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**Resistance**  
to Gender Quotas  
in Latin America

MALU A. C. GATTO

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*This one is for me.*



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# Abbreviations

ADI	<i>Ação Direta de Inconstitucionalidade</i> (Direct Action of Unconstitutionality)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEPAL	<i>Comisión Económica para América Latina y el Caribe</i> (Economic Commission for Latin America and the Caribbean)
CFEMEA	<i>Centro Feminista de Estudos e Assessoria</i> (Feminist Center for Study and Consulting)
CLPR	Closed-List Proportional Representation
CMF	<i>Centro de Mujer y Familia</i> (Center for Women and Family)
DEM	<i>Democratas</i> (Democrats)
EC	<i>Emenda Constitucional</i> (Constitutional Amendment)
ENP	Effective number of parties
Ibrade	<i>Instituto Brasileiro de Direito Eleitoral</i> (Brazilian Institute of Electoral Law)
IGQS	Index of Gender Quota Strength
INAMU	<i>Instituto Nacional de las Mujeres</i> (National Institute for Women)
INESC	<i>Instituto Nacional de Estudos Socioeconômicos</i> (National Institute for Socioeconomic Studies)
ML	<i>Movimiento Libertario</i> (Libertarian Movement)
ML	<i>Partido Movimiento Libertario</i> (Libertarian Movement Party)
OLPR	Open-List Proportional Representation
OLS	Ordinary Least Squares
PAC	<i>Partido Acción Ciudadana</i> (Citizen Action Party)
PAN	<i>Partido Acción Nacional</i> (National Action Party)
PCdoB	<i>Partido Comunista do Brasil</i> (Communist Party of Brazil)
PDC	<i>Partido Demócrata Cristiano</i> (Christian Democratic Party)
PDT	<i>Partido Democrático Trabalhista</i> (Democratic Labor Party)
PEC	<i>Proposta de Emenda Constitucional</i> (Proposal for Constitutional Amendment)
PFL	<i>Partido da Frente Liberal</i> (Liberal Front Party)
PL	<i>Projeto de Lei</i> (Law Proposal)
PLN	<i>Partido Liberación Nacional</i> (National Liberation Party)
PMDB	<i>Partido do Movimento Democrático Brasileiro</i> (Brazilian Democratic Movement Party)
PNR	<i>Partido Nueva República</i> (New Republic Party)
PODE	<i>Podemos</i> (“We can” Party)
PPB	<i>Partido Progressista Brasileiro</i> (Brazilian Progressive Party)
PPD	<i>Partido por la Democracia</i> (Party for Democracy)
PPS	<i>Partido Popular Sindicalista</i> (Syndicalist Popular Party)



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PR	<i>Partido Republicano</i> (Republican Party)
PR	<i>Partido Radical</i> (Radical Party)
PRN	<i>Partido Restauración Nacional</i> (National Restoration)
PRSD	<i>Partido Radical Sociodemócrata</i> (Radical Social-Democratic Party)
PS	<i>Partido Socialista</i> (Socialist Party)
PSB	<i>Partido Socialista Brasileiro</i> (Brazilian Socialist Party)
PSC	<i>Partido Social Costarricense</i> (Costa Rican Social Party)
PSD	<i>Partido Social Democrático</i> (Social Democratic Party)
PSDB	<i>Partido da Social Democracia Brasileira</i> (Brazilian Social Democracy Party)
PSOL	<i>Partido Socialismo e Liberdade</i> (Socialism and Liberty Party)
PT	<i>Partido dos Trabalhadores</i> (Workers' Party)
PTB	<i>Partido Trabalhista Brasileiro</i> (Brazilian Labor Party)
PTN	<i>Partido Trabalhista Nacional</i> (National Labor Party)
PUSC	<i>Partido Unidad Social Cristiana</i> (Christian Social Unity Party)
PV	<i>Partido Verde</i> (Green Party)
RN	<i>Renovación Nacional</i> (National Renewal Party)
SERNAM	<i>Servicio Nacional de la Mujer</i> (National Women's Service)
SPM	<i>Secretaria de Políticas para Mulheres</i> (Secretariat for Women's Policies)
STF	<i>Superior Tribunal Federal</i> (Superior Electoral Tribunal)
TRE	<i>Tribunal Regional Eleitoral</i> (Regional Electoral Tribunal)
TSE	<i>Tribunal Superior Eleitoral</i> (Superior Electoral Court)
TSE	<i>Tribunal Supremo de Elecciones</i> (Supreme Electoral Tribunal)
UCC	<i>Unión de Centro Centro</i> (Union of the Centrist Centre)
UDI	<i>Unión Demócrata Independiente</i> (Independent Democratic Union)
UN	United Nations

# 1

## Introduction

It was 11 p.m. in London and 7 p.m. in Brasília when I logged into a meeting organized by the *Frente pelo Avanço dos Direitos das Mulheres* (Front for the Advancement of Women's Rights)—a network of representatives from over 150 civil society organizations and academic institutions. The topic of discussion: The electoral reform—and the opportunity to advance demands that could make the gender quota law more effective in increasing women's political representation in Brazil. Although taking place on July 19, 2021, the points being raised in the meeting were not new; had it not been for the fact that we were convening over Zoom—a platform that had become popularized during the Covid-19 pandemic that began in 2019—much of that evening's discussion could have taken place in 1995 when Brazil first adopted a gender quota. Although more than 25 years had passed between Brazil's gender quota adoption and this Zoom meeting, the concerns political scientists and activists raised on the call remained the same as those with which quota proponents contended in 1995: How to convince a men-majority legislature to adopt provisions that could harm their career prospects?

Scholars have long identified the desire to retain office as the primary goal of politicians (Downs 1957; Fenno 1977; Mayhew 2004). Across time and contexts, myriad studies have also shown that incumbents use the information and tools at their disposal—including electoral reform—to maximize their political power (Nohlen 1984; Sartori 1968; Shugart and Taagepera 1991). Said rational, office-seeking politicians, however, have sometimes adopted policies that apparently go against their most commonly associated goal of retaining political office. This is the case of gender quotas.

Gender quotas for political office take many forms, but most often, they define a share of legislative candidacies to be reserved for women. As positive discrimination in favor of women candidates, gender quotas limit candidacy space for men. Perhaps more than any other kind of electoral rule, gender quotas are thus explicit about who is set to win and lose from their adoption (Celis, Krook, and Meier 2011). As an institution meant to address the underrepresentation of women, gender quotas are also necessarily adopted when men legislators—some of whom are set to be displaced by the policy—are in

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the majority. As a policy that seemingly goes against the interests of the very actors with the power to advance (or bar) electoral change, gender quotas should be rare.

Despite this, the year 2021 marked three decades since pioneering gender quota legislation was enacted in Argentina and soon spread throughout Latin America and other regions of the world. Currently present in the form of legislated national policies in over 85 countries (Coppedge et al. 2023), the adoption of gender quotas is now more common than most other types of electoral reform (Freidenberg and Dosek 2018, 44; Josefsson 2020, 35). In fact, some authors characterize the emergence and diffusion of gender quotas worldwide as “one of the most significant institutional developments of the last 30 years” (Bush and Zetterberg 2021, 326). But how has this happened? In other words, under what conditions are (men<sup>1</sup>) legislators more likely to support the adoption of gender quotas—a policy that goes against their career interests?

Reconstructing three decades of power struggles over quota policymaking in Latin America, I argue that men legislators are more supportive of gender quotas when opposing the policy also imposes potential costs to their future career prospects—a scenario that has implications for the timing, strength of design, and length of the quota policymaking process. In short, the book conveys that men incumbents prefer not to change the institutional status quo but that when opposing quotas potentially imposes reputational costs to legislators’ standings with their parties and voters, men legislators assent to quota adoption and exert their career-oriented preferences through other means: By weakening gender quota designs and mitigating the policy’s likelihood of displacing them.

This argument relies on the assumption that, similarly to other electoral rules, gender quotas can impact the career prospects of (at least some) legislators. As with other types of electoral laws, incumbents’ behavior toward gender quotas should, thus, be driven by their career interests. Unlike other electoral rules, however, gender quotas have explicit normative value: They seek to promote gender equality in political office (Krook 2004, 2006a; Piscopo 2015) and may thus be favored by parties and voters. Gender quotas, therefore, stand as a unique type of policy that constrains men legislators’ behavior in opposite directions. On the one hand, a system of career incentives may drive men to rationally fear the adoption of quotas; on the other

<sup>1</sup> In this book, distinguishing legislators based on their gender is theoretically relevant. While in Portuguese or Spanish I could easily make this distinction by speaking of “*legisladoras*” and “*legisladores*,” the same is not possible in English. Following developments in the gender and politics scholarship, I employ *women* and *men* to identify legislators’ gender.

hand, parties' and voters' commitments to quotas may limit individual legislators' ability to overtly oppose the policy without incurring reputational costs with actors that can reward or punish them for their behavior in office. These conflicting incentives have implications for how legislators can oppose gender quotas—and, conversely, the conditions under which they assent to the policy's adoption.

Empirically, my argument translates into the strategic behavior of (men) legislators in policymaking. Specifically, in exploring how legislators agree to adopt gender quotas while seeking to protect their career interests, I show that in the absence of situations that impose costs to their standing with party leaders and voters, (men) legislators prevent changes to the status quo by shelving quota proposals and delaying their advancement in the legislative process. Meanwhile, when situations that potentially impose costs to their reputation with party leaders and voters arise—namely when quota proposals are logrolled into more extensive reforms that are underway and being put to a public vote—(men) legislators adapt their strategies and work to weaken gender quota designs in background meetings and settings that do not tend to get much public attention (e.g., committee meetings or plenary sessions) ahead of voting in favor of the policy's approval in public-facing roll-calls. Legislators' career-driven opposition to quotas produces “laws on paper” only (Wylie and dos Santos 2016). In the face of legislators' resistance, the strengthening of gender quota designs is gradual and largely dependent on the opening of new windows of opportunity for logrolling and/or the intervention of actors whose careers would be unaffected by quota adoption (such as judges from electoral courts).

In providing a legislator-focused explanation of gender quota policymaking, I offer a complementary answer to the question of why men-majority legislatures adopt gender quotas—a puzzle that has been posed by various scholars and motivated a large body of work (e.g., Baldez 2004; Bergqvist, Bjarnegård, and Zetterberg 2016; Bjarnegård and Zetterberg 2014; Catalano Weeks 2018; Celis, Krook, and Meier 2011; Dahlerup and Freidenvall 2011; Driscoll and Krook 2012; Krook 2016; Tan 2016; Valdini 2019).

Existing scholarship has provided detailed explanations of how the influence of international organizations and transnational diffusion (Bush 2011; Krook 2006b; Norris and Dahlerup 2015; Piatti-Crocker 2019), the demands of women's groups (Banaszak, Beckwith, and Rucht 2003; Bruhn 2003; Jenson and Valiente 2003; Krook 2010; Tan 2016), as well as pressures from parties and their leaders (Baldez 2004; Catalano Weeks 2018; Caul 2001; Caul Kittilson 2005; Josefsson 2020; Kjerulf Dubrow 2011; Murray 2010; Valdini 2019) and women legislators (Araújo 2003; Baldez 2004; Caminotti

2014; Gray 2003; Jones 2009; Krook 2007, 2010; Piscopo 2006, 2015; Sacchet 2005) have resulted in cases of quota adoption. In other words, this literature has emphasized how pressures from key actors have facilitated the passing of legislation.

Fewer works, however, have been dedicated to explicitly examining whether the adoption of gender quotas violates predictions of endogenous electoral change—whereby legislators are only expected to reform institutions that can strengthen their electoral advantage or, at least, minimize predicted losses (Celis, Krook, and Meier 2011; Driscoll and Krook 2012). For example, while many authors emphasize the many strategic reasons for which *parties and their leaders* may choose to adopt gender quotas (Baldez 2004; Catalano Weeks 2018; Josefsson 2020; Murray 2010; Murray, Krook, and Opello 2012; Valdini 2019), they also admit that the interests of party leaders may be at odds with those of the average legislator. The agency of men legislators in the decision-making process leading to quota adoption thus remains an underexplored area in an otherwise rich body of literature.

By centering the analysis on (men) legislators, this book distinguishes between the interests of different types of actors involved in the policymaking process and reveals the strategies that different groups of actors take in the face of dissimilar levels of power over policymaking. In so doing, it shows that while parties' and voters' commitments to quotas may restrict the actions of (men) legislators toward adoption, men's majority status in legislatures still gives them substantial bargaining power over the policymaking process with consequences for the timing of quota adoption, strength of the policy's design, and length of the process of policymaking. Because one of the implications of (men) legislators' strategic resistance to gender quotas is the lengthening of quotas' policymaking processes, the passage of time since original quota adoptions allows for a more complete assessment of legislators' resistance to quotas.

The thirtieth anniversary of pioneering gender quota legislation in Latin America thus offers a propitious opportunity to elucidate the obstacles to the adoption and strengthening of a policy that is now internationally recognized for “fast-tracking” women's elections, transforming the face of democratic representation around the world (Dahlerup and Freidenvall 2005), and inspiring a new set of initiatives to promote diversity in elected office (Freidenberg 2022a).

In the past three decades, the proliferation of gender quotas was met with great scholarly attention to the institution, so this also presents an opportunity to review this vast literature and highlight its essential contributions to political science. In this spirit, in the following two sections, I detail what

gender quotas are and briefly review what we know about the policy's adoption. Then, I summarize my argument before introducing the evidence I employ to test it. Finally, I outline the book's structure and highlight my main findings and contributions.

## Thirty years of gender quotas

As a type of policy meant to disrupt men's dominance in leadership by guaranteeing space for women, gender quotas stand at the forefront of instruments designed to engender institutions and challenge their masculinist bias (Mackay and Krook 2011; Mansbridge 2005). The policy can (and has been) applied to address gender gaps in leadership across numerous settings, including corporate boards (Hughes, Paxton, and Krook 2017). Still, gender quotas have been particularly prominent in politics, especially legislatures.

When applied to elected office, quotas aim to promote women's political representation by setting a recruitment target for women candidates or elected officials, thus forcing party leaders to reach out beyond their traditional candidate pools. Scholars and practitioners generally identify three types of gender quotas for political office: (1) Voluntary party quotas, whereby individual parties voluntarily adopt gender as a criterion to guide internal candidate selection processes; (2) reserved seats, a legislated provision setting aside a proportion of seats for women before elections take place; and (3) legislated candidate quotas, whereby the law mandates all parties to nominate a nationally established proportion of women to their candidate lists (Dahlerup 2005; Krook 2010).

Voluntary party quotas are normative pledges that parties establish for themselves. Often the directive of select party leaders, the establishment of voluntary party quotas most commonly does not require the approval of all party members. In addition, as a policy internal to parties, the implementation of voluntary party quotas is not formally monitored by external actors, so although some parties may display high levels of commitment to the policy (Freidenvall 2018), compliance may vary widely (Caul 2001). In contrast, reserved seats and legislated candidate quotas are statutory policies applied to all parties in a given geographical/electoral unit. Reserved seats guarantee that a particular share of women occupies legislative office, but adopting this type of policy often does not threaten incumbents: Instead of rationing the number of seats available, elections for reserved seats are often (but not always) held separately from elections for general seats, thus representing additional legislative positions (International IDEA 2022). Meanwhile,

legislated candidate quotas cannot guarantee women's election, but they limit the number of candidacy nominations available to men in party lists.

After decades of experience with voluntary party quotas,<sup>2</sup> in 1991, Argentina took the lead<sup>3</sup> in advancing women's political representation in the world by adopting a national piece of legislation that mandated all parties to reserve 30 percent of candidate nominations to the lower house of its legislature for women (Archenti and Tula 2013; Caminotti 2014). This "take-off" prompted a first wave of legislated quota adoptions worldwide (Piatti-Crocker 2019). By 2000, 25 countries had adopted national quotas, 11 of which were in Latin America (Hughes et al. 2017, 2019, 231).

While earlier quotas followed the logic of "critical mass" to establish reservations of 20 percent to 30 percent of positions in candidate lists for women, parity laws—quotas that establish that 50 percent of posts should be reserved for candidates of either sex and that are often justified from a perspective of justice (Piscopo 2015)—are now increasingly common. By 2021, 30 years since Argentina's pioneering adoption of a national-level legislated candidate quota, 65 countries had adopted this type of policy—20 of which were parity laws. In addition, more than 20 others had adopted reserved seats for women (Coppedge et al. 2023; International IDEA 2022), as shown in Figure 1.1.

Given their potential to significantly increase the presence of women in elected office (e.g., Caul Kittilson 2005; Htun and Jones 2002; O'Brien and Rickne 2016; Piscopo and Franceschet 2012; Tripp and Kang 2007; Tula 2018), gender quotas have often been characterized as the institutionalization of gender equality (Franceschet and Piscopo 2013, 310; Verge 2012, 396). Thus, they seem part of a positive-sum game—a situation in which desirable outcomes are achieved for the benefit of all (Phillips 1995, 63). Yet political positions are finite, so at the core of quotas rests a zero-sum outcome, wherein one group benefits *because* another group loses (Celis, Krook, and Meier 2011; Driscoll and Krook 2012; Valdini 2019, 9).

In general, because they have the power to shape the outcome of elections, changes to electoral rules—such as the adoption of a gender quota—can disturb the stability of the status quo. Maintaining the set of rules that allowed them to enter politics in the first place is what often safeguards

<sup>2</sup> In 1951, just a few years after contributing to the debate on women's suffrage in Argentina (enacted in 1946), Eva Perón used her political influence to establish an *informal* gender quota to guide the candidate recruitment of the governing Peronist Party (Jones 2009).

<sup>3</sup> The 30 percent reservation has led many authors to characterize Argentina as the pioneer of gender quotas as a national policy. In 1990, however, Nepal adopted a 5 percent candidate quota for women (Hughes, Krook, and Paxton 2015). Many years before, in the early 1950s, Taiwan also instituted a 10 percent quota (of reserved seats) for women (Huang 2015).



**Fig. 1.1** The global presence of gender quotas by type of policy (2021)

Source: Compiled by the author with data from V-DEM (Coppedge et al. 2023), developed by Hughes et al. (2019). Data is available for 172 countries.

incumbents and enables them to keep their political status. The risks involved in electoral reform make changes costly to politicians. Based on this logic of self-preservation, electoral reform should be scarce and only enacted when insiders can use institutional changes to minimize (or altogether avoid) losses prompted by external threats (Boix 1999; Colomer 2005; Nohlen 1984; Riker 1986; Shugart and Taagepera 1991). Although all electoral rules may benefit specific groups at the cost of others, gender quotas are explicit about this goal. The spread of gender quotas worldwide, at face value, thus seems to challenge expectations about legislators' rationality-driven behavior.

## Gender quota adoption: What do we know so far?

The scholarship on gender quotas is vast and offers rich cross-national and in-depth insights into the many factors that have facilitated the adoption of gender quotas worldwide. This literature identifies two main exogenous factors—*international norms/transnational diffusion* and *women's groups*—as essential sources of pressure shaping demand for the policy. In analyzing the role of actors with direct power over policymaking, scholars have also pointed to the roles of *party leaders* and *women legislators* in sponsoring gender quotas while strategically advancing their normative commitments and strategic interests (Franceschet, Krook, and Piscopo 2012, 5; Krook 2010, 20–35).



## International norms and transnational diffusion

Domestic policy innovation rarely takes place in a vacuum. Countries learn from one another and are inspired by, or even closely imitate, policies implemented by their neighbors. Processes of information-sharing and learning—reinforced by debates and agreements established in international meetings and regional conventions—can thus diffuse a particular type of policy across borders (Gilardi 2010). The popularity of gender quotas is, at least in part, a consequence of processes of diffusion and learning legitimized by international values that emphasize an agenda of gender equality (Towns 2012).

Because states with common borders often share similar cultural and institutional arrangements, neighboring countries are more likely to influence each other (Swiss and Fallon 2017), and policy diffusion generally follows geographical patterns (Baptista 2000). The observable consequence of this process is the emergence of policy clusters. As depicted in Figure 1.1, with quotas, this is visible in the geographic concentration of policy types: Voluntary party quotas are the most common in European countries; reserved seats are concentrated in the Middle East, Africa, and Asia; and legislated candidate quotas are modal in Latin America (Dahlerup 2005, 6–8; Krook 2010, 27–28).

As attested by cross-national studies on quota adoption, international organizations have played a critical role in fostering the spread of the policy around the globe (Hughes, Krook, and Paxton 2015; Swiss and Fallon 2017). More specifically, the United Nations (UN) and other international bodies (such as the Inter-Parliamentary Union), along with transnational regional organizations (such as the African Union, the European Union, and the Organization of American States), have been instrumental in establishing women's political empowerment as a global priority. International meetings, such as those that resulted in the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action (1995), have not only increased consensus about the need for domestic governments to promote greater gender balance in public office but have also disseminated recommendations for how to reach this goal (Baldez 2011; Bush 2011; Krook 2006b; Norris and Dahlerup 2015; Piatti-Crocker 2019).

By issuing official declarations and facilitating the exchange of know-how between policymakers from across the world, international actors have rendered gender quotas the “go-to” mechanism for addressing the gender gap in political representation worldwide (Krook 2006b, 309). This has had a particular impact on low- and middle-income countries. As Bush (2011) and Edgell (2017) show in their respective studies, countries' reasons for adopting

quotas include signaling their commitment to international norms of gender equality to improve perceptions of their democratic legitimacy and complying with the conditions of foreign aid interventions. Conversely, having a good international reputation may allow countries to circumvent international pressure for quota adoption, as in the case of Uruguay (Josefsson 2020, 31–32).

## Women's groups

Pressures for policy adoption may come not only from international and regional actors but also from domestic groups. In the case of gender quotas, women's groups have been vital in using their proximity to party leaders, particularly those from the left, to establish gender quotas as a key demand (Banaszak, Beckwith, and Rucht 2003; Bruhn 2003). For example, as Jenson and Valiente (2003) argue, in the cases of Spain and France, women's groups lobbied party leaders to institute internal party quotas and introduce bills proposing compulsory national quota legislation. Similarly, in South Korea and Taiwan, demands for gender quotas emerged from the mobilization of feminist groups (Tan 2016).

Women's organizations have not only increased the salience of demands for greater gender balance in political office but also been fundamental in seeking and providing relevant expertise, raising widespread awareness about the issue of women's underrepresentation within and outside of congressional rooms, and shaming legislators who did not support their proposals for gender quotas (Hughes, Krook, and Paxton 2015; Krook 2010; Sacchet 2008). As Kang and Tripp's study of 50 African countries shows (2018), when women's organizations form coalitions in favor of quotas, governments become more likely to adopt the policy—and do so faster.

In contrast, a lack of apparent demand from civil society can hamper mobilization (García Quesada 2003). While most studies highlight the importance of women's groups in pushing for the adoption of quotas, on a few occasions, women's groups have presented the most vigorous opposition to the policy. Arguing that quotas go against the premises of meritocracy and women's empowerment, some women's groups have positioned themselves against using the policy as a solution to women's underrepresentation (Krook 2004; Murray 2014; Sacchet 2012). Organizations that oppose gender quotas may signal to policymakers that civil society is fragmented, lowering their power to influence the policymaking process with negative consequences for quota adoption, as was the case in Japan (Gaudner 2015).

## Political parties and party leaders

While pressures from international actors and domestic women's organizations have been significant in calling attention to gender gaps in representation and proposing quotas as a policy solution, adopting gender quotas requires that domestic political actors translate external demands into legislative action. One set of actors that have been important in shaping support for quotas is party leaders. As the authorities overseeing candidate selection and the distribution of party resources, party leaders can reward (or punish) legislators who follow (or do not follow) their directives (Anderson, Butler, and Harbridge 2016; Hazan 2014; Hix 2004). If party leaders decide that adopting gender quotas is in their interest, they can whip legislators from their party to vote in favor of proposals to adopt the policy (Barnes 2016, 116).

Adopting national-level quota legislation may align with party leaders' ideological or strategic interests. Due to their public commitments to promoting gender equality, closer ties with women's movements, and greater likelihood of having women in their directorates, left-wing parties are generally under higher pressure to initiate processes of quota adoption (Catalano Weeks 2018; Kjerulf Dubrow 2011; Sacchet 2005; Verge 2012). Before the adoption of national legislation, left-wing parties are also more likely than others to have internal quotas to guide their candidate selection (Caul 2001) and to nominate more women candidates (Lovenduski and Norris 1993, 320). Therefore, besides being normatively aligned with these parties' values, it is likely that a national gender quota would, on average, be less impactful to the candidate recruitment processes of left-wing parties than to the candidate selection strategies of centrist and right-wing parties.

Although left-wing parties are likely to trigger the process of quota adoption—as in the case of South Africa (Hassim 2002)—reputational concerns and electoral competition can motivate other parties in a given system to also support quota adoption (Josefsson 2020, 191). Mainly when electoral uncertainty renders women's electoral support crucial (Catalano Weeks 2018; Caul Kittilson 2005), parties that do not have internal quotas may not want to publicly oppose a national policy and risk becoming perceived as less women-friendly than their competitors (Bruhn 2003; Hassim 2002; Matland and Studlar 1996; Meier 2004). This is the case of France, where party leaders have supported gender quotas in response to concerns about the reputational consequences of publicly opposing the policy and from the notion that advancing a quota could give them an electoral advantage over their competitors (Murray 2010, 41; Murray, Krook, and Opello 2009, 2012).

Party leaders may also use the adoption of quotas in other strategic ways. For example, as Catalano Weeks' work (2018) covering the cases of Belgium,

Austria, Portugal, and Italy shows, beyond seeking to maintain the support of women voters when left-wing competitors emerge, parties may adopt quotas in an attempt to reclaim power over candidate selection and resolve intra-party competition. In contexts of re-democratization, where parties want to signal their commitment to democratic principles but face electoral uncertainty, adopting gender quotas may also allow party leaders to democratize the candidate-selection process while maintaining oversight over nominations—as was the case in Mexico (Baldez 2004). Furthermore, party leaders may adopt gender quotas as a crisis-management strategy in the aftermath of corruption scandals or amidst crises of democratic legitimacy to signal a commitment to change and appeal to traits generally stereotyped as feminine, such as honesty (Valdini 2019). Conversely, as Josefsson (2020) shows in the case of Uruguay, political elites seeking to maintain the status quo may also adopt myriad strategies to resist quota adoption.

Because of their power to whip legislators from their party to vote according to their orientation, party leaders are essential actors in policymaking processes. But as some scholars show, parties' internal quotas do not necessarily signify members' unanimous support for the policy, with strong resistance taking place even within parties known for leading efforts on quota adoption (Macaulay 2009, 62). The strategic use of quotas by party leaders highlights one crucial characteristic of these actors: Party leaders are not the average legislator; their positions of power within their respective parties mean that their career prospects are not as vulnerable as those of average legislators, whose future careers often depend on the decisions of party leaders. The work of Catalano Weeks (2018) makes this evident: Party leaders' use of quotas to resolve conflicts over candidate nominations is a strategy that benefits party leaders but has negative implications for the career interests of (at least some) legislators. As Baldez claims: "Candidate quotas benefit particular groups and strengthen, or at least consolidate, the power of party leaders relative to candidates" (2004, 234). In other words, a party leader's stance on quotas may not reflect their members' interests; on the contrary, the preferences of party leaders may impose direct threats to the careers of legislators.

## Women legislators

The influence of party leaders over their members' legislative behavior does not mean that legislators are powerless in policymaking. Indeed, another set of actors with power over policymaking is legislators. But the adoption of a gender quota can disrupt the status quo and pose a threat to the careers

of incumbents. This expectation rests at the core of the puzzle of gender quota adoption; however, gender quotas do not pose equal risks to the career prospects of *all* legislators. In particular, the adoption of gender quotas may directly benefit one set of legislators: Women.

Unlike their men counterparts, nominating women incumbents helps parties comply with quota requirements. As insiders to parties before quota adoption, women incumbents provide the most natural pool of candidates for parties' compliance with quotas. Gender quotas can, at a minimum, increase the likelihood that women incumbents are re-nominated (Valdini 2019, 9). Depending on the design of gender quotas, the policy may not only safeguard women's nominations but also ensure the preferential allocation of critical resources, including high placement in candidate lists or access to campaign funds. On average, the adoption of quotas is thus expected to benefit women incumbents but be a detriment to the career prospects of men (Driscoll and Krook 2009, 2012).

Besides having an electoral incentive to do so, women's support for gender quotas may also be the product of expectations of substantive representation. Regardless of their ideology, women legislators are expected to more actively represent "women's interests" (Bergqvist, Bjarnegård, and Zetterberg 2016). While various issues related to gender equality (e.g., sexual and reproductive rights) may be at odds with conservative and right-wing ideologies (Htun and Weldon 2010), promoting women's political representation is not dogmatic.

Anticipated electoral benefits and expectations to legislate in the "interest of women" increase women legislators' incentives to advocate for the policy. In an analysis of 12 established democracies over time, Caul (2001) finds that the proportion of women activists within party structures is correlated with the likelihood of their respective parties to support and adopt gender quotas. Indeed, various studies show that, across different contexts, the role of women legislators has been critical to quota adoption. In an overwhelming number of cases, women legislators were the first to introduce and sponsor gender quota bills (e.g., Caminotti 2014; Jones 2009; Krook 2010; Piscopo 2006; Sacchet 2005) and to proactively negotiate for their approval (Piscopo 2015). For example, covering the case of quota adoption in Brazil, Araújo (2003) attests to women's important role in persuading their men colleagues, especially party leaders, to support quota proposals.

The non-dogmatic nature of gender quotas has also increased women's bargaining power in policymaking processes, as it has allowed women from across the ideological spectrum to work together to increase the number of sponsors of gender quota bills (Baldez 2004). Across cases, scholars identify

the cross-partisan efforts of women legislators in backing quotas as a major force in advancing the policy's adoption (Baldez 2007; Gray 2003; Josefs-son 2020, 160; Krook 2007, 2010, 29) and their subsequent reforms (Piscopo 2015).

Women's needs to increase their bargaining power through cross-partisan women coalitions highlights an important characteristic of gender quota policymaking: For gender quotas to be entertained as a policy solution, the problem it proposes to solve needs to be in place; the problem, of course, is women's underrepresentation. At the time of quota adoptions, women necessarily hold a minority of legislative seats—and, thus, comparably less power over policymaking (Barnes 2016, 79, 177; Valdini 2019, 13–14). So, how do the majority of legislators (i.e., men) react to gender quota proposals?

## The argument in brief

Although existing explanations successfully identify the actors that promote or demand gender quotas, they cannot, on their own, explain (men) legislators' behaviors in gender quota policymaking. Two sources of pressure identified (international norms/transnational diffusion and women's groups) lie outside the legislative domain and thus lack direct power over the policymaking process. Party leaders and women legislators, however, *do* represent actors with direct influence over the legislative process.

But explanations relying on the actions of party leaders and women legislators are also incomplete. The determinants of party leaders' policy concerns may significantly diverge from that of regular legislators. For example, party leaders' support for gender quotas may be the product of concerns about the consequences of publicly opposing a policy with an explicitly normative value or of the calculation that the policy could give their party an electoral advantage over their competitors (Murray, Krook, and Opello 2009, 2012). Party leaders may also use quotas to strategically remove men party members and resolve intra-party nomination conflicts (Catalano Weeks 2018)—motivations that reasonably go against the interests of (at least some) legislators. In other words, party leaders' electoral incentives may be substantively distinct from those of legislators. Meanwhile, women only account for a small number of seats in legislatures when quotas are adopted, whereas approving a gender quota bill often requires a super-majority of votes. The role and agency of the average man legislator during processes of gender quota adoption thus remain largely unaddressed in the existing literature

(for an exception, see the work of [Fréchette, Maniquet, and Morelli \(2008\)](#) on France).

Similarly to other electoral rules, gender quotas can threaten legislators' abilities to hold onto their seats. Gender quotas have the potential to shape candidate recruitment and individuals' electoral competitiveness and, as such, can disrupt the status quo with negative consequences for incumbents. However, sitting legislators are not equally set to lose from quota adoption. As positive discrimination in favor of women, quotas are more likely to displace men while protecting women incumbents. Rationally, career-seeking men legislators should, thus, oppose gender quotas—as they would other electoral reforms that could threaten their future career prospects.

But opposing gender quotas could *also* be costly to the careers of legislators. Gender quotas' explicit goal of promoting gender equality in elected office differentiates it from other types of electoral rules—which, albeit may disproportionately benefit some groups over others ([Gallagher and Marsh 1988](#), 260; [Matland 1993](#)), are not overtly put into place with this goal. Although most often aligned with left-wing platforms, normative and strategic reasons may provide incentives for parties from across the ideological spectrum to promote the policy ([Bruhn 2003](#); [Hassim 2002](#); [Matland and Studlar 1996](#); [Meier 2004](#)). Be it due to values of equality in representation or the desirability of politicians with feminine traits, the electorate also tends to highly favor quota adoption ([Barnes and Córdova 2016](#); [Espírito-Santo 2016](#); [Peschard 2003](#)). Both party leaders and voters electorally reward (or punish) legislators for representing their interests while in office ([Anderson, Butler, and Harbridge 2016](#); [Hazan 2014](#); [Hazan and Rahat 2010](#); [Hix 2004](#)). Party leaders' and voters' support for quotas may thus increase the costs for legislators to oppose quota adoption. That is, gender quota adoption may pose a risk to legislators' careers, but albeit through a different mechanism, opposing a gender quota could also result in a similar prospect. This places legislators in a difficult policymaking position and has implications for when and how they oppose gender quotas.

When they can avoid incurring reputational costs with their parties and voters, men legislators whose careers are threatened by quota adoption resist the policy. Legislators' support for gender quotas only increases when the costs of opposing the policy rise, an occurrence that takes place when: (1) Party leaders take a stance on gender quotas and have greater oversight of their members' legislative behavior, and (2) legislators' behavior is most likely to become known to voters. In these circumstances, opposing a gender quota can negatively affect legislators' standing with their parties and/or voters. But legislators still have power over policymaking and work to protect



their careers by weakening the policy's design—a strategy that allows legislators to reduce or invalidate the policy's potential threats to their careers while still nominally signaling to their parties and voters their “commitment” to gender equality.

The strategic behavior of men legislators leaves empirically observable traces in quota-related policymaking processes, with impacts on the timing of adoption, strength of design, and length of the policymaking process. As this book documents, to avoid situations where their parties and voters may have greater oversight of their behavior, legislators delay debate on quota adoption by shelving bills or slowing their legislative progress. When debating the adoption of a gender quota becomes unavoidable—such as during processes of electoral reform when quota demands are logrolled into larger bills—legislators assent to quota adoption, but only after weakening the policy's design. Yet adopting a weak quota allows proponents to build onto an existing institution by proposing reforms to strengthen its design. Through slow, gradual, and lengthy legislative processes (at times accelerated by the intervention of non-legislative actors to whom the quota does not apply), gender quota designs may be strengthened over time.

## Why does it matter?

Diversity in political representation mends perceptions of democratic legitimacy and decision-making processes and improves institutional trust (Bush and Zetterberg 2021; Clayton, O'Brien, and Piscopo 2019). At a time when global dissatisfaction with democracy is reaching record-high levels (Lewsey 2020), there is a pressing need to study how policies that can improve democratic representation gain traction.<sup>4</sup> While increasing diversity in representation remains a global challenge (Barnes and Holman 2020), gender quotas have proven a successful instrument to transform not only the composition of legislatures throughout the world (Franceschet, Krook, and Piscopo 2012; Tripp and Kang 2007) but also the way that politics is done (Burnet 2011; Catalano Weeks 2022, 202; Clayton and Zetterberg 2018; Htun and Jones 2002).

Drawing on the vast literature on gender and politics and placing legislators at the center of the analysis, I provide a complex assessment of the implications of actors' competing (and nested) interests to the timing,

<sup>4</sup> This is also aligned with Brinks, Leiras, and Mainwaring call for scholarship that can contribute to building better democracies (2014, 353–54).



strength of design, and length of the process of quota policymaking. By laying bare three decades of policymaking processes that have led to the adoption and revisions of gender quota laws, I identify the strategies different groups of policymakers can use to leverage their respective powers and achieve their policy goals—even in unlikely scenarios. On the one hand, the book reveals how majority-status groups use their bargaining power to delay and minimize others' access to political office—what Clayton, O'Brien, and Piscopo (2023) refer to as “exclusion by design” or “bad faith exclusion”; on the other hand, the histories of quota adoption and revisions in Latin America show that minority-status groups are nonetheless able to overcome resistance and advance their interests—even if doing so takes time.

In advancing and providing empirical support for this argument, the book makes several contributions to the literatures on institutional change, the politics of policymaking, and gender and politics. First, in offering an account centered on rank-and-file legislators (rather than party leaders), the book identifies an actor with agency over the policymaking process that has largely remained unaccounted for in prior studies. Thus, by focusing on legislators, the book offers an explanation of (resistance to) institutional change that applies to countries with strong party systems, as well as those with weakly institutionalized parties. This approach also offers an opportunity to theorize and test how micro-level factors (which, in the case of this book, are legislators' individual levels of political ambition and vulnerability to displacement) affect their behavior toward policy change.

Second, by tracing the quota policymaking process for three decades, the book makes explicit that policymaking is often a lengthy and continuous process that does not end when a bill becomes law. By taking this long-term approach to the analysis of gender quota policymaking, the book analyzes successful and unsuccessful attempts at policy change, as well as both original quota adoptions and subsequent revisions. As the book makes evident, a long-term assessment of policy maturation over time may reveal policymaking patterns that are otherwise obscured in analyses restricted to original policy adoptions. For example, in the cases of the gender quota policy processes analyzed in this book, the approach revealed quota proponents' strategic moves to gradually improve quota designs, legislators' calculated efforts to respond to the policymaking interventions of non-legislative actors, and how the levels of threat that a policy change imposes may change over time, altering policymakers' calculations toward said policy.

Third, by identifying (men) legislators' efforts to resist gender quotas, the book also complements the vast and well-established literature on this policy. As my argument acknowledges and my analyses reveal, legislators'

career-oriented resistance to quotas sometimes responds to and sometimes influences the behavior of other actors (e.g., women legislators, party leaders, executives, and the judiciary) previously identified by the literature as critical for quota adoption—with consequences for the timing of quota adoption, strength of quota design, and length of the policymaking process. As such, the book shows that quota policymaking processes could have had different outcomes had it not been for men legislators' career-oriented resistance.

The book's findings speak not only to academic scholarships but are also relevant to growing public calls to improve political representation and further diversify political bodies worldwide. While some countries have begun responding to these calls and adopting quotas for youth, ethnic minorities, and LGBTQI+ people (Freidenberg 2022a), at a global level, these efforts are still not as advanced as those that seek gender equality in public office (Htun 2016; Htun and Ossa 2013). For example, even though Afro-Brazilians constitute the majority of the Brazilian population and there is widespread popular support for a policy to promote their political inclusion (Gatto, Thome, and Russo 2021, 64–66), legislative debates over a quota for Afro-Brazilians are still in their infancy (Machado and Campos 2020; Piscopo and Wylie 2020). Although some of the factors that prompt the adoption of ethnicity- or age-based quotas may be different from those associated with gender quota adoption (Belschner 2021; Htun and Ossa 2013), insights about how women—a group that occupied a small share of seats at the time of original quota adoptions—managed to advance their interests in the face of resistance from a majority group can provide valuable lessons to other demographics that similarly hold minority status in political office.

## Empirical strategy

As voluntary rules that are put into place to guide candidate recruitment practices internally, party quotas are not adopted through legislative processes, nor is their implementation subjected to external oversight; although adopted through legislative processes and implemented by national institutions, races for reserved seats are most commonly held separately from the election of main (i.e., non-reserved) seats—thus not directly increasing competition for incumbents. Out of the three types of gender quotas, the adoption of legislated candidate quotas is, therefore, the most puzzling. Argentina is widely considered to be the world's precursor of legislated national-level candidate quotas. This makes Latin America the frontrunner in using institutional mechanisms to achieve gender equality in political representation.

Since Argentina's adoption, most Latin American countries have adopted legislated candidate quotas: 17 of the 18 countries in the region have adopted a gender quota, with Guatemala remaining the only Latin American country that has never adopted a national quota legislation. This means that 25 percent of the legislated candidate quotas in the world are in Latin America.

Besides being the region with the highest density of gender quotas in the world, countries in Latin America started debating the adoption of gender quotas in the 1980s. In many countries throughout the region, the debate over quotas' policy design is still ongoing; in others, propositions for quotas for other politically marginalized groups are now increasingly popular (Freidenberg 2022a; Gatto and Thomé 2023). This context makes Latin America a rich ground for examining the conditions under which (men) legislators adopt (and subsequently revise) gender quotas.

