists at the district level in which no sex accounted for more than 67% of the candidates, if the party runs three candidates, or 50% of the candidates, if the party runs two candidates. However, the adoption of quota legislation might not be considered necessary in Illinois at the present time, since women now account for 30% of House members, and the adoption of quota legislation, such as suggested here, would be unlikely to increase this percentage by more than 10% at best.

7. The adoption of similar legislation for the North Dakota House and the South Dakota House would likely have a comparable (though perhaps slightly weaker) effect on women's representation. As of July 2005, 36 of North Dakota's 47 two-member districts are represented by legislators from the same party, while 28 of South Dakota's 34 two-member districts are represented by legislators from the same party (one of South Dakota's districts is presently split into two single-member districts in order to create a majority-minority district for Native Americans).

Conclusion

Gender quotas are a good idea in principle. However, when considering the adoption of gender quotas in a country, state, or municipality, the context of women's representation and the details of the quota legislation to be adopted (including how it interacts with the existing electoral rules) are of paramount importance. Quotas are only a good idea in the context of significant underrepresentation of women in the targeted legislative bodies, combined with quota legislation that is likely to be effective (i.e., to result in a substantial increase in the percentage of women elected). Absent a significant underrepresentation of women or quota legislation that is likely to be effective, quotas are in most instances not a good idea, since either they are unnecessary or they are destined to fail to result in a noteworthy increase in the percentage of women elected.

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