## Context and case selection

My focus on policymaking calls for careful and in-depth analyses of the history of legislative processes leading up to quota adoption and subsequent revisions. It is unfeasible to conduct such analyses in all Latin American cases. I expect legislators' support for quota adoption to be shaped by individual-level factors (namely, their gender, career ambition, and vulnerability to displacement), policy characteristics (i.e., the strength of design), and stages of the policy process in which legislators have more or less room for opposing an explicitly normative policy. While legislators in all systems can arguably influence the design of policies under their legislative purview, prospects for advancing their career ambition and the costs of openly opposing a gender quota may be shaped by formal and informal institutional settings.

For example, formulas for how votes are translated into seats, rules of re-election, and the availability of desirable office outside of the legislature can determine the career stability (i.e., electoral prospects) and types of political ambition that legislators may seek (Carey 1998; García Montero and Rodríguez 2020; Schlesinger 1966). Formal and informal institutions also shape the level of influence that party leaders have over incumbents' political careers and, as such, the extent to which party loyalty in legislative processes matters for individuals' future office prospects (Carey and Shugart 1995; McClintock 2018). It is plausible to expect variations in political career stability and incumbents' reliance on party leaders to also shape legislators' behavior toward quotas. In this line, the selection of the cases of

Brazil, Costa Rica, and Chile reflects not only the need to analyze competitive democracies (Altman and Pérez-Liñán 2002) but also to offer relevant institutional variation that allows me to explore whether and how scope conditions related to legislative ambition and vulnerability to displacement modify the behavior of (men) legislators toward the adoption of gender quotas.

Figure 1.2 illustrates how formal and informal institutions shape the prospects of legislative ambition and vulnerability to displacement for the average legislator in Brazil, Costa Rica, and Chile. As it shows, Brazil is a middle case: Brazilian legislative incumbents have lower levels of legislative ambition than their counterparts in Chile but higher than legislators in Costa Rica; Brazilian legislators are also more likely to lose their legislative seats than Chilean incumbents but have more stable legislative

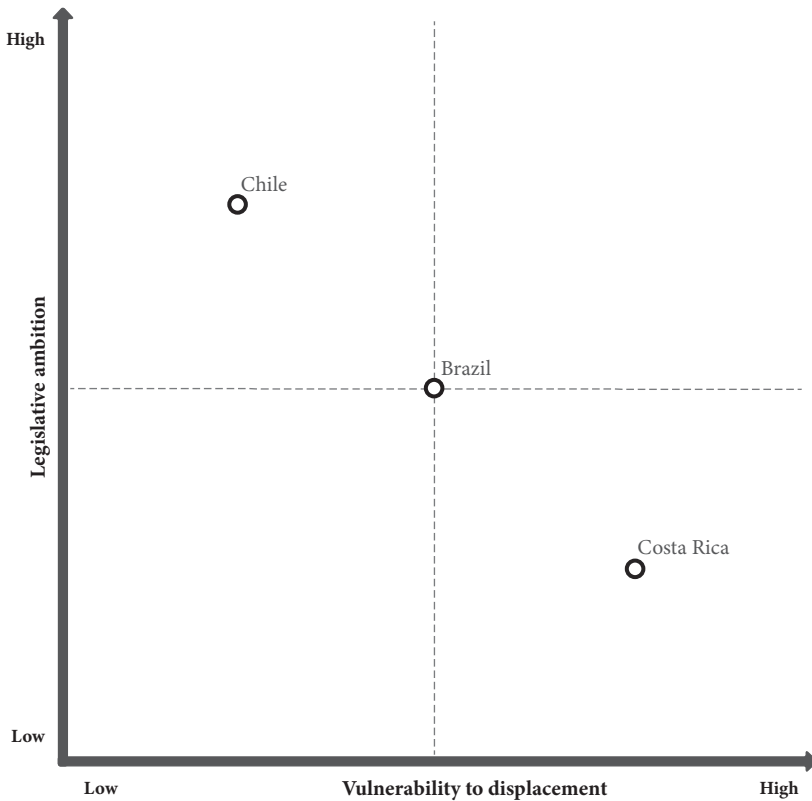


Fig. 1.2 The selected cases by levels of legislative career ambition and vulnerability to displacement

Source: Compiled by the author.

careers than Costa Ricans. As is further detailed below, the level of legislative ambition among Chilean legislators is higher than those of Brazilians and Costa Ricans, while their vulnerability to displacement is lower. Conversely, in Costa Rica, legislators have lower levels of political ambition and a higher probability of being displaced than their counterparts in Brazil and Chile.

The open-list proportional representation (OLPR) system that guides elections for the Brazilian Chamber of Deputies, the lower house of the National Congress, promotes the cultivation of personal votes, whereby candidates run for seats against members of their party. Although incumbents rely on parties to distribute campaign resources, an individual's share of nominal votes secures a high placement on party lists (Nicolau 2006a, 2006b). Although Brazil's federal system offers prestigious executive opportunities at the sub-national level, the modal career prospect of legislative incumbents is to seek re-election. Yet a substantial share of incumbents who attempt to retain their seats are unsuccessful (Samuels 2000). While candidates with strong electoral bases rely less on party elites to win, those who want to maximize their chances of success often depend on party leaders for the transfer of valuable campaign resources (Samuels 2001; Speck 2006) and voter support (Ames 1995; Nicolau 2000). As my "middle case," Brazil's candidate-centric system offers within-case variation in incumbents' patterns of career stability and reliance on party leaders for future political office and provides a setting to explore how variation in these factors shapes legislators' individual-level preferences toward quotas.

Meanwhile, Costa Rica's closed-list proportional representation (CLPR) system motivates the development of strong party brands. Furthermore, electoral law prohibits consecutive re-election to the unicameral legislature, so incumbents must step down for at least one term before returning to the legislature (Carey 1996). Despite formal constraints, however, politicians in Costa Rica are still professionalized, generally occupying elected and appointed offices across different branches and levels of government (Carey 1996, 1997, 1998). To entertain those positions, incumbents rely on nominations from party leaders (Crisp et al. 2009; Taylor 1992; Taylor-Robinson 2001). In this context, incumbents seeking future appointments may not want to go against their party directives, as doing so could put into question their party loyalty. The party-centric case of Costa Rica thus offers an opportunity to examine whether legislators' behavior toward quotas is modified in a system where incumbents' political careers in any given office are unstable and heavily dependent on their parties.

From re-democratization in 1990 until 2017, Chilean elections for both houses of the National Congress relied on the binomial system (an OLPR system with a low district magnitude of two). This system placed a high value on individuals while maintaining stable parties and coalitions (Cabezas and Navia 2005; Carey and Siavelis 2005; Polga-Hecimovich and Siavelis 2015; Siavelis 2002). There were no limits on re-election and limited opportunities for office at the subnational level. This institutional setup produced a context in which incumbents overwhelmingly pursued static ambition and enjoyed high rates of re-election success (Siavelis 2005). Incumbents' entrenched stability in candidacy re-nomination and re-election means that, unlike the cases of Brazil and Costa Rica, the majority of Chilean legislators were party leaders themselves—or, at least, well-established party elites whose own legislative standing was also in the interest of their parties. In a candidate-centric system with strong parties, legislators' incumbency also protected parties' seats in the legislature (Siavelis 2009). In contrast to Costa Rica, the case of Chile allows exploring how legislators whose incumbency also protects their parties' seats behave toward gender quotas.

## Data and analysis

Isolating the preferences and behaviors of legislators toward gender quotas is challenging. Since gender quotas have the explicit goal of promoting gender equality, individuals may be hesitant to admit that career-oriented concerns shape their attitudes toward the policy. Given that legislators act within parties, party leaders' directives and partisan ideology may also mask legislators' individual-level preferences. Finally, as insiders to the policymaking process, legislators also know what and when their behavior is recorded and can carry out their most controversial strategies behind closed doors without leaving records of their behavior in legislative transcripts (González Ocantos and LaPorte 2019, 1410). This means that individual legislators' goals and strategic calculations are obscured by circumstances where individuals are unlikely to state their preferences candidly and openly.

To expose whether and how career concerns shape individual legislators' attitudes toward gender quotas, I employ data from the case of Brazil, where there is within-country variation in incumbents' levels of career stability. Specifically, with original data from a survey experiment with Brazilian legislators, I examine whether and how legislators' gender, career ambition, and vulnerability to displacement shape their preferences for weak

and strong gender quota designs; with data from roll-call votes, I explore whether responsiveness to their parties and voters restrict legislators' capacity to prioritize their career concerns when voting to approve or reject quotas.

My theoretical framework also yields empirically testable expectations about how career-seeking concerns shape legislators' behavior toward gender quotas on the ground. To examine whether my expected implications for gender quota policymaking vary across different contexts, I employ data on the original adoption and subsequent revisions of gender quota-related policies in 18 Latin American countries between 1991 and 2021. To complement this data, which comprises 52 cases of quota-related policies from the region, I employ archival materials of media coverage and policymaker statements that provide insights into quota policymaking.

To capture incumbents' strategies of resistance, I reconstruct 30 years of policymaking in Brazil, Costa Rica, and Chile using official records of congressional procedures on quota-related bills from the official archives of the three countries. Archival records of these 80 bills include transcripts of all committee and plenary debates, constituting thousands of pages. For example, the transcripts of a single committee meeting in Brazil or Chile can be more than 300 pages long. In Costa Rica, the transcripts of a single bill are archived in more than eight thick binders.

To systematically trace whether and how legislators work to avoid adopting gender quotas—with consequences for the timing of the policy's adoption—I track the date of introduction and outcomes of all gender quota-related bills introduced to the legislatures of my case studies. To assess whether legislators engage in efforts to weaken quota designs and, thus, mitigate the potential impacts of the policy, I use the text of bills, judicial decisions, and approved legislation (a total of 114 cases across all three countries) to code the strength of policy designs. To explore the implications of this strategy for the length of quota-related policymaking processes, I record all efforts of quota strengthening following original quota adoptions.

To test whether career-seeking concerns are behind legislators' actions toward gender quotas, I qualitatively assess legislative transcripts of quota-related committee meetings and plenary debates. Because legislators have the incentive to hide their rational behavior toward quotas in committee and plenary debates that are recorded for posterity, the admittance of career-seeking strategies in legislative transcripts provides strong evidence for my expectation that legislators approach gender quotas as they do other prospects of electoral reform (Collier 2011; González Ocantos and LaPorte 2019; Mosley 2013, 21). Finally, because policymaking also takes place informally,

in background negotiations, or non-legislative settings, I complement my analyses with other relevant archival material (e.g., court rulings), plus 29 interviews with key actors involved in the processes of quota adoption and subsequent revisions across my case studies.

## Organization of the book

[Chapter 2](#) details my theoretical expectations and outlines their observable implications for policymaking processes. First, by engaging with the scholarships on electoral change and gender and politics, I show that it is plausible to expect quotas to threaten the careers of at least some legislators. Borrowing insights from the literature on legislative behavior, I argue that career-driven interests motivate legislators to respond strategically to quota demands, with consequences for the timing of adoption, strength of quota designs, and length of policymaking processes.

[Chapter 3](#) tests the micro-foundations of my overall argument, exploring the individual-level factors that render legislators more or less supportive of gender quotas. First, by analyzing data from a survey experiment with Brazilian legislators, the chapter illustrates that women legislators are more supportive of gender quotas than men. Conversely, vulnerability to displacement reduces support for strong gender quotas, particularly among those who envision future legislative careers. Employing data from roll-call votes, I then demonstrate that, in contexts with greater oversight, legislators' ability to oppose gender quotas is partially limited by their responsiveness to their parties and voters.

To begin evaluating whether legislators' career-oriented interests shape gender quota-policymaking processes on the ground, [Chapter 4](#) provides an overview of 30 years of quota policymaking in Latin America. Analyzing data from all cases of original quotas and subsequent reforms enacted in 18 countries between 1991 and 2021, the chapter shows that there are common strategies that legislators adopt to resist gender quotas. On average, legislators' resistance to quotas delays policy adoption, results in weak designs, and extends the length of policymaking processes.

By examining all cases of gender quota-related bills introduced in the legislatures of Brazil, Costa Rica, and Chile up until 2021, [Chapters 5](#) through [7](#) further detail how legislators' efforts to protect their careers affect the timing of policy adoptions, the strength of quota designs, and the length of policymaking processes. Despite having different institutional setups, in all three cases, (men) legislators only adopt quotas when the costs of opposing the



policy rise and could harm their standing with their parties and voters. Variations in legislators' career ambition and vulnerability to displacement across the three countries, however, modify the conditions under which resistance to quotas develops.

As detailed in [Chapter 5](#), in Brazil's candidate-centric system, legislators' modal ambition is to attain re-election, but their levels of political capital—and, hence, projected success—vary. In a context where a substantial share of legislators is always vulnerable to displacement, resistance toward the gender quota has been consistent. While a broad electoral reform increased the costs of rejecting the quota, thus providing the opportunity for the policy's early adoption, legislators' career-driven concerns barred further attempts of quota strengthening from progressing—a strategy that has had adverse effects on the policy's design and that prolonged the policymaking process.

Meanwhile, in Costa Rica's party-centric system, where political careers depend on parties' access to (finite) offices and, thus, are vulnerable to any policy that diminishes the availability of offices, legislators rejected demands for a gender quota when doing so did not incur costs with their parties or voters. As I show in [Chapter 6](#), when unable to reject a quota proposal in a broader electoral reform context, legislators conceded to adoption but weakened the policy's design. In the following years, exogenous and endogenous factors transformed the composition of the national legislature, decreasing overall vulnerability to displacement. Lower levels of incumbent vulnerability facilitated the substantive strengthening of the policy, eliminating the need for further amendments to its design and concluding the quota policymaking process.

In contrast to the cases of Brazil and Costa Rica, in Chile's candidate-centric system with strong party brands, legislators' vulnerability to changes in the system and their levels of influence within their respective parties allowed them to avoid advancing demands for quota adoption—even when such demands came from the presidency. As I demonstrate in [Chapter 7](#), facing a crisis of representation that threatened their careers, legislators eventually acquiesced to an electoral reform and—after negotiating a design that would not be too disruptive to their prospects—approved the quota as part of the larger reform as an attempt to signal to voters their commitment to political renewal.

Finally, in summarizing the book's argument and results in [Chapter 8](#), I discuss the implications of my findings for future studies on political representation, policymaking, and electoral reform for greater diversity in politics. By comparing the quota policymaking processes across my three case studies, I also identify the key strategies quota proponents employed to overcome

resistance—takeaways that may be relevant to ongoing efforts to diversify democratic representation in the region and beyond. In concluding remarks, I show that, even 30 years later, the fight for political rights is not over—and that, despite many advances, incumbents continue attempting to hold on to their seats.



# 2

## Consented defeat

A theory of strategic resistance to gender quotas

### Introduction

Given their role in shaping access to political office, electoral rules have consequences for who has greater or lower chances of attaining (and maintaining) power (Gallagher and Mitchell 2006; March and Olsen 1996). For example, rules that impose no limits on campaign spending give wealthy and well-connected individuals (including incumbents) a starting advantage over those with more limited access to resources (e.g., Piscopo et al. 2022; Scarrow 2007); meanwhile, proportional representation systems tend to be more favorable than majoritarian systems toward the political representation of small parties and candidates from marginalized groups (e.g., Matland 2005; Rule and Zimmerman 1994).

Incumbent parties and legislators have power over policymaking and may be reluctant to change the rules of the game that allowed them to win in the first place (Brinks, Levitsky, and Murillo 2020, 42; Htun and Powell 2013, 3). Based on this logic, electoral reforms should be scarce and only take place when insiders expect that a change of institutions will better accommodate and safeguard their career interests (Bawn 1993; Colomer 2005; Lijphart 1992; Quintal 1970; Taagepera 2002). As Rokkan's work (1970) shows, for example, right-wing parties established PR systems in an effort to maintain their position in power in the aftermath of the Industrial Revolution. Adding to the view that electoral reform is endogenous to insiders' interests, Teele's (2018) work on the expansion of suffrage indicates that incumbents only entertain the possibility of extending voting rights to women when they expect newly enfranchised voters to support their party and secure their position in office; electoral competition also explains the timing of women's enfranchisement in Latin America (Castillo 2019).

Because incumbents and their parties have both the ambition to stay in office as well as the tools to enact reforms that can advance their ability to

achieve this goal, political insiders should only assent to electoral change when proposed reforms are expected to advantage their career prospects (Brinks, Levitsky, and Murillo 2020, 42)—or, at least, to mitigate their imminent losses. That is not the case with gender quotas—policies adopted when men occupy the majority of legislative seats and are put into place precisely to change this scenario.

The rapid spread of gender quotas worldwide challenges notions of electoral change as resulting from the work of rationality-oriented, career-seeking politicians. By weaving together the literature on gender and politics with insights from the scholarships on electoral change and legislative behavior, I provide a novel theoretical framework for explaining the adoption of gender quotas in the context of men-dominated legislatures. Broadly, I argue that both incumbents' resistance, as well as their strategic assent to gender quota adoption, are driven by their career interests.

More specifically, because it poses potential threats to the careers of (at least some) legislators, incumbents resist quota adoption—as they would other types of electoral reform that go against their career interests. However, when opposing the policy also has the potential to harm their future careers, legislators agree to support quota adoption—but try to use their knowledge of the policymaking process to mitigate the impact it may have on their career prospects.

This argument is based on two core tenets. First, gender quotas threaten the career prospects of incumbents. Second, legislators' career concerns render them responsive to the interests of their parties and voters. In the next section, I outline why gender quotas have the potential to disrupt the status quo with negative consequences to the careers of incumbents; in so doing, I also discuss the groups of legislators for whom quota adoption would be particularly risky. At the core of my argument is the notion that opposition to quota adoption may also threaten legislators' career prospects. This is based on the assumption that incumbents' future careers are shaped by their parties and voters. The subsequent section further details this rationale. My argument has observable implications for the timing of adoption, strength of quota designs, and length of the process of quota policymaking—which I detail next. In conclusion, I discuss how each of my empirical chapters tests my argument that legislators' behavior toward gender quotas is shaped by, on the one hand, the risks that the policy poses to their careers and, on the other, by the costs of opposing gender quota proposals.

## Gender quotas can threaten legislators' careers

Common rhetoric holds that men's overrepresentation in elected office results from women candidates' lower capacity to attract votes. However, as various studies demonstrate, voters' gender biases do not negatively affect women's capacity to attain electoral support. Countering commonly held expectations of women as less electorally viable than men, a meta-analysis of 67 experimental studies shows that, consistently and across contexts, voters tend to have a pro-woman bias ([Schwarz and Coppock 2022](#)). As gender scholars have long established, the primary source of women's underrepresentation lies before election day ([Hinojosa 2012](#), 9–10).

Gendered practices of candidate recruitment negatively affect women's chances of being selected ([Bjarnegård and Kenny 2015](#); [Bjarnegård and Zetterberg 2019](#); [Johnson 2016](#); [Kenny 2013](#); [Kenny and Verge 2016](#)) and of gaining access to resources that are critical to the viability of their candidacies ([Ferreira Rubio 2013](#); [Piscopo et al. 2022](#); [Sacchet 2011](#)). Gender quotas are the main instrument to break the party monopoly over the recruitment process ([Chapman 1993](#), 61; [Hawkesworth and Kogan 1992](#), 369), thus countering this bias. Precisely because women's underrepresentation seems to be the product not of voter bias but rather recruitment bias, an instrument that seeks to address the latter could threaten men's political dominance.

Indeed, in examining what explains increases in women's political representation worldwide, Tripp and Kang find that “quotas emerge as the most consistently predominant explanatory factor for female legislative representation” (2007, 357–58). Many other scholars concur (e.g., [Bush and Zetterberg 2021](#); [Caul Kittilson 2005](#); [Htun and Jones 2002](#); [O'Brien and Rickne 2016](#); [Tula 2018](#)). For example, as regional experts show in the edited volumes organized by [Dahlerup \(2005\)](#) and [Franceschet, Krook, and Piscopo \(2012\)](#), cross-country analyses and case studies indicate that gender quotas are a powerful instrument in improving women's presence in office (as well as impacting how politics is done).

Reinforcing the notion that gender quotas can threaten the future career prospects of (at least some) men legislators, [Allen, Cutts, and Campbell \(2016\)](#) convey that “quota women” in Britain are not less qualified than men candidates; as Besley et al.'s study (2017) on the case of Sweden shows, gender quotas increase competitiveness and make resources scarcer, potentially leading to the replacement of “mediocre” men with lower qualifications for more highly qualified women—a finding that also holds in the case of Italy

(Baltrunaite et al. 2014; Catalano Weeks and Baldez 2014) and beyond (Júlio and Tavares 2017). In sum, the literature suggests that the adoption of gender quotas can be threatening to the career prospects of incumbents.

But the policy does not pose equal risks to all sitting legislators. As a policy targeted at promoting the political representation of women, gender quotas should be more threatening to the career prospects of men. If legislators do not wish to pursue further political office, adopting a gender quota should not impose risks to their career plans. The adoption of a gender quota is also riskier for legislators who have the ambition to pursue political careers and are vulnerable to displacement. I briefly discuss each of these determinants next.

### The risks of quota adoption are higher for men legislators

As affirmative action in favor of women, I expect gender quotas to pose higher risks to the careers of men legislators. This is because although quotas would, on average, protect the candidacies of women incumbents, the policy could reasonably impose the displacement of men (Driscoll and Krook 2009, 2012; Valdini 2019). While it is possible that gender quotas could increase competition for women legislators, the policy would most likely give them an electoral boost. All things being equal, parties would likely prefer to fill quota requirements with women who hold incumbency status—and have campaign know-how and name recognition—than to nominate newcomers who may not have established constituencies or possess political experience.<sup>1</sup> The opposite is true for men. Reserving a certain proportion of candidacy nominations for women requires the substitution of men's candidacies for that of women. As such, while the adoption of a gender quota may reasonably pose risks to the careers of men legislators, it may, conversely, protect women incumbents.<sup>2</sup> Incumbents are only expected to engage in electoral

<sup>1</sup> It is possible that by enlarging the pool of women candidates, gender quotas may also negatively impact women incumbents' career prospects. In open-list systems, one possibility is that a higher offer of women candidates spreads out votes across candidates and dilutes voters' support for any given individual—ultimately making them all less electorally competitive. This would be the case in a scenario in which women's political underrepresentation is the product of voters' unwillingness to cast ballots for women and in which the women elected rely on the votes of a limited sector of the electorate. However, various studies attest to voters' pro-woman bias (Schwarz and Coppock 2022), suggesting that the pool of voters willing to cast ballots for women is not limited, thus rendering this scenario unlikely. To the best of my knowledge, the question of whether gender quotas have negative electoral consequences for women incumbents has not been empirically tested. Júlio and Tavares (2017) argue that it is possible that, by increasing the overall quality of candidates, "quota women" could displace both men and women incumbents.

<sup>2</sup> As with men, when outlining the expectations of women legislators, I contend that this relates to the *average* woman legislator—that is to say, not to women who are party leaders. Men's overrepresentation in politics also means that women tend to be underrepresented as party leaders (Barnes 2016; Wylie 2018).

change when it is likely to benefit their career prospects. Based on this logic, I anticipate that, on average, men legislators are resistant to quotas; meanwhile, I expect women legislators to be more prone to support the policy.

## The risks of quota adoption are higher for legislators who have the ambition to pursue political careers

Men's expected resistance to gender quotas rests on the assumption that the policy's adoption threatens incumbents' plans to remain in political office. But politicians' career plans may vary widely (Black 1972; Carey 2003; Chasquetti and Micozzi 2014; Cox, Rosenbluth, and Thies 2000; Rohde 1979; Samuels 2003). Besides re-election (i.e., "static ambition"), incumbents may also hold "progressive" or "regressive" ambitions—career plans that relate to individuals' decisions to seek political offices with higher or lower standings, respectively. In addition, individuals who occupy political office may also wish to discontinue their political careers and not pursue further office, which Schlesinger (1966) refers to as "discrete ambition." I expect gender quotas to not impose risks on individuals who do not have the ambition of pursuing further political office. In other words, if one does not have something to lose, his reasoning for adopting/not adopting a gender quota may fall beyond the grounds stipulated here and may follow a different logic.<sup>3</sup>

Put differently, I expect the risks of quota adoption to be higher for incumbents with the ambition to continue pursuing political careers. Gender quotas apply to legislative office and, as such, should threaten the careers of legislative incumbents pursuing re-election, as well as of sub-national legislators seeking progressive ambition to national legislative office. It is plausible to expect that incumbents seeking to advance their political careers by pursuing offices beyond the legislature would not have their careers affected by a gender quota.

Nonetheless, this does not mean that no woman occupies these positions. As is the case with men party leaders, women party leaders are more likely than the average woman legislator to have established careers within their parties, which gives them priority access to party resources that can advance their careers (Wylie 2018). Unlike the average legislator whose first-order concern is with their future career, women party leaders may prioritize the interest of their parties and consider how a gender quota could impact the electoral prospects of their party members. That is, it is possible that women legislators who occupy positions of leadership within their parties approach gender quotas from the perspective of how it could affect the careers of men.

<sup>3</sup> As Schwindt-Bayer shows (2005), incumbency rates are negatively associated with women's political inclusion. Relatedly, Schwindt-Bayer and Squire (2014) argue that legislatures that are more powerful and where individuals can use formal and informal institutions to increase their chances of re-election also depress women's chances of election. Conversely, incumbents who do not plan on pursuing political careers may be more interested in using their time in office to create their policy legacies. If leaving office dismayed with the political system, legislators may also be particularly supportive of policies with the aim of promoting diversity.



However, examining the case of Mexico, where consecutive legislative re-election is prohibited, Baldez finds no support for this expectation—instead uncovering that men incumbents posed strong resistance to gender quotas even in a system where the policy would allegedly “not affect their future careers” (2004, 236). This suggests that although gender quotas pose more direct and apparent risks to the careers of those seeking static or progressive ambition to legislative office, it is also possible that a gender quota threatens to disrupt the careers of incumbents seeking to pursue other types of political office. Indeed, as Taylor (1992, 2001) and Carey (1996, 1997, 1998) show, limits to consecutive re-election encourage politicians to rotate between elected and appointed political offices. By inflating the pool of individuals with the ambition to pursue political offices and increasing competition for nominations for elected and appointed posts, the adoption of a gender quota could also increase the risk of displacement for legislators who are barred from running for re-election.

### **The risks of quota adoption are higher for legislators most vulnerable to displacement**

While most incumbents may have the goal of pursuing future political offices, they are not all in the same position to do so. As such, I expect quota adoption to pose higher risks to the future careers of incumbents most vulnerable to displacement. A critical factor that can impact legislators’ vulnerability to displacement is the potential disruption women’s competition poses to their parties’ candidate selection and the distribution of electoral resources (Hazan and Rahat 2010). By design, gender quotas may impose a ceiling on men’s candidacies and resource allocation. Since quota implementation occurs at the party level, the number of women candidates and incumbents within a party before quota adoption determines the extent to which a quota adoption could disrupt the allocation of candidate nominations and party resources. In other words, I expect men incumbents in parties with a greater representation of women among candidates and incumbents to face a lower risk of displacement than those who are in parties with dire levels of women in their candidate lists. Since left-wing parties tend to have a higher share of women candidates and incumbents prior to quota adoption (Caul 1999, 87; Caul Kittilson 2006, 8; Hinojosa 2012, 10; Lovenduski and Norris 1993, 320), the risk of displacement due to quota adoption may be lower for men incumbents from these parties.

Within parties, some legislators are at higher risk of displacement than others. I expect incumbents with high levels of political capital to be at a lower risk of displacement. Different types of electoral systems promote the cultivation of electoral reputations for either parties or individuals; this has consequences for whether incumbents' levels of political capital are based on their individual electoral performances or their standings within their respective parties (Carey and Shugart 1995; McClintock 2018).<sup>4</sup> In open-list systems, such as the ones in Brazil and Chile, I expect incumbents with higher capacity to attract votes to be less vulnerable to displacement and more influential within their parties. Meanwhile, in closed-list systems, such as the one in Costa Rica, incumbents' political capital rests in their relationships with their parties and their likelihood of being prioritized in the distribution of partisan nominations and essential resources (Crisp et al. 2009; Taylor 1992; Taylor-Robinson 2001); in this type of system, I expect party insiders with longer tenure and careers within the party to be less vulnerable to displacement.

### **But opposing gender quota adoption may also be costly for legislators**

As the prior section detailed, adopting a gender quota can be risky to the careers of legislators, particularly those who are men, have the ambition of pursuing future careers in politics, and are vulnerable to displacement. The modal behavior of legislators to whom gender quotas do not impose a risk should be to support gender quotas—or, at least, to not actively oppose the policy. Meanwhile, legislators for whom quotas could impose a risk should resist the adoption of the policy. Critically, at the time of quota adoption, this should constitute the majority of legislators, given that they are men with the ambition to continue pursuing political careers. So, when does quota adoption become more likely?

I argue that men legislators are more likely to support quotas when the costs of opposing the policy increase. This occurs when legislators' policymaking behaviors are most likely to be monitored by parties and voters. Parties and voters tend to reward legislators for their performance in office. In efforts to maximize their career prospects, legislators tend to engage in policymaking efforts that signal to both parties and voters that they are

<sup>4</sup> In open-list systems, voters cast ballots for specific candidates, influencing the order of party lists; in closed-list systems, party lists are pre-arranged, and voters vote for the party but cannot alter the order of candidates' ranking.

representing their interests (e.g., [Brown and Goodliffe 2017](#); [Fourniaies and Hall 2022](#); [Griffin 2006](#); [Motolinia 2021](#)). Legislators who have the ambition of pursuing future political office, thus, have incentives to: (1) Abide by their party's guidelines and whip ([Hazan 2014](#); [Hix 2004](#); [Taylor 1992](#))—a behavior that is observed even in candidate-centric electoral systems ([Figueiredo and Limongi 1999](#)); and (2) respond to their constituents' expectations and preferences ([Gerber and Lewis 2004](#)).

Political parties and the electorate have normative and strategic reasons for supporting gender quotas; parties' and voters' support for quotas may, in turn, restrict legislators' capacity to oppose quota adoption. In other words, although a gender quota may pose a risk to legislators' careers, so may their choice to diverge from their parties' line and publicly become associated with opposition to a gender-egalitarian policy that has widespread popular support.

## Opposing gender quota adoption may harm legislators' standings with their parties

Gender equality in political office—the goal that gender quotas seek to achieve—has become a central demand of international organizations ([Bush 2011](#); [Hughes, Krook, and Paxton 2015](#); [Swiss and Fallon 2017](#)). Notions of fairness, equality, and democratic legitimacy not only justified the focus on gender equality in public office as a priority goal but also helped to establish gender quotas as an institution that could signal a commitment to these values ([Townes 2012](#)). In some countries, the institutionalization of gender quotas has become expected and “natural” ([Catalano Weeks 2022](#), 42). Conversely, opposition to quotas could be read as opposition to values of inclusion and democracy. This has had implications for within-country dynamics since even political parties that do not prioritize gender equality in their platforms may not want to publicly oppose proposals for gender quota adoption ([Bruhn 2003](#); [Catalano Weeks 2018](#); [Caul Kittilson 2005](#); [Hassim 2002](#); [Josefsson 2020](#); [Matland and Studlar 1996](#); [Meier 2004](#)).

In addition to normative signaling, parties may also have strategic reasons to support the adoption of gender quotas. These may include increasing their levels of electoral competitiveness, as well as resolving intra-party conflicts ([Baldez 2004](#); [Catalano Weeks 2018](#); [Murray 2010](#); [Valdini 2019](#)).<sup>5</sup> In

<sup>5</sup> As was further detailed in [Chapter 1](#). There are also contexts in which parties' overt rejection of quotas may be strategic. Under these circumstances, party leaders and men legislators' preferences for quota non-adoption would be aligned, so legislators would not face the policymaking dilemma that emerges in situations when party leaders instruct their members to support gender quotas.

other words, political parties have normative and strategic reasons for supporting gender quotas. When parties display public support for quotas (e.g., by orienting their members to vote in favor of the policy's adoption), going against the party whip may be detrimental to legislators' careers (Hazan 2014; Hix 2004; Josefsson 2020, 192; Taylor 1992). This may be particularly true for legislators whose careers heavily depend on their parties, as is the case of incumbents in party-centric systems (Crisp et al. 2009; Taylor 1992; Taylor-Robinson 2001).

## Opposing gender quota adoption may harm legislators' standings with their voters

Legislators also respond to voters' preferences (Gerber and Lewis 2004). Gendered expectations about politicians' traits and expectations about representation have also yielded high levels of popular support for quotas. So, opposition to gender quotas may also pose reputational costs with the electorate. As public opinion polls indicate, in Latin America and elsewhere, and from at least the year 2000 to the present date, voter support for gender quotas has been high (Barnes and Córdova 2016; Beauregard 2018; Espírito-Santo 2016; Gatto, Thome, and Russo 2021; Peschard 2003). Voters' positive attitudes toward gender quotas may not only derive from pro-equality values but also from their perceptions of the role of the government in improving citizens' well-being (Barnes and Córdova 2016) and a belief that women are more honest and less likely to be corrupt than men (Batista Pereira and Porto 2020).<sup>6</sup> Perhaps not surprisingly, support for gender quotas is particularly high among left-wing voters and women (Beauregard 2018). In other words, while the costs of opposing a quota may be higher for left-wing politicians, women voters' favorable attitudes toward quota adoption should constrain legislators from across the ideological spectrum, as women constitute the majority (or at least half) of voter populations.

Due to expectations of substantive representation—that is, the notion that women politicians should advance “women's interests” (Bergqvist, Bjarnegård, and Zetterberg 2016; Mansbridge 2023)—the costs of opposing gender quotas may also be higher for women legislators than for men. As prior studies show, voters tend to more harshly punish women politicians for engaging in practices considered to clash with their stereotypical gendered expectations (e.g., Barnes, Beaulieu, and Saxton 2020; Borges Martins

<sup>6</sup> In turn, the existence of gender quotas in a given country may, in itself, increase citizens' support for women's representation in government (Fernández and Valiente 2021).

da Silva and Gatto 2021; Reyes-Housholder 2020). Opposing a policy that seeks to promote gender equality in political office would be incongruent with voters' expectations of women's legislative behavior—and could thus be an exceptionally costly move for women legislators.

## Resisting quotas: A how-to guide

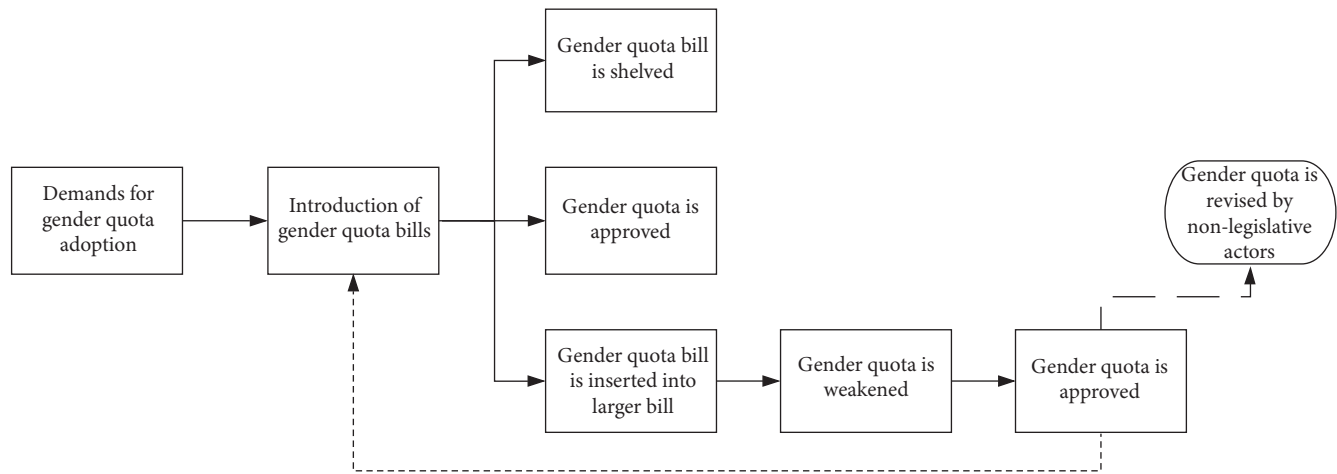
As detailed above, I argue that career interests shape both legislators' resistance and assent to quota adoption. More specifically, I argue that legislators become more likely to adopt gender quotas when the costs of opposing the policy increase. This has observable implications for quota-related policymaking processes. Figure 2.1 outlines what I expect to be the *most common* pattern of quota policymaking.

In short, I expect the first step of the process to be that of an emerging demand for gender quota adoption (which could be prompted by international meetings or domestic civil society groups, for example) and of the subsequent introduction of a gender quota bill that reflects this demand. To avoid any disturbance to the status quo, I expect men legislators to most often bar demands from advancing in the policymaking process and only take up gender quota bills once they are inserted into larger projects. In cases where the latter occurs, I anticipate men legislators to work to weaken gender quota designs before voting to approve them. However, the policymaking process is not over once a bill becomes legislation, as the policy could be further revised by legislative actors and/or strengthened over time in future legislative processes.

Figure 2.1 does not illustrate the *only* possible paths for quota adoption and revisions. For example, in theory, gender quota bills can be approved on their own and without modifications. The paths outlined, however, are the ones deemed more plausible, given expectations about legislators' behavior in the face of a policy that poses a risk to their careers if they support it and equally if they oppose it. I further detail each of these steps below.

## In a context of no demand, men legislators do not voluntarily seek out quota adoption

Men constitute the overwhelming majority of legislators, so under circumstances of no demand, enacting an affirmative action policy to favor women is illogical. As Lovenduski and Norris describe: "There is no party in which



**Fig. 2.1** The most common paths to quota adoption and revisions

the efforts to nominate more women have occurred without an intervention by women making claims” (1993, 14). This is to say: If politicians seek to retain office, it is inconceivable to argue that they would spontaneously adopt policies to make it easier for political outsiders to challenge their incumbencies/places within their parties. While examining the sources of these demands falls beyond the scope of the book, I deem demands for gender quotas as a necessary condition for triggering the process of gender quota consideration. More specifically, the emergence of gender quota bills is better explained by factors already identified by the existing literature, such as the establishment of gender equality as an international priority, transnational diffusion, and pressure from women’s groups, as well as by women legislators’ (and party leaders’) agenda-setting efforts.

### **When opposing gender quota bills does not incur costs, men legislators bar demands from advancing**

Policymaking is a process of “bargaining and exchanges” between actors with different “preferences, incentives, and constraints” (Spiller, Stein, and Tommasi 2008, 13), so reaching cooperation between such actors is often a challenging affair. As an institutionally demanding process, policymaking provides actors ample opportunities to delay the advancement or outright kill proposals that go against their interests. This includes postponing and extending the discussion of bills or rejecting them within committees before they ever reach plenary floors.

Men’s majority status as legislators not only renders them a group that occupies the largest share of seats but also yields them disproportionate levels of power over the legislative process. At the time of quota adoption, men are significantly and substantively more likely than women to lead powerful legislative committees (Heath, Schwindt-Bayer, and Taylor-Robinson 2005)—institutions that Murray and Sénac call “the epicenter of influence within legislatures” (2018, 310). By holding influential committee roles, men have considerable authority over the fate of bills. They can use these roles to prioritize and, thus, advance specific bills or kill legislation that goes against their interests. As an Argentine deputy quoted in Barnes explains, committee presidents/chairs “decide which themes are going to be discussed or not” (2016, 85); legislative decisions are also often made in non-transparent negotiations that take place behind closed doors (Basseches 2019). As processes that take place under the radar from the public eye, the non-prioritization of gender quota bills can, thus, effectively kill legislation without public scrutiny.

## Albeit the minority of legislators, women can use broader reforms to increase their bargaining power

Women's minority status in legislatures limits their policymaking powers (Barnes 2012, 2016; Heath, Schwindt-Bayer, and Taylor-Robinson 2005; Schwindt-Bayer and Squire 2014). As a result, women legislators have relatively lower bargaining power to ascertain the prioritization of gender quotas. Thus, increasing the likelihood of quota adoption requires quota proponents to act strategically and take advantage of fitting windows of opportunity. Windows of opportunity for quota adoption may emerge during larger processes of electoral or constitutional reforms.

By inserting quotas into broader institutional debates, quota proponents circumvent the need to make quotas a priority on the legislative agenda. By logrolling quotas into larger bills that men legislators have an interest in approving, quota proponents can increase their relative bargaining power. This is particularly the case in packages that require the support of a supermajority of legislators to be approved, as is often the case with electoral and constitutional reforms. In these circumstances, women's cross-partisan collaboration can render them a decisive block (Barnes 2016, 3). In other words, logrolling is an essential strategy for increasing the chances that gender quota bills are debated and voted in plenary—instead of being sidelined from discussions or shelved in committees.

## The insertion of quota demands into larger bills increases legislators' costs of opposing the policy

When quota proposals advance in the legislative process as part of broader reform packages, they generally garner public attention. Electoral and constitutional reforms are highly consequential and, thus, likely to be widely covered by the media (Ketelaars and Van Aelst 2021; van Santen, Helfer, and Van Aelst 2015; Van Aelst et al. 2015). These processes are also often the target of demands from academics and civil society groups, which may further increase the salience and visibility of plenary votes (Banaszak, Beckwith, and Rucht 2003; Childs and Dahlerup 2018; Jenson and Valiente 2003; Suarez-Cao 2021). In other words, once embedded into highly consequential packages, gender quota proposals are more likely to be under voters' scrutiny.

When bills advance in the legislative process and reach the plenary, party leaders must decide whether to direct their members on how to vote. While many types of electoral reform may have normatively desired consequences,



normative implications are rarely (if ever) as salient as they are with gender quotas (Mansbridge 2005; Negretto 2020). Even if political parties do not have a strategic reason for supporting a gender quota, publicly opposing a policy with the aim of promoting gender equality in political office may taint their reputations. In turn, the orientation of parties on how their members should vote increases the costs for legislators to oppose quotas. In addition to parties' whip, incumbents' concerns about their reputation with voters may also restrict their ability to oppose gender quotas openly. That is because, at this point in the legislative process, legislators may be called upon to reveal their individual-level support/opposition to quotas in roll-call—a procedure that allows voters to pinpoint whether (and which) legislators represent their policy interests.

Because party leaders and voters can shape legislators' career prospects, legislators' support for a gender quota at this stage of the policy process may be consistent with their career interests—that is, an attempt to not harm their reputations with actors that have power over their futures. This might be particularly true for left-wing legislators, who tend to rely on the support of progressive constituents and organizations that are likely to more closely monitor quota debates (Banaszak, Beckwith, and Rucht 2003; Bruhn 2003; Jenson and Valiente 2003). As such, once quota proposals are inserted into broader reforms and reach plenary, I expect men legislators' behavior toward adoption to be a better reflection of party-level characteristics—such as whip (i.e., vote orientation) and left–right political ideology—than of their concerns over how the policy's adoption may, in itself, also threaten their career prospects.

## **But men legislators still have the power to negotiate the design of gender quotas**

Before they reach the plenary floors and are pressured to follow their parties' and constituents' preferences, legislators can negotiate the design of policies and amend the content of the proposals. As Alemán and Calvo (2008) argue, the aspect of the legislative process that individual legislators have the power to influence the most is the elaboration and negotiation of policy proposals. So, even if constrained in their capacity to oppose gender quota adoption once it is embedded into larger bills, legislators still have the agency over gender quota designs. Unlike plenary votes, which are a more public affair managed by party leaders and overseen by constituents, policy elaboration is a more obscure step of policymaking that often takes place during

a lengthy period and in multiple venues, including committees, plenary discussions, caucus meetings, and background negotiations (Carroll and Cox 2012; Taylor-Robinson and Ross 2011).

The elaboration stage of the policy process is also significant in that it involves multiple opportunities for decision-making. During policy elaboration, legislators can propose subpar “solutions” to the problem identified (Maor 2020), deter or delay a policy proposal from moving beyond committee (Barnes 2014; Heath, Schwindt-Bayer, and Taylor-Robinson 2005), as well as modify (and thus, shape) a policy proposal’s design through the introduction of amendments or alternative texts (Spiller, Stein, and Tommasi 2008). At this stage of the process, legislators can also determine whether a policy will be designed to achieve its (stated) goal (Maor 2020).

Although all quotas are, in theory, purposed to increase women’s descriptive representation in politics, the design of some policies renders them unimplementable, resulting in “laws on paper only” (Wylie and dos Santos 2016). As prior work has made evident, quotas with particular design characteristics are more effective in promoting women’s representation, that is, reducing the number of seats occupied by men (Hughes et al. 2017; Schmidt and Saunders 2004; Schwindt-Bayer 2009, 2015). More specifically, as Schwindt-Bayer (2009) indicates, one of the elements of quota designs that matter is the size of the reservation: The higher the share of candidacy positions reserved for women, the greater the number of women elected. The order that women appear on parties’ lists also matters. Schmidt’s (2009) analysis of women’s legislative representation in 64 countries confirms this finding, pointing to the importance of provisions establishing gender-based alternation on pre-ordered candidate lists (in CLPR systems) to the effectiveness of quotas. The presence of sanctions—punishments for political parties that do not comply with gender quota conditions—is another mechanism that scholars associate with the impact of quota laws (Dahlerup and Freidenvall 2005, 2011; Gatto 2017b; Jones 2009, 57; Krook 2010, 195). As the case of Mexico shows, the offices to which the quota applies and the lack of clarity about institutional layering can also weaken the impact of quota legislation. For example, the absence of a mention of “*suplentes*” (alternate candidates) in the quota legislation and the possibility of not abiding by the quota through the selection of candidates via primaries can substantially undermine the policy’s impact (Baldez 2007).

By designing policies with weak or insufficient provisions, legislators can thus empty the contents of a proposed solution and ensure that it does not have the power to change the status quo (Caminotti and Freidenberg 2016; Franceschet and Piscopo 2013; Htun and Jones 2002; Hughes et al. 2017;

Jones 2005; Piscopo 2006; Schwindt-Bayer 2009; Wylie and dos Santos 2016; Wylie, dos Santos, and Marcelino 2019). For these reasons, it is at the policy elaboration stage that I expect to more explicitly observe men legislators' career-oriented rational behavior toward gender quotas.

## Weak policies can be reformed, however!

In the long term, legislators' calculated efforts to contain the threat of gender quotas to their careers may not always yield their expected policy outcomes. That is because the complexities of the political system, including institutional layering and the uncoordinated actions of multiple veto players, may morph otherwise calculated actions into incalculable long-term consequences. In other words, while legislators may act strategically, their behavior may still prompt unintended results and culminate in a product incongruent with their original intentions.

Paradoxically, in seeking to restrict the impact of gender quotas on their careers, legislators may unintentionally set up the stage for stronger gender quotas to emerge over time. Men legislators' calculations of their powers to lessen the threat of a gender quota by weakening its design partly relies on the expectation of institutions being "sticky" (Pierson 2004). Legislators anticipate that once adopted, it would be unlikely that a weak gender quota would be modified in the short term.

But that may not be the case. Subsequent packages of electoral and constitutional reforms may open new windows of opportunity for quota proponents to insert bills seeking to enhance gender quota designs. Notably, these new windows of opportunity may emerge when the composition of legislatures has changed, and the bargaining power of quota proponents has increased. For example, if a weak quota manages even slightly to increase the share of women legislators, the percentage of incumbents adopted in the post-quota period that could be negatively impacted by a quota strengthening would be lower than before pre-adoption. In other words, because even weak quotas are likely to have *some* impact on the number of seats women occupy, processes of quota strengthening are endogenous to original quota adoptions (Franceschet and Piscopo 2013; Piscopo 2015).

Gender quotas may also be strengthened outside of the legislative domain. Legislators are not the only actors with legislative powers; policy designs are often a product of policymakers' interaction across different arenas (Spiller, Stein, and Tommasi 2008). Latin American presidents are notable for their agenda-setting powers and use of executive decrees and amendatory vetoes

to influence policy elaboration and adoption (Alemán and Tsebelis 2005). In the region, judges are also widely known for employing their judicial powers to directly engage in policymaking, including creating, designing, and implementing public policy (Pereira 2022).

Critically, non-legislative actors may be particularly favorable toward the adoption of (strong) gender quotas. First, unlike men legislators whose seats may be directly threatened by the adoption of the policy, the careers of actors in the executive and judicial branches are not likely to be affected by the adoption of a (strong) gender quota. In fact, because presidents can easily claim credit for their policymaking efforts (Mainwaring and Shugart 1997), advancing the adoption of a (strong) gender quota may be electorally advantageous for them, particularly for those from the left and those who want to gain the support of women voters. Be it due to their embracing of international human rights standards (González Ocantos 2016) or their efforts to improve courts' stability (Pereira 2022), high court judges in Latin America have also gained notoriety for their activism in protecting the rights of marginalized groups; as such, they may be particularly prone to enacting favorable decisions to strengthen gender quotas. Executives and judicial branches may also be more easily persuaded by quota proponents: While advancing strong(er) quotas through the legislature requires the support of a large number of veto players (i.e., party leaders and individual legislators), enacting change through the executive or judiciary may require only the action of few—or even singular—critical actors.

## Conclusion

This chapter outlined the theoretical framework for the conditions under which gender quotas are most likely to be adopted in men-dominated legislatures. Drawing on the scholarships on gender and politics and legislative behavior, it outlined the underlying assumptions of the argument and derived expectations about the micro-level foundations of legislators' attitudes toward quotas, as well as of the most common pathway to quota adoption and revision in the context of legislatures dominated by career-seeking men legislators. To sum up, I argue that men legislators' career concerns shape their strategic behavior toward quota policymaking. When opposition to the policy imposes no reputational risks, legislators' modal behavior is to resist gender quotas. When the risks of opposing the policy increase, legislators agree to consent to quota adoption but work strategically to mitigate the policy's potential impact.

Supporting the argument demands evidence that legislators' career concerns shape their individual-level preferences toward gender quotas at different stages of the policymaking process. I provide this evidence in [Chapter 3](#), where I employ data from a survey experiment to examine how career concerns and perceived vulnerability to displacement shape legislators' quota design preferences and analyze data from roll-call votes to explore how responsiveness to their parties and voters may constrain legislators' ability to oppose gender quotas in plenary votes.

The argument also has aggregate-level observable implications for quota-related policymaking processes. To provide an overview of how men's strategic behaviors shape the engineering of quota-related legislative processes throughout Latin America, [Chapter 4](#) employs data on the timing of adoption, strength of design, and the length of policymaking processes for all gender quota policies—both original legislation and subsequent revisions—in Latin America.

To understand the mechanisms that result in these aggregate-level outcomes, I trace legislators' on-the-ground policymaking behaviors. Potential observable implications of men's strategic behavior toward gender quotas include their attempts to lessen the threat of the policy to their careers by responding to calls for addressing the problem of women's political underrepresentation by introducing (alternative) weaker bills, engaging in efforts to delay the advancement of quota bills, and/or the weakening of quota bills through committee and plenary amendments, as well as in background negotiations.

To investigate whether career-seeking explanations are used to justify men's actions to contain quota bills, I employ archival records and interviews with key actors to reconstruct the 30 years of the quota policymaking processes in Brazil, Costa Rica, and Chile. "Smoking-gun" evidence of the theorized mechanism would consist of men legislators admitting to resisting gender quotas *because* of the risks the policy poses to their career prospects. This type of evidence is as strong as it is unlikely, given that such admittance would paint a clear picture of individuals' self-serving, strategic behavior in action ([Collier 2011](#); [González Ocantos and LaPorte 2019](#); [Mosley 2013](#), 21). In addition to providing within-case evidence of how legislators' career-oriented actions impact gender quota policymaking, these three case study chapters also offer the opportunity to assess whether and how formal and informal institutional incentives shape legislators' strategies of quota resistance.

# 3

## Sex, ambition, and vulnerability to displacement

Unpacking gender quota resistance

### Introduction

Having as their primary role the making of laws, legislators are central to policymaking processes. As extensive scholarship indicates, legislators' attitudes and actions toward legislating are associated with their aim of retaining political office (e.g., [Brown and Goodliffe 2017](#); [Fourniaies and Hall 2022](#); [Griffin 2006](#); [Motolinia 2021](#)). If career-oriented concerns shape legislators' preferences toward other areas of policymaking, it is plausible to expect that strategic reasons also underpin their attitudes toward gender quotas. Revealing how self-interest affects legislators' gender quota preferences, however, is no easy task: While the adoption of a gender quota may threaten the careers of (at least some) legislators, vocally opposing the policy may also be electorally detrimental to incumbents—especially when doing so goes against the interests of their parties and voters.

Rather than risk incurring reputational costs by rejecting gender quotas in domains where parties and voters have oversight (e.g., roll-call votes), lawmakers may choose to conceal their true preferences in such instances and to advance their interests through other means—such as by designing institutionally weak policies that would not challenge the status quo ([Brinks, Levitsky, and Murillo 2020](#)). Empirically, this means that revealing how the individual-level career-oriented concerns of legislators shape quota policymaking requires an assessment of not only their stated support for the policy in roll-call votes but also their “ideal-point” preferences ([Loewenberg 2008](#)) on gender quota designs.

The current chapter carries out these assessments with data from Brazil. Of my three case studies, Brazil offers the most variation in legislators' options for career ambition and vulnerability to displacement. This “middle” case thus allows for the examination of how individual-level calculations shape

legislators' support for gender quotas in situations with and without party and voter oversight.

Consistent with my expectations, the chapter shows that men legislators' attitudes toward gender quotas are driven by their career concerns and rooted in the knowledge that a stronger gender quota could pose greater threats to their future prospects. When considering the policy's potential to displace them, men legislators who have the ambition to pursue legislative careers are less supportive of stronger gender quotas. However, legislators are more constrained to advance their career-oriented interests in the more visible stage of the policy process: While political ambition and vulnerability to displacement also shape legislators' support for quotas in roll-call votes, they are weaker predictors of voting behavior than proxies for legislators' responsiveness to their parties and voters.

The analysis is carried out in two steps. First, employing data from an original survey experiment with Brazilian sub-national legislators (N=228), the chapter examines whether factors associated with greater vulnerability to quota adoption, namely, legislators' sex, their career ambitions, and their vulnerability to displacement, plausibly influence legislators' calculations and preferences toward the strength of quota designs. Second, the chapter employs data from roll-call votes (N=448) to analyze whether career considerations also shape legislators' preferences toward quota adoption in the context of greater party and voter scrutiny.

## Unpacking resistance to strong quota designs

Negotiations over policy design are less visible stages of the policy process, occurring within committees and behind closed doors (Basseches 2019, 377). I thus expect legislators' career-oriented calculations to be particularly prominent in shaping their preferences toward quota designs. To assess the plausibility of this, I analyze data from an original online survey experiment with legislators from Brazil's 27 subnational state and federal district legislatures and the 26 municipal legislatures in state capitals. Individuals were contacted through the e-mail addresses listed on legislatures' websites or acquired through legislatures' transparency and communications offices. The data was collected through the survey platform *LimeSurvey* from October 2015 to January 2016 and from May to September 2017. The sample size of 228 respondents corresponds to a 12.2 percent response rate<sup>1</sup> (out of

<sup>1</sup> These response rates are consistent with those of elite surveys in Brazil. While hardcopy surveys with Brazilian legislators have managed to reach rates of response of 20 percent (Zucco Jr. and Power 2017), this effort requires constant in-person reminders from a locally based team.

a population of 1,871 legislators).<sup>2</sup> The sample includes respondents from every Brazilian state and 31 of the 33 parties represented in subnational legislatures.

I employ two variables to capture legislators' preferences toward quota designs. The first, *stronger quota*, is coded from respondents' answers to the question: *Would you support a more rigorous gender quota than the one currently in place, even if the law could harm your chances of being nominated in the next elections?* This variable takes a value of 1 when respondents indicate support for a stronger policy regardless of the threat it poses to their careers (50.4%) and 0 when they indicate they do not support the policy or would only support it if they could guarantee their candidacy nominations.

The second dependent variable, *stronger designs*, is a summative index of gender quota strength. I build this measure from respondents' answers to three survey questions (see [Table 3.1](#)) that together covered all five dimensions included in the *Index of Gender Quota Strength* (IGQS).<sup>3</sup> I assigned values 0–4 for answers to items in question *A* and 1–4 for answers to items in questions *B* and *C*, with lower values representing preferences for weaker designs. I then use respondents' answers to statements about the five components of the IGQS: Size requirements; office applicability; viability mandates; compliance mechanisms; and obstacles to implementation to produce a summative index, *stronger designs*, which ranges from 3 to 19 and has a mean of 11.691. Factor analysis confirms that this summative index is internally consistent.<sup>4</sup>

I do not expect gender quotas to impact all legislators equally. Specifically, I anticipate that men, those who have the ambition to continue pursuing a political career, as well as those more vulnerable to displacement, to be more likely to feel threatened by the adoption of a gender quota and, thus, more likely to prefer weaker gender quota designs. I use official data from electoral records to capture legislators' sex. For this variable, a value of 1 corresponds

<sup>2</sup> Since surveys were not collected in person, I cannot ensure that legislators were themselves the ones who completed it, so it is possible that staff answered the survey on legislators' behalf. Given that staff tend to be knowledgeable about legislators' electoral prospects, and since staff members' own career prospects are closely associated with the electoral success of legislators, I expect staff responses to still reflect legislators' career interests. However, to discourage anyone other than legislators from responding, all e-mails were addressed to legislators using their names and titles, and a text in the body of the message stated clearly that the survey was meant to and should only be answered by the addressed legislators. A similar text was presented in the consent form, which participants were asked to read and agree before proceeding with the survey. Furthermore, Brazilian city councilors and state legislators are the subjects of considerably fewer studies, and thus, are contacted less frequently than federal legislators. They also have smaller support teams. Combined, these factors suggest that it is plausible that legislators themselves were overwhelmingly the ones to respond to the survey. Replies to my e-mails apologizing for delays in responding and attesting to legislators' busy schedules provide further support for legislators' participation in the survey.

<sup>3</sup> [Chapter 4](#) develops and details this Index.

<sup>4</sup> Components all fall into one factor, as indicated by a high scale reliability coefficient of 0.882, with factor loadings for all components above 0.650 and an Eigenvalue of 3.428.



**Table 3.1** Survey questions employed to derive the variable stronger designs

Question A	Question B	Question C
In your opinion, what percentage of the list of candidates should be reserved for women?	About the implementation of a gender quota in Brazil, do you agree or disagree with a gender quota for what political spheres?	Now, thinking about specific aspects of a gender quota, with which aspects listed below do you agree or disagree?
Single choice	Mark all that apply	Completely agree, Partially agree, Partially disagree, Disagree
<ul style="list-style-type: none"> <li>• There should not be places reserved for women in lists of candidates</li> <li>• No more than 20% of places in the list of candidates should be reserved for women</li> <li>• Between 20% and 30% of places in the list of candidates should be reserved for women</li> <li>• Between 30% and 40% of places in the list of candidates should be reserved for women</li> <li>• Fifty percent of places in the list of candidates should be reserved for women</li> </ul>	<ul style="list-style-type: none"> <li>• The gender quota should be applied to the municipal legislatures</li> <li>• The gender quota should be applied to the state legislatures</li> <li>• The gender quota should be applied to the Chamber of Deputies</li> <li>• The gender quota should be applied to the Senate</li> <li>• The gender quota should be applied to partisan leadership</li> </ul>	<ul style="list-style-type: none"> <li>• In closed-list systems, the gender quota should establish that women occupy at least one of the first names on the list</li> <li>• There should not be sanctions/punishments for parties that disrespect the law</li> <li>• In cases of non-compliance with the law, parties should pay a pre-established fee</li> <li>• In cases of non-compliance with the law, electoral tribunals should reject party lists</li> <li>• The gender quota should be maintained for an unlimited period, until the proportions of women and men in politics are balanced</li> </ul>

to men and a value of 0 to women. In the sample, 85.5 percent of respondents are men. (Meanwhile, men are 87.7% of the population of legislators.)

A benefit of using survey data is that this strategy allows me to account for respondents' levels of political ambition and risk of displacement *at the time they declare their preferences toward gender quota designs*. To measure political ambition, I employ respondents' answers to a question about their candidacy plans for the following municipal and national elections. As the application of gender quotas is restricted to legislative offices, I only account for individuals' ambitions to attain legislative seats at the municipal, state, and federal levels. Thus, *legislative ambition* has three possible values, where 0

indicates that a respondent has no plans of running for legislative office (33.3% of respondents); 1 indicates their plans of pursuing static ambition (47.8% of respondents); and 2 indicates their plans for running for higher legislative office (18.9% of respondents). Specifically, I expect political ambition to be negatively associated with support for strong gender quotas. This should be particularly true for legislators seeking higher legislative ambition, who would face greater levels of competition.

To capture whether perceptions of their risks to displacement affect respondents' preferences for weaker quotas, I employ an experimental component embedded into the survey questionnaire. This consisted of a randomly allocated prime with information about the potential impacts of a gender quota on the career prospects of sitting legislators; this prime was meant to prompt respondents to consider how a gender quota might increase competition and render incumbents, particularly men, more prone to displacement. In other words, I expected that those exposed to the prime would be less supportive of strong quota designs than respondents who were randomly allocated to the control group—which did not receive any additional information.<sup>5</sup> To ensure that it was “taken,” the prime was displayed in the form of a question that respondents assigned to the treatment group had to necessarily answer before being allowed to move forward with the survey. The text of the treatment, translated from Portuguese, is outlined below:

*There is currently in Brazil a debate about reforming the gender quota law for the legislature. Gender quota laws establish that parties must reserve a certain proportion of places in their candidate lists for women. Concerning this debate, the academic literature on political science indicates that gender quotas:*

- *Tend to reduce the number of seats occupied by men,*
- *Generate significant changes in the composition of political elites to the detriment of men in Europe, Africa, and Latin America, and*
- *Affect the capacity of men legislators with smaller electoral bases to become candidates.*

*On a scale of 0 to 10, where 0 indicates “no knowledge” and 10 indicates “full knowledge,” how would you classify your level of knowledge about the academic results summarized above?*

<sup>5</sup> The treatment was assigned through blocked randomization (based on each legislature, a total of 53 blocs—27 state legislatures and 26 municipal ones) at the recruitment stage so that each legislator would unknowingly be invited to participate in either the treatment or control groups. Both groups received the same e-mail message inviting them to participate in the survey. They were presented with identical survey questionnaires. However, those in the treatment group were given an additional question that offered them information about the potential impacts of gender quotas on their future electoral prospects.

A significant concern when conducting survey experiments is whether the treatment sufficiently replicates situations to which respondents could have otherwise been exposed in their routine activities. Electoral results give politicians a way to estimate their own levels of political capital—and, hence, their vulnerability to displacement. When assessing whether to support or reject particular bills, legislators tend to predict how these policies may impact their career prospects (Fournaies and Hall 2022; Griffin 2006; Motolinia 2021). Given the numerous bills being debated in legislative bodies at any given time, legislators may rely on their support staff to provide information on how particular bills may or may not be aligned with their interests.<sup>6</sup> My treatment sought to mimic this process by offering information relevant to respondents' assessments of how a given policy (i.e., a gender quota) could impact their future electoral chances.<sup>7</sup>

For experiments to work, the counterfactual should be given and valid as the result of randomization: Treatment and control groups are expected to be equal in observable and unobservable characteristics. Balance tests confirm that randomization yielded two groups that are statistically comparable across most key observables.<sup>8</sup>

## Analysis

Due to random assignment, experimental designs generally employ simple tests to evaluate whether the treatment and control groups statistically differ in their mean values of the outcome variables of interest. Yet, because I anticipate that vulnerability to displacement should not affect all legislators equally but particularly men who have the ambition of pursuing further legislative careers, I also test for heterogeneous treatment effects conditional on individuals' levels of political ambition.<sup>9</sup> Finally, to increase the precision of

<sup>6</sup> Author interviews with Brazilian Federal deputy (July 27, 2018) and senior staff, SPM (July 25, 2018).

<sup>7</sup> Of course, the risks associated with making decisions on a survey questionnaire are not salient when compared to legislators' needs to act on policymaking. Still, differences in attitudes between those in the treatment and control groups should indicate whether incumbents' preferences toward quota designs shift as expected once they are exposed to the policy's potential risks to their careers. These differences, however, should be interpreted as an *underestimation* of the true effect this type of information would have on the behavior of legislators in situations of policy consideration where there are real stakes at play.

<sup>8</sup> See Appendix 2 for balance tests (Gerber and Green 2012). At the 10 percent level, treatment and control groups statistically differ when it comes to respondents' levels of educational attainment and left–right ideological placement. Substantive differences remain within the same categorical value on the education scale; the treatment group is slightly more left-wing than the control group. Since left-wing legislators are expected to be more supportive of gender quotas, if anything, this unbalance would likely *undermine* the effect of my treatment. Still, I seek to correct for these unbalances by controlling for these variables in my models.

<sup>9</sup> Because women only constitute a small share of the population of legislators and, consequently, of the sample of respondents, I cannot run triple interactions that include legislators' sex but still provide analysis of substantive results by sex.

my model estimates given the small sample size, and to more directly examine the role of theoretically relevant factors, I also estimate models with controls for key observables measured pre-treatment (Gerber and Green 2012).

Left-wing parties and voters are more likely to support gender quotas (Catalano Weeks 2018; Caul 2001), so individual legislators who place themselves on the left of the ideological scale may also be more prone to hold these tendencies. Treatment and control groups were also slightly unbalanced in terms of self-ideological placement. I control for respondents' self-declared left-right ideology with the variable *right-wing ideology* (range=1-10; mean=4.825, where higher values correspond to right-wing). Education was also slightly unbalanced across the treatment and control groups, so I also control for this with a self-reported measure of educational attainments (range: 2-8; mean: 7.526, where 2 corresponds to "complete primary education" and 8 to "complete higher education"). The sample includes state-level and municipal-level legislators; individuals occupying these two types of office may plausibly have different levels of career and policymaking experience, which, in turn, may shape their levels of knowledge and attitudes toward electoral reform more broadly and gender quotas more specifically. I account for this with the variable *state deputy*, in which 1 indicates that a respondent is a state deputy (58.8%) and 0 indicates that the respondent is a city councilor. Finally, data collection took place during two periods. Time may be associated with societal-level perceptions of gender quotas. To account for this, I employ the variable *2017*, in which a value of 1 indicates that a respondent completed the survey in 2017 (56.1%), and a value of 0 indicates that a respondent completed the survey in 2015.

As previously detailed, I am interested in assessing what factors shape legislators' support for a *stronger quota*.<sup>10</sup> Table 3.2 summarizes these results. As indicated by the coefficients produced by Models 2-4, men are significantly less likely to support a stronger gender quota than women. Substantively, the average probability of supporting a stronger quota is 74.8 percent for women and 46.8 percent for men—a difference of 28 percentage points.<sup>11</sup> This is consistent with my expectations that strong resistance to gender quotas is largely a product of men legislators' preferences. However, gender quotas are not likely to affect all men equally.

<sup>10</sup> The variable *stronger quota* is based on a strongly worded survey question asking respondents whether they would support the adoption of a stronger quota for the next electoral cycle even if the policy could pose threats to their electoral prospects. It is possible that the wording of the question itself may have led respondents in the control group to link the strengthening of quotas and their own electoral security. This would lead to less substantial treatment effects and thus the *underestimation* of any findings reported.

<sup>11</sup> Given its greater explanatory power (as indicated by its higher pseudo-R-squared), interpretations are based on Model 4. These predictions are calculated by holding all other variables at their means.

**Table 3.2** The impact of electoral calculations on respondents' preferences for a stronger quota

	DV: Stronger quota			
	Model 1	Model 2	Model 3	Model 4
Men		0.235** (0.108)	0.224** (0.103)	0.233*** (0.099)
Static ambition		0.890 (0.241)	1.383 (0.533)	1.761 (0.644)
Progressive ambition		0.656 (0.203)	1.971 (0.898)	2.23 (1.192)
Treatment	1.15 (0.436)	1.116 (0.420)	2.744* (1.290)	2.759* (1.335)
Static ambition*Treatment			0.397+ (0.199)	0.266** (0.131)
Progressive ambition*Treatment			0.086** (0.079)	0.087** (0.080)
Right-wing ideology				0.694*** (0.048)
Education				1.226 (0.189)
State deputy				1.064 (0.419)
2017				0.774 (0.393)
<b>Constant</b>	0.948 (0.197)	3.891*** (1.129)	2.645*** (0.769)	3.469 (4.598)
<b>N</b>	228	228	228	228
<b>Pseudo-R-squared</b>	0.001	0.046	0.074	0.166

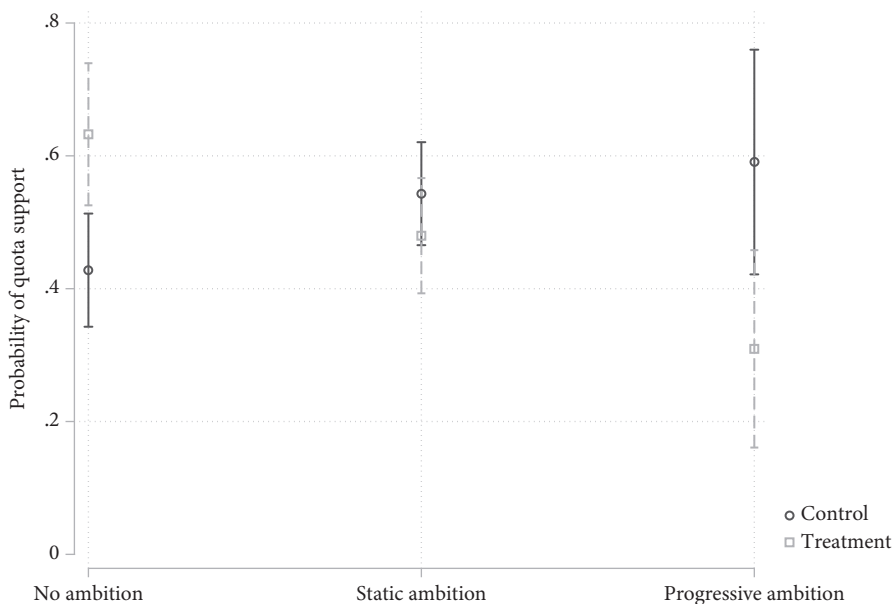
*Note:* The unit of analysis is the individual respondent. The table reports odds ratio estimates from logit models. Coefficients that are lower than 1 indicate a negative relationship and those higher than 1 indicate a positive relationship. Standard errors of estimated coefficients are clustered at the state level. Standard errors in parentheses. †p<0.10, \* p<0.05, \*\* p<0.01, \*\*\* p<0.001.

As shown in Models 2–4, political ambition and risk of displacement (prompted by the randomized prime) do not independently shape respondents' attitudes toward a stronger quota. Nonetheless, as shown in Models 3 and 4, the interaction between exposure to the treatment and levels of political ambition suggests that those seeking higher office are less supportive of gender quotas when vulnerable to displacement (i.e., prompted by the treatment to consider the policy's potential threats to their careers) than those who have no legislative ambition.

Although I did not have a priori expectations about the treatment's effects on those without legislative ambition, I anticipate that for incumbents to whom the policy does not apply, attitudes toward gender quotas would be driven by factors other than career-seeking interests. This could include a greater inclination to support gender equality, the intention of leaving a legacy after leaving office, or a desire for political renovation. As such, it is possible that being primed to consider the potential of gender quotas for diversifying political bodies leads incumbents with no legislative ambition to become particularly favorable toward the policy. Those who do not seek higher legislative office are also likely different from other respondents in unobservable traits. For example, perhaps those without legislative ambition think about electoral institutions less frequently, thus explaining their lack of quota support unless given information about how the policy could transform political bodies. It is challenging to make this assessment, given that levels of political ideology and other possibly relevant measures available are not statistically different between those with and without legislative ambition. Yet, as will be shown later, it is worth highlighting that this relationship also emerges in my analyses of roll-call data.

Given that it captures the level of support for gender quotas under a scenario in which one's electoral security is not a concern, the treatment's effect on respondents without legislative ambition serves as the benchmark for comparing the two other groups of respondents. In other words, I consider the benchmark to be the predicted probability of supporting a stronger quota for treated respondents with no legislative ambition. At the benchmark, respondents have a predicted probability of supporting stronger quotas of 63.2 percent—compared with 42.8 percent in the control group. Meanwhile, among treated respondents with static and progressive ambitions, the probability of supporting a stronger quota is 48.0 percent and 30.9 percent, respectively. In other words, treated legislators with static and progressive legislative ambitions have predicted probabilities of supporting stronger quota designs that are, respectively, 15.2 and 11.8 percentage points lower than treated respondents with no ambition (i.e., at the benchmark).

These results are also summarized in [Figure 3.1](#), which shows the predicted probabilities of supporting a stronger quota for those in the control and treatment groups as stratified by levels of ambition. As indicated by the square symbols and dashed lines, treated respondents with no political ambition are more supportive of stronger quotas than those with progressive ambition. Essentially, these findings suggest that the effect of information exposure about gender quotas' effectiveness in displacing men influences respondents' preferences toward weaker quotas but is *mediated* by political ambition—meaning those with future career plans are less likely to support the policy. These findings are aligned with my theoretical expectations that political



**Fig. 3.1** The predicted effect of the treatment on preferences for a stronger quota by levels of political ambition

*Note:* Compiled by the author with estimates from Model 4 (Table 3.2).  $N=228$ . Following the recommendation of [Bolsen and Thornton \(2014\)](#) for the analysis of experimental data, the figure displays confidence intervals at the 83% level.

ambition and vulnerability to displacement are the main factors inhibiting incumbents from promoting policies that seek to diversify political bodies.

As I anticipate, these effects are even more pronounced among men legislators. Among men respondents exposed to information about their risk of displacement, support for a stronger quota drops from 62.2 percent for those with no legislative ambition to 44.4 percent and 24.1 percent for those with static and progressive ambition, respectively—differences of 17.8 and 38.1 percentage points.

My results also indicate that vulnerability to a stronger quota impacts ambitious legislators from both the left and the right. Ideology is also likely to shape legislators' preferences on gender quotas, so the fact that, at the benchmark, left-wing legislators are significantly more supportive of a stronger gender quota is not surprising. When they have no legislative ambition but were primed to consider their risks of displacement, the predicted probability of supporting a stronger quota is of 87.7 percent among legislators from the far-left (who self-position themselves as a “1” on a 1–10 scale), and of 24.4 percent among those from the far-right (who self-place as a “10”).

Consistent with my expectations about legislators' career-oriented preferences, however, the predicted support for a stronger quota among left-wing legislators with static and higher ambition drops to 77.3 percent and 59.5 percent, respectively. I find a similar pattern among right-wing legislators, with predicted support for a stronger quota dropping to 13.8 percent and 6.5 percent for those with static and higher ambition. In other words, when seeking progressive ambition, left-wing legislators have a predicted probability of supporting a stronger quota that is 28.2 percentage points lower than when they do not have any legislative ambition. This effect is larger than right-wing legislators' 17.9 percentage point difference between respondents with progressive ambition and those at the benchmark.

I also explore whether career-oriented concerns similarly impact legislators' preferences on specific aspects of gender quota designs. Unlike the previously used question, this measure is not explicit about which and how design elements would render the policy weaker. This makes this outcome variable a harder and more nuanced test of my expectations. For these analyses, I employ the same model specifications as before, but because I treat the dependent variable *stronger designs* as continuous, I estimate the models using ordinary least squares (OLS) regressions. As before, I also cluster standard errors by state. [Table 3.3](#) summarizes these results.

Aligned with my prior findings, these analyses also indicate that respondents' sex significantly shapes their attitudes toward quota designs, with men displaying support for weaker quotas than women. On average, men support quotas with a design strength of 11.095–4.121 points lower than the policy designs preferred by women respondents (in Model 4).

Also consistent with my earlier results, treated respondents seeking static and higher legislative ambitions report preferences for weaker gender quota designs than treated respondents with no legislative ambition and those with static and higher ambition in the control group. As before, these results should be interpreted in comparison to the benchmark value (i.e., support for quota strength among treated respondents with no political ambition). In other words, as aligned with my expectations, those with the ambition to retain some type of legislative office tend to support weaker gender quota designs than those with the same ambition but allocated to the control group.

This is particularly the case in Model 5, which excludes city councilors and applies only to state/district deputies. The inclusion of city councilors in the model seems to partly depress the size of the effect across levels of political ambition (in Models 1–4). Interestingly, although city councilors and state deputies display similar behaviors with respect to their levels of support for a



**Table 3.3** The impact of electoral calculations on respondents' preferences for stronger designs

DV: Stronger designs					
	Model 1	Model 2	Model 3	Model 4	Model 5
Men		-4.744*** (0.656)	-4.721*** (0.667)	-4.121*** (0.592)	-4.453*** (0.758)
Static ambition		0.0338 (0.702)	1.101 (1.136)	1.325 (1.012)	2.187+ (1.115)
Progressive ambition		-0.925 (0.973)	0.552 (1.646)	0.403 (1.452)	2.389* (1.051)
Treatment	0.709 (0.983)	0.567 (0.889)	2.177+ (1.259)	1.673 (1.206)	2.643 (1.576)
Static ambition*			-2.145+ (1.265)	-2.474* (1.120)	-3.472* (1.519)
Progressive ambition*			-3.106 (2.140)	-1.859 (1.990)	-6.974*** (1.583)
Right-wing ideology				-0.876*** (0.149)	-0.590** (0.201)
Education				0.047 (0.297)	-0.046 (0.262)
State deputy				0.553 (0.983)	
2017				0.081 (1.059)	0.234 (1.123)
<b>Constant</b>	11.333*** (0.459)	15.621*** (0.742)	14.819*** (1.065)	17.955*** (2.772)	17.407*** (2.670)
<b>N</b>	228	228	228	228	134
<b>R-squared</b>	0.005	0.120	0.133	0.275	0.240

*Note:* The unit of analysis is the individual respondent. Estimates from ordinary least squares models. Standard errors of estimated coefficients are clustered at the state level. Standard errors in parentheses. †p<0.10, \* p<0.05, \*\* p<0.01, \*\*\* p<0.001.

stronger gender quota, city councilors are not as affected by the treatment as state deputies when it comes to their preferences on specific aspects of gender quota designs.

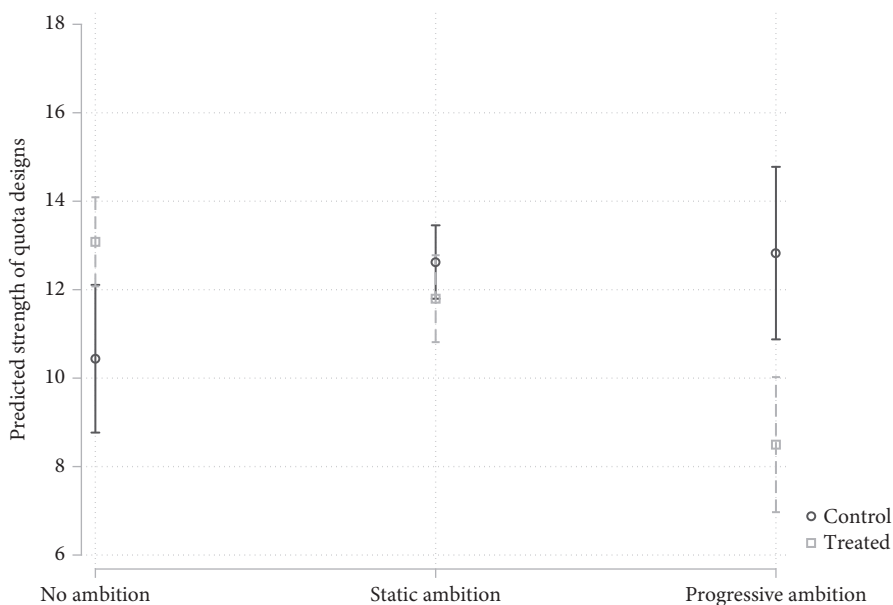
Various factors could be behind deputies' higher resistance to strong quotas. Firstly, city councilors are plausibly less likely than state deputies to be exposed to debates on electoral reform, so they possibly lack knowledge about the intricacies of policy designs. Since political careers in Brazil tend to begin

at the local level, city councilors are also more likely to be newcomers and, as such, are less likely to be avidly making calculations about how specific elements of a policy reform could impact their electoral prospects. Furthermore, municipal races do not coincide with state and national races, but races for state and federal deputy are concurrent. This means that running for a higher office is a riskier move for state legislators than municipal councilors, who can maintain their offices if they are unsuccessful in state races. In other words, while deputies with higher legislative ambition are considerably more vulnerable than those seeking re-election, the same is not true for city councilors.

Restricting estimations to deputies only, I find that the treatment's expected negative and statistically significant effects are substantively sizable. The preferences of treated deputies with static and higher ambition are also lower than the benchmark preferences of those of treated deputies with no legislative ambition. The larger negative effect of the treatment among this group is thus plausible. Employing results from Model 5, I find that ambition decreases legislators' preferences for stronger design from 13.081 to 11.80 and 8.496 for those in the treatment group with none, static, and higher levels of ambition, respectively. The predicted impact of the treatment on respondents' preferences for quota design strengths is also illustrated in [Figure 3.2](#), which shows that legislators with progressive ambition prefer weaker quota designs than legislators without future legislative ambition.

The treatment similarly impacts left- and right-wing legislators alike: When prompted to consider the risk of displacement that a quota could pose on their careers, respondents in the far-left (a self-placement score of 1) who have no ambition to run for legislative office have a preference for quota design with a score of 15.286. Left-wing legislators' quota design preferences decrease to a strength of 14.001 if they have static ambition and 10.701 if they have the ambition of pursuing higher office—a difference of 4.585 points. Meanwhile, far-right legislators' (a self-placement score of 10) quota design preferences decrease from 9.979 when they have no ambition to 8.693 and 5.39 when they have static and progressive ambitions, respectively—a difference of 4.586 points.

In sum, my analyses indicate that career concerns shape legislators' preferences toward the strength of gender quota designs. Specifically, men who have the ambition to pursue future legislative careers and who are primed to consider their risks of displacement are less likely to support a stronger gender quota—something that applies to both left-wing and right-wing legislators; this is reiterated in analyses of respondents' preferences of specific elements of the policy's design. Together, these findings suggest that



**Fig. 3.2** The predicted effect of the treatment on preferences for stronger designs by levels of political ambition (deputies only)

*Note:* Compiled by the author with estimates from Model 5 (Table 3.3). N=134. Following the recommendation of [Bolsen and Thornton \(2014\)](#) for the analysis of experimental data, the figure displays confidence intervals at the 83% level.

legislators are not only driven by career-oriented calculations in their abstract preferences for weaker policies but that they also have the knowledge to identify and select policy characteristics that could mitigate their chances of displacement—something that is particularly true among state deputies, who are likely more experienced in policymaking than city councilors and whose behaviors are likely closer to those of national legislators responsible for carrying out electoral reforms.

## Unpacking resistance to quota adoption

I now analyze the micro-foundations underpinning legislators' behavior toward quota adoption during roll-call votes. Since electoral reforms are often voted as packages encompassing many proposals, there are few opportunities to analyze legislators' votes on specific issues.<sup>12</sup> In 2015, the Brazilian

<sup>12</sup> As I discuss in [Chapter 5](#), another opportunity emerged in 1995, when the quota's insertion into the broader electoral reform was put to a roll-call vote. Although roll-call data is available for this occasion, individual-level candidate data (required to derive my independent and control variables) is incomplete and unreliable before the 1998 elections ([De Magalhaes 2015](#)).

National Congress debated proposals to reform different aspects of its electoral framework. During this time, the Chamber of Deputies separately voted on a bill to adopt a new gender quota (of reserved seats) on top of the existing candidate quota. This offers an opportunity to examine whether individual-level career concerns still shape legislators' preferences toward quota adoption when they are expected to be responsive to party leaders and the electorate.

Presented as Amendment 57 to the *Proposta de Emenda Constitucional* (Proposal for Constitutional Amendment, PEC) 182/07 for political reform, the gender quota proposal was voted on by the Chamber of Deputies on June 16, 2015. The amendment outlined a progressive 10 percent, 12.5 percent, and 15 percent of seats (not candidate nominations) to be reserved for women in municipal and state legislatures and the federal Chamber of Deputies during the 2018, 2022, and 2026 elections.<sup>13</sup> The share of reserved seats outlined in the bill was considerably lower than the Women's Caucus' original proposal of 30 percent and resulted from negotiations between the Women's Caucus and the leadership of various parties ahead of the vote (Calgario 2015). Although the bill had already been considerably weakened before reaching the plenary floor, the design that was put to a vote could have still threatened the future careers of at least some legislators. At the time of the vote, women occupied 9.9 percent of the seats in the Chamber of Deputies. The proposed increase to 15 percent in 2026 would translate into the displacement of at least 26 men.

Turnout for the vote was high, with 448 (87.3%) deputies present. To be approved, the amendment required 308 favorable votes; it fell short by just 12 votes, with 296 deputies voting in favor, 99 against, and 53 abstaining. Still, the vast majority of those present during the vote (68.7%) voted in favor of the bill, something that is congruent with my expectation that legislators are more likely to display their career-related preferences in negotiations over policy design (e.g., in this case, by weakening the Women's Caucus proposal) and before the more public stage of roll-call votes.

Employing official data from the archives of the Brazilian Chamber of Deputies, I use legislators' votes on the amendment to code my dependent variable, *vote for quota*, in which a value of 1 corresponds to votes in support of the amendment and a value of 0 corresponds to votes against it. Constitutional amendments require a three-fifths majority to pass, so abstentions can lead a proposal to fail, even if it receives a simple majority of votes in its favor. In addition, legislators can use absence from important votes as a way

<sup>13</sup> Unlike some reserved seat quotas that set aside seats for women and conduct women-only races, the proposal in Brazil was to "bump up" women from general (i.e., gender-mixed) party lists until the established quota was met. This is discussed in greater detail in [Chapter 5](#).

to strategically avoid participating in close votes due to re-election concerns (Brown and Goodliffe 2017). As such, I also code abstentions as votes against the amendment (taking a value of 0).

As before, to examine whether individual-level self-preservation strategies shape legislators' voting behavior toward quota adoption at the roll-call stage, I employ measures of legislators' sex, career ambition, and vulnerability to displacement. No survey data exists to capture legislators' career ambitions and perceived vulnerability to displacement at the time of the vote. I do the next best thing and employ official data on candidate registration and electoral outcomes from the 2014 and 2018 elections to produce proxies that most closely capture these factors.

Firstly, given that quotas are set to impact men and women differently, I expect sex to be a crucial predictor of behavior, with men being more likely to oppose it and women to support it. I control for legislators' sex with a binary variable in which a value of 1 corresponds to men and a value of 0 to women. Of the 448 legislators present during the vote, 90 percent were men.

I also expect those with future legislative ambition to be less supportive of the gender quota proposal. To measure career ambition, I employ a binary variable capturing whether an individual legislator ran for re-election in 2018. Given that the gender quota would only apply to the Chamber of Deputies, state legislatures, and municipal councils, legislators' careers would only be directly affected by the policy if incumbents chose to pursue static (or regressive) ambitions—but not if they decided to run for the Senate or executive offices, as the policy would not apply to these domains. It is plausible to assume that due to their previous successes in a national race, federal deputies would be highly competitive in races for subnational legislatures. As such, I only account for re-election bids to the Chamber of Deputies. The variable *static ambition* takes a value of 1 when an incumbent ran for re-election and 0 when an incumbent ran for another post or decided not to run.<sup>14</sup> In 2018, 75 percent of deputies elected in 2014 attempted re-election. Of those present on the day of the roll-call vote, 73.7 percent sought re-election.<sup>15</sup>

Finally, I also anticipate that those at greater risk of displacement are less likely to be favorable to the approval of a gender quota. At the individual level, political capital is a key factor shaping one's risk of displacement.

<sup>14</sup> Note that this is an imperfect measure of political ambition as it does not capture legislators' career plans during the roll-call vote (i.e., it is measured post outcome). No alternative measures are available, and given that reverse causality is unlikely, the measure stands as the most appropriate proxy for testing my expectations.

<sup>15</sup> These numbers include some legislators who were not elected in 2014, but nonetheless took office as substitutes and were present during the roll-call vote analyzed.

In Brazil's OLPR system, the election of federal deputies is the product of (1) their nominal votes, and (2) the pooled votes of all candidates from their parties or coalitions. In other words, the performances of both individuals and their parties matter. Still, legislators who are less reliant on their parties/coalitions for election are plausibly at a lower risk of displacement than those whose election heavily depended on vote transfers from their parties/coalitions. To capture this, I employ official data on candidates' and parties/coalitions' electoral performances to calculate a measure of electoral capital that accounts for the relative weight of personal and party/coalition votes in contributing to one's election (for details on the calculation of this measure, see Appendix 1).<sup>16</sup> Because of its design, values are easy to interpret: For candidates who did not attain election,<sup>17</sup> the variable takes on values that are equal to or below zero; values between 0 and 1 correspond to candidates elected with the help of the votes of their parties or coalitions; finally, values above 1 correspond to candidates whose individual nominal votes suffice to elect them (without transfers for their parties' or coalitions' pooled votes). For example, having been elected with 1,524,361 votes—8.8 times the necessary number of votes to attain a seat in the state of São Paulo—Celso Russomanno has the highest political capital among all deputies, a score of 9.85, which indicates that Russomanno was not only capable of electing himself on his own but also of electorally benefitting other candidates from his party. Meanwhile, Hermes Parcianello, who attained 150,213 votes—just above the 149,784 votes necessary to attain a seat in his state of Paraná—has a political capital score of 1.003. Receiving 170,604 votes, Emilson Rodrigues fell short of the 220,213 votes needed to win a seat in the state of Pará. His political score is 0.76, which indicates he could not win on his own and, as a result, had to obtain vote transfers from his party.

Roll-call votes constitute a stage of the policy process in which party leaders and voters may have a particularly high level of oversight over legislators' behaviors. Since party leaders and voters can shape legislators' electoral prospects (Carey 2007, 94), incumbents' preferences in roll-call votes should be attuned to those of their party leaders and constituents. To examine the role of party leaders in shaping legislators' votes, I employ the variable *party whip*, which captures whether a party provided orientation on how their members should vote. Only eight (out of 28) parties instructed their

<sup>16</sup> This measure was developed in collaboration with David Kohan Marzagão and Thiago R. Oliveira.

<sup>17</sup> Some sitting legislators included in the analysis were not directly elected due to having taken up seats as "*suplentes*" (substitutes). Specifically, 28 (roughly 6%) of legislators present in the roll-call vote were substitutes.

representatives on how to vote on the gender quota proposal. They were the left-wing parties: *Partido Comunista do Brasil* (Communist Party of Brazil, PCdoB), *Partido Democrático Trabalhista* (Democratic Labor Party, PDT), *Partido Popular Sindicalista* (Syndicalist Popular Party, PPS), *Partido Socialista Brasileiro* (Brazilian Socialist Party, PSB), *Partido Socialismo e Liberdade* (Socialism and Liberty Party, PSOL), *Partido dos Trabalhadores* (Workers' Party, PT), and *Partido Verde* (Green Party, PV),<sup>18</sup> as well as the center-right parties *Partido Social Democrático* (Social Democratic Party, PSD) and *Partido Republicano* (Republican Party, PR)—all of which instructed their members to vote in favor of the proposal. All other parties formally left it up to their members to decide how to vote. I assign a value of 1 to refer to the instruction to vote in favor of the proposal and a value of 0 to represent the lack of party orientation.

I also contend that legislators are responsive to their voters' preferences. As various studies show, left-wing voters are more likely to support women's descriptive representation, in general, and gender quotas, specifically (Beauregard 2018). Civil society organizations and women's movements also tend to have closer links to left-wing parties and monitor their actions more closely (Banaszak, Beckwith, and Rucht 2003; Bruhn 2003; Jenson and Valiente 2003). The normative and reputational costs of opposing quotas may thus be particularly high for left-wing legislators. Accordingly, I control for respondents' party-level ideology at the time of roll-call voting<sup>19</sup> with the variable *right-wing ideology*, which ranges from  $-0.843$  to  $0.760$  (mean= $0.090$ ), where higher values correspond to right-wing. The data for this variable derives from the 2017 wave of the Brazilian Legislative Survey, developed by Zucco and Power (2017) and updated by Power and Rodrigues Silveira (2019).

## Analysis

My dependent variable is binary, so I analyze the factors associated with legislators' behavior on roll-call votes with logit models. Given that legislators are nested within parties and that two of my variables are measured at the party level, Model 2 accounts for the multi-level structure of the data by also estimating random effects. As before, because I expect the interaction between ambition and political capital to shape legislators' vulnerability to (and thus their attitudes toward) gender quotas, I also interact these two

<sup>18</sup> This is consistent with Mainwaring's (1999) characterization of Brazilian left-wing parties as more concerned with programmatic goals than "catch-all" parties.

<sup>19</sup> This is necessary because Brazilian sitting legislators often change parties while in office (Desposato 2006).

variables and provide interpretations of substantive results by legislators' sex. Table 3.4 summarizes my results.

As expected, legislators' sex matters for quota adoption. The negative and statistically significant coefficients produced by this variable in models 1 and 2 corroborate my argument, which is that men resist the policy due to its

**Table 3.4** The impact of electoral calculations on legislators' behavior toward quota adoption (PEC 182/07)

	DV: Vote for quota		
	Model 1	Model 2	Model 3
<b>Individual-level variables</b>			
Men	0.036** (0.037)	0.036*** (0.035)	0.035*** (0.035)
Static ambition	0.653 (0.227)	0.686* (0.124)	0.729+ (0.136)
Political capital	0.423+ (0.197)	0.415+ (0.210)	0.387+ (0.194)
Static ambition*Political capital	3.275* (1.942)	3.270* (1.584)	3.332* (1.622)
<b>Party-level variables</b>			
Party whip	1.413 (0.401)	1.647 (0.613)	6.084* (4.692)
Right-wing ideology	0.103*** (0.039)	0.098*** (0.040)	
<b>Constant</b>	104.250*** (109.912)	97.736*** (88.371)	40.491*** (37.679)
<b>Random effects</b>			
<b>Intercept</b>		0.102* (0.112)	0.760 (0.386)
<b>N</b>	448	448	448
<b>Pseudo R-squared</b>	0.186		
<b>LL</b>		-232.865	-241.11
<b>AIC</b>		481.730	496.220
<b>BIC</b>		514.569	524.954

*Note:* The unit of analysis is the individual legislator. Model 1 reports odds ratio estimates from a logit regression with robust standard errors. Models 2 and 3 report odds ratio estimates from multi-level logit regressions with robust standard errors. Coefficients that are lower than 1 indicate a negative relationship, and those higher than 1 indicate a positive relationship. Standard errors in parentheses. †p<0.10, \* p<0.05, \*\* p<0.01, \*\*\* p<0.001.



gender-based electoral implications to their detriment. This effect is also substantive: Men legislators have a predicted probability of voting in favor of the gender quota that is 34.6 percentage points lower than women legislators when their parties do not whip them to vote in favor of the policy and 25 percentage points lower than women legislators' when parties whip them to vote in favor of the policy (and when all other variables estimated in Model 2 are held constant).

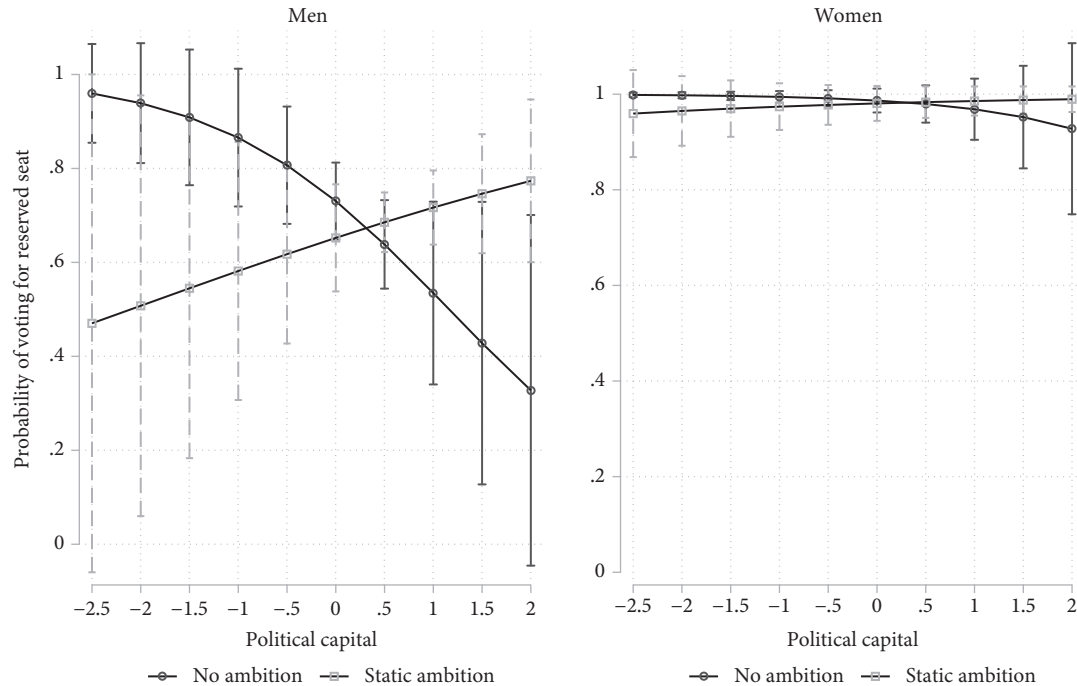
As anticipated, although there is some indication that career ambition and vulnerability to displacement influence legislators' behavior toward gender quotas, it is concerns about reputational costs that seem to more strongly restrict legislators from acting solely based on their career-seeking orientations—something that is particularly salient among left-wing legislators who need to respond to the direction of their party leaders and their constituents' expectations.

As illustrated in [Figure 3.3](#), the interaction between ambition and political capital is positive, meaning that, among those with static ambition, legislators with high levels of political capital are more likely to support quotas than those who face a greater risk of displacement. Substantively, for those with static ambition, moving from the lowest (-2,5) to the highest (2.0) levels of political capital would increase the probability of voting in favor of reserved seats from 47 percent to 77.4 percent. As expected, this effect is more salient among men legislators (as the left-side panel of [Figure 3.3](#) shows).

Interestingly, and similar to the findings from my analyses using survey data, for those with no political ambition (or who plan to seek offices to which the quota does not apply), lower levels of electoral capital are associated with *greater* support for reserved seats. This reiterates that career concerns are associated with lower support for gender quotas and that career ambition is a critical factor in mediating legislators' resistance to the policy. In other words, the finding that career concerns do not drive the attitudes of those without legislative ambition shows that my theoretical framework rightly delimits the scope of its application to incumbents who seek offices that are made scarcer by gender quotas.

Still, and coherent with my expectations about the costs of opposing party leaders and voters during roll-call votes, measures of political ambition and electoral security are not strong determinants of legislators' attitudes on quota adoption: The interaction between static ambition and political capital produces coefficients that are statistically significant at the 10 percent level.

The lack of statistical significance of party whip in these models does not mean that leaders' orientation does not matter, however: 97.2 percent of legislators from left-wing parties whipped to support the bill followed



**Fig. 3.3** The predicted probability of voting in favor of quota by levels of political capital and political ambition—by legislators’ sex

*Note:* Compiled by the author with estimates from Model 2 (Table 3.4). N=448. The left-side panel shows the predicted effects of electoral capital for men legislators, and the right-side panel shows the predicted relationship for women legislators. Figure displays confidence intervals at the 95% level.

their leaders' direction to vote in favor of the policy. Conversely, 45.9 percent of centrist and right-wing legislators from parties that oriented their members to vote in favor of the policy deviated from the whip: Eight PR members and eight PSD members voted against party instructions, and another seven PR members and five PSD members abstained from voting. Of course, this still means that 54 percent of centrist and right-wing deputies followed their party preferences despite their ideological dispositions. As anticipated and shown in Model 3, *party whip* produces a positive and statistically significant coefficient when *left-right placement* is removed from the model.

I also anticipate that left-wing voters have higher expectations about their representatives' behaviors toward gender equality in politics and, in turn, that left-wing legislators are responsive to these demands. Indeed, as [Table 3.4](#) demonstrates, party ideology produces negative and highly significant coefficients, which indicate that members of left-wing parties are more likely to vote in favor of the reserved seat bill than representatives of center or right-wing parties. Substantively, an increase in party left-right ideology from its minimum to its maximum values (i.e.,  $-0.843$  to  $0.760$ ) in Model 2 leads to a decrease in the predicted probability of supporting quota adoption from 96.8 percent to 43.3 percent.

These results are in line with my expectations that left-wing legislators are more likely to support gender quotas, not only because the policy's objective is often morally aligned with their parties' political agendas ([Catalano Weeks 2018](#); [Caul 2001](#); [Krook, Lovenduski, and Squires 2009](#)), but also because publicly opposing the policy would likely be more costly for them electorally. In other words, since gender quotas are associated with promoting gender equality, it may be more difficult for a member of a left-wing party to justify voting against it, regardless of the policy's potential electoral implications for their career.

In sum, analyzing roll-call votes, I show that aligned with my prior findings using survey data on legislators' policy design preferences, there is some indication that legislators' sex, career ambitions, and risk of displacement are associated with lower support for quota adoption. However, as I anticipate, responsiveness to party leaders and voters is a stronger determinant of legislators' actions during roll-call votes. Critically, my findings suggest that while legislators' vulnerabilities to gender quotas make them more hesitant to vote in favor of the policy, publicly manifesting their career concerns at the roll-call stage may not be reputationally possible, particularly for those from the left.

## Conclusion

This chapter examined the plausibility of the micro-foundations of my argument, namely, that career-oriented concerns shape legislators' preferences toward gender quota policymaking. To do this, I employed a two-step approach. First, using data from a survey experiment with Brazilian subnational legislators, I showed that legislators for whom a quota could be the most threatening—men who are politically ambitious and primed to consider the risk of displacement that a quota could pose to them—are also the least likely to support strong gender quotas, even when belonging to a left-wing party. This exercise highlighted the theorized latent preferences: Legislators' attitudes toward gender quotas are rationally driven and shaped by career concerns.

Using data from roll-call votes, I then revealed that legislators may not always be able to advance their career-oriented preferences without constraints. In fact, while my results indicate that career ambition and risk of displacement render men legislators more hesitant to support a gender quota, the pressure to respond to the demands of party leaders and the electorate is a more salient factor shaping legislators' voting behavior on quota adoption.

These findings are consistent with my argument that the attitudes of men incumbents toward gender quotas do not deviate from rational choice expectations—but that to observe this, it is necessary to uncover legislators' behaviors *throughout* quota policymaking processes. Through mapping all cases of gender quotas in 18 Latin American countries, [Chapter 4](#) provides initial insight into the implications of men legislators' self-interested behavior to quota policymaking. By reconstructing the histories of quota policymaking in Brazil, Costa Rica, and Chile, [Chapters 5, 6, and 7](#) then delve deeper into how men legislators enact their career-oriented preferences at different moments in the legislative process.



# 4

## Thirty years of quota resistance in Latin America

### Introduction

In 1991, Argentina's adoption of a legislated quota reserving 30 percent of candidate nominations for women made the region a global precursor of employing national-level affirmative action policies to tackle women's political underrepresentation (Archenti and Johnson 2006, 133). The diffusion of the policy also makes Latin America the region with the highest density of gender quotas around the world (Htun 2016, 14; Hughes et al. 2019). Finally, policy revisions and, in particular, the move to substitute gender quotas for *parity regimes*—laws that establish that 50 percent of candidate nominations should be reserved for either sex—highlight the evolution of policy designs and length of policy maturation processes in the region.

These characteristics render Latin America a fruitful ground for examining the conditions under which gender quotas emerge and evolve. Through a comparative assessment of quota policymaking processes in the region, in this chapter, I begin to examine the observable implications of the micro-foundations of my argument revealed in Chapter 3. Combining original data on all gender quota policies adopted throughout Latin America with records of public statements from relevant policymakers,<sup>1</sup> I provide an overview<sup>2</sup> of how, across systems, legislators' survival-motivated behaviors impact the timing of adoptions, strength of policy designs, and length of policymaking processes.

Coherent with my theoretical expectations, I find that demand for quotas does not result in automatic policy adoption. Instead, gender quota adoption becomes more likely in contexts of party and voter oversight, such as during processes of electoral and constitutional reforms. Quotas adopted

<sup>1</sup> Policymaker statements were collected from online media articles and reports commissioned by international organizations, many of which were authored by actors internal to processes of quota policymaking.

<sup>2</sup> Given that Chapters 5–7 provide in-depth studies of the cases of Brazil, Costa Rica, and Chile, the current chapter focuses on offering examples from other Latin American cases.

during these windows of opportunity, nevertheless, often bear weak designs. Over time—through recurring legislative attempts and the intervention of non-legislative actors—quotas are revised and become stronger. Despite variation in formal and informal institutional settings, overall patterns reveal that career-oriented concerns shape legislators’ resistance to gender quotas throughout Latin America. Across cases, men legislators’ strategic actions delay the timing of policy adoption, contain the strength of quota designs, and prolong policymaking processes.

I conduct this comparative analysis in two main steps. First, I identify and systematically code all cases of gender quota policies adopted in Latin America. Second, I combine these data with records of policymaker statements to uncover patterns in quota policymaking processes from across the region.

## Mapping gender quota policies in Latin America

Policymaking often continues after the approval (or rejection) of a bill. Capturing legislators’ resistance to quota adoption thus requires examining policymaking over time. To provide such an assessment, I map all cases of original gender quota adoption and subsequent revisions in 18 Latin American countries.<sup>3</sup> To identify these cases, I consulted a series of digital archives. These include the archives of the *Observatório de Género* (Gender Observatory) of CEPAL (2023), the *Comisión Económica para América Latina y el Caribe* (Economic Commission for Latin America and the Caribbean), and the *Global Database of Quotas for Women* (International IDEA 2022).

Over the 30 years under analysis (from Argentina’s kick-off in 1991 to 2021), 17 Latin American countries have adopted a gender quota. Of these, 13 subsequently revised their respective policies at least once.<sup>4</sup> Among early adopters, only one country (Paraguay) has never revised its quota. All other countries that adopted a quota in the first decade under analysis (i.e., before 2001, thus, Argentina, Bolivia, Brazil, Costa Rica, the Dominican Republic, Ecuador, Honduras, Mexico, Panama, Peru, and Venezuela) have since amended their original policy designs. Among the countries that adopted quotas in the subsequent decade—Colombia, Nicaragua, and Uruguay—only

<sup>3</sup> Countries included in the analysis are: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

<sup>4</sup> Given that policy revisions frequently amend only one aspect of the preceding legislation, I consider net/overall quota designs (i.e., the total design of a given country’s quota after a policy adoption/revision). In other words, policy designs are not coded as if they emerged in a vacuum but rather as to how they change the status of gender quotas previously in place. As such, quota revisions are not independent of original quota adoptions: They strengthen or weaken earlier quota provisions.

Uruguay has since revised its respective policy. Since 2011, two countries (El Salvador and Chile) have adopted policies (which they have not subsequently revised). Altogether, in nine cases, revisions transformed quotas into parity laws. Considering original adoptions and revisions together, Latin American countries enacted 52 gender quota-related policies between 1991 and 2021.

Through an analysis of the text of these 52 policies (which include legislation, executive decrees, and judicial rulings), I code: (1) The year of the policy's adoption; (2) the policy's branch of origin (i.e., legislative, executive, or judicial); (3) the length of time (in years) between the adoption of an original policy and its revision; and (4) the strength of the policy's design, as per the operationalization guidelines I develop for the *Index of Gender Quota Strength* detailed in [Table 4.1](#).<sup>5</sup> Prior work has identified the provisions that make gender quotas stronger or weaker and even generated measures to capture these; yet, to my knowledge, they have not derived a single measure to capture policies' overall design strengths. Since I expect efforts to weaken designs to be one of the main strategies of legislators' resistance to gender quotas, I derived a measure that could most fittingly capture this.<sup>6</sup>

To develop the IGQS, I borrow insights from the literature on what makes quotas more or less effective in promoting women's political representation—and, conversely, in displacing men. Scholars generally identify five areas of legislation that can be modified to render their designs stronger or weaker. These areas are: (1) Size requirements; (2) viability mandates; (3) compliance mechanisms; (4) office applicability, and (5) obstacles to implementation ([Guldvik 2011](#); [Hughes et al. 2017, 2019](#); [Krook 2010, 11](#); [Schwindt-Bayer 2009](#)).<sup>7</sup>

In creating a new Index, I am inevitably faced with the task of making difficult choices. The first challenge that arises is that these five areas do not easily render realistic or meaningful scales of measurement. While the size of a quota requirement could be treated as a continuous variable, it is not clear

<sup>5</sup> I have employed an earlier version of this measure in prior work ([Gatto 2017a, 2017b](#)).

<sup>6</sup> For example, [Córdova and Barnes \(2016\)](#) derive their index as a measure ranging between 0 and 3, where the existence of a quota, placement mandates, and compliance mechanisms each take a value of 1. Although this captures broad variation in quota designs, it does not account for the fact that there is also variation within each of the components identified. More recently, [Hughes et al. \(2017, 2019\)](#) published an impressive global database of quotas that contains some dimensions included in the IGQS but does not incorporate them all into a single scale. Furthermore, the data does not account for office applicability or obstacles to implementation, scales that are particularly relevant to testing this book's argument.

<sup>7</sup> Another provision that could enhance candidates' electability under open-list systems is party funding reserved for the training of women candidates ([Ferreira Rubio 2013](#)). This type of provision can be employed in the pre-election period and is not directly associated with the electoral viability of candidates. The IGQS seeks to capture elements that are more pertinent to the campaign/electability of women candidates and not to the candidate recruitment process. As such, funding for training is not included in the Index.



**Table 4.1** Coding scheme for the Index of Gender Quota Strength (IGQS)

Scale	Size Requirements	Viability Mandates	Compliance Mechanisms	Office Applicability	Obstacles to Implementation
0	None: No quota OR no size requirements	None: No quota OR no type of provision increasing candidate viability	None: No quota OR sanctions	None: No quota OR no defined office applicability	No quota OR existence of provisions to <u>nullify</u> threat by creating exemptions of quota application (e.g., through employment of primaries, lack of women interested candidates, or demand that excluded women file complaints)
1	Women should be between 20% and 29% of candidate nominations	Weak: Ambiguous ranking OR campaign finance allocation (e.g., that does not specify rules of implementation; or finance allocation that is far below quota reservation)	Weak: Financial benefits for compliance or public announcement of party infringement.	Unicameral house OR Lower house	Existence of provisions that <u>diminish</u> threat by creating options to accommodate non-elite displacement (e.g., possibility of compliance by nomination of incumbents; comparable increase in size of candidate lists)
2	Women should be between 30% and 39% of candidate nominations	Medium: Somewhat ambiguous ranking (i.e., specifies list placement based on parties' previous electoral results, or that 1 in 4 or 5 candidates should be a woman) OR effective campaign finance (i.e., proportional to quota reservation)	Medium: Financial sanctions	Unicameral/Lower House plus <u>one</u> other domains (i.e., Upper House, <i>suplentes</i> , internal party leadership or executive posts) <i>suplentes</i> )	Existence of provisions that <u>contain</u> threat by establishing non-permanent status/applicable only for a determined number of electoral cycles

3	Women should be between 40% and 49% of candidate nominations	Strong: Clear ranking placement (i.e., establishes that 1 in every 3 positions or 2 in every 5 positions should be occupied by woman)	Strong: Electoral sanctions	Unicameral/Lower House plus <u>two</u> other domains (i.e., Upper House, <i>suplentes</i> , internal party leadership or executive posts) <i>suplentes</i> )	Existence of provisions that <u>delay</u> threat by establishing quota to be applied gradually or partially (e.g., increasing over a number of electoral cycles, applied only to a proportion of total seats available)
4	Women should be 50% of candidate nominations	Very strong: Effective ranking placement (i.e., establishes that lists should alternate between men and women candidates)	Very strong: Electoral sanctions plus financial sanctions	Unicameral/Lower House plus <u>three</u> other domains (i.e., Upper House, <i>suplentes</i> , internal party leadership or executive posts) <i>suplentes</i> )	No loopholes or provisions that nullify, diminish, contain, or delay threats

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*sources:* Developed by author. Coding based on primary sources accessed through Global Database of Quotas for Women, the Observatório de Gênero of CEPAL, as well as documents collected with national congresses.

how to express quantification or measurement of the other policy dimensions. To address this issue, I create 5-point scales ranging from 0 to 4 for each of the five dimensions identified. I treat all dimensions as ordinal-level scales and assign values based on the prescribed efficacy of a given configuration to increase the proportion of women in legislative office.

In coding *size requirements*, I seek to reflect the literature's debates on "critical mass" and the principle of parity. Although not an argument set in stone (Childs and Krook 2006, 2009), scholars have often referred to 30 percent as the threshold for a group to achieve "critical mass" in a given political body (Dahlerup 1988). As such, I assign a score of 1 to quotas that fall below this threshold and a score of 2 to designs within a ten-point range of the 30 percent mark. Meanwhile, debates surrounding gender parity grant that, in seeking to equally balance gendered representation, policies often must allow for slight variations below or above the 50 percent mark, accommodating time fluctuations and institutions with an even number of positions. Taking note of this, I assign the highest value of 4 to policies with a parity commitment, reserving 46 percent of candidacies or more for women.

My coding of *viability mandates* also reflects findings from the existing literature, which point to the need for policies to ensure women candidates' competitiveness—not only their presence in candidate lists (Esteve-Volart and Bagues 2012, 388). Additionally, the coding of this scale also takes note of institutional fit. In closed-list systems where candidate lists are pre-ordered, ranking placements can establish that women should be nominated to viable positions (Schwindt-Bayer 2009, 15–16). In open-list systems without ordered lists, the allocation of campaign resources can increase candidates' viability (Piscopo et al. 2022). Still, from the perspective of electoral results, the distribution of campaign resources is not equivalent to the guarantee of high placement on a party list—with the latter most likely providing a greater electoral chance than the former (Htun 2005, 118). As such, my coding could not equate the two types of provisions. To account for viability mandates that institutionally fit with different electoral systems in a single scale, I restrict the values assigned to provisions increasing viability through the reservation of campaign resources to values between 0 and 2 (see Table 4.1).

The third dimension, *compliance mechanisms*, encompasses whether the policy establishes punishment for parties whose lists have fewer women than what is stipulated by the reservation. The lack of incentives or punitive provisions may encourage non-compliance and make quotas suggestive targets instead of mandatory electoral conditions (Krook 2007; Schmidt 2003). Compliance mechanisms can take many forms, including financial benefits

for parties that comply with the quota, monetary fines, or list rejection for those that do not nominate the established share of women candidates. But financial punishment is not a strong deterrent for non-compliance: In some contexts, parties may prefer to incur monetary costs than to displace men (Fréchette, Maniquet, and Morelli 2008; Murray 2007). As such, in this scale, a value of 1 is assigned to designs that establish no punishments but offer benefits for compliant parties; a value of 2 to quotas that enact a financial punishment for non-compliance; a value of 3 to designs that establish that lists that do not comply with the quota are to be rejected by electoral institutions; and a value of 4 to quotas that establish electoral sanctions *and* financial punishments/benefits.

The fourth area identified, *office applicability*, refers to which political domains and offices the quota is applicable and, conversely, which ones are excluded. Since this book is concerned with the behavior of legislators toward a policy that could affect their careers, the domain of focus is national legislatures. Office applicability is also relevant when it comes to legislative *suplentes* (substitute candidates), given that designs that do not apply quotas to *suplentes* create the possibility for parties to nominate only men as alternates (Baldez 2004; Gil 2017). Quotas' reach beyond legislative bodies may also impact incumbents' career opportunities in significant ways (Caminotti and Freidenberg 2016; Piscopo 2015). As such, I also consider the applicability of quotas to party leadership and executive posts. Since political systems diverge significantly in the availability and types of offices, values on this scale increase as per the number of domains to which the quota is applied. The decision not to distinguish between types of domains beyond the national legislature stems from the necessity of designing a measure adaptable to different system configurations. This means that my coding does not, for example, capture the relative importance of offices in each country.

The last policy dimension included in the IGQS, *obstacles to implementation*—or, as others have called them, “escape valves” (Freidenberg and Gilas 2022)—captures elements of the quota legislation or related changes in electoral law that diminish a quota's electoral costs to incumbents. Since higher values of the IGQS indicate stronger designs, this fifth scale is inversely coded, with lower values pertaining to more serious obstacles and higher values indicating milder (or a lack of) loopholes. Specifically, I conceptualize obstacles to implementation as the inclusion of provisions that can nullify, diminish, contain, or delay a quota's threat to incumbents. For example, quota designs are assigned a value of 0 on this scale if they include provisions that allow for the exemption of gender quotas in case parties claim that they cannot find women interested in running or when candidate selection is made through

primaries. When quota laws contain more than one obstacle to implementation, this scale takes on the value corresponding to the harsher obstacle (i.e., lower value).

Combining scores from all five scales, I derive a 21-point scale summative Index in which 0 indicates the lack of a quota, 1 indicates the weakest, and 20 corresponds to the strongest gender quota designs. The Index is constructed in this way to allow for analysis of an unrestricted sample of cases, including negative observations where gender quotas have not been adopted.<sup>8</sup>

To verify whether this summative measure is cohesive, I perform factor analysis of all 52 observations of quota policies adopted in Latin America. Factor analysis assesses the consistency of measures of complex concepts by testing whether observed variables associated with such concepts (i.e., each of the five identified areas) correlate jointly and thus fall into one sole “factor” (i.e., could potentially represent one sole latent—or unobserved—variable, namely that of gender quota designs). Undergoing factor analysis, I find that the five parameters that make up my Index all fall into one sole factor.<sup>9</sup> These results attest to the internal consistency of the measure.

Ensuring the Index’s usefulness also requires assessing its reliability. As various scholars have shown, gender quotas have contributed to changing the gendered composition of legislatures worldwide (Htun and Jones 2002; Krook 2010; Tripp and Kang 2007). The point of departure for my argument is that men legislators actively work to weaken gender quota designs precisely because strong gender quotas promote women’s political representation—and displace men as a result. As such, an appropriate way of assessing whether the IGQS captures what it intends is to examine the extent to which the measure explains variation in women’s political representation in legislative bodies. For this, the simple correlation between the IGQS and the share of women in the unicameral or lower houses of national legislatures on the

<sup>8</sup> I do not distinguish between parity regimes and quota laws, apart from issuing them different values on the parameters measuring “size requirements” and “viability mandates.” Although I recognize the debate surrounding the philosophical differences between gender quota laws and parity regimes (for a discussion, see: Archenti and Tula 2013; Piscopo 2016), I still treat them equally, for I consider that the five aspects of the IGQS may be common to both. A challenge in applying the IGQS is that the rules of an electoral system sometimes impact the types or extent of provisions that can be employed. Placement mandates are incompatible with open-list (preferential voting) systems in which list order is determined by popular vote instead of pre-ordered by parties. Simply as an outcome of institutional design, quotas in these systems are bound to be weaker than those in closed-list systems. As a result, the highest value attainable for open-list systems differs from that for closed-list systems (18 and 20, respectively). The only way I can address this issue while still providing a cross-country measure for the strength of gender quota designs is by advising that analyses using the IGQS employ robustness checks across two sets of cases. Given length restrictions, detailed coding choices are not included in the appendix, but the codebook is available upon request.

<sup>9</sup> Components all fall into one factor as indicated by a high scale reliability coefficient of 0.658, with factor loadings for all components that are above 0.399, and an Eigenvalue of 2.351.

first election to which the policy was applied should give an indication of the Index's reliability. Results from OLS regression indicate that the IGQS is positively correlated with the share of women in legislatures post-quota adoption. This supports the IGQS's ability to capture policies' effectiveness in displacing men legislators (see Appendix 3).

## **The implications of legislators' resistance to quota policymaking**

Having introduced my exercise to map all Latin American cases of original quotas and their subsequent revision, I now turn to employing this data to explore the timing, strength of design, and length of quota policymaking processes throughout the region. As the in-depth case studies of Brazil, Chile, and Costa Rica will make evident in [Chapters 5–7](#), contextual factors shape the particularities of policymaking processes, and the strategies legislators adopt to resist quota policymaking. Nonetheless, as this cross-country assessment reveals, despite institutional variation, career-oriented concerns inform (men) legislators' resistance to quotas across countries with observable implications for quota policymaking processes.

### **Delaying the timing of quota adoption**

Demands for gender quotas did not emerge from a vacuum. International meetings have been fundamental for establishing the goal of promoting women's political representation as a global priority and providing opportunities for women legislators and representatives of civil society organizations from different countries to learn from the experiences of one another and exchange strategies. Not surprisingly, domestic demand for quotas has tended to arise following international meetings ([Diez-Canseco 2008](#), 6; [Suplicy 1996](#), 135).

In the aftermath of CEDAW (1979), which provided encouragement, albeit not clear guidelines, for promoting women's representation in elected office, countries across the region began debating proposals for policies that could accelerate gender equality in public office. Argentina's pioneering quota adoption in 1991 and the Beijing Platform for Action from 1995—which more explicitly established targeted affirmative action as a recommended pathway to addressing women's underrepresentation in formal politics—further motivated the introduction of gender quota bills across the region

(Bush 2011; Krook 2006b; Piatti-Crocker 2019; Towns 2012). The 10th and 11th Regional Conference on Women in Latin America in 2007 and 2010, which resulted in the signing of the Quito and Brasília Consensuses, respectively, once again placed women's political representation at the forefront of the global agenda (Archenti and Tula 2013). These meetings were crucial in reinforcing the international community's normative support for quotas as a tool to achieve gender equality in government and in prompting attending countries to commit in writing to promoting women's political representation. Critically, these spaces also created opportunities for policymakers, especially women legislators, to exchange experiences about legislative strategies and effective policy designs (Suplicy 1996).<sup>10</sup>

Although international pressures and diffusion of know-how have been crucial in prompting demands for gender quotas, adoptions did not always automatically follow international meetings. In fact, various attempts at approving quota legislation in Latin America have failed. For example, despite facing high pressures for quota adoption, Guatemalan legislators have used their knowledge of the policymaking process to bar the progression of a policy they viewed as threatening to their interests. As Guatemala-based journalist Gramajo (2016) recounts, during debates about the proposal of a parity regime, the President of Congress suspended sessions thrice, claiming the proposal was “too controversial”—a decision that observers deemed “arbitrary” and that showcases the power of legislators to deter bills from advancing. As Gramajo describes, in addition to adopting this strategy:

It became known that a new private meeting was held between general secretaries of political parties, where it was agreed that they would block [the legislative session from achieving] quorum to avoid advancing the approval of the law and thus have the weekend to negotiate agreements since there are several articles that they did not like. (Gramajo 2016)

As Guatemalan Deputy Amílcar Pop admitted, career-driven motivations shaped legislators' strategies during the quota policymaking process: “The reform seeks to recycle politicians and motivate change that would benefit the country” (quoted in Gramajo 2016). Therefore, by undermining the

<sup>10</sup> For example, in Quito, many debates revolved around examining the results of gender quota policies that had already been adopted in the region to determine the strengths and shortcomings of existing legislation. For one of the documents circulated in this instance, see: <https://www.cepal.org/sites/default/files/pr/files/cp04-grafcuotas.pdf>.

proposal for gender parity in background meetings and using their absence in sessions to prevent the process from moving forward, legislators could advance their career-oriented interests while keeping their resistance toward the policy out of the public eye. In Colombia, after women proponents made eight attempts to approve a quota without success, men legislators seem to have “accidentally” adopted a gender quota as part of a larger reform without understanding its potential repercussions to their careers. Upon realizing what they had done, legislators arguably persuaded the court to deem it unconstitutional—thus nullifying its chances of implementation (Buendia Sánchez 2014, 50). This tactic allowed legislators to delay quota adoption in Colombia for another 11 years. Although Uruguay adopted a quota in 2009, legislators’ resistance to the policy also managed to delay the process for three years (Cariboni 2014).

As Spiller, Stein, and Tommasi (2008) convey, policymakers often have competing preferences, rendering them to leverage their knowledge of the policymaking process to advance their goals—or deter those they view as going against their interests. This includes postponing and extending the discussion of bills or rejecting them within committees before they ever reach plenary floors. As the aforementioned cases indicate, legislators can employ myriad strategies to oppose gender quotas and delay the timing of the policy’s adoption.

Since legislators can employ their knowledge of the policymaking process to delay or kill bills, agenda-setting—that is, the prioritization of specific bills over others—is critical to allow projects to reach plenary and improve their chances of legislative success. At the time of original quota adoptions, women generally occupied a small share (an average of 11.7%) of legislative seats. As a result, women legislators had limited bargaining power to ascertain the prioritization of gender quotas. As such, it is not surprising that windows of opportunity that facilitated the insertion of quotas into the legislative agenda have been critical to the policy’s adoption throughout the region.

Given their minority status in legislatures, increasing the likelihood of quota adoption required quota proponents to act tactically and take advantage of opportunities in which their votes could bar the advancement of proposals that were in the interest of legislative majorities. Democratic transition processes, as well as the recurrence of debates over electoral reform throughout the region (Freidenberg 2022b; Freidenberg and Dosek 2018), have meant that, most commonly, windows of opportunity for quota adoption have emerged during larger processes of constitutional or electoral reforms. By inserting quota demands into the debates of broader institutional



frameworks, quota proponents circumvent the need to make quotas a priority on the legislative agenda. By logrolling quotas into more general bills, women legislators from various parties can also work together to increase their bargaining power (Barnes 2016): Electoral and constitutional reforms commonly require the support of a super-majority of legislators to be approved, so the votes of even small blocks matter. Due to being highly consequential processes, electoral and constitutional reforms also constitute contexts when legislators' behavior is under the scrutiny of party leaders and voters (Banaszak, Beckwith, and Rucht 2003; Ketelaars and Van Aelst 2021; van Santen, Helfer, and Van Aelst 2015; Suarez-Cao 2021; Van Aelst et al. 2015).

Indeed, throughout Latin America, many early quotas—including the pioneering case of Argentina—were adopted when legislatures debated the new constitutions or determined the electoral rules to be employed in democratic times. These windows of opportunity have not only led to successful quota adoptions but also to the approval of these policies by unanimous or nearly unanimous legislatures (Driscoll and Krook 2009, 242). As several reports attest, parties and voters constrained legislators into agreeing to quota adoption, contributing to these high levels of quota support. As Peruvian congressman Enrique Chirino Soto explains, once the president declared his support of the quota, the matter became “settled” in Congress, as “[the] majority will not diverge from the Head of State and the minority will not be encouraged to alienate women’s votes” (quoted in Diez-Canseco 2008, 12). Presidents’ support for quota adoption was also key to motivating party loyalty among legislators in Ecuador (Goyes Quelal 2013).

Women legislators’ efforts to denounce the *Partido Acción Nacional*’s (National Action Party, PAN) opposition to quotas as anti-woman was also successful in Mexico, leading party members to change their position and favor the policy (Huerta García and Magar Meurs 2006, 136). In Bolivia, women’s coordination with the media increased the stakes of quota opposition. As Diana Urioste, a Bolivian feminist activist, explains: “Politicians who were against it could not say they were because media filmed them. Out [of the cameras] they said [more privately] that they ‘did not agree with it’”<sup>11</sup> (quoted in Choque Aldana 2013, 140). In such contexts, even dissenting legislators—such as Argentine Deputy Pablo Tonelli, who considered the proposal of a parity law “somewhat exaggerated” (quoted in Centenera 2016)—understood they could not deviate from their party lines.

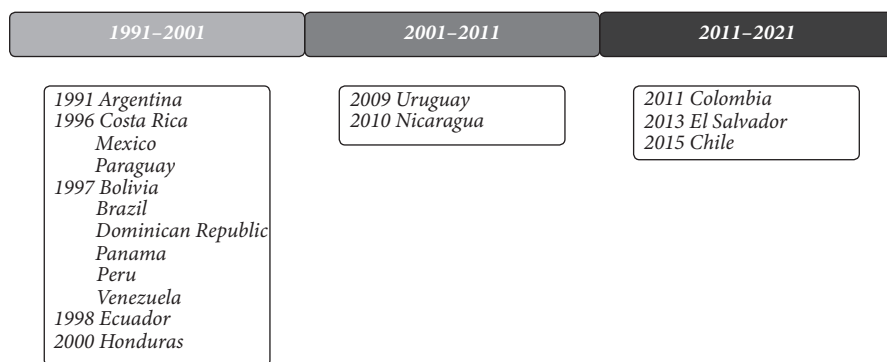
<sup>11</sup> Squared brackets reflect original text in Spanish (i.e., were not added in my edits).

Efforts to respond to voter preferences also seem to have motivated *non-legislative* elected actors to promote quota adoption. The case of Peru is illustrative of how the executive's support for the policy may also translate into electoral gains. As explained by Lourdes Flores Nano, former Peruvian legislator and presidential candidate:

The case of the quota law is very interesting . . . The bill had stagnated. When I presented it to the Constitutional Committee, there was strong opposition. But at that time, Congressional President Martha Hildebrandt traveled with Vice President Luz Salgado and opposition Congressman Rolando Breña to the Interparliamentary Union Gender Equality Meeting in New Delhi. They returned [from the meeting] enthusiastic about the topic of quotas, which had been addressed there. Hildebrandt and Salgado took the proposal to Fujimori, who accepted it and aligned the government bench [in favor of the policy]. (Quoted in [Diez-Canseco 2008](#), 6)

As complemented by Miriam Schenone, former Peruvian legislator and Minister of Women, and Cecilia Blondet, who also served as Minister of Women in Peru, Fujimori's support of the quota was informed by the electoral calendar: A "mechanism of political manipulation of the women's electorate through a strategy of selective and segmented inclusion, and a smart concession to international institutions" (quoted in [Diez-Canseco 2008](#), 6). Fujimori was not the only one to support quota adoption on the eve of elections. In Mexico, the electoral context has also been described as a "determining factor for quota adoption" (Huerta García and Magar Meurs 2006, 137), as political parties feared opposing the policy in an election year; meanwhile, in Honduras, despite strong legislative resistance to the quota, the policy was still approved as a result of the push given by the President of Congress, who was also running for president and wanted to signal his commitment to women voters ([Duron 2004](#), 6).

Legislators' career-oriented resistance successfully delayed quota adoption in several cases. Still—and largely thanks to the numerous opportunities for constitutional and electoral reforms that emerged in post-transition periods—most Latin American countries adopted their first quotas in the first decade following Argentina's adoption (see [Figure 4.1](#)). By 2001, gender quotas had spread to two-thirds of Latin America. After a hiatus of almost a decade, Uruguay and Nicaragua also adopted quota legislation. In the most recent decade, three of the four "quota-less" countries finally adopted quota policies. By 2021, Guatemala was the only country in Latin America not to have followed the regional effort to promote gender equality in government through affirmative action.



**Fig. 4.1** Three decades of quota adoption in Latin America

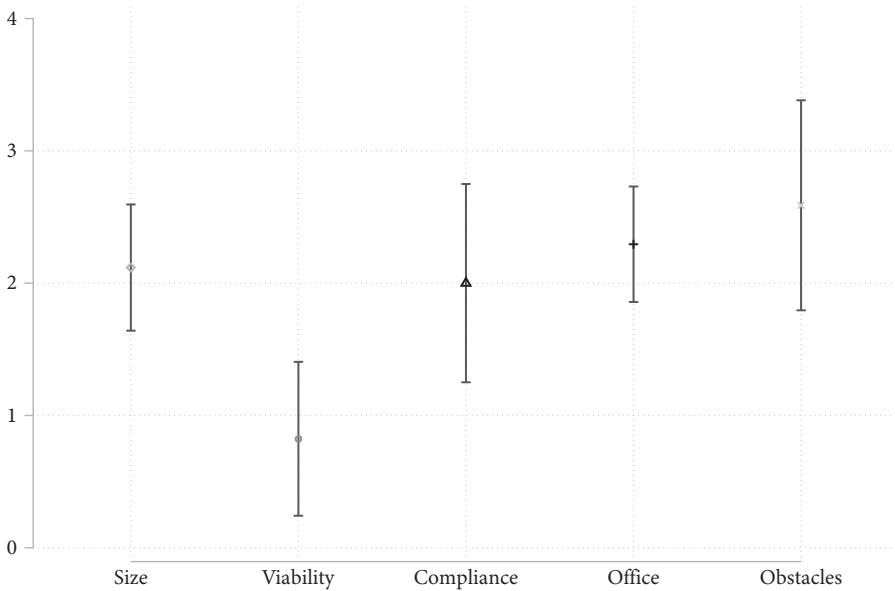
Source: Compiled by the author.

## Weakening gender quota designs

Legislators' assent to quota adoption, however, does not mean their support for strong policy designs. Legislators' career interests give them the motivation to produce weak institutions. Indeed, many original policies had weak designs. More specifically, on the IGQS scale, which ranges from 0 to 20, the average original quota in the region had a score of 10, with the weakest design areas pertaining to *viability mandates* (an average score of 0.82 on a scale of 0–4)—an aspect of the policy that seeks to ensure that women are not only included in candidate lists but are also competitive—and compliance mechanisms (an average score of 2 on a scale of 0–4), which seek to guarantee the implementation of the quota reservation (see [Figure 4.2](#)). The literature emphasizes the presence of viability mandates and sanctions as crucial for the efficacy of gender quotas—that is, the increase of women legislators and, consequently, the displacement of men ([Krook 2010](#), 3). In fact, some argue that without viability mandates and sanctions for non-compliance, quota policies are “completely symbolic” ([Dahlerup and Freidenvall 2011](#), 37).

The design flaws of original quotas were not the product of chance—but of legislative compromises necessary to facilitate their approval. As Blanca Estela Dole, coordinator of the Honduran *Colectivo Feminista*, explains, legislators' negotiations over the strength of gender quotas and, in particular, the removal of provisions that could increase the policy's effectiveness were what enabled quota adoption in Honduras:

Articles referring to gender equity and equality [in the electoral reform] were postponed day after day because they were considered controversial articles, [so] they were left until the last day when a qualified majority agreed that the



**Fig. 4.2** The average strength of original gender quota designs across each of the five IGQS dimensions

*Note:* Compiled by the author to show the mean values of each dimension of the IGQS for original quota policies.  $N=17$ . Figure displays confidence intervals at the 95 percent level. For a full description of each IGQS dimension, refer to [Table 4.1](#).

participation of women would not be considered [in the law], [and] it was not until the early hours of the morning during the reading of the Act that they reconsidered their position based on the proposal of a deputy of the National Party who had completely opposed the participation of women, Deputy Rodolfo Zelaya, who proposed that the participation of 30% be incorporated, eliminating the sanctions [for non-compliance]. (Quoted in [Duron 2004](#), 26)

Men legislators' attempts to contain quota designs before accepting their adoption have been recorded in many other countries. To approve the quota in 2009, Uruguayan legislators changed the original proposal to apply the policy only to one electoral cycle ([Cariboni 2014](#); [Josefsson 2020](#), 182). In 2017, the unanimous approval of a permanent quota was only possible due to a revision that made the quota not applicable to substitute (i.e., alternate) candidates ([Gil 2017](#)). As former legislator and Minister of Women and Social Development Ana Elena Townsend Diez-Canseco explains, in Peru, the approved package was vastly different from the original quota proposal ([Diez-Canseco 2008](#), 13).

Weak policy designs also do not reflect quota proponents' lack of knowledge about the provisions that make quota laws effective in increasing

women's political representation (and displacing men). As Choque Aldana (2013) details, when first adopted, the Bolivian quota was not applicable to substitute candidates and did not include mandates that would ensure women's placement in electable positions in their party lists; this design was harshly criticized by feminist organizations, signaling these actors' understanding that weaknesses in policy design would undermine the quota's effectiveness. But, as a former Bolivian deputy recounts, negotiating with men legislators for a stronger quota was challenging "because we encountered resistance that, albeit not explicit, was indeed resistance. They'd say, 'Yes, but later.' [ . . . ] Another would say, 'Here you have to add a comma'" (quoted in Choque Aldana 2013, 141).

In sum, while their insertion into larger reforms improved quotas' chances of adoption, the often-unanimous approval of the policy does not signal a lack of legislative resistance. As several Latin American cases indicate, legislators' acceptance of gender quotas is contingent upon the policy's prior weakening—and, consequently, the lowering of its effectiveness. This reinforces findings from [Chapter 3](#), which convey that legislators' career-oriented goals shape their preferences for weak quotas, even if they cannot explicitly expose these preferences during roll-call votes.

## Prolonging quota policymaking processes

Even though early gender quotas were weak, they still provided the institutional framework for policy proponents to demand their strengthening. As Choque Aldana explains in the case of Bolivia, although dissatisfied with the design of the approved quota, proponents understood that it was "a starting point—not the closing of demands for greater participation—and that these advances would be gradually and steadily achieved" (2013, 129). In other words, when negotiating the adoption of quotas, proponents of the policy also acknowledged that the approval of a weak gender quota policy offered a point of departure for future demands for reform.

As with original adoptions, subsequent legislative revisions are also subjected to a complex policymaking process that legislators can use to weaken designs, delay strengthening, or reject the approval of bills. As Solanda Goyes Quedal, former legislative staff during the Constituent Assembly and legal advisor on the Ecuadorian gender quota law, summarizes:

The National Constituent Assembly of 2008 convened with a similar purpose as its 1998 predecessor: To restructure the Ecuadorian State. [ . . . ] The Constituent

[Assembly] was also identified as the ideal means to unblock the obstacles that the “partocracy”—as traditionally called the traditional party elites—used to prevent any prospective of reform since, fundamentally in the last decade, proposals for constitutional and normative change for political reform did not prosper because the[se] parties blocked them. [. . .] Politically, the Constituent [Assembly] was placed on the left, as roughly 70% of its members came from parties of that tendency.

[. . .]

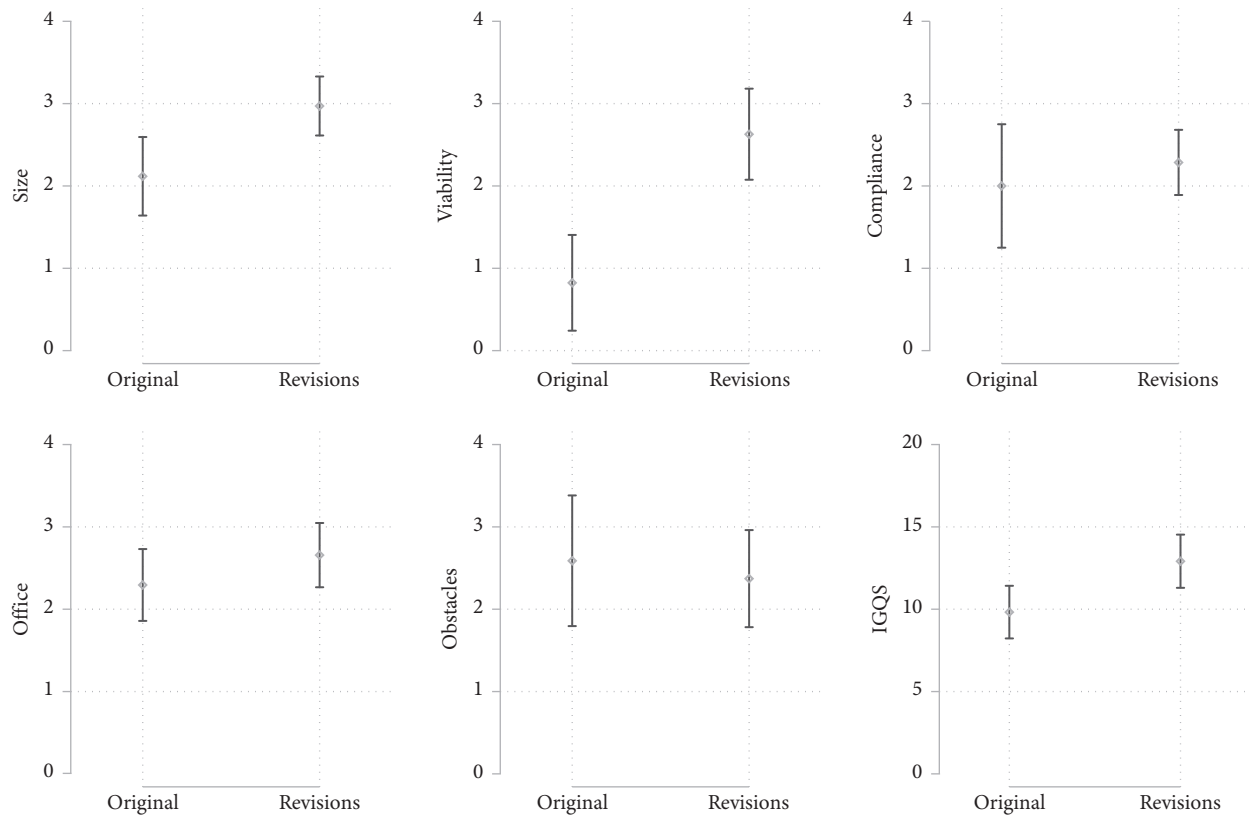
However, in electoral matters, it only included [in the law] what was already legislated—that is, the parity formula with a zipper design—but no progress was allowed to overcome the limits [of this design], such as the proposal to modify the electoral system in such a way that seats are reserved for women, establishing a margin of representation of women and men that ranges between 40% and 60% minimum and maximum for any of the sexes, which was rejected; or the proposal to establish closed or semi-closed lists to substitute the open-list [used for] 103 [seats]. (Goyes Quelal 2013, 75–79)

As during processes of quota adoption, legislators used their knowledge of the policymaking process to also avoid demands for reform. For example, in Paraguay, opponents of a parity proposal resisted its adoption by not attending legislative sessions when the bill would be debated, in this way preventing the project from being voted on due to a lack of quorum (Sputnik 2018).

In the context of continued legislative resistance, windows of opportunity have also been critical to policy revisions. Despite their efforts to restrict advances, men legislators have conceded to encompassing quota strengthening during processes of broader reforms. Similarly to Ecuador, the first Latin American country to transform its quota into a parity law, all other parity regimes in the region—namely, in Argentina, Bolivia, Costa Rica, Honduras, Mexico, Nicaragua, Panama, and Peru—were adopted during larger reforms.<sup>12</sup>

Successful efforts of quota revisions have, on average, strengthened original policies over time. Figure 4.3 disaggregates gender quota designs into original policies and subsequent revisions. As illustrated, the strength of original policies is, on average, lower than that of subsequent revisions. While initial quotas have a mean design score of 9.824, subsequent revisions

<sup>12</sup> It is worth highlighting that despite reserving 50 percent of candidacies for women, some parity regimes are weak. In the cases of Panama and Nicaragua, the parity laws do not contain sanctions for no compliance, for example. This reiterates the need to consider policy characteristics beyond size requirements. Furthermore, as with original quota adoptions, larger reforms do not guarantee quota strengthening, as in the case of Paraguay.



**Fig. 4.3** The difference in the average strength of designs of original policies and subsequent revisions

*Note:* Compiled by the author to show the differences in mean values of each dimension of the IGQS for original policies and subsequent revisions. N=52. Figure displays confidence intervals at the 95% level. For a full description of each IGQS dimension, refer to [Table 4.1](#).

have an average IGQS score of 12.914, a difference of 3.091 points. In other words, revisions have overwhelmingly been used to strengthen gender quota policies. Although less frequently, revisions have also sometimes weakened gender quota designs. In the Dominican Republic (2000), a reform repealed the quota from the Senate, leading to a decrease in my measure of office applicability; in two other cases, Mexico (2002) and Ecuador (2000), revisions created more obstacles to implementation. Honduras' legislative revision in 2004 also weakened its quota, which was once again restored and strengthened in 2012.<sup>13</sup>

Differently from legislative actors whose careers quotas can threaten, the career prospects of members of the executive and judicial branches are not directly affected by gender quota strengthening. Perhaps unsurprisingly, then, advances in quota strengthening are, at least in part, due to the efforts of these non-legislative actors. Of the 35 quota revisions enacted in the region, 13 (37.1%) have been led by non-legislative actors.

On average, non-legislative reforms have resulted in slightly stronger gender quota designs than those approved by legislative actors. Specifically, policies enacted by non-legislative actors have a mean IGQS score of 12.714, with those passed by legislative actors bearing a score of 11.605. It is also worth noting that non-legislative actors have been particularly effective in strengthening three of the five dimensions of the IGQS: Compliance mechanisms, office applicability, and obstacles to implementation. This suggests that although legislative reforms are more frequent than interference from executive or judicial actors, they may also be less ambitious in addressing weaknesses in policy designs—especially concerning aspects considered by the literature as crucial for the effective implementation of gender quotas, such as the enactment of sanctions and the removal of obstacles to the policy's implementation. This also points to the challenges that quota proponents may face in seeking to promote the strengthening of gender quotas from within legislatures that are dominated by men who have something to lose from the policy.

Non-legislative actors also seem to have been particularly important where original quotas were the weakest, such as the cases of Brazil (where the original quota had a score of 4), Panama (where the quota had a score of 5), Ecuador, and Mexico (where the policies had original scores of 7 and 8,

<sup>13</sup> The latest quota revision in Honduras has previously been characterized elsewhere as a consequence of executive decree. All gender-related policies enacted in Honduras (*Decreto* N° 34-2000; *Decreto* N° 44-2004 and *Decreto* N° 54-2012) have been initiated and finalized in the National Congress. The 2012 law resulted from a bill presented by Congresswoman Gillian Guifarro Montes. The confusion might have resulted from Honduras having two types of *decretos* (decrees), executive and legislative.



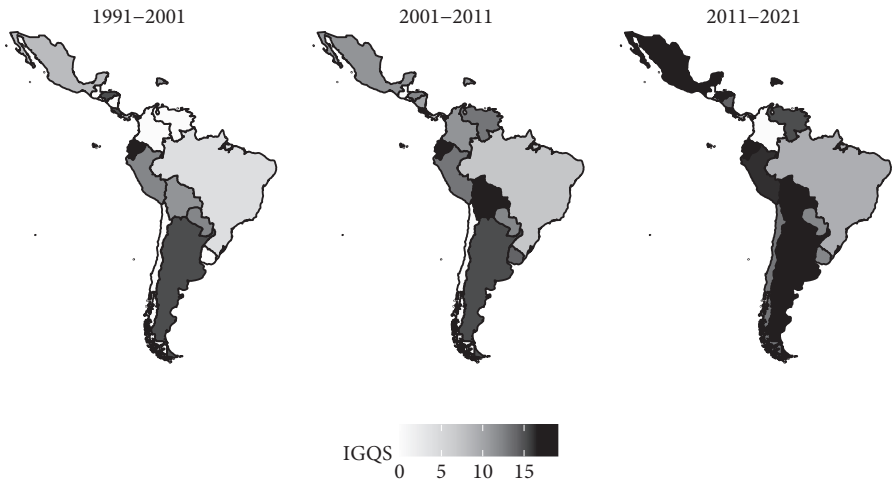
respective). For example, the judiciary's actions in Mexico were crucial in addressing policy loopholes (Baldez 2007). Mexican political parties had been avoiding gender quota compliance in two ways: First, by selecting candidates via party primaries, thus forgoing the need to respect the quota, and second, by electing women who, upon election, would step down and be replaced by men substitute candidates. In 2011, Mexico's electoral court ruled that neither tactic could be used to avoid the gender quota, closing the loopholes that for years challenged the implementation of the Mexican quota law (Baldez 2007; Piscopo 2015).

Importantly, non-legislative actors also tend to act faster than legislators to address quota loopholes. While judicial and executive revisions are enacted on average 3.539 years after the latest policy change, it takes an average of 7.409 years to approve quota revisions through legislative means. The role of non-legislative actors in strengthening gender quotas aligns with my expectations: Gender quotas do not apply to the domains in which non-legislative actors operate (Gatto 2017a); their actions toward gender quota reforms are, thus, not guided by strategies of self-survival as is the case with legislators.

The influence of non-legislative actors over the policymaking process may also extend beyond their formal decisions and rulings. For instance, a president may introduce a policy proposal to the legislature, which then amends and votes on it, a hypothetical scenario that is not uncommon. In 2013, this happened in Mexico, when in celebration of the sixtieth anniversary of women's suffrage, President Enrique Peña Nieto presented a proposal for a parity law. During his introduction of the proposal on 11 October, Peña Nieto received a standing ovation and stated that he had "no doubt [the policy] would be easily adopted" by the national legislature (quoted in Godinez Mendoza 2013). Indeed, the Mexican legislature incorporated his proposal into a larger electoral reform and approved it only months later. Similar policy processes have also occurred in other countries, such as Chile (2014) and Costa Rica (1990 and 2007). More recently, this also took place in Peru, where, after a national poll in which it became known that 67.3 percent of the population supported the adoption of a parity law, the *Comisión the Alto Nivel para la Reforma Política* (High Commission for Political Reform), an executive-level institution, proposed to the National Congress the introduction of a gender parity law encompassing all public offices (Melgar Vilchez et al. 2021, 24–26). These instances show that executives may have crucial roles in agenda-setting and design, even in cases where legislators are ultimately the ones to approve proposals. Electoral courts can also similarly

impact legislative processes by providing technical recommendations for legislators' consideration—as in the case of Guatemala (Gramajo 2016).<sup>14</sup>

Be it through legislative processes or the will of judicial and executive actors, revisions have overall strengthened gender quota designs over the three decades of quota policymaking in Latin America (see Figure 4.4). But quota strengthening did not take place overnight. On average, quota policymaking in Latin America has taken 15.9 years between the adoption of original policies and their latest revisions—with the longest process taking 26 years in Argentina and the shortest two years in Nicaragua (which only revised its policy once in 2012). In other words, by weakening quota designs and maintaining the need for policy revisions—which they then resist—legislators prolong quota policymaking processes and ultimately contain the impacts of the policy on their careers.



**Fig. 4.4** The evolution of quota design strength over three decades

*Note:* Compiled by the author to show the evolution of IGQS scores in Latin American countries for quotas adopted in 1991–2001, 2001–2011, and 2011–2021. N=52. For a full description of the IGQS, refer to Table 4.1.

<sup>14</sup> At times, non-legislative actors, particularly courts, have achieved the contrary: Deeming quotas unconstitutional and thus lifting policies that legislators had already approved. In these cases, the actions between legislative and non-legislative actors are often intertwined as judges respond to claims of unconstitutionality put forth by legislators or their parties. This was the case in Colombia and Venezuela (both in 2000). In the Venezuelan case, however, courts reversed their actions and, since 2005, have been responsible for upholding quotas on an election-by-election basis. In a private conversation with a Guatemalan (man) deputy in 2015, I have also been told that in an instance when it seemed that a quota bill would reach plenary, deputies coordinated with judges from the electoral court for the quota to be ruled as unconstitutional, allowing legislators to support the policy publicly and not lose political capital with voters—all the while knowing that the judiciary would then bar its implementation.

## Conclusion

After mapping all cases of quota designs in Latin America, this chapter sought to provide an overview of processes of quota policymaking in the region. As I showed, by strategically employing their knowledge of the legislative process and policy engineering, career-seeking legislators operating across different contexts have managed to circumvent quota demands and delay the timing of quota adoptions. When faced with the prospects of policy adoption during larger constitutional and electoral reforms, legislators worked to weaken policy designs. Ultimately, legislators' resistance pushed proponents to continue demanding effective policies; thus, resistance also prolonged processes of quota policymaking.

Together, these patterns suggest that Latin America's strong quotas and parity laws do not emerge from men legislators' eager acceptance of gender balance in political office. Instead, these policies result from lengthy and contentious processes whereby quota proponents used windows of opportunity and interventions from non-legislative actors to overcome career-oriented resistance and strengthen quotas despite (rather than because of) men legislators' actions.

These findings indicate that the micro-foundations of my argument operate across institutional settings, even if the strategies men legislators employ to resist gender quotas vary. These insights will become more salient as I delve deeper into cases of quota policymaking in Brazil, Costa Rica, and Chile. Throughout these case studies, I employ measures developed in the current chapter, including the IGQS, to compare and contrast the strength of proposed bills with that of approved legislation and examine whether, how, when, and by whom quota designs are strengthened.

# 5

## Consistent resistance and gradual change

The case of Brazil

### Introduction

Amidst processes of larger reforms that would establish the electoral rules for legislative elections in its new democratic period, in 1995, Brazil adopted a gender quota for municipal elections and, in 1997, extended the policy to state and national elections. Despite Brazil's status as an early adopter, rates of women's representation in its National Congress have stagnated. In 2022, women were elected to a mere 18 percent of the seats in the Chamber of Deputies—a record achieved a quarter century after the policy's adoption. Design flaws and loopholes that have allowed parties to curb implementation largely explain the policy's ineffectiveness in promoting women's political representation (Araújo 2003; Gatto and Wylie 2021; Sacchet 1996; Wylie 2018; Wylie and dos Santos 2016; Wylie, dos Santos, and Marcelino 2019).

The maintenance of the policy's weak design has not resulted from a lack of trying. Between 1991 and 2021, legislators proposed a total of 49 gender quota-related bills. In the context of an OLPR system, where candidates compete against non-partisans *and* co-partisans for personal votes, proponents introduced bills that would ensure not only the presence of women in party lists but also their competitiveness. Such proposals have included, for example, the reservation of resources to fund women's campaigns and the reservation of seats—an innovation in Latin America, where gender quotas have targeted candidacy nominations. Legislative resistance to all efforts that could meaningfully strengthen the gender quota has largely barred progress on the policy's design; most advances were attained through judicial rulings. What explains Brazil's early adoption and subsequent sustained resistance to quota strengthening?

In this chapter, I show that, as per my theoretical expectations, career concerns have driven both Brazilian legislators' early assent to gender quota

adoption, as well as their subsequent resistance to quota strengthening. By reconstructing 30 years of quota policymaking in Brazil, I reveal that in a candidate-centric system where there is variation in legislators' levels of vulnerability to displacement and where most parties serve as organizations to advance the career interests of elected legislators (Desposato 2006; Mainwaring 1991, 21, 1999; Zucco Jr. and Power 2021, 480), there have been frequent opportunities for quota policymaking, but also sustained resistance from a substantial share of actors whose careers could be threatened by a (strong) quota. In other words, while the consistent effort of quota proponents (including a united Women's Caucus) enabled Brazil to become an early quota adopter, continued resistance from legislators with the power to bar policy approval has ensured the quota's design weakness and lengthened the policymaking process.

I structure this argument into two primary sections. First, I employ official historical electoral data to show that Brazilian incumbents' main career goal is to pursue static ambition but that a significant share of legislators is electorally vulnerable, particularly to increased competition from women candidates. In other words, I show that a sizable percentage of Brazilian incumbents had motives to resist gender quotas. In section two, I delve into the observable implications of my argument by analyzing archival documents of the legislative transcripts from all gender quota bills introduced in Brazil up until 2021 and interviews with key stakeholders. Through this exercise, I show that, as a self-survival strategy, incumbents actively (and knowingly) engaged in weakening gender quotas before approving legislation—and then worked to prevent further meaningful reform. Incumbents' career-oriented legislative strategies impacted the strength of the Brazilian quota's design and the length of the quota policymaking process. While larger electoral reforms provided a window of opportunity for early quota adoption, legislators' support for the quota was contingent on the policy's weakness; their resistance to quota strengthening continues even today, with efforts to undermine it as recent as 2021.<sup>1</sup>

## **Vulnerability to displacement in a candidate-centric system**

Before reconstructing the process of quota adoption and revisions in Brazil, I first examine whether a gender quota could threaten incumbents' career prospects—and, thus, whether legislators would oppose gender quotas based

<sup>1</sup> As well as beyond the period under analysis, as will be discussed in [Chapter 8](#).

on career motivations. Using official historical candidate-level data from electoral records, I show that while Brazil offers attractive offices in subnational governments, static ambition remains the modal career choice for incumbents. I also show that a significant share of incumbents seeking re-election are unsuccessful, a reflection of varying levels of individual electoral capital. Furthermore, women candidates have similar levels of electoral standing as their men counterparts, which suggests that a quota could further heighten competition in an already highly competitive system.

## Multiple options, few possibilities

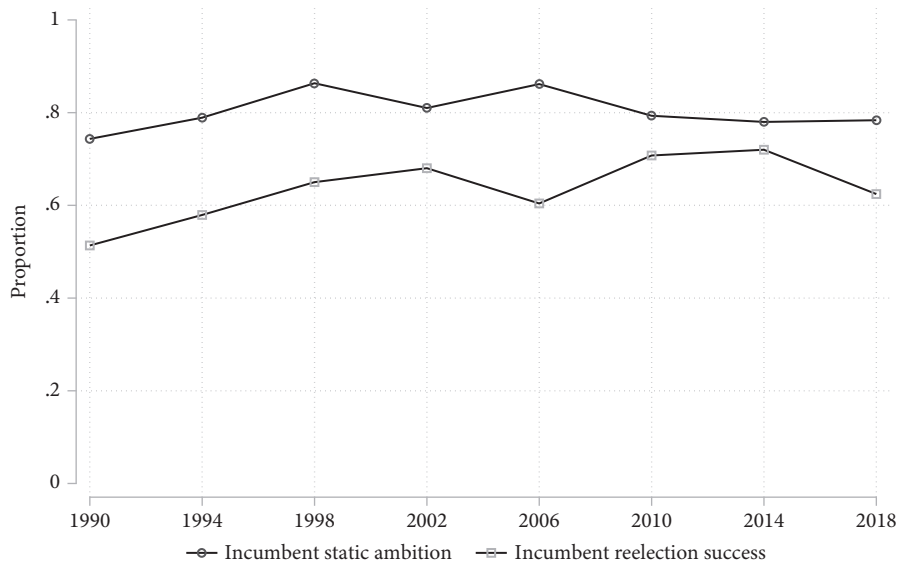
The Brazilian National Congress is composed of two houses. Its lower house, the *Câmara dos Deputados* (Chamber of Deputies), has 513 federal deputies elected for four-year terms. Given large populational discrepancies across subnational units, district magnitude varies widely, ranging from 8 seats in Acre (and another ten states) to 70 seats in São Paulo, with high levels of malapportionment (Nicolau 2006a). Seats in the Chamber of Deputies are distributed through OLPR using the d'Hondt formula, which stipulates the minimum threshold that parties/coalitions need to surpass to guarantee a seat, which is then allocated to the party's or coalition's candidate who received the largest share of nominal votes. The OLPR system used for the lower house thus results in party members competing against one another for votes to guarantee their high placements on party/coalition lists (Ames 2001; Nicolau and Stadler 2016). The National Congress's upper house, the *Senado* (Senate), comprises 81 senators, three per federal unit. Seats are allocated through a plurality system for eight-year terms, so either one-third or two-thirds of seats are renewed every four years.

Despite being regulated by different systems, electoral races for both the Chamber of Deputies and the Senate are centered on personal vote. Although Brazilian electoral law stipulates that voters can cast ballots for individuals or parties, the overwhelming majority of voters cast nominal votes for a specific candidate (Nicolau 2006a, 2006b; Zucco Jr. and Nicolau 2016). The focus on personal vote also yields a weak, volatile, and highly fragmented party system (Mainwaring 1991, 1999). Candidates' reliance on their personal images and capital to gain support creates a scenario in which politicians frequently switch parties (Desposato 2006), with some parties emerging as shell organizations to fulfill the career interests of a select group of individuals with political capital of their own (Desposato 2006; Hott and Sakurai 2021; Melo 2000; Power and Rodrigues-Silveira 2019). Lacking ideological cohesion and bearing weak societal roots, the Brazilian party system is abundant (Zucco

Jr. and Power 2021). During the 2015–2018 legislature, 28 of the then 35 registered parties had representation in the Chamber of Deputies.

While Brazil's personalistic system gives some individuals agency within their parties, many continue to rely heavily on their parties' resources and vote transfers for election. This means that partisan organization continues to matter, and legislators have the incentive to follow party orientation on roll-call votes (Figueiredo and Limongi 1999; Power 2010)—even when they are party switchers whose careers are not closely tied to that of their parties (Mainwaring and Pérez-Liñán 1997). Despite other options, most Brazilian legislative incumbents seek re-election.

As Figure 5.1 illustrates, an average of 80 percent of incumbents have run for re-election in the period under analysis. This makes static ambition the most common goal of federal deputies and suggests that gender quotas can potentially threaten the career ambitions of sitting legislators. However, an average of only 60 percent of incumbents who seek re-election are successful, meaning that roughly 40 percent (i.e., more than 160 individuals) are replaced by outsiders in every electoral cycle. This rate has remained roughly consistent over time, so incumbents' decisions to run for re-election are also



**Fig. 5.1** Static ambition and re-election success rates for the Brazilian Chamber of Deputies (1990–2018)

*Note:* The unit of analysis is the legislative election. Compiled by the author with official electoral data from the Tribunal Superior Eleitoral (TSE). Figure displays the proportion of incumbents who sought static ambition and their success rate in each election.

based on their evaluation of their chances of being successful. As a result, less electorally secure politicians tend to seek static ambition, while those with higher political capital might engage in progressive ambition for executive positions (Samuels 2002). Despite high rates of turnover, running for re-election is still the safest option for many deputies.

## Vulnerable men, competitive women

Although incumbent advantage may place sitting legislators in an electorally privileged position vis-à-vis outsiders (Speck and Mancuso 2014), it is not uncommon for Brazilian incumbents to be displaced, including by members of their own parties (Nicolau 2006a). This means that although most legislators intend to retain office, many of them are electorally vulnerable and are thus unable to achieve this goal. Wide variation in incumbents' capacities to acquire nominal votes makes some legislators more vulnerable to increased electoral competition. In elections to the Chamber of Deputies, candidates with relatively few votes may win due to the pulled vote shares of their partisan or coalitional peers rather than their individual support bases.<sup>2</sup>

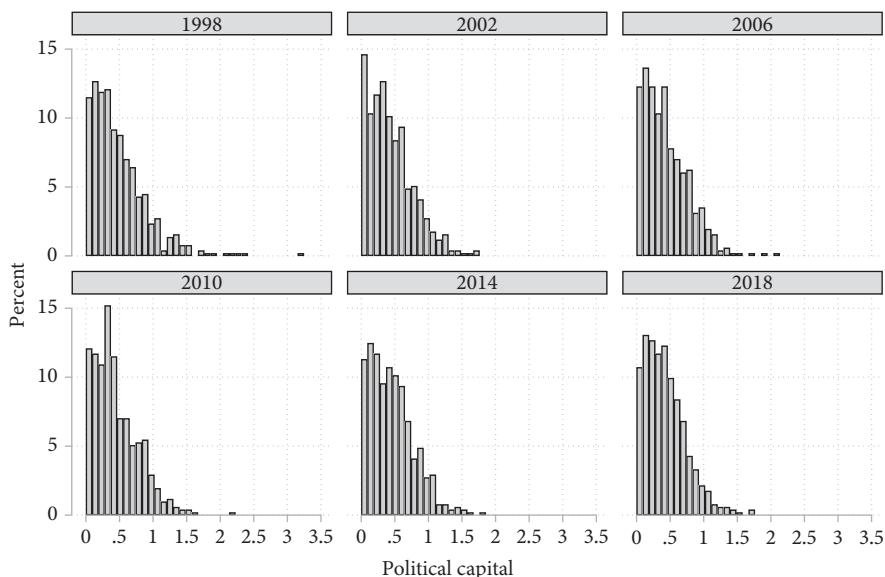
Figure 5.2 shows the variation in the political capital of legislators elected to the Chamber of Deputies between 1998 and 2018.<sup>3</sup> In this measure of political capital, values between 0 and 1 indicate candidates elected with the help of votes transferred from their party or coalition. Values above 1 denote candidates elected solely on personal votes. As the high concentration of scores between 0 and 1 indicates, despite the Brazilian system's focus on personalization, few individuals get elected on their own: 93 percent of elected federal deputies have a political capital score below 1, meaning that they required some level of vote transfer from their parties/coalitions to get elected. A policy dedicated to increasing competition from political outsiders is thus plausibly threatening to these incumbents.

The potential threat of quota adoption would be particularly salient if women candidates could electorally displace men (Sacchet 1996; Sacchet and Speck 2012). This is a plausible prospect. While women tend to be less competitive than men in races for the Chamber of Deputies and subnational legislatures to which the OLPR system applies, this largely seems to be a product of parties' efforts to render women's candidacies non-viable—for example, through their nomination as “phantom candidates” (Gatto and

<sup>2</sup> An electoral reform first applied to the 2022 national elections sought to address this. This falls beyond the period under analysis. As such, I do not cover these reforms.

<sup>3</sup> This measure is detailed in Chapter 3.





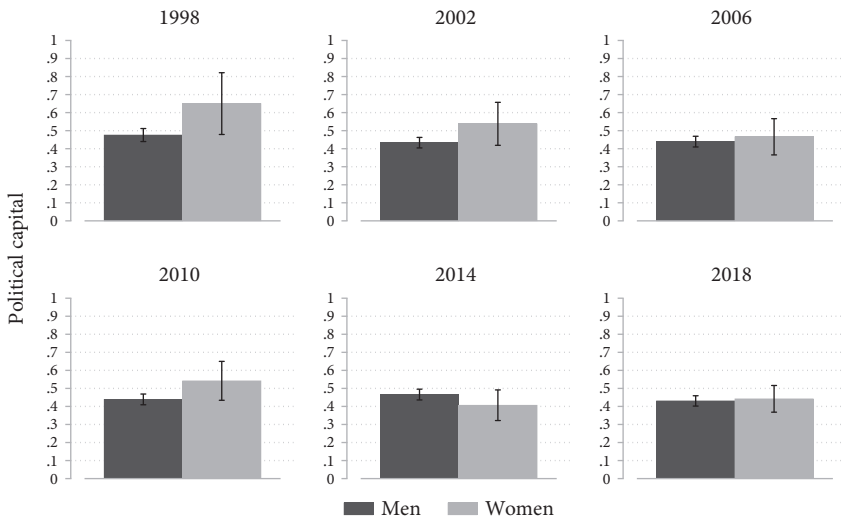
**Fig. 5.2** The individual-level political capital of Brazilian federal deputies (1998–2018)

*Note:* The unit of analysis is the individual federal deputy. Compiled by the author with official electoral data from the TSE. Political capital is an original measure. See [Chapter 3](#) for details on how the measure is constructed. Individual-level candidate data before the 1998 elections is incomplete ([De Magalhães 2015](#)), so the analysis covers the period for which data is reliable. Figure displays the variation of political capital among candidates in each election.

[Wylie 2021](#); [Wylie and dos Santos 2016](#); [Wylie, dos Santos, and Marcelino 2019](#)) or the allocation of a lower share of campaign resources ([Meneguello et al. 2012](#); [Speck and Mancuso 2014](#); [Thomé 2019](#)). When women compete under similar conditions as men, they are equally (or even more) competitive than men.

As [Figure 5.3](#) shows, the political capital of women federal deputies is statistically indistinguishable from that of men; in all years except 2014, women deputies' levels of electoral capital are substantively higher. As prior studies have shown, in races in which parties have the incentive to provide campaign support for their nominated candidates (as is the case of majoritarian races for mayoral and senatorial offices), women candidates are equally as successful as men ([Gatto, Thome, and Russo 2021](#); [Wylie 2018](#)). In fact, research on voter preferences indicates that the Brazilian electorate is biased in favor of women ([Aguilar, Cunow, and Desposato 2015](#); [Borges Martins da Silva and Gatto 2021](#); [Gatto, Thome, and Russo 2021](#)).

In sum, while Brazil's federal system offers attractive career opportunities outside of the legislature, most Brazilian legislators still seek static ambition. Hence, a gender quota has the potential to interfere with incumbents' main career goals. Sitting legislators in Brazil also display widely different



**Fig. 5.3** The political capital of men and women Brazilian federal deputies (1998–2018)

*Note:* The unit of analysis is the individual federal deputy. Compiled by the author with official electoral data from the TSE. Political capital is an original measure. See [Chapter 3](#) for details on how the measure is constructed. Individual-level candidate data prior to the 1998 elections are incomplete ([De Magalhaes 2015](#)), so the analysis covers the period for which data is reliable. Figure displays results from tests of differences in means of political capital for men and women deputies, by election. Overlapping confidence intervals illustrate effects that are not statistically significant at the 95 percent level.

levels of individual political capital, with most relying on their parties or coalitions to attain election ([Speck and Mancuso 2014](#), 37). Under these circumstances, facilitating the entrance of any group of political outsiders would likely increase the electoral vulnerability of incumbents—leading to lower rates of successful re-election. Women’s levels of electoral capital vis-à-vis that of men suggest that women’s underrepresentation is not a consequence of voter bias, and that the nomination of competitive women could plausibly threaten a substantial share of men incumbents. As I show in the [next section](#), the risks that a gender quota could potentially pose to their careers have driven legislators’ actions toward quota policymaking.

## Early adoption and sustained resistance

Having shown that a gender quota can potentially threaten the careers of men legislators, I now turn to assess whether a strategy of self-survival has shaped legislators’ behavior toward gender quotas. To do this, I employ archival materials (see [Appendix 4](#)) and interviews with key stakeholders (see

Appendix 5) to reconstruct the history of policymaking on gender quotas in Brazil. As part of this process, I analyze all instances of gender quota-related bills introduced to the Brazilian National Congress up until 2021.

As my analysis conveys, Brazil's maintenance of a weak gender quota does not result from institutional misfit or lack of attempts on the part of women legislators but, instead, from the conscious and active resistance of (men) incumbents toward a policy that could threaten their career prospects. As the history of quota policymaking in Brazil reveals, faced with the demand from women legislators and popular support for the initiative, the men-majority legislature accepted to adopt a gender quota but worked to contain its effects by modifying quota provisions and simultaneously altering other aspects of the electoral reform that could also dilute its effects.

After adopting a national gender quota in 1997, legislators worked to maintain the weak policy by not prioritizing any of the multiple bills introduced to strengthen the quota design and render it more effective. Given the high number of bills introduced to the Brazilian National Congress at any given time, bills only move forward in the legislative process if they are assigned to and discussed by relevant thematic committees. Bills that are not prioritized and debated within the legislative cycle during which they are introduced, expire and are automatically archived at the end of the legislature.<sup>4</sup> Not prioritizing bills and allowing them to be shelved when legislative cycles come to an end, thus allows legislators to block bills that go against their interest without incurring potential reputational costs.

As a consequence of this tactic, opportunities for quota strengthening only emerged when legislators decided that larger electoral reforms were in their interest—as was the case in 2009, 2015, 2017, and 2021. Even on those occasions, however, a substantial share of men legislators—with the support of parties that have at their core interest the survival of their incumbents—managed to block meaningful progress in quota design strengthening. Acknowledging the limitations of their bargaining power in the legislature, women incumbents sought the intervention of the judiciary in 2010 and 2017. Judicial decisions more effectively strengthened the Brazilian gender quota but also inspired legislative efforts seeking policy reversal.

## Assenting to adoption but keeping risks low

After over two decades under military rule, Brazil returned to democracy in 1985. Despite the lack of demands from domestic women's movements

<sup>4</sup> This rule applied for the period under analysis (1991–2021). In 2022, the rule changed, and bills are now archived if not debated within three legislative cycles since their introduction.

(Suplicy 1996, 135), it did not take long before legislators started introducing gender quota bills.<sup>5</sup> In May 1995, left-wing Deputy Marta Suplicy (PT) attended a conference hosted by the European Union in Brussels, where she learned about the experience of Scandinavian legislators with internal party quotas. During the meeting of the Women's Committee of the Latin American Parliament held in São Paulo that following July, she also learned about Argentina's successful experience with a legislated gender quota and other similar efforts taking place in the region. Inspired by these experiences (Suplicy 1996, 135), on August 10, 1995, Deputy Marta Suplicy introduced *Projeto de Lei* (Law Proposal, PL) 783/95, which sought to establish a 30 percent quota for women in candidate lists for proportionally elected seats. Twenty-seven (84%) of the 32 women in the Chamber of Deputies backed the bill.

Brazil's electoral laws had been implemented during the military regime. Hence, legislators from the 1991–1995 legislature had the responsibility of determining the electoral rules that would be put into place for the 1996 (and subsequent) municipal elections. PL 180/95, drafted by Deputy Paulo Bernardo—also a member of the PT, Suplicy's party—proposed a broad reform of the laws for municipal elections. When Deputy Marta Suplicy introduced the gender quota bill, debates surrounding this wider electoral reform were already underway, so her proposal was incorporated into this larger text.

One month after introducing the gender quota bill, Deputy Marta Suplicy and other Brazilian women legislators traveled to Beijing to attend the UN's Fourth World Conference on Women (Suplicy 1996, 135). Debates over the electoral reform proceeded while they were away. During this period, centrist Deputy João de Almeida from the *Partido do Movimento Democrático Brasileiro* (Brazilian Democratic Movement Party, PMDB) and the rapporteur of the electoral reform bill, introduced a substitute text that altered, among other things, the proposed gender quota design. As is often the case with substitute texts, there are no records of debates surrounding the formulation of this new document. The new text, however, suggests that, in background negotiations, at least some party leaders and legislators indicated their preferences for a diluted gender quota.

<sup>5</sup> Brazil's first gender quota proposal was introduced to the Chamber of Deputies in 1976 by Congressman José Santilli Sobrinho (MDB). This early proposal (PL5838/78) contained many elements of "modern" quotas in that it did not establish that the 20 percent reservation should be for women but, instead, for one of the sexes. The bill also anticipated the possibility that parties would resist the nomination of women, establishing that candidacies not filled by members of the underrepresented sex would have to remain empty (and would thus be lost)—a "punishment" for parties unwilling to abide by the provision, the bill's author stated.

When they returned to Brazil, women legislators were surprised to find out that their proposal had been moderated significantly. While their original bill proposed to reserve 30 percent of the allowed number of candidate nominations (which, at the time, was equal to 100% of the number of seats available) for women, the new text allowed parties to increase the total number of candidate nominations to 120 percent of the number of seats available,<sup>6</sup> provided that the extra 20 percent was composed of women candidates. In practice, this meant that parties could comply with the quota without the need to displace a single man: They could leave the additional candidacies “reserved” for women without incurring any losses in the number of candidacies they usually presented. Although women legislators opposed this new text, it was approved in the Chamber and went on to the Senate for evaluation.

In an effort to preserve some of the policy’s strength, women deputies and senators co-sponsoring the quota bill met to strategize about their next steps and decided to propose an amendment to this new text (Suplicy 1996, 135). Center-left Senator Júnia Marise (PDT) presented the Women’s Caucus proposal to the Senate: To increase the total number of candidacies to 120 percent of the number of seats to be filled and include the 20 percent quota for women within the total of general candidacies—a proposal that indicated women legislators’ acknowledgment that their demands would not be met if the quota incurred a cost to men deputies. Despite women’s concession, the bill’s rapporteur in the Senate still positioned himself against the amendment, again making clear that a sizable group of legislators would prefer the quota not to intervene in (what he called) “general” candidacies.<sup>7</sup>

Amendments introduced in the Senate went to the Chamber of Deputies for consideration. During plenary debates, some legislators expressed clear opposition to the quota. As right-wing Deputy Inocêncio Oliveira from *Partido da Frente Liberal* (Liberal Front Party, PFL) stated (my emphasis): “It is still highly positive discrimination for women, *this stimulus* of 20% of nominations. I believe that ideally, we should not fix this number because the reality of each municipality needs to be respected.”<sup>8</sup> Other legislators were even more explicit in conveying that they would only support the policy if it did not threaten men’s displacement. For example, centrist Deputy João de Almeida (PMDB) exposed his calculation that, under women legislators’

<sup>6</sup> The possibility to present lists with candidacies that exceeded the number of seats available was stipulated by the law in 1965, but this provision had not applied to the 1994 elections that took place after democratic transition (Wylie and dos Santos 2016). Quota debates thus enabled men legislators to reintroduce a provision they viewed as favorable.

<sup>7</sup> PL 180/95, *Dossiê Digitalizado*. <http://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=172725>.

<sup>8</sup> PL 180/95.

proposed amendment, parties would lose 10 percent of nominations if they could not fill the 20 percent quota. In his words: “[Because the amendment] mandates that candidacies for women should be counted toward the total, in practice this will mean [. . .] that parties that do not have the possibility of filling these places with the candidacies of women will lose 10% of the nominations.”<sup>9</sup>

In the end, women legislators conceded that a stronger quota would not receive the support of men legislators. In the last debate on the bill, left-wing Deputy Marta Suplicy (PT) lamented the weakness of the quota’s design after alterations, but granted that it would be better to approve the Senate’s amendment than to not include in the electoral reform any provision acknowledging the need to promote women’s representation. Still, she declared:

The Senate’s amendment is not brilliant, nor is it what we, women, wanted, but it is better than the text approved in the Chamber [of Deputies]. [. . .] We have to say what happened there: [They] took advantage of the demand of the Women’s [Caucus] to increase the number of candidates each party can register. Women’s demand was manipulated to increase the [overall] number of candidacies.<sup>10</sup>

Deputy Marta Suplicy’s intervention made it clear that women were aware that their demand had been purposely weakened and their victory reduced by men legislators’ well-crafted drafting. To accommodate the established proportion of women candidates, men legislators inflated the number of allowed candidate registrations, avoiding the substitution of men candidates, diluting the effect of the reservation, and rendering its compliance optional.

Aligned with my expectations regarding the quota’s lower levels of threat to their careers, women legislators from across the ideological spectrum were the strongest supporters of the policy. All women deputies voted in favor of the amendment—and, thus, of including the gender quota into the larger electoral reform.<sup>11</sup> Characteristic of a system in which most parties serve the career interests of their members (Desposato 2006; Mainwaring 1991, 21; Zucco Jr. and Power 2021, 480), few parties oriented their members on how to vote, something that provided greater leeway for men’s opposition to the policy. Members of the three left-wing parties that directed their members on how to vote (the PT, the PCdoB, and the PSB) followed their respective party’s orientation and unanimously backed the amendment; conversely,

<sup>9</sup> PL 180/95.

<sup>10</sup> PL 180/95.

<sup>11</sup> PL 180/95, *Primeira Sessão Legislativa Ordinária*. September 27, 1995. <https://www.camara.leg.br/internet/votacao/mostraVotacao.asp?ideVotacao=100000088&numLegislatura=50&codCasa=1&numSessaoLegislativa=1&indTipoSessaoLegislativa=O&numSessao=150&indTipoSessao=O&tipo=partido>.

men legislators from other left-wing, centrist, and right-wing parties whose party leaders did not issue an official orientation were divided. For example, 23.8 percent and 60.9 percent of the members of the left-wing PDT and *Partido Trabalhista Brasileiro* (Brazilian Labor Party, PTB) voted against the amendment—and, thus, of including the gender quota in the larger electoral reform. The fear of harming one's reputation with voters seems to have motivated some legislators to vote in favor of the amendment, even in the absence of a party whip. As Deputy Marta Suplicy explained:

[There were] those who voted in favor out of democratic conviction, due to the development of events, [as well as] those who preferred to concede rather than avoid unpleasant reactions and those who had a demagogic behavior to win support. (Suplicy 1996, 136)

In the context of the electoral reform and after engaging in efforts to weaken the original proposal significantly, legislators approved the Senate amendment, thus assenting to the introduction of a gender quota into the package of the new legal framework for municipal elections (which, upon approval, became *Lei 9100/95*). As evidenced by men legislators' background efforts to mitigate the quota's potential effectiveness, as well as by their verbal interventions, some incumbents perceived the quota as threatening to their careers but understood that the policy would likely become part of the larger package, so worked to contain its design "millimeter by millimeter" as recounted by Deputy Marta Suplicy (1996, 136).

The 1995 electoral reform was the first of a two-step process of producing electoral laws for all elections. As such, what was decided in 1995 would establish precedence and likely be carried onto the 1997 reform to determine the rules for state and national elections. Since Deputy Marta Suplicy's gender quota bill was incorporated into the electoral reform bill (PL 180/95), her original proposal (PL 783/95) continued to be evaluated.

Knowing that a process to define the roles of national and state elections was upcoming, on October 23, 1996, centrist Deputy Wagner Rossi (PMDB) presented PL 2465/96, offering an alternative to Deputy Marta Suplicy's proposal. This parallel bill proposed a quota of 20 percent (instead of the 30% established by PL 783/95). It also included a provision to ensure that the candidacy allowance of 120 percent could be filled entirely by men in case parties could not find women to fill the quota, with quota places being "un-reserved" on the "second to last day of the deadline for registering candidates." In other words, his proposal sought to ensure that men did not lose their place to women. In justifying his proposal, Deputy Wagner Rossi made

his intentions clear, saying that: “Candidacies left unfilled discourage men’s participation.”<sup>12</sup> In 1997, centrist Deputy Edinho Araújo (PMDB) and left-wing Deputy João Paulo Cunha (PT) proposed gender quotas of 30 percent, but maintained that parties could present lists with up to 120 percent (PL 2695/97) and 150 percent of seats (PL 3069/97). As one of my interviewees explained, legislators can impact the design of policies not only by revising them but also by proposing them.<sup>13</sup> These three efforts exemplify this.<sup>14</sup>

The proliferation of gender quota proposals around the same time also suggests that legislators had already accepted that a quota of some kind would be adopted as part of the package for national and state-level elections.<sup>15</sup> On April 28, centrist Deputy Carlos Apolinário (PMDB) became the rapporteur of the electoral reform and introduced a substitute text, lowering the originally proposed quota from 30 percent to 20 percent. After background debates on the matter, a revised text presented to the plenary on August 20, again set the quota size at 30 percent but established that in the 1998 elections, the quota would be 25 percent. On that day, men legislators proposed three amendments seeking to again lower the quota size to 25 percent (after 1998) or 20 percent.

Other legislators used different means to lessen the policy’s threat if a 30 percent quota were to pass. Centrist Deputy Edinho Araújo (PMDB) and center-right Deputy Silvio Torres from the *Partido da Social Democracia Brasileira* (Brazilian Social Democracy Party, PSDB), for instance, argued that “only” allowing for the nomination of a list that was 120 percent of the number of seats available in a scenario of a 30 percent quota was not sufficient. As Deputy Silvio Torres put it [my emphasis]:

I must say that I find it more convenient [. . .] 150% in the case of coalitions with two or more parties, considering also, in this total, the minimum quota for women. I think this is reasonable. Without anticipating a debate with Deputy Marta Suplicy, 30% would not be adequate for the specific elections of Legislative Assemblies and Federal Chambers. [. . .] So, maybe, if we put 30%, *we end up making the higher participation of [other] candidates unfeasible* in the subscribed tickets.<sup>16</sup>

<sup>12</sup> PL 2465/96. October 23, 1996: 02. <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=203738>.

<sup>13</sup> Author interview with Gerson Scheid, senior staff, Women’s Caucus (July 25, 2018).

<sup>14</sup> In the same year, Deputy Marta Suplicy (PT) also introduced PL 3257/97, which updated the language of her previous bill to clarify that the quota was a floor and not a ceiling for women’s candidacies; the bill also established a 30 percent quota and required that parties submitted their candidate lists to the TSE for evaluation of quota compliance at least 45 days before elections.

<sup>15</sup> As previous studies have shown, legislators tend to initiate bills to signal to voters their support for the topic, or to compete for the authorship of approved legislation, authoring alternative bills on topics that are likely to be approved (Ames 1995; Avellaneda, Botero, and Escobar-Lemmon 2012; Mayhew 2005).

<sup>16</sup> PL 2695/97. <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=205889>.



The notion that a higher candidacy allowance would be necessary to accommodate a 30 percent quota is in line with my expectations that men legislators agree to quota adoption if the policy is sufficiently diluted not to threaten their careers. By stating that quotas would render the participation of *other* candidates “unfeasible,” the intervention also reveals the legislator’s explicit concern that the policy would limit spaces for men.

Some deputies were even more obvious in pointing out that their resistance to the policy was motivated by the potential threat a quota could pose to men’s careers. In referring to the 1996 municipal elections to which the quota applied, centrist Deputy Wagner Rossi (PMDB), who had previously attempted to go against Deputy Marta Suplicy’s proposal by introducing his own bill, stated [my emphasis]:

All politicians, men and women, who participated in the election, who participate in party life in the most different parties, know that the formulation of candidate nominations was a festival of *laranjas* [i.e., phantom candidates]. All of us know that. No one does not know this, being a man or a woman. Why? Because, in truth, *women were included as part of the quota, to the detriment of men who were committed to their nominations*, while women were reached by force to fill the quota.<sup>17</sup>

He added that because women in his party were phantom candidates, the law should not mandate parties to nominate women when no candidates are available. Instead, he suggested that parties should be rewarded if they chose to nominate women “without it having the effect of eliminating men aspirants.”<sup>18</sup>

Further resistance also emerged in response to women legislators’ proposed amendments to reserve federally allocated funds and television time for women’s campaigns. In the context of an OLPR system, the reservation of campaign resources for women could promote the electoral viability of women candidates (Sacchet 1996, 2011), but these provisions also represented a loss of essential (and finite) resources for men’s candidacies. As such, when left-wing Deputy Marta Suplicy (PT) introduced the Women’s Caucus proposal for reserving time in the federally allocated slots of free television and radio time for women candidates, Deputy Gerson Peres from the right-wing *Partido Progressista Brasileiro* (Brazilian Progressive Party, PPB) promptly responded: “Your Excellency wants too much, Deputy Marta Suplicy. If that’s the case, there will only be advertisements for women candidates

<sup>17</sup> PL 2695/97.

<sup>18</sup> PL 2695/97.

before elections. We need to be careful with that.”<sup>19</sup> Facing strong resistance, this proposal was barely debated and never made it into any texts debated in plenary.

In the end, the text established a 25 percent quota for the 1998 state and national elections but accepted Deputy Marta Suplicy’s demand for a 30 percent quota to be applied thereafter. Nonetheless, the provision allowing parties and coalitions to present candidate lists of up to 120 percent and 150 percent of the number of seats available prevailed (rendering it a policy with an IGQS score of 4). Embedded into the larger electoral reform, this weakened quota was approved on September 30, 1997, becoming *Lei 9504/97*. Ultimately, the approved policy not only guaranteed that no man had to give up their opportunity to become a candidate because of a woman, but it also increased the number of potential candidacies by an extra 20 percent beyond the quota, rendering the candidacy of women even more diluted.

Despite being described by the rapporteur of the bill as a process with little resistance, the rejection of nearly all proposals that could strengthen the quota and improve the viability of women candidates, as well as the further dilution of the quota into an expanded candidate list, suggests that the apparent absence of explicit resistance<sup>20</sup> may, in fact, be the product of negotiations between proponents and resisters—and the latter group’s ultimate concession to adopt a weak policy, not their acceptance of a gender quota that could impose risks to their careers. Reflecting the career-interested calculations embedded into the policy, the gender quota’s impact on women’s descriptive representation was shy, with women candidates attaining only 5.65 percent of seats in 1998, the first election to which the quota was applied. As I show next, the quota’s ineffectiveness motivated the continued advocacy of quota proponents—lengthening quota-related policymaking.

## Holding the ground and resisting further risks

As a response to the quota’s failure to increase women’s representation, the Women’s Caucus engaged in repeated efforts to improve the representation of women in politics, presenting a total of 10 (unsuccessful) bills between 1998 and 2009.<sup>21</sup> Due to either being too similar to other bills and thus being deemed “impaired” (*prejudicadas*) or to not having been prioritized

<sup>19</sup> PL 2695/97.

<sup>20</sup> As the process was described by Araújo (1999), for example.

<sup>21</sup> They were PL 4423/98; PL 2355/00; PL 4649/01; PEC 7000/02; PL 6216/02; 4804/05; 607/07; PL 3563/08; PL 4407/08; and PL 5279/09.

and debated during the period of the legislative cycle in which they were introduced, all these bills were shelved before ever reaching plenary. This illustrates that one of legislators' tactics to contain the threat of a quota to their careers is using the rules of the legislative process in their favor and preventing bills they disapprove from moving forward. As one of my interviewees summarized: "Sometimes, one way of legislating is not legislating."<sup>22</sup>

While quota proponents sought the right legislative opportunity to strengthen the gender quota, the topic of women's political representation—and electoral reform, more broadly—increasingly gained salience in the public sphere. To create a channel for exchange between civil society and the legislature on matters of electoral reform, in 2007, left-wing Deputy Luiza Erundina (PSB) launched the *Frente Parlamentar para a Reforma Política com Participação Popular* (Parliamentary Front for Electoral Reform with Popular Participation). For many of these organizations, the adoption of instruments that improved diversity in political representation was a core priority (Gatto and Thomé 2023). They, too, were monitoring legislative debates, looking for an opportunity for action.

An opportunity for advancing quota demands emerged in 2009 in the context of the PL 5498/09 debate, which proposed reforming several electoral rules.<sup>23</sup> As one of my interviewees involved in the process explained: "We were looking for windows of opportunity. We used every opportunity to legislate, knowing that this would speed up the legislative process."<sup>24</sup> As the 2009 electoral reform unfolded, the Women's Caucus, together with organizations that were part of the Parliamentary Front, pressured the executive to establish a Tripartite Committee to discuss women's descriptive representation in politics, as it pertained to the electoral law. After several meetings to discuss the matter, the Tripartite Committee for the Revision of Law 9504/97, decided the most efficient strategy would be to resurrect old gender quota bills and reintroduce them as amendments to the electoral reform package.

Following this strategy, on June 30, 2009, left-wing Deputy Alice Portugal (PCdoB), in her role as leader of the Women's Caucus, presented three amendments to the bill. The first stipulated the reservation of 10 percent of party funds for activities to stimulate women's political participation; the second reserved 20 percent of parties' allocated television and radio times for the diffusion of information about the quota law and women's political representation; and, finally, the third amendment reduced the allowed number

<sup>22</sup> Author interview with senior staff, Senate (July 24, 2018).

<sup>23</sup> Including the role of the internet in electoral campaigns and other provisions pertaining to campaign advertisements.

<sup>24</sup> Author interview with Gerson Scheid, senior staff, Women's Caucus (July 25, 2018).

of candidacy nominations to 100 percent of the number of seats available and substituted the word *reservar* (to reserve) for the word *preencher* (to occupy) in the text of the quota law.<sup>25</sup>

The first two amendments were already weakened versions of original proposals (which established the reservation of party funds and propaganda time equivalent to the quota size, thus, 30%). The last amendment, in turn, sought to address an important loophole left open during the original adoption of the gender quota: Combined with the increase in the number of candidacy nominations beyond the number of seats available, the use of the phrase “to reserve” in the quota legislation, allowed parties to leave positions in their candidate lists “open” (i.e., “reserved”) for women, without the need to actually nominate women to these positions. The proposal to change the language of the law to “to occupy” was meant to force parties and coalitions to actually nominate women.

Perhaps due to increased public attention, there is no record of vocal resistance to the Women’s Caucus’s proposed amendments during plenary debates. Nonetheless, surveys collected by civil society organizations monitoring the electoral reform reveal legislators’ disapproval of any quota, let alone a strong one. According to a survey of legislators carried out by the *Instituto Nacional de Estudos Socioeconômicos* (National Institute for Socioeconomic Studies, INESC), 60 percent of parliamentarians disapproved of policies that favored women candidates.<sup>26</sup> In addition, as a survey conducted by the *Centro Feminista de Estudos e Assessoria* (Feminist Center for Study and Consulting, CFEMEA) showed, 74 percent of women legislators agreed with the inclusion of sanctions for quota non-compliance, but only 27 percent of men legislators supported this provision.<sup>27</sup>

As was the case in earlier years, political parties’ disapproval (or, at least, non-prioritization) of the policy—as evidenced, for example, by party leaders’ overwhelming refusal to attend the Tripartite Committee’s meeting to discuss proposals to strengthen the gender quota<sup>28</sup>—provided scope for men legislators to more openly resist gender quotas.

<sup>25</sup> *Comissão Tripartite para Revisão da Lei 9504/97, Relatório Final*. November 2009. [https://www.gov.br/mdh/pt-br/navegue-por-temas/politicas-para-mulheres/arquivo/assuntos/poder-e-participacao-politica/direitos-e-legislacao/legislacao-adicional/relatorio\\_final\\_da\\_comissao\\_tripartite\\_para\\_a\\_revisao\\_da\\_lei\\_9504\\_97.pdf](https://www.gov.br/mdh/pt-br/navegue-por-temas/politicas-para-mulheres/arquivo/assuntos/poder-e-participacao-politica/direitos-e-legislacao/legislacao-adicional/relatorio_final_da_comissao_tripartite_para_a_revisao_da_lei_9504_97.pdf).

<sup>26</sup> *Comissão Tripartite para Revisão da Lei 9504/97, Relatório Final*. November 2009: 13–14.

<sup>27</sup> *Comissão Tripartite para Revisão da Lei 9504/97, Relatório Final*. November 2009: 13–14.

<sup>28</sup> The Tripartite Committee invited all 27 parties with congressional representation to attend the meeting but only four parties—the PCdoB, the PDB, the PMN, and the PHS—sent representatives. Notably, only the first two sent representatives from their party’s leadership, while the last two sent a woman city councilor and a member of the party’s women section. *Comissão Tripartite para Revisão da Lei 9504/97, Relatório Final*. November 2009: 24.

Men legislators' overwhelming preferences for weak quotas indeed guided their policymaking efforts. All three of the Women's Caucus proposals for amendments were either rejected or significantly weakened before being incorporated into the electoral reform package. Specifically, the revised version of the package reduced the share of resources outlined in the first amendment from 10 percent to 5 percent and in the second amendment from 20 percent to 10 percent. From the third amendment, the only aspect that remained was the replacement of the phrase "to reserve" with the words "to occupy." As the final report of the Tripartite Committee recounts, men legislators also refused to discuss any proposal to establish punishments for parties that did not comply with the quota,<sup>29</sup> so this also remained out of the text.

Approved in the Chamber, this new text reached the Senate on 14 July. Similarly to what happened in 1995, upon arriving in the Senate, women senators and left-wing Senator Eduardo Suplicy<sup>30</sup> (PT) sought to reinstitute the strength of the original proposals. To this end, they introduced 11 amendments (which included recovering the previously rejected amendments, as well as establishing sanctions for non-compliance); concurrently, center-right Senator Arthur Virgílio (PSDB) introduced three amendments with the aim of further weakening gender quota-related proposals. Ultimately, the Senate—a branch to which the quota would not apply and that requires a lower (simple majority) threshold for amendment approval—reversed the allocation of party funds for the promotion of women in politics from 5 percent to 10 percent but did not go any further in restoring the original proposals or approving other provisions that strengthened the quota.

However, this small victory did not last long. Once the bill returned to the Chamber on September 16, deputies rejected the change, arguing that there were only 15 days left for voting on the bill and that the text that had been previously approved had everyone's "understanding."<sup>31</sup> On September 29, 2009, PL 5498/09 was approved, becoming *Lei* 12,034/09. In the end, the new law made only small concessions to women legislators: Allocating 5 percent of party funds and 10 percent of television and radio propaganda time for the promotion of women's political representation and changing the language of the quota law from "to reserve" to "to occupy" but maintaining the provision that allowed parties to nominate candidates for up to 150 percent of

<sup>29</sup> *Comissão Tripartite para Revisão da Lei 9504/97, Relatório Final*. November 2009: 14.

<sup>30</sup> Who had been married to the original gender quota's key proponent, Deputy Marta Suplicy, between 1964 and 2001.

<sup>31</sup> PL 5498/09.

seats available, as well as the loophole of no sanctions for non-compliance. The changes enacted in 2009 were so small that they did not strengthen the Brazilian quota's IGQS score, which remained at 4. In other words, although the electoral reform provided a window of opportunity for proponents to advance *some* change, the career interests of the majority of men legislators led them to work against effective changes to the policy's design.

## Seeking help from outsiders: Judicial actors enter the scene

While women legislators were unable to approve the inclusion of a sanctioning provision through the legislative process, changing the language of the bill from “to occupy” to “to reserve” was sufficient ground for requesting the TSE to take judicial action against political parties that did not comply with the gender quota.

In 2010, in light of the first elections to which the revised quota would be applied, women legislators and lawyers associated with the left-wing PDT challenged the party's state-level candidate list with the *Tribunal Regional Eleitoral* (Regional Electoral Tribunal, TRE) of the state of Pará, claiming that the party was in violation of the gender quota for presenting a list of candidates to the state legislature that was short of the 30 percent reservation. Not all judges agreed with this claim, arguing that the party did not nominate the maximum number of candidates allowed by the law and, thus, that it was not required to fulfill the quota requirement. In addition, judges interpreted the lack of stipulated sanctions as something that prevented them from enforcing the law through party punishment. As stated in the justification of their vote against the claim of violation: “The new text of the law does not establish consequences or sanctions when it comes to the non-compliance of this provision.”<sup>32</sup>

The case reached the federal-level electoral court, the TSE. As the authority that oversees whether electoral rules are followed through, the TSE can enact legal interpretations that determine how legal gaps should be addressed. As actors to whom the quota does not apply, judges' behavior toward gender quotas is not bound to career-seeking, rational expectations. Judicial proceedings thus provided another window of opportunity for quota strengthening.<sup>33</sup> On August 12, 2010, the TSE issued its decision, establishing

<sup>32</sup> *Recurso Especial Eleitoral No 784-32.2010.6.14.0000*. August 12, 2010: 67. [https://www.tse.jus.br/hotsites/catalogo-publicacoes/pdf/revista\\_jurisprudencia/RJTSE21\\_3.pdf](https://www.tse.jus.br/hotsites/catalogo-publicacoes/pdf/revista_jurisprudencia/RJTSE21_3.pdf).

<sup>33</sup> Judicial actors themselves understood that legislators' actions were driven by their self-interests, giving courts an important role in addressing the legislation's limitations. Author interview with Luciana Lóssio, former minister, TSE (May 31, 2018).

that the 30 percent quota should apply to the number of nominations a party chooses to present. This clarified that not presenting a full list of candidates did not exempt parties from complying with the gender quota. The decision went beyond, however, stating that regional electoral courts (the authorities responsible for overseeing candidate registrations) should reject party lists that did not comply with the 30 percent quota.<sup>34</sup>

In effect, this judicial ruling established electoral sanctions for quota non-compliance. This was an important advance—improving the gender quota’s IGQS score from 4 to 7—especially considering legislators’ previous resistance to the provision in earlier reforms, which made the approval of sanctions highly unlikely.<sup>35</sup> The TSE’s ruling was issued too close to the October 2010 elections, resulting in wide variation in the state-level implementation of the new policy. Ultimately, although the rule seems to have promoted an increase in the overall share of women candidates from 13 percent in 2006 to 19 percent in 2010, the overwhelming majority of party organizations still failed to meet the quota. Furthermore, the increase in women’s candidacies did not translate into higher shares of women in office, which remained at 8.8 percent. This result highlighted yet another remaining design flaw of the quota: The lack of provisions to ensure the electoral viability of women’s candidacies—a loophole that allowed parties to nominally comply with the quota but not invest in women candidates’ campaigns, for example through the nomination of phantom candidates (Gatto and Wylie 2021; Wylie 2018; Wylie and dos Santos 2016; Wylie, dos Santos, and Marcelino 2019).

## Playing by different rules: Reserved seats and non-legislative action

Given the gender quota’s persistent limitations, bills proposing to reform the policy continued to emerge. In 2012, PL 4497/12 proposed to substitute the quota for a parity law but outlined that the increase in the quota size should be accompanied by the doubling of the number of candidates each party could nominate.<sup>36</sup> In the following year, legislators proposed another three bills: PL 5384/13 sought to modify rules of seat allocation to ensure that when parties elected at least three representatives, one of them was a woman; PL 6768/13 proposed a parity law; and, PEC 371/13 sought to establish reserved seats for

<sup>34</sup> *Recurso Especial Eleitoral No 784-32.2010.6.14.0000*. August 12, 2010: 67.

<sup>35</sup> *Comissão Tripartite para Revisão da Lei 9504/97, Relatório Final*. November 2009: 14.

<sup>36</sup> Previously, in 2011, PL 1699/11 proposed that voters should cast votes for candidates of both sexes for the offices of municipal, state, and federal deputies. As this does not constitute a quota, I cannot use the IGQS to evaluate the policy’s design.

women in the Chamber of Deputies and the Senate. Similarly, in the next year, PL 7539/14 proposed to reserve candidacies for women in Senate races. As before, all these proposals were either deemed impaired due to similarities with other bills or not picked up during the period of the legislative cycle in which they were introduced and shelved without reaching plenary. Gender quota proposals had only previously advanced in the legislative process when attached to bills encompassing larger electoral reforms—and, thus, speeding up the legislative process.

This opportunity presented itself once again on February 4, 2015, when the debate on an electoral reform package (PEC 182/07) was rekindled. When the electoral reform was taken up, the Women's Caucus seized the opportunity to propose strengthening the gender quota. The *Secretaria de Políticas para Mulheres* (Secretariat for Women's Policies, SPM)—a ministerial-level office—offered explicit backing to women legislators' efforts.<sup>37</sup>

Having previously failed to strengthen the quota through the reservation of campaign resources, women legislators now demanded reserved seats. In proposing to reserve seats, not candidacies, this new bill sought to add to (not substitute) Brazil's existing quota policy and to address its shortcomings in several ways: First, by assuring that women's candidacies could not be diluted by an increase in general candidacies; second, by providing an incentive for parties to nominate women despite lack of consistent implementation of the candidate quota law; and, third, by motivating parties to support competitive (and not phantom) candidacies and invest in their respective campaigns.

Although some members of the Caucus wanted to propose a reserved seat quota of at least 30 percent (Calgaro 2015),<sup>38</sup> the group agreed on a reservation of 20 percent, envisioning that this would be better received by their men colleagues. With this settled, each woman legislator became responsible for meeting their respective party's leader to ask for their backing—a strategy that acknowledges the critical roles party leaders can have in shaping legislators' support for a policy. But they found opposition instead. As an advisor to the Women's Caucus described in an interview:

When they returned to the [Women's Caucus] meeting, they said: "It's not going to work out." Then there was the meeting with [centrist] Deputy Soraya [Santos, PMDB], who said: "Look, if it's not 10% now, 12% and 15%, this will not get approved. The only way for this to pass is for them to feel they will not be harmed

<sup>37</sup> Author interview with Eliana Graça, senior staff, SPM (July 25, 2018).

<sup>38</sup> Some of my interviewees involved in the process conveyed many women legislators wanted to push for a parity law. The official records of a Caucus meeting on June 16, 2015 point to a debate about a 30 percent reservation.



in the next elections. So, we need to maintain the 10% argument [so we can say] ‘deputy, nothing is going to change: If you have already been elected, you will continue getting elected.’”<sup>39</sup>

Aligned with my theoretical expectations that legislators’ behavior toward gender quotas is career-driven, the “nothing is going to change” argument became central to women’s strategies in rallying support for the bill. To convince legislators that the quota was unlikely to affect them directly, the Women’s Caucus used a spreadsheet of the breakdown of seats already occupied by women in each state and political party<sup>40</sup> and argued that their proposal ensured that there would not be any increases in women’s political representation in the following 2018 elections.

Moreover, quota proponents also conveyed to legislators that opposing the gender quota could harm their reputation with women voters and, consequently, also pose a risk to their careers. More specifically, to corner legislators into committing to the bill, Women’s Caucus advisors surprised men legislators with video interviews in which they asked them about their support for the quota. This tactic resulted in men legislators from left-wing *and* right-wing parties alike appearing on record to make statements along the lines of: “I support Brazilian women. I am on your side.”<sup>41</sup> By publishing these videos on the bill’s campaign website, the Caucus hoped that legislators would commit to their words in defending the passing of the proposal—or otherwise risk public shaming. As a senior legislative staff behind the strategy explained:

Right-wing deputies were more resistant. Left-wing deputies were compelled to support quotas for women, even if they did not agree. [. . .] So, we spoke to everyone but concentrated our efforts on recording [videos] with deputies whose parties did not have ideological support.<sup>42</sup>

Despite proponents’ efforts, the certainty of losing 26 seats to women by 2026 still prompted many men legislators to see the Women’s Caucus bill as a threat to their careers in the medium term. While many deputies were unwilling to vocalize their opposition to the policy publicly, some did not hide their electoral motivations for doing so. Right-wing Deputy Edson Moreira from

<sup>39</sup> Author interview with Gerson Scheid, senior staff, Women’s Caucus (July 25, 2018).

<sup>40</sup> Author interviews with Soraya Santos, federal deputy, PR (July 27, 2018), and Gerson Scheid, senior staff, SPM (July 25, 2018).

<sup>41</sup> Gerson Scheid, senior staff, Women’s Caucus (July 25, 2018).

<sup>42</sup> Author interviews with Iara Cordero, senior staff, Women’s Caucus (July 25, 2018) and Gerson Scheid, senior staff, Women’s Caucus (July 25, 2018).

*Partido Trabalhista Nacional* (National Labor Party, PTN) was one of the legislators who most explicitly positioned himself against the proposal on the merits that it would disadvantage men:

Everyone competes for votes; everyone works to be elected. It is not fair, Mr. President, that a certain proportion is handed to a certain sex, that a particular segment has quotas for the dispute of seats on the Chamber, Senate, Municipal Chambers, or Legislative Assemblies. This is not fair. The dispute, as it is done today, is a healthy competition, without disadvantaging [anyone], everyone works to gather votes, in street corners, in favelas all over Brazil, in all states. Mr. President, it's a quota here, a quota there . . . Soon, if this amendment passes, everyone here will go through sex reassignment surgery to change sex because then it will be easy to get elected to the Federal Chamber. [. . .] Whoever gets the most votes should win. If there is a quota, Mr. President, it is going to be bad.<sup>43</sup>

Despite different levels of subtlety, the few interventions in opposition to the proposal highlighted the rhetoric that gender quotas benefitted women to the detriment of men. However, the policy's normative goal of promoting women's political representation seems to have restrained most legislators, especially those from left-wing parties, from vocally opposing the Women's Caucus proposal. As one of my interviewees involved in the process summarized: "No party instructed its deputies to vote against the quotas. They were afraid it would make them look bad."<sup>44</sup>

Notwithstanding their earlier resistance to the policy during background negotiations, political parties were reluctant to oppose a proposal promoting gender equality publicly, so, unlike other aspects of the electoral reform, not a single party leader instructed their members to vote against the bill. On June 16, 2015, the Chamber of Deputies voted on whether the quota proposal should be part of the electoral reform package. To be approved, the amendment required 308 favorable votes; it fell short by 15 votes, with 293 Deputies voting in favor, 101 against, and 53 abstaining.<sup>45</sup> The stakeholders involved in the process I interviewed revealed that legislators and their parties widely supported the bill to avoid publicly opposing a gender equality measure and because they believed it would not get approved anyway.<sup>46</sup> This allowed them

<sup>43</sup> PEC 182/07. *Dossiê Digitalizado*. <http://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=373327>.

<sup>44</sup> Author interviews with Iara Cordero, senior staff, Women's Caucus (July 25, 2018) and Eliana Graça, senior staff, SPM (July 25, 2018).

<sup>45</sup> Parties' and legislators' individual-level behaviors in this vote are discussed in detail in [Chapter 3](#).

<sup>46</sup> Author interviews with Soraya Santos, federal deputy, PR (July 27, 2018) and Eliana Graça, senior staff, SPM (July 25, 2018).

to symbolically signal support for gender equality without risking their electoral standing. As one of my interviewees reported: “They [men legislators] never imagined it could get close [to being approved]. And it did [get close]. So, when the final vote appeared [on the screen], they were in shock. They could not believe it.”<sup>47</sup>

The amendment’s rejection rendered it “impaired,” meaning that the Chamber of Deputies could no longer consider other proposals that established equal or higher quotas. But the electoral reform package continued to be debated. Although not part of the text of the original electoral reform bill (PL 5735/2013), the Women’s Caucus, through the representation of Deputy Soraya Santos (PMDB), negotiated with the bill’s rapporteur the inclusion of provisions reserving 30 percent of party funds in the following three cycles for women’s candidacies in proportional elections, as well as 20 percent of parties’ allocated television time to the promotion of women’s political participation.

In the meantime, on July 09, 2015, the Senate’s *Comissão Temporária de Reforma Política* (Temporary Committee for Political Reform) approved another proposal submitted by (now Senator) Marta Suplicy (PMDB) to reserve seats for women progressively from 10 percent to 12 percent, and 16 percent across three consecutive elections, starting in 2018 (filed as PEC 134/15).

Also, on July 09, the Chamber debated the Women’s Caucus proposals for the reservation of party funds and television time for women’s candidacies. When reading these proposals in the plenary of the Chamber of Deputies, however, the rapporteur of the bill, right-wing Deputy Rodrigo Maia from the *Democratas* (Democrats, DEM), had already anticipated that women legislators’ demands would likely have to be weakened before being approved, as their proposals did not have the backing of party leaders:

There is a big controversy surrounding this article. I agreed with women deputies, Deputy Soraya [Santos, PMDB], that I would include it [in the reading of the text], but there are requests from many parties for this to be reduced to 20% or “up to 20%.” If this is the understanding of the majority of [party] leaders, this is what will be done, unfortunately. So here I am leaving things very clear because this is a point that needs to reach consensus. [...] Women [legislators] almost managed to get the [reserved seat] quota, but there’s a need to organize the voting so we can approve a text.<sup>48</sup>

<sup>47</sup> Author interview with Gerson Scheid, senior staff, Women’s Caucus (July 25, 2018).

<sup>48</sup> PL 5735/2013, *Sessão Deliberativa Ordinária*. July 09, 2015: 123. <http://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=580148>.

Plenary debates on the electoral reform were scant, with few legislators voicing their views or concerns. However, as Deputy Rodrigo Maia's intervention indicates, legislators' silence does not imply their lack of resistance toward the policy; rather, it suggests the existence of background efforts to minimize or mitigate the proposal's progress. Indeed, background negotiations were effective in weakening the Women's Caucus proposal: A revised version of the text reserved a minimum of 5 percent and a maximum of 15 percent of party funds for women's candidacies in proportional elections.<sup>49</sup>

The text was agreed upon in the Chamber and sent to the Senate, which maintained the reservation of 10 percent of television time, as well as the minimum and maximum thresholds of 5 percent and 15 percent of party funds for women's candidates but removed the specification that the funds should be used exclusively for candidates running in proportional elections. This change was a clear effort to mitigate the impact of the reform on incumbents' careers: The new text meant that the reservation of funds could also be employed in the campaigns of women running in majoritarian elections for the offices of mayor, governor, and senator<sup>50</sup>—races in which women candidates were already as competitive as men (Gatto, Thome, and Russo 2021; Wylie 2018), precisely due to parties' motivation to invest in the campaigns of the candidates they selected for these races.

While weakening the Women's Caucus proposals on campaign funds and television time, men deputies also sought to contain advances on the new proposal for reserved seats approved in the Senate. Aligned with my expectations, when faced with a policy design that could threaten their career prospects, legislators avoided the reputational risks of having to openly declare their opposition to the quota by refusing to put it to a vote. As an interviewee explained: "This time around, resistance was much stronger. [...] So, it became much more difficult after the first [proposal] almost passed."<sup>51</sup>

On September 29, 2015, legislators approved the electoral reform package (*Lei 13.165/2015*), with the only advances being the reservation of 10 percent of television time for the promotion of women's political participation and the reservation of a minimum of 5 percent and a *maximum* of 15 percent of party funds for the campaigns of women running for any office. This change improved the IGQS score from 7 to 8.

In 2017, the Brazilian Congress started another electoral reform process. The debate over PL 8612/2017 thus provided yet another opportunity for

<sup>49</sup> PL 5735/2013, *Parecer às Emendas de Plenário proferido em Plenário pelo Relator Dep. Rodrigo Maia (DEM-RJ)*. July 09, 2015: 37.

<sup>50</sup> PL 5735/2013, EMS S735/2013—*Substitutivo do Senado*. September 08, 2015: 27.

<sup>51</sup> Author interview with Gerson Scheid, senior staff, Women's Caucus (July 25, 2018).

women legislators to seek improvements in the quota's design. Ahead of the introduction of the electoral reform bill, the Women's Caucus negotiated with the rapporteur of the bill, left-wing Deputy Vicente Cândido (PT), the inclusion of several provisions that aimed to improve women's political representation. Indeed, the bill introduced on September 19, 2017 outlined that: (1) 30 percent of allocated time on television and radio would be reserved for promoting women's political representation, and (2) in the case that races ended in a technical tie, women candidates would be elected.<sup>52</sup> These provisions seem to have received strong resistance, however, as Deputy Vicente Cândido quickly went back on his promise to the Women's Caucus. On October 04, just 15 days after the introduction of the original text, Deputy Vicente Cândido introduced a substitutive text, which included none of the Women's Caucus demands.<sup>53</sup>

Twenty years after the adoption of Brazil's first gender quota, the 2015 and 2017 electoral reforms once again showcased how career-driven resistance to gender quotas affects policy design and prolongs the policymaking process. Aligned with my expectations, legislators made symbolic efforts toward promoting gender equality only when their reputations were at stake while otherwise restraining the progress of quota proposals in background negotiations. After many failed attempts at meaningfully strengthening gender quota designs and recognizing that they would not overcome legislative resistance,<sup>54</sup> women legislators developed alternative strategies to advance their demands.

Similarly to what happened in 2010, legislators' attempts to contain the quota's advances backfired when a group of women legislators,<sup>55</sup> with support from various civil society organizations, including the *Instituto Brasileiro de Direito Eleitoral* (Brazilian Institute of Electoral Law, Ibrade), once again sought the assistance of judicial actors to address the shortcomings of the quota law (Thomé 2019, 77). Responding to their claim that instead of improving women's candidacy viability, the reservation of campaign finance approved in 2015 imposed a ceiling on the distribution of resources to women, Brazil's *Procurador-Geral da República* (Prosecutor General), Rodrigo Janot, filed a motion of unconstitutionality against the

<sup>52</sup> PL 8612/2017, September 19, 2017. [https://www.camara.leg.br/proposicoesWeb/prop\\_mostrarintegra?codteor=1599089&filename=Tramitacao-PL%208612/2017](https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=1599089&filename=Tramitacao-PL%208612/2017).

<sup>53</sup> PL 8612/2017, *Subemenda Substitutiva Global do Relator*. October 04, 2017. [https://www.camara.leg.br/proposicoesWeb/prop\\_mostrarintegra?codteor=1605018&filename=SSP±1±%3D%3E±PL±8612/2017](https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=1605018&filename=SSP±1±%3D%3E±PL±8612/2017).

<sup>54</sup> Author interview with Soraya Santos, federal deputy, PR (July 27, 2018).

<sup>55</sup> This group was composed of senators Vanessa Grazziotin (PCdoB), Ângela Portela (PDT), Fátima Bezerra (PT), Gleisi Hoffmann (PT), Kátia Abreu (no party affiliation at the time), Lídice da Mata (PSB), and Rose de Freitas (PMDB), and federal deputies Gorete Pereira (PR), Jô Moraes (PCdoB), Luana Costa (PSB), Luciana Santos (PCdoB), Raquel Muniz (PSD), and Soraya Santos (PMDB).

provision (*Ação Direta de Inconstitucionalidade*, ADI 5617). In the motion, he argued that “by fixating a maximum limit to the amount of party funds to be reserved to women’s campaigns, the provision not only violates the principle of equality but, even more critically, reverses the system of electoral [gender] quotas.”<sup>56</sup> In addition, Prosecutor General Rodrigo Janot proposed that any funding reservation should be understood as part of the gender quota “system,”<sup>57</sup> and, as such, should: (1) Not impose a ceiling to the reservation of funds; (2) establish 30 percent as the minimum reservation of party funding for women’s campaigns to match the share of candidacies reserved for women by the quota; and, (3) lift the provision’s expiration date.

On March 15, 2018, judges of Brazil’s highest court, the *Superior Tribunal Federal* (Superior Electoral Tribunal, STF), voted to accept Prosecutor General Rodrigo Janot’s recommendations.<sup>58</sup> In effect, their decision reserved at least 30 percent of party funds for the promotion of women’s political representation.<sup>59</sup> But women legislators were not done. In an attempt to close the remaining gaps in the quota legislation that they had been unsuccessful in tackling through legislative processes, 14 women legislators sought the legal representation of Luciana Lóssio (by then a former Minister of the TSE) to file a motion with the TSE requesting that the STJ’s decision to reserve a minimum of 30 percent of party funds to women’s candidacies be extended to the newly established campaign fund (Fabris Campos 2019; Thomé 2019, 82)<sup>60</sup> and to the publicly funded advertisement time in television and radio.<sup>61</sup> According to Minister Luciana Lóssio herself, legislators’ unwillingness to produce an effective gender quota rendered judicial intervention the only route to enacting a stronger quota policy. As she explained:

How could a law that imposes the reservation of 30% of candidacies, 5% of funding, and 10% of visibility [for women] work? Well, if it was something with the real intention of working, it should establish the [corresponding] 30% of funding and visibility. As such, I claim that the quota policy that exists in Brazil is meant to not work.<sup>62</sup>

<sup>56</sup> ADI 5617. October 19, 2016: 13. <http://www.mpf.mp.br/pgr/documentos/adi-5617.pdf/view>.

<sup>57</sup> ADI 5617. October 19, 2016: 18.

<sup>58</sup> By then, however, Raquel Dodge, the first woman to occupy the Brazilian Prosecutor General’s office, had already replaced Rodrigo Janot.

<sup>59</sup> ADI 5617. October 19, 2016.

<sup>60</sup> After the judiciary deemed corporate campaign donations unconstitutional, legislators approved *Lei* 13.487/2017 and *Lei* 13.488/2017 to establish a public source of campaign finance. In the 2018 elections, the fund distributed over 1.7 billion Brazilian *reais* (roughly 447 million US dollars) (Tribunal Superior Eleitoral 2018).

<sup>61</sup> Legally reserved time on TV and radio for political campaigns, proportionally allocated to political parties based on their congressional representation. In Portuguese, this is called “*horário eleitoral gratuito*.”

<sup>62</sup> Author interview with Luciana Lóssio, former minister, TSE (May 31, 2018).

In a unanimous decision on May 22, 2018, the TSE ruled that 30 percent of resources from the partisan funds *and* the Special Fund for Electoral Campaigns, as well as federally allocated television and radio time, should be reserved for women candidates. This outcome again highlights non-legislative actors' greater willingness than legislators to respond to quota proponents' demands. In effect, this decision increased the quota's IGQS from 8 to 9.<sup>63</sup>

### 30 years of quota policymaking in Brazil

Although progress was only reached primarily through judicial intervention, the period of debates from 2015 to 2018 marked a new phase in Brazil's quota policymaking process. During this time, proponents recognized that reserving candidacy space was not sufficient: Provisions needed to be put into place to ensure women's electoral viability. Between 2019 and 2021, legislators introduced a total of 23 bills—making this the most productive period for gender quota bills in Brazil.

In line with the preceding years' debates, many of the proposals introduced during this period sought to improve women's viability. Four of them (PL 73/2019; PL 4896/2019; PL 5569/2020; and PEC 18/2021, all introduced by men legislators) proposed to legislate the judicial decision to reserve 30 percent of campaign funds for women. In seeking to approve a provision already in place, these proposals posed no additional costs to legislators' careers. Two other bills—PL 4340/2019 and PL 5004/201900, introduced by women legislators—sought to establish financial incentives for parties whose women candidates performed well. Meanwhile, a series of proposals sought to revive the debate on reserved seats for women. These included a series of similar bills proposing a 30 percent seat reservation, most of which were introduced by (left-wing) men (PL 3623/2019; PL 4024/2019; PL 5423/2019; PL 259/2020; PL 2099/2021; PL 2788/2021; PL 1951/2021), as well as a proposal introduced by Deputy Gleisi Hoffmann (PT) to reserve 50 percent of legislative seats for women (PL 1462/2019).<sup>64</sup>

<sup>63</sup> Between 2015 and 2018 three other gender quota-related proposals were introduced, namely: PEC 283/16; PL 7583/17; and PL 7403/17. At the time of writing, all three were still technically still under consideration.

<sup>64</sup> Five bills proposed to strengthen the gender quota in other ways, namely by increasing the quota from 30 percent to 40 percent (PL 4948/2019) and by extending its domain to include party directorates (PL 2826/2020 and PL 3540/2020) and executive posts (PL 331/2019). Another poorly designed bill (PL 4763/2020) proposed that men use their vote shares to “boost” women's candidacies—a provision that explicitly stated that the policy would not disadvantage men.

But for the first time since the quota's adoption in 1995–97, there were also efforts to retract quota provisions. Two of them gained little traction. Introduced by far-right politicians, PL 4213/2020 proposed to remove campaign reservations, while PL 4375/2020 proposed to completely extinguish the quota. One of the bills, however, gained legislative (and media) prominence. Interestingly, this proposal, PL 2996/2019,<sup>65</sup> was introduced by a woman legislator, Deputy Renata Abreu, from the right-wing *Podemos* (“We can” Party, PODE). As president of her party, Deputy Renata Abreu voiced concern about how the gender quota and the proportional reservation of campaign finance funds could disadvantage men legislators’ and parties’ electoral prospects. In an interview with Brazilian newspaper *Folha de S. Paulo*, Deputy Renata Abreu explained:

[The quota as an obligation is] a sex war. Those who are party leaders know that filling the 30% [quota] is not easy. [. . .] This hinders parties’ electoral coefficients, their possibility of attaining more seats, and also, parties’ survival. (Quoted in Zaremba 2019)

As I discuss in [Chapter 2](#), Deputy Renata Abreu’s behavior indicates that under certain circumstances—such as one in which women occupy the role of party leader and must consider the policy’s impact on their party’s (men) members—women legislators may be against gender quotas, a stance that also follows a logic of self (and, in this case, party) preservation.

However, facing backlash from her fellow women legislators, on September 25, 2019, less than three months after introducing PL 2996/2019, Deputy Renata Abreu (PODE) requested to remove the bill and substitute it for PL 4130/2019. As her prior bill, this second proposal still removed parties’ obligation to comply with the 30 percent gender quota but included *incentives* for parties to promote women’s candidacies: (1) The reservation of 30 percent of campaign funds for women (a provision that had already been attained through judicial means), and (2) giving double weight to the votes obtained by women candidates when computing the allocation of public campaign funds for parties—the latter, a measure that could benefit women, but that would also provide clear advantages to their parties.

As has been the case with other single-issue gender quota bills, PL 4130/2019 did not advance in the legislative process. Still, some of its contents were picked up in 2021 when the Brazilian National Congress once

<sup>65</sup> PL 2996/2019, *Atualização do Despacho do PL 2996/2019*. July 05, 2019. [https://www.camara.leg.br/proposicoesWeb/prop\\_mostrarintegra?codteor=1775288&filename=Tramitacao-PL%202996/2019](https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=1775288&filename=Tramitacao-PL%202996/2019).



again debated an electoral reform. Recorded in the Senate as PEC 28/2021, the electoral reform had as its most contentious proposal, the replacement of the system of proportional representation for the election of municipal councilors, state deputies, and federal deputies for a majoritarian system (that became known as *distritão*). This item, along with the return of electoral coalitions in proportional races, kept legislators busy: These proposals would not only drastically change legislative electoral dynamics, potentially favoring high-electoral capital legislators, but also clashed with other elements of the reform package, including the return of electoral coalitions (Barbiéri 2021).

Legislators were not the only ones busy with the electoral reform: Given the extensive proposals at stake, civil society and the media were also closely paying attention. Under the umbrella of the *Plataforma dos Movimentos Sociais pela Reforma do Sistema Político* (Social Movements' Platform for Political System Reform), multiple organizations came together to deter proposals that could make the system less inclusive and push for more progressive reforms. Particularly due to its potential negative impact on the political representation of marginalized groups and smaller parties, keeping the *distritão* out of the reform also became the biggest concern of civil society organizations. The proposal to replace the open-list proportional representation system applied to the Chamber of Deputies with a majoritarian system was seen as so detrimental to diversity in representation that reversing this proposal became the primary objective of civil society organizations originally looking to use the reform as an opportunity to strengthen the gender quota. For example, a technical note issued by the *Frente pelo Avanço dos Direitos Políticos das Mulheres* (Front for the Advancement of Women's Political Rights) focused solely on this aspect of the electoral reform, arguing that "this is the electoral system most disadvantageous to the legislative election of those from minoritized groups, such as women" (Matos et al. 2021).

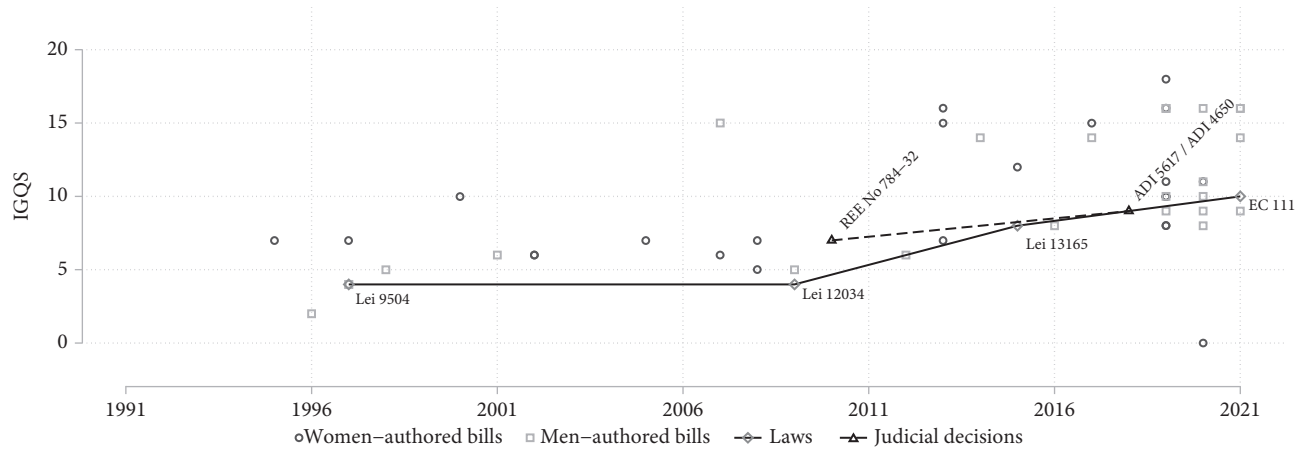
Amidst fear of setbacks, women legislators' proposals for reserved seats became secondary. Still, as rapporteur of the electoral reform under debate, Deputy Renata Abreu (PODE) had significant power over the legislative process, which she used to negotiate the inclusion of her earlier proposal for the votes of women and Afro-Brazilians to be given double weight in the distribution of parties' campaign resources—but only for the elections taking place between 2022 and 2030. Approved on September 28, 2021, *Emenda Constitucional 111* (Constitutional Amendment, EC) included this provision—something experts deemed would most likely benefit women incumbents and their parties but was likely not to provide much encouragement for expanding women's political representation more broadly (Zaremba 2019). This change improved the Brazilian gender quota's IGQS score from 9 to 10.

The 2021 reform marks 30 years since Argentina's gender quota. As summarized in [Figure 5.4](#), Brazil has not been short of quota demands in this period. In a candidate-centric system where individual legislators want to differentiate themselves from non-partisans and co-partisans, the introduction of bills is a form of seeking to claim credit for policymaking (as well as a strategic tactic of competing for preferred policy designs). In this context, the high number of quota proposals is, perhaps, not surprising. Between 1991 and 2021, there were 49 quota-related bills introduced to the Brazilian National Congress. Few of them progressed: Only four advanced (and after being inserted and approved as part of more extensive electoral reforms). In addition to these four pieces of legislation, two judicial decisions also strengthened the Brazilian gender quota.

Despite various attempts to meaningfully strengthen the policy, the Brazilian national quota only improved from an IGQS score of 4 in 1997 to a score of 10 in 2021. In other words, although Brazilian legislators' resistance to the policy did not delay its adoption, legislators' self-interested behavior managed to secure the maintenance of a very weak quota for 24 years. Notably, the most significant improvements in quota designs—which established sanctions for non-compliance and instituted mechanisms to improve the electoral viability of women candidates, both aspects that are key to the policy's effectiveness ([Araújo 2010](#); [Dahlerup and Freidenvall 2011](#); [Krook 2007](#); [Schmidt 2003](#))—were enacted by judicial actors whose careers would be unaffected by the gender quota's strengthening. Despite judicial efforts, gaps in the Brazilian quota design persist. These loopholes continue to spur efforts for quota strengthening. Another consequence of legislators' resistance has thus been prolonging the quota policymaking process for at least three decades.

## Conclusion

Inspired by Argentina's pioneering gender quota and similar efforts worldwide, Brazilian women legislators began advocating for a gender quota as early as 1995. In a candidate-centric system where career ambition and vulnerability to displacement vary widely, proponents managed to attain sufficient support for the early adoption of a gender quota for national elections in 1997—but only after the policy was sufficiently weakened to account for the career concerns of legislators vulnerable to displacement. Between Brazil's original quota adoption and the last year under analysis, 2021, the policy matured, albeit modestly and slowly.



**Fig. 5.4** The timing of adoption, strength of design, and length of policymaking process of gender quotas in Brazil

Note: The unit of analysis in the bill/executive proposal/law. Compiled by the author with original data on the strength of policy designs measured with the IGQS (developed in Chapter 4)

As my analyses of data from archival legislative transcripts and interviews with key policymakers showed, men legislators' self-interested preferences are to blame for the fate of Brazil's gender quota. Unlike their men counterparts, women legislators worked together to advance quota demands; party leaders, although not all avid supporters of gender quotas, also did not oppose the policy, giving men legislators the leeway to legislate according to their interests. And so they did—with dire consequences for the quota's design and duration of the policymaking process.

While the evidence I present in this chapter aligns with the micro-foundations underlying my theoretical expectations, it is worth highlighting that characteristics of Brazil's electoral institutions and legislative rules have shaped *how* self-interested legislators resisted gender quotas on the ground. In a person-centric system in which legislators compete for credit, gender quota bills proliferated, even when individuals did not have a commitment to promoting women's political representation. Since bills that were not prioritized and debated within a legislative cycle were automatically archived, legislators opposed to the adoption of a (stronger) quota could enact their preferences without much effort or reputational risks. In a continuously changing system, larger electoral reforms provided critical windows of opportunity for advancing policymaking. Even during these larger reforms, however, legislators have managed to advance their career-oriented preferences: Senators to whom the quota would not apply were more favorable to stronger quota provisions, but federal deputies blocked or significantly weakened all attempts at meaningful quota strengthening.

Ultimately, quota proponents found a recourse in the judiciary. Unlike the National Congress, where the legislative process dictates that electoral reforms must be approved by both houses and where gathering the required super-majority of votes in the Chamber of Deputies necessitates negotiating support with party leaders and individual legislators, the judiciary has fewer veto players and no actor whose career could be directly threatened by the adoption of a gender quota. In this domain, the support of critical actors was sufficient to make more substantial advances to the quota than were ever possible in the legislature. Next, I analyze whether and how resistance to quota policymaking takes place in Costa Rica's party-centric system.



# 6

## Changing levels of resistance and transformative change

The case of Costa Rica

### Introduction

It is impossible to deny that throughout Latin America and, especially among my case studies, Costa Rica's gender quota is noteworthy. The Costa Rican legislature debated a gender quota as early as 1988, approved a policy in 1996, and subsequently revised its design various times so that now it has achieved one of the strongest gender quotas in the region. Currently, Costa Rica has a parity law that reserves 50 percent of candidacies for women, includes a ranking system based on alternation (applied vertically and horizontally), and electoral sanctions for non-compliance. This policy has been effective in transforming the gender composition of the Costa Rican legislature. While women occupied 14 percent of the seats before quota adoption in 1996, by 2021, they were 45.6 percent of legislators. So, does Costa Rica stand out as a case where a strong gender quota emerged, largely due to the absence of legislators' resistance?

Costa Rican electoral law does not allow for consecutive re-election, meaning incumbents must step down from office for at least one term before returning to the legislature. The threat of displacement is one of the factors I outline as shaping whether legislators have the motivation to resist quota adoption. The impossibility of re-election could reasonably prompt one to interpret Costa Rica's strong policy as the product of legislators' support for quota policymaking in the absence of career incentives to oppose it.

But although Costa Rican electoral law does not allow legislators to pursue consecutive re-election, legislators still overwhelmingly aim to pursue political careers within their respective parties and seek to be rewarded for their partisan service with elected and appointed offices (Carey 1996, 1997, 1998; Taylor 1992). Because gender quotas can increase competition for valuable (yet finite) political offices outside the legislature and render

incumbents more vulnerable to increased competition in within-party preferential treatment, Costa Rican legislators still have the career motivations to resist gender quotas. Because party leaders do not want to lose a key tool to reward their party members for service (and keep them in line), they also have an incentive to protect their (men) members from increased competition.

As I argue in this chapter, in a system in which the careers of legislators and their parties are closely interlinked, self-survival has shaped legislators' (and party leaders') behavior in quota-related policymaking processes, with implications for the timing, strength of design, and length of quota processes. Despite the resistance of (men) legislators and party leaders, a broader electoral reform gave rise to the opportunity for early adoption. Unlike the case of Brazil, where a weak policy persisted for many years, Costa Rican legislators' efforts to curb the quota's effectiveness through a weak design were short-lived. Judicial intervention in Costa Rica closed loopholes in quota design, prompting a significant increase in the share of women legislators. The incorporation of women into the legislature, combined with the changing dynamics of the Costa Rican party system, resulted in a scenario where fewer and fewer men were threatened by the gender quota in each legislative cycle—a context that improved conditions for further quota strengthening. Even in this favorable setting, traditional men politicians continued to work to secure their advantages, with consequences to the lengthening of gender quota policymaking. Therefore, Costa Rica's strong quota masks over 30 years of resistance toward the policy.

I develop this argument in two main sections. First, by employing official electoral data and historical records of the political trajectories of Costa Rican politicians, I show that despite rules that prevent consecutive re-election for legislative office, deputies seek to remain in politics after stepping down from their legislative terms. Political offices are finite, and incumbents are vulnerable to increased political competition from women. In other words, despite limits to consecutive legislative re-election, Costa Rican legislators still have the motivation to resist quota adoption. In the second section, I reconstruct over 30 years of quota policymaking and reveal the consequences of legislators' self-survival strategies on the timing, strength, and length of quota policymaking in Costa Rica. Through the analysis of legislative transcripts and interviews with key stakeholders, I also demonstrate that the most significant changes leading to the effectiveness of Costa Rica's gender quota design did not result from legislative action but from the efforts of non-legislative actors to overcome legislative resistance.

## Vulnerability to displacement in a party-centric system

Through analyzing individual- and party-level data on legislative electoral results and the career trajectories of Costa Rican party elites up until 2021, I first explore whether legislators would have the career motivations to oppose a gender quota in the Costa Rican context. I show that despite low rates of non-consecutive re-election, established professional politicians are still the norm in Costa Rica. Political careers in the country are not characterized by running for office in consecutive terms but by moving up within the party hierarchy and securing political appointments to elected and non-elected offices. As such, individuals' career prospects are attached to that of their parties (Carey 1996, 1997, 1998; Taylor 1992). When the number of positions available to parties decreases, so does parties' ability to accommodate their members. By imposing a limit to the number of offices open to men, gender quotas increase competition for available places, rendering men more vulnerable to displacement.

### Longstanding careers in motion

Costa Rica's *Asamblea Legislativa* (Legislative Assembly) is a unicameral legislature elected through CLPR. Every four years, 57 seats are distributed to candidates from seven subnational constituencies (provinces), with district magnitudes that range from five (in Limón and Puntarenas provinces) to 20 in the capital province, San José. A modified Hare system is used to calculate the electoral quota and sub-quota and to apply the sub-quota as the threshold for seat allocation. In practical terms, this means that parties submit ordered candidate lists for each province and that voters cast their ballots for their preferred party, not candidate. The fraction of votes gathered by a given party is translated into its allocated number of seats; according to their place in their parties' and provinces' lists, seats are then distributed to individual candidates.

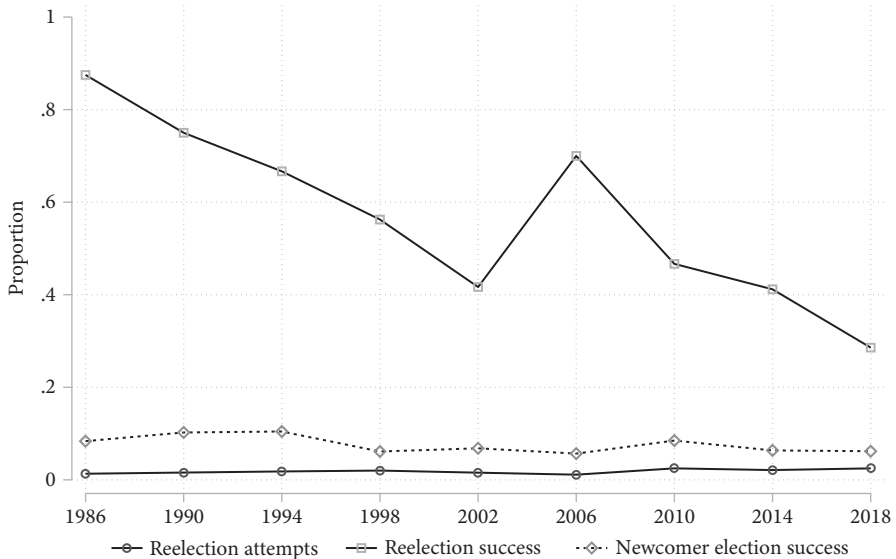
As expected, given the prohibition of consecutive re-election, few individuals who previously occupied legislative office run again once eligible, with 8 to 17 former legislators seeking re-election at every electoral cycle between 1986 and 2018.<sup>1</sup> Although representing a very small proportion of

<sup>1</sup> Numbers are based on official candidate data available from 1972. Triangulating these data with data on elected legislators, which are available for a more extended period, I find this an underestimation, as it does not consider the re-election of individuals who occupied legislative office before 1972.



candidate nominations, (non-consecutive) incumbents still occupy a considerable number of legislative seats. This means that when former legislators run, they most likely win. Incumbents' electoral success rates (particularly before disturbances to the party system in 2002) are striking, especially when compared to candidates who never occupied legislative office (see [Figure 6.1](#)).

Securing a seat in closed-list systems is a function of the position that a given candidate occupies on a party's list. Being placed on the top of the list of one of the main parties almost guarantees one's election. Meanwhile, the likelihood of being elected from the bottom of candidate lists is close to nil ([del Mar Martínez Rosón 2011](#)). Incumbents' high rates of non-consecutive electoral success suggest that they are placed highly on party lists when they run for re-election. Being nominated to top positions is a reward for party loyalty, and thus reserved for individuals who are highly esteemed within the party ranks—a status that has traditionally been reserved for insiders with many years of political experience ([Carey 1998](#); [Sobrado González 2007](#); [Taylor 1992](#)). As such, it is improbable for individuals nominated by main parties to electable positions not to have established connections and a long history of service within their party.



**Fig. 6.1** (Non-consecutive) static ambition and success rates for the Costa Rican Legislative Assembly (1986–2018)

*Note:* The unit of analysis is the legislative election. Compiled by the author with official electoral data from the *Tribunal Supremo de Elecciones* (Supreme Electoral Tribunal, TSE). Figure displays the proportion of legislators who sought non-consecutive re-election, their success rate in each election, as well as the rate of success for individuals who had never occupied legislative office.

Incumbents' high rates of re-election success and the dynamics of party nominations suggest that becoming a legislator may not be a "one-off" experience in politics and that legislators in Costa Rica are professional politicians. But pursuing a longstanding political career when consecutive re-election is not allowed necessitates individuals to constantly shift across political offices.<sup>2</sup> Employing data on appointments to all top political offices<sup>3</sup> in the country between 1982 and 2014 (N=172), I find that individuals who reach the most traditionally desirable political offices have had long political careers occupying other posts. In particular, positions in the legislature play a critical role in opening opportunities for higher office elsewhere: 124 (72%) of the 172 individuals who occupied at least one top political office have previously been deputies at some point in their careers; out of these 124, roughly 61 percent went on to occupy two top political offices; moreover, 18.5 percent of these individuals occupied a minimum of three top positions, and some even reached up to 11 other top positions throughout their careers. For example, 62.5 percent of presidents, 43.8 percent of vice presidents, and 72 percent of presidential candidates were deputies prior to occupying these positions.

As the numbers suggest, being a legislator is generally a stepping-stone to other valuable positions—a finding that is in line with previous literature that emphasizes Costa Rican legislators' ambition to stay in politics (Carey 1998; Taylor 1992). In other words, despite institutional restrictions, Costa Ricans still manage to pursue long political careers by intercalating elected office with non-elected appointments and party leadership roles. Moving from one type of office to another is particularly important for individuals who reach the most traditionally desirable political offices.

<sup>2</sup> This can be achieved by taking advantage of the multiple options for party-, municipal-, and national-level elected and appointed offices. According to articles 67 to 72 of the Electoral Code, each party should appoint five delegates from each district to their respective canton's assemblies; five total delegates from different cantons for national assemblies in each of the seven provinces; and, finally, the party's national assembly, the assembly with maximum authority within each party, composed of ten delegates of different provincial assemblies. The most important national positions at the party level are the party president, the general secretary, and the party's presidential and vice-presidential candidates. At the municipal level, the most important office is that of *alcalde* (mayor), of which there are 81 positions across the country. Municipal governments also offer legislative opportunities. Appointed positions in party leadership are more limited. At the national-level executive, besides nominations for president and vice-presidential offices (there are two of the latter), there are also 19 ministries and four ministerial-level institutions that offer appointed offices (Torres García 2010). Other opportunities in the public sector include nominations to bureaucratic and administrative positions in the executive, legislative, and judiciary, as well as in public firms.

<sup>3</sup> These are: President, vice-president, minister, vice-minister, president of public institutions, presidential candidate, party president, party secretary general, party treasurer, or top nomination for legislative seats on party lists. Data for this analysis was provided by the *Programa Estado de la Nación* (Gómez Campos 2014).

## Vulnerable parties, vulnerable men

The party-centric focus of political offices in Costa Rica has a significant impact, where changes to the party system hold relevance for the political careers of individuals (Taylor 1992, 1067). In other words, because parties are the ones that gain access to (elected and appointed) office, individuals' political career opportunities increase or decrease based on whether their party is electorally successful (Carey 1998, 72). Since individuals' careers are closely nested into the success of their parties, changes to the party system can also shape individuals' vulnerability to displacement. Because gender quotas restrict parties' ability to use their own criteria to nominate individuals to the offices they attain, the policy can have dire consequences for the political prospects of men seeking to rise through their party's ranks.

From its democratic reinstatement in 1948<sup>4</sup> up to the early 2000s, the party system in Costa Rica remained largely stable, revolving around two main parties, the center-left *Partido Liberación Nacional* (National Liberation Party, PLN) and the center-right *Partido Unidad Social Cristiana* (Christian Social Unity Party, PUSC).<sup>5</sup> This effective bipartisanship meant that although another 15–20 (national and provincial) parties ran in national legislative elections, the PLN and the PUSC together were the ones that consistently managed to occupy the overwhelming majority of seats in the Legislative Assembly, with one of them generally securing a congressional majority (Fernández 1991; Sánchez C. 2001). This changed in 2002 when members of the PLN left the party and, along with members from other parties and organizations, founded the center-left *Partido Acción Ciudadana* (Citizen Action Party, PAC), which rapidly became a relevant third electoral contender (Pignataro and Taylor-Robinson 2019; Sánchez C. 2003).

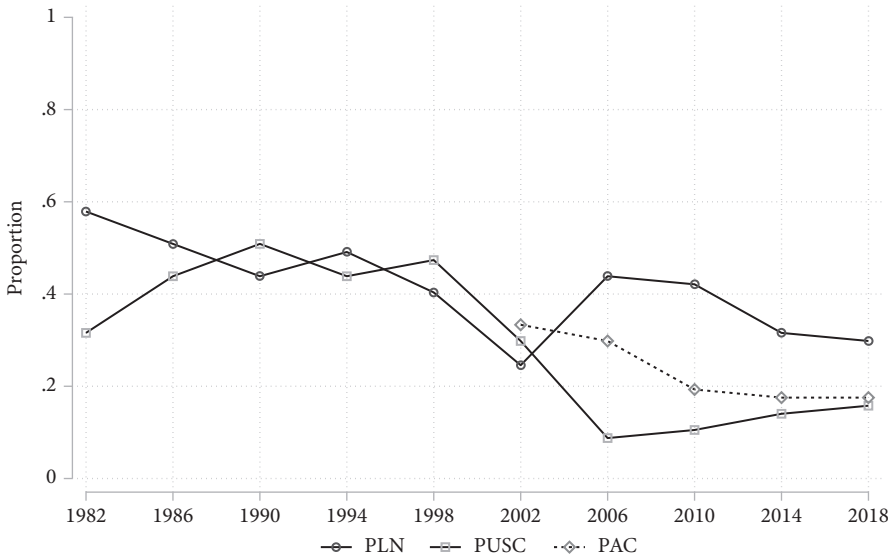
From 1983, when smaller coalition partners consolidated into the PUSC (Carey 1998, 12; Sánchez C. 2001, 137), to 1998, the year of the last election before the creation of the PAC, the number of parties with seats in the national legislature (referred to as the effective number of parties, ENP) was contained at around 2.2. In the 2002 elections, however, when the PAC joined the race, the ENP went up to 3.68, indicating that more parties gained space and the competition became starker (Sánchez C. 2007; Villalobos and Picado León 2014). Thereafter, other smaller parties also gained ground in the Costa Rican political scene, with the ENP reaching 4.77 in 2014 and 5.77 in 2018.

<sup>4</sup> As per Booth (1998). First democratic elections took place in 1953.

<sup>5</sup> The PLN was created in 1952 and, although the PUSC was only formally registered in 1977, the parties that formed a coalition to oppose the PLN were what later became the PUSC.

Although the number of parties occupying seats in the Legislative Assembly almost tripled in the period under analysis, the number of available offices in the legislature remained the same.

When office positions are finite, an increase in the number of competitive parties translates into a reduction in the number of places each tends to attain. This has repercussions for the number of positions party leaders can distribute among their most valued members (Pignataro and Taylor-Robinson 2019). In other words, the PAC's electoral rise had negative consequences for both the PLN and the PUSC (Sánchez C. 2003). As shown in Figure 6.2, the number of seats occupied by the PLN and PUSC dropped when the PAC entered the race in 2002. Although the PLN later recovered its seats in subsequent elections, the PUSC never regained its relevance in national politics. In the 2018 elections, the party attained fewer seats than some previously considered small parties, such as the Christian right-wing *Partido Restauración Nacional* (National Restoration Party, PRN), which won 14 seats.<sup>6</sup>



**Fig. 6.2** Party-level political capital in the Costa Rican Legislative Assembly (1982–2018)

*Note:* The unit of analysis is the political party. Compiled by the author with official electoral data from the TSE. Figure displays the share of seats attained by the three major parties in each election.

<sup>6</sup> The Costa Rican party system continued to change after the period under analysis (which ends in 2021). For example, in the 2022 elections, the PAC did not manage to secure a single seat in the Legislative Assembly.

These losses can also be interpreted in terms of the number of political opportunities available to party members. Between the 1982 and 2002 legislatures, the PUSC and the PLN each enjoyed an average number of 30 electable positions in their respective party lists, meaning that each party could safely secure legislative seats for roughly 24 of their members. From 2006, this number dropped to an average of 17 electable positions each, with the PUSC bearing significantly greater losses—only securing nine electable positions in 2010, eight in 2014, and nine seats in the 2018 elections—characterized as the “most atypical” since 1953 (Estado [de la Nación 2018](#), 204). Lower rates of (non-consecutive) successful re-election in this period also reinforce the notion that changes to the party system reduced traditional party members’ ability to secure positions.

Gender quotas impose the sharing of finite offices, leading to a similar pattern of displacement in an already stretched system. Differently from Brazil and Chile, because Costa Rican voters cast ballots for parties, not individuals, a gender quota has the potential to displace elites irrespective of women’s levels of political capital ([Escobar-Lemmon and Funk 2018](#)). Under CLPR, incumbents’ vulnerability to increased competition *precedes* elections. In the absence of a gender quota, parties may employ their own criteria for candidate selection. As indicated by my prior analyses, a key criterion parties use for candidate selection and placement in a high-list position is individuals’ track record of within-party service. A gender quota, however, institutes that a certain proportion of candidacies must be allocated in accordance with an additional criterion: That of a candidate’s gender. This automatically reduces the number of nominations available to men. Often, quota policies not only establish the share of candidacies that should be reserved for members of either sex but also determine that these nominations should have a chance of being elected. In the context of CLPR, this often means establishing the reservation to be applied to electable positions in party lists. A well-designed quota could thus transform the gender composition of the legislature despite potential voter biases that disfavor women. By bringing women into the legislature, gender quotas may create a new set of actors seeking positions outside the legislature, thereby increasing competition for men well beyond one-off legislative races ([Escobar-Lemmon and Funk 2018](#)).

In sum, the ambition to retain political office is high among legislators, but pursuing a political career in Costa Rica requires individuals to build careers within parties and constantly rotate between elected and non-elected offices. Being a national legislator, however, is a partisan reward. Being promoted to the post of national legislator could give women an

advantage in pursuing other desirable top offices. The changing dynamics of the Costa Rican party system increased competition and restricted the number of offices previously available to elites of the two most traditional parties. Gender quotas could impose even greater restrictions on political office. As I show in the [next section](#), fearing that a gender quota could render meaningless their years of party service and affect their career prospects, Costa Rican legislators actively worked to contain the advancement of quota adoption and reduce the effectiveness of the policy through weak designs.

## Early adoption and waning resistance

As shown in the previous section, gender quotas in Costa Rica can limit the number of positions available to men by promoting women to positions previously reserved as rewards for party service; Costa Rican legislators thus have incentives to oppose the policy. To assess the motivations and implications of legislators' behavior toward gender quotas, I employ official records of the legislative transcripts of all quota-related bills (see Appendix 6) and interviews with policymakers (see Appendix 7) to reconstruct quota policymaking processes in Costa Rica up until 2021.

As my analysis shows, Costa Rican legislators identify the threat a gender quota could pose to their careers and act accordingly: First by delaying adoption and then by weakening the policy's design. Thus, the development of the Costa Rican gender quota into a strong framework does not reflect the preferences of men legislators for an effective policy to address gender imbalances in political representation. Instead, it results from the actions of non-legislative actors and legislators whose career prospects would not be affected by the quota.

A gender quota proposal was debated (and rejected) in the Costa Rican Assembly as early as 1988. It was only eight years later, in 1996, that a quota was finally adopted as part of a larger electoral reform. Men-led opposition to the policy barred legislative efforts to strengthen it. Years later, however, endogenous and exogenous factors created the conditions for waning resistance: In 2002, the electoral success of the center-left PAC (a party that has a parity regime as one of its ideological pillars) meant that a significant share of legislators from 2002 onwards was no longer affected by the national quota legislation. The TSE's reinterpretation of the quota's application in the same year also obliged parties to nominate women candidates to electable positions, resulting in the election of a greater share of women

legislators from all parties. Combined, these two factors significantly transformed the composition of legislators who could be affected by a stronger quota, thus expectedly reducing blatant legislative resistance toward the policy and creating a more favorable condition for quota strengthening.

## Delaying adoption when reputation is not at stake

Aligned with its historical commitment to democracy and human rights, Costa Rica ratified CEDAW in 1979. As a response to this first international incentive, in 1988, Margarita Penón, in her capacity as First Lady, introduced to the legislature *expediente* 10.605, entitled *Ley de Igualdad Real para las Mujeres* (Law for the Real Equality for Women). Explicitly based on the goals of CEDAW, the bill had been a campaign promise of her then-husband, President Óscar Arias, and received extensive support from the executive (García Quesada 2003; Jones 2004; Sagot 2010).

One of its chapters, in fact, its first, was solely dedicated to addressing women's political rights. This chapter outlined a gender quota for the following five consecutive electoral cycles, mandating that political parties present candidate lists in which the percentage of men and women candidates nominated were proportional to the percentage of men and women subscribed to their respective parties.<sup>7</sup> The bill also established the same quota provisions for party leadership positions,<sup>8</sup> thus identifying the already existing presence of women within party structures while highlighting their lack of representation in parties' official ranks. Additionally, the chapter included provisions to reserve 25 percent of state funds transferred to parties to train women aspirants and promote women's political representation. This constituted an IGQS of 9, a particularly prominent accomplishment, especially considering that the bill was introduced before legislated gender quotas had become a reality anywhere else.

As a campaign promise, the bill received the full support of the President and First Lady (Sagot 2010).<sup>9</sup> Because legislators know that presidents cannot be reelected in Costa Rica, the executive has limited power to shape legislative behavior (Carey 1997), yet they can still influence the prioritization of bills (Schwindt-Bayer 2010). The media reinforced the executive's effort, running programs covering the benefits of Costa Rica becoming a

<sup>7</sup> In fact, as one of my interviewees indicates, many actors interpreted this as a proposal for a parity law. Interview with senior staff, INAMU (August 25, 2014).

<sup>8</sup> *Ley* 7.142: 8.

<sup>9</sup> Various interview accounts reiterated this.

more gender-egalitarian society (INAMU 2011).<sup>10</sup> Despite strong executive backing and a large-scale media campaign, legislators' resistance toward the political chapter of the bill was strong.<sup>11</sup>

This opposition was explicit since the first meeting set to debate the project. On May 18, 1988, center-left Deputy Mario Enrique Carvajal Herrera (PLN), in his role as president of the *Comisión Permanente de Asuntos Sociales* (Permanent Committee on Social Issues), brought up a motion to give priority to the executive-backed bill but conveyed disagreement with its chapter on political rights, suggesting that the bill would be made "better" if the proposal were to be retracted.<sup>12</sup> On the same day, he also filed a request with the TSE questioning the proposal's constitutionality. While the TSE deliberated, legislators continued to debate the bill—and to oppose the quota. On May 26, 1988,<sup>13</sup> the TSE issued its report, arguing that Costa Rican electoral law imposed no limitations on women's political participation and that a quota could (undesirably) intervene in partisan authority and citizens' right to democratic exercise.

The court's interpretation further fueled legislative resistance toward the quota. Following this interpretation, on June 7, 1988, the Technical Department introduced a substitute text for the bill that eliminated the chapter on women's political rights.<sup>14</sup> Media coverage of the bill had raised its salience among civil society. Upon learning about the revised text, dozens of civil society organizations sent letters to the Assembly requesting the reintroduction of the quota to the bill. In the meantime, the Committee continued to hear from experts, some of whom recommended reinstating the quota into the bill.

Deputies continued to reject this prospect despite social pressures. In Committee meetings and plenary sessions, legislators' interventions revealed the source of their concerns for quota resistance: Fear that the policy could disadvantage men in future nomination processes. On July 13, one of the experts invited to the Committee meeting argued that Costa Rican women had the capacity to contribute to politics effectively and that her own career

<sup>10</sup> *Ley 7.142*: 5–6. Initial opposition toward the bill was strong but government campaigns seem to have been effective in increasing popular support for the proposal. A survey conducted in 1988 showed that 57 percent of Costa Ricans supported the bill in its entirety (INAMU 2011).

<sup>11</sup> Costa Rican presidents have often been characterized as having weak influence over legislative behavior (Carey 1997). As Taylor-Robinson (2001) shows, despite Costa Rica's stable party system, institutional rules that prohibit presidents from being re-elected hinders the executive's control over legislative behavior, empowering legislators to resist executive initiatives. Yet, almost 80 percent of executive proposals were adopted in 1986 (Gómez Campos and Herrera 2018).

<sup>12</sup> *Ley 7.142*: 38.

<sup>13</sup> TSE, *acta de sesión ordinaria* 8933–1988.

<sup>14</sup> *Ley 7.142*: 143.



in the judiciary suggested that women's underrepresentation in elected office did not result from a lack of available qualified women. Illustrating men legislators' rationale of self-protection, center-right Deputy Federico Villalobos Villalobos (PUSC) countered the expert's argument by claiming that politics was different from the judiciary. As he put it (my emphasis):

[I]f in the last political campaign a participative woman had appeared, either in Naranjo or in the political arena, [and who] not only had the [fitting] background but also actively participated in politics by going to meetings, organizing groups and seeking after political parties, I assure you that *both Don Fabio and I would have seen our names shake in a party assembly* if this type of woman would have appeared against don Fabio[‘s candidacy] or mine. Politics is something different; we cannot compare it with the opening-up of a body such as the judiciary because it [i.e., politics] implies participation and work of many years. *To become a deputy, I had to have a long track record [political] of work: From 1962 to 1978.* So, politics is something different. I agree with you that parties should open, *but we cannot ignore the active participation [of those] within the political party.*<sup>15</sup>

As Deputy Federico Villalobos Villalobos' intervention reveals, legislators are aware that a quota could potentially lead to their years of partisan work going unrewarded and know that a gender quota would reduce office opportunities for men. His intervention also reinforces that nominations to electable positions on party lists are reserved for those with high prestige within the party—a dynamic that men incumbents also understood that a gender quota could disrupt. In fact, the threat that a quota could potentially pose to men politicians was so well understood that it was the theme of a political cartoon published at the time. In the comic, two men are seen in an office, and one says: “I can already see that in the future, it will be a big feat to see a man in the [Legislative] Assembly” (INAMU 2011).<sup>16</sup>

During legislative debates, women deputies also sought to expose men's self-interested resistance to the policy. As center-left Deputy Maria Guevara Fallas (PLN) highlighted during a Committee meeting on August 31, 1988: “The dispute that takes place within parties is not a dispute between the sexes in parties' national assemblies, but a dispute of personal ambitions; there are many people who want to be a deputy.”<sup>17</sup> Further attesting to men's fear of

<sup>15</sup> Ley 7.142: 402.

<sup>16</sup> The comic is depicted in archival video produced by the *Instituto Nacional de las Mujeres* (National Institute for Women—INAMU) to commemorate the anniversary of the Law. The documentary video was retrieved from the archives of INAMU on September 5, 2014.

<sup>17</sup> Ley 7.142: 621–26.

the policy, Rosemarie Karpinski Dodero, deputy elected by the center-left PLN and first woman president of the Legislative Assembly from 1986 to 1990, recounted that after she gave a plenary speech in support of the bill, she was contacted by an anonymous caller who said: “We are calling to tell you that we put a bomb in the plenary because we do not want Costa Rica to approve this law that you are defending” (INAMU 2011).

As legislative transcripts indicate, party leaders were also concerned that the quota would impact their ability to reward loyal party members for their service—which could, in turn, have negative consequences for internal party dynamics and, potentially, electoral competition. Indeed, as one of my interviewees conveyed, concerns about how to reward their (men) members for party service were at the core of party leaders’ opposition to the gender quota:

I think the *machista* culture had weight [on quota resistance], but this is not expressed due to fear of public opinion. But the most important factor is that political parties fear losing power. They fear losing places for their traditional leaders due to having to give them to women. Let me explain. They have to decide. I will have five deputies in San José and the five deputies will be Carlos, Jorge, Miguel, Manuel, and Felipe. If now I have to put two women [in the list], as a party, I say: “Uy, who do I leave out?” Party members, when attending party assemblies to adopt a quota, they make their calculations. I am not the first [on the list], not the second, not the third, but the fourth. They will certainly kick me out.<sup>18</sup>

Seeking to diminish the threat of the policy to their careers, men legislators introduced 30 amendments seeking to revise the original text of the chapter on political rights. Only one of them sought to make the provisions stronger. All others attempted to weaken this particular section of the bill, either by proposing the outright deletion of some of its articles or by rendering the language less specific—and, as such, less implementable. Striking a balance between their electoral and reputational concerns, however, legislators worked to reintroduce the political chapter into the bill but kept the quota out of the proposal—thus transforming the text into something more amenable to them.<sup>19</sup>

In the text presented to the plenary on February 19, 1990, the bill’s political chapter only *encouraged* women’s political activity but outlined no mechanism to address underrepresentation. Although it no longer contained a

<sup>18</sup> Author interview with senior staff (2), TSE (August 21, 2014).

<sup>19</sup> Author interview with senior staff, INAMU (August 25, 2014).

key demand of women legislators, women legislators still had an interest in approving the full bill. After all, the text covered many areas of gender equality and women's empowerment, not only the chapter on political rights. For the bill to be approved, it required the support of a majority (plus one) of the legislators present during the plenary vote.

Occupying only six (10.5%) seats, women legislators had limited bargaining power to negotiate the bill's approval; by assenting to the weakening of the chapter on political rights, women legislators sought to ensure the advancement of other chapters of the bill—something that arguably would not have been possible with a more solid chapter on women's political rights. This strategy worked. Even if men legislators continued to boycott the process by refraining from attending the final debate (thus putting the quorum at risk), the bill was approved with 39 votes—meaning that 93 percent of the legislators present in the debate voted in its favor.

When the bill became *Ley 7.142* on March 8, 1990, its chapter on political rights only contained two provisions: (1) An encouragement for political parties to modify their internal statutes to include “effective mechanisms” for the promotion of women's representation; and (2) the reservation of 30 percent of public funds distributed to parties and to “promote women's training and political participation.” This constituted an increase of 5 percentage points from the original proposal (of 25%) but was a provision that, as conveyed by TSE judge Eugenia María Zamora Chavarría, “could never be implemented” (Zamora Chavarría 2018, 69)—and thus posed no credible risks to legislators or party leaders. With this, no clear or binding instrument was established, and Costa Rica's first attempt to adopt a gender quota failed.

As the longest-standing democracy in Latin America, Costa Rica has been known for its progressive policies in democratic institutions and human rights (Booth 1998). The fact that a quota proposal was discussed in plenary in Costa Rica as early as 1988 reinforces this reputation. This occasion also represents a case in which a gender quota proposal enjoyed extensive backing from the executive, high levels of public visibility, and the support of women legislators from both main parties. However, even the combination of these factors was insufficient to convince men legislators (and party leaders) to back the policy.

As per my expectations, two factors contributed to legislators' ability to reject the gender quota proposal on this occasion. First, because the gender quota proposal was embedded into a larger bill seeking to promote women's rights, legislators could signal their commitment to gender equality by supporting other chapters of the bill; in this context, they could reject the

quota without running the risk of being labeled anti-women.<sup>20</sup> Second, party leaders' opposition to the quota meant that legislators' interests were aligned with those of their parties and that efforts to undermine the policy would not harm incumbents' reputations with party leaders. This initial strong opposition to the quota ultimately meant that Costa Rican legislators could delay the policy's adoption for another eight years.

## Adopting a quota while keeping risks low

In 1991, Argentina adopted a statutory quota, becoming the first country in the world to have a quota of 30 percent applied to all political parties. Meanwhile, in 1992, a process to enact an electoral reform was launched in the Costa Rican Legislative Assembly through *expediente* 11.504. Although this bill touched on various aspects of the electoral system, a mechanism to increase the representation of women was not included in the original proposal.

In light of growing international pressure and Argentina's quota adoption, the demand for increasing women's political representation had momentum. Critically, the electoral reform gave women legislators more leverage to negotiate the quota, rendering this a propitious moment for advocating the policy.<sup>21</sup> To capitalize on this opportunity, together with the ministerial-level *Centro de Mujer y Familia* (Center for Women and Family, CMF), women legislators worked to elaborate a quota proposal for insertion into the ongoing electoral reform. Specifically, they sought to introduce a proposal to reserve a share of candidate nominations for women and ensure that nominees would be placed in electable positions.

Debate on the electoral reform bill began in the *Comisión Especial Mixta de Elecciones* (Mixed Special Committee on Elections)—a committee composed solely of men.<sup>22</sup> In the meantime, center-left Deputy Gladys Rojas Prado (PLN) introduced *expediente* 11.618—a proposal for quota reservation of 40 percent of candidate nominations for legislative positions at all levels (district, cantonal, and provincial) and party leadership roles, bearing an IGQS score of 9. The bill was only briefly debated, partly due to its poor drafting, as highlighted in the negative opinion issued by the TSE on May 26, 1993 (*acta de sesión ordinaria* 10,148–1993).

<sup>20</sup> Confirming that legislators were conscious that they were being observed by the wider public, before declaring his vote in favor of the bill, a deputy wished a good afternoon to “the esteemed [people in] the auditorium, who are here, supposedly, to support this bill” (*Ley* 7.142: 1435).

<sup>21</sup> Author interview with senior staff, INAMU (August 25, 2014).

<sup>22</sup> As Funk et al. (2017) argue, committee membership matters and women's exclusion from committees diminishes their ability to influence policymaking.

Nonetheless, because it sought to alter a critical aspect of Costa Rica's electoral framework, the bill was still presented to the Committee. On September 23, 1993, the four men deputies and technical consultant who attended the meeting briefly discussed the proposal. On this occasion, Rodrigo Gutiérrez, the technical consultant in attendance, argued: "Our worry if we accept this bill is that when we come to it, indigenous populations and the black community will also be demanding proportional participation." The deputies in attendance were all in agreement, with the President of the Committee, center-left Deputy Rodríguez Araya (*Unión Agrícola Cartaginés*), saying: "I make your words mine."<sup>23</sup> This was the last meeting of the Committee in the 1990–1994 legislative cycle, and the electoral reform was left to be completed by the following legislature.

In 1996, a quota bill was again introduced, this time by center-left Deputy María Lidia Sánchez Valverde (PLN).<sup>24</sup> The bill, *expediente* 12.741, proposed that 40 percent of candidacies for *all elected positions* (including those elected through majoritarian rules) should be reserved for women, that nominations to proportional elections should additionally establish placements in electable positions, and that the quota should be enforced by electoral sanctions (a strong IGQS score of 15). Meanwhile, the new Assembly filed requests to take up the electoral reform proposal introduced in *expediente* 11.504. This led to the creation of another Special Committee whose responsibilities would include the drafting of a new electoral reform bill.

The Committee—which was composed of six new members, three of whom were women—drafted a new electoral reform bill; the package included provisions for a quota but proposed a different design from the one introduced by *expediente* 12.741. Specifically, unlike the quota bill, the Committee's text did not outline any placement system, thus allowing for the possibility of quota compliance through the nomination of women to unelectable positions at the bottom of party lists.

There are no official records of the discussions surrounding the writing of the Committee's bill, nor are there any official reports about this process. As such, it is difficult to know exactly how the language of the text came about. Interventions made during legislative debates, however, offer insights into the process and reveal that the policy's weakening was purposeful and the result of fierce negotiations.

<sup>23</sup> *Expediente* 11.618: 25.

<sup>24</sup> With the support from the CMF, which included a gender quota as part of their strategic action plan (García Quesada 2003).

As transcripts of debates on the electoral reform from September 20, 1996 suggest,<sup>25</sup> the quota design included in the bill had already been discussed behind closed doors and was not up for further changes in plenary. When debating an amendment introduced by center-left Deputy María Lúcia Sánchez Valverde (PLN) to include a placement mandate that would make the quota applicable to “electable positions,” the president of the Committee and her co-partisan, center-left Deputy Sandra Píszk Feinzilber (PLN), stated that while she was in favor of the provision, she could not support it because revisions to the text would disregard “political realism” and “parliamentary pragmatism,” and would make it impossible to reach the 38 votes required to approve the bill, putting the entire electoral reform at risk.<sup>26</sup> During the same session, center-left Deputy Franklin Javier León Blanco (PLN) further exposed the process undertaken to arrive at such language:

The product of what we have here is not casual; it is not whimsical. There has been serious and thorough research [conducted] by all political organizations in this country involved in this issue. There have been disparate views from all the interested different organizations, and it seems to me that the result achieved after such analysis is valid.<sup>27</sup>

As Deputy Franklin Javier León Blanco’s intervention indicates, disagreements over the quota were not only present across parties but also within them. In fact, while women deputies from the center-left PLN were some of the most avid proponents of the policy, party members’ vulnerability to the quota also inspired divisions within the PLN: in the prior election, only 12 percent of the party’s nominated candidates were women, compared to 20 percent of the PUSC candidates—a figure cited during quota debates to explain that adhering to the quota’s requirements would likely disproportionately impact the PLN and its (men) members.

In the end, the bill’s quota provisions were hardly changed, once again attesting to the rigidity of the text and suggesting that the lack of resistance to the quota on the plenary floor was not an indication of normative support for greater gender equality in politics but a product of previously established agreements between quota proponents and antagonists. From a policymaking standpoint, these policy design concessions worked: The quota received almost unanimous legislative support.

<sup>25</sup> *Ley 7.142*: 825.

<sup>26</sup> *Ley 7.653*: 1508.

<sup>27</sup> *Ley 7.653*: 1509.

With the approval of *Ley 7.653* in 1996, Costa Rica adopted its first gender quota, a law with an IGQS score of 12. The approved legislation established that women should occupy at least 40 percent of nominations in candidate lists for legislative offices. This signified an advancement, as the proportion of candidacies reserved for women was larger than that adopted in other countries in the region during the same period. However, the law also contained several widely known weaknesses. Without placement mandates, parties could comply with the letter of the law by nominating women to unelectable positions in candidate lists; by not specifying that the quota should apply to primary candidates, parties could technically comply with the legislation by appointing women to one of the two positions of *suplentes* (alternates) to the leading candidate. Furthermore, by not establishing that the 40 percent quota should apply to each province-level list, parties could legally comply with the quota by making women 40 percent of their overall (i.e., total) nominations, concentrating their candidacies in provinces they knew they were more likely to lose.

These issues were known to quota proponents—and quota antagonists alike—and were what enabled the policy’s approval.<sup>28</sup> As one of my interviewees described: “The reason for the 1996 [process] not having been more ambitious was political realism.”<sup>29</sup> Even if bearing a weak design, the approval of the quota law provided quota proponents the opportunity to go beyond the legislature to seek support for the policy’s strengthening.

Arguing that the law’s loopholes allowed for different interpretations, the CMF requested the TSE to provide guidance on how the quota should be applied. In response to their request, the TSE issued a decision stating that parties should interpret the quota as applicable to each provincial list (and not to the combined party list); that the lists of primary *and* alternate (i.e., *suplente*) candidates should independently comply with the 40 percent quota; and that the electoral court would reject candidate lists that did not follow these guidelines.<sup>30</sup> Although these decisions did not offer specific guidelines about the order of candidate nominations (in fact, the TSE decision clarified that the quota law did not determine list order and that this was not something they would rule on),<sup>31</sup> they still addressed essential loopholes in the legislation, extending the domain application to alternates—thus,

<sup>28</sup> Author interview with senior staff, INAMU (August 25, 2014).

<sup>29</sup> Author interview with senior staff (1), TSE (August 18, 2014).

<sup>30</sup> TSE, *acta de sesión ordinaria* 11112–1997; *acta de sesión ordinaria* 11088–1997; and *acta de sesión ordinaria* 11063–1997.

<sup>31</sup> TSE, *acta de sesión ordinaria* 11112–1997.

increasing the IGQS to 13—as well as signaling that the policy’s compliance mechanism would be monitored and upheld by the court.

As anticipated by the CMF and women legislators, politicians and parties were accustomed to electoral dynamics in a stable two-party system and were aware of the number of seats they were likely to secure. As such, parties knew they could safely abide by the quota requirements specified in the approved law without displacing any men: They only had to nominate women to positions at the bottom of candidate lists. This is precisely what happened in the first election to which the quota was applied. As determined by the quota, women’s candidacies rose from 12 percent in 1994 to 39 percent in the 1998 elections.

But this increase did not translate into seats in the legislature. In the same period, the proportion of seats occupied by women only rose from 14 percent to 21 percent (from 8 to 12 women). For the traditionally largest parties—the PLN and the PUSC—this only meant one more woman incumbent each. These outcomes, on their own, suggest that parties had no intention of displacing men elites to accommodate competitive women. As a national newspaper covering the 1998 elections described, “Once again, the most recent elections have highlighted the strength of the customs, attitudes, and practices that have historically excluded women from decision-making and the exercise of political power” (cited in [García Quesada 2003](#), 5).

Similarly to the cases of Brazil and Chile, the electoral reform created a window of opportunity for the insertion and approval of a gender quota in Costa Rica. As the transcripts from debates reveal, as insiders to the system, legislators were fully aware of the potential threats a gender quota could pose to their standing within their parties and, consequently, to their career prospects. Yet, legislators’ strategy to weaken the quota in background negotiations not only allowed them to resist the policy without incurring reputational costs at the time but also made it more challenging to disentangle the sources of resistance to the policy at the present.

A focus on the behavior of PLN actors, however, provides useful insight into the ability of legislators to disagree with their parties, even in a party-centric system—a pattern more widely observed in the case of Costa Rica ([Carey 1997](#); [Martínez Rosón 2011](#)). First, and aligned with my expectations, contrasting PLN’s members’ public interventions with their parties’ efforts to undermine the quota’s implementation indicates that public discourse favoring gender equality in politics does not necessarily translate into actual legislative support for an instrument that could disturb the status quo. Second, as interventions hinting at background negotiations suggest, the efforts



of PLN women to advance a strong quota conflicted with men legislators' preferences toward the policy and indicate that legislators have an ability to shape policymaking even in the context of a party-centric system. Overall, as my theoretical expectations outline, the few opportunities to observe the policymaking process that resulted in Costa Rica's original quota adoption suggest that self-interest shaped incumbents' behavior in their second attempt at quota policymaking—as was also the case in years prior.

## Judicial intervention and unexpected quota strengthening

The initial quota design approved in the Legislative Assembly was in line with the calculations of individual politicians and their parties in that it posed a minimum threat to their career prospects. But what came next was not. When the first elections post-quota did not result in a significant increase in the number of seats attained by women, former center-right Deputy Glória Valerín, now in her role leading the *Instituto Nacional de las Mujeres* (National Institute for Women, INAMU), filed a request with the TSE, which argued that the court should interpret the gender quota in terms of the “spirit” and not the “letter” of the law. This, the request claimed, would mean obliging parties to nominate women to “electable”—and not just any—positions on party lists, as well as preventing them from complying with the quota by adding up nominations from races at different levels (i.e., district, cantonal, and provincial lists).<sup>32</sup>

As a response to INAMU's “heavy lobbying” (Sagot 2010, 27) and the critical actions of TSE judge Olga Nidia Fallas, in September 1999, the TSE issued *Resolución* 1863, which revoked the court's previous decision and established that the quota should indeed be applied to “electable positions.” The ruling went against legislators' calculated efforts to minimize the policy's effects and, thus, “surprised many politicians who had grudgingly supported the original law in 1996, which they thought would be relatively ineffective due to their conscious decision not to include a placement mandate” (Jones 2004, 1207).

In response, Otto Guevara from the right-wing *Partido Movimiento Libertario* (Libertarian Movement Party, ML) and Walter Coto from the center-right *Partido Social Costarricense* (Costa Rican Social Party, PSC)—as leaders of political parties “that were trying to find a way of getting around the requirements for the quota” (Sagot 2010, 27)—attempted to curb the TSE's decision by challenging judges to provide a further interpretation of what

<sup>32</sup> TSE *Resolución* 1863. <http://www.tse.go.cr/juris/electorales/1863-1999.HTM>.

they meant by “electable positions.” This strategy backfired, however: The court’s interpretation enhanced the policy’s implementation. In *Resolución 2837*, from December of the same year, the court clarified that parties should comply with the quota either by alternating candidates of different sexes throughout the entire list or by nominating women to 40 percent of the top list placements that parties had historically secured.<sup>33</sup> The ruling also specified that the quota should be applied to each list individually. Furthermore, as the institution responsible for election oversight, the TSE’s resolutions reiterated that candidate lists that did not abide by their new interpretation of the law’s application would be rejected. These decisions closed additional legal loopholes and effectively gave the Costa Rican quota a placement mandate.

In the aftermath of these decisions, proponents of the quota also began to trust the TSE to remedy parties’ unwillingness to abide by the quota legislation (*Zamora Chavarría 2018*). As noted in my interviews and existing academic accounts of the process, the center-leftist PLN was particularly resistant to the quota, which led PLN women to turn to the TSE on numerous occasions to ensure the party’s compliance with the policy.<sup>34</sup> In response, the TSE continued to issue statements that reinforced their interpretation of the quota as a mandatory policy applied to electable positions in individual lists.<sup>35</sup> As a senior staff member of the TSE I interviewed described: “This was an earthquake because parties said, ‘Oops, now we have to comply with the quota.’ So, it was a combative moment, an important moment.”<sup>36</sup>

The TSE’s decisions are important milestones in the development of the Costa Rican quota.<sup>37</sup> After all, it was the court’s interpretations of the law (and not legislative drafting) that ultimately transformed a weaker piece of legislation (IGQS of 12) into a more effective one (IGQS of 15). The strengthening of the gender quota through non-legislative means exemplifies my expectations that men legislators, in designing a weak quota that protects their interests, may unintentionally provoke the action of judicial actors whose

<sup>33</sup> This was prompted by a request for clarification made by the PLN (TSE *Resolución 2837*). <http://www.tse.go.cr/juris/electorales/2837-1999.HTM>.

<sup>34</sup> As described by García Quesada (2003, 8): “With the PLN, it was seen how men who have the extensive knowledge of the rules that govern decision-making processes and elections (party and national), as well as negotiating skills, proved capable of overcoming any organized or unorganized effort by women to uphold a right that they had long struggled to attain.”

<sup>35</sup> In the year 2000, the TSE issued another two decisions, resolutions 804-E-2000 and 0918-E-2000, which respectively determined how the quota should be applied in municipal elections and when a party list only has one “eligible post” based on historical evaluations.

<sup>36</sup> Author interview with senior staff (1), TSE (August 18, 2014). In having to revise their by-laws, parties were also confronted with having to rethink the candidate selection processes they employed to ensure that the methods used would result in quota compliance. This generated high levels of within-party conflict in all parties and also led them to employ different methods of candidate selection, with disparate consequences to women’s electoral success (*García Quesada 2003*, 9).

<sup>37</sup> The TSE’s decision was mentioned (unprompted) by all my interviewees.

careers are not threatened by quota adoption and, as such, abide by a set of different interests. The TSE's reversal of their original interpretations, however, also highlights that quota strengthening through the judiciary is not guaranteed and that judicial actors may be reactive. In other words, while courts may respond to gaps in the legislation, this may happen only after they can examine the observable implications of these gaps—in this case, the failure of the quota to increase the proportion of women elected.

## Reduced levels of threat and the move toward parity

Less than two years after issuing its new interpretation of the gender quota's application in 1999, the TSE and the executive branch proposed a broader electoral reform to the legislature—outlined in *expediente* 14.268 from February 13, 2001. Among other things, this bill identified a remaining loophole in the quota legislation—namely, parties' resistance to placing women on the top of their candidate lists, a practice that had implications for women's representation more broadly: Since parties often elected an even number of seats, topping their lists with men ensured a higher share of men in the legislature even if candidates' genders were intercalated in parties' lists. The bill thus proposed that the gender of the candidate who would head each list should be decided by lottery. This revision would have further strengthened the Costa Rican quota's design, improving its score to 17.

Meanwhile, Deputy Alicia Fournier Vargas (PLN) introduced *expediente* 14.592, proposing to formally incorporate the TSE's decision on “electable posts” into the electoral law, as well as to expand the quota's domain to other elected offices, including that of vice-president<sup>38</sup> (a bill with an IGQS score of 16). Not surprisingly, given legislators' previously attested preferences for a weak gender quota, these bills did not advance in the legislative process.<sup>39</sup> Be it in committees or plenary, Costa Rican individual legislators have a number of tools they can use to delay (and effectively block) the advancement of bills they oppose; these include the non-prioritization of bills (Borges 2014), or the introduction of amendments, which lead to significant delays in the policymaking process. The legislative cycle was also coming to an end.

The 2002 legislature was the first one to be elected after the TSE's rulings, which enacted a placement mandate. As electoral results indicate, this change

<sup>38</sup> Costa Rica elects two vice-presidents. For an assessment of the gender quota application to vice-presidential nominations, see Pignataro and Taylor-Robinson (2019).

<sup>39</sup> In Costa Rica, if decisions are not made within a four-year period from the date of their introduction, bills are automatically shelved.

was effective, increasing women's representation from 19 percent in 1998 to 32 percent in 2002. But this increase cannot be solely attributed to the TSE's decisions: 2002 was also the year when the center-left PAC entered the electoral race, significantly disturbing Costa Rica's stable bipartisanship. In its inaugural electoral campaign, the PAC secured 24.6 percent of seats in the Legislative Assembly.

As a new organization, the PAC did not have established elites; this provided an opportunity to incorporate women into the party ranks from the outset (Beckwith 2025). Unlike Costa Rica's two largest (and traditional) parties, the PAC's internal regiment outlined that nominations to all elected offices and party positions should reflect gender parity. This internal rule had been instituted at the party's inception, so nominations for all offices followed gender-egalitarian principles (Sagot 2010, 29).<sup>40</sup> The PAC's electoral success in 2002, consequently, also contributed to the increase in women's political representation in the Costa Rican Legislative Assembly.

The increase in women's political representation and the electoral success of the PAC improved conditions for gender quota strengthening in Costa Rica. Largely because of the TSE's establishment of placement mandates, women legislators from parties other than the PAC attained 22.8 percent of the seats in the 2002 elections. Since the PAC's internal rules on gender parity were stronger than Costa Rica's quota legislation, the prospect of a stronger national quota could also not threaten the careers of members of the PAC—who, regardless of their gender, were already abiding by stringent internal parity guidelines. Together, these changes meant that, by 2002, 47.4 percent of the seats in the Legislative Assembly were occupied by either women legislators or members of the PAC—groups whose political careers were unlikely to be threatened by a stronger gender quota.

Consequently, overall resistance toward the quota policy decreased. Women legislators and members of the PAC viewed this as an opportunity for further quota reform.<sup>41</sup> In 2003, center-left Deputy Kyra de la Rosa Alvarado (PLN) and others introduced *expediente* 15.312, which sought to revise the 40 percent gender quota and substitute it for a parity law with a clear ranking system that would explicitly oblige parties to alternate candidates of different genders on their candidate lists (a bill with an IGQS score of 18). This bill complemented the executive's proposal from 2001. The existence of these concurrent proposals led Deputy Kyra de la Rosa Alvarado,

<sup>40</sup> One of the founders of the PAC is Margarita Penón, one of the main names advocating for Costa Rica's quota in 1988 in her then role as First Lady (García Quesada 2003).

<sup>41</sup> As explained in interview with former deputy, PAC (August 30, 2014).

with the support of center-right Deputy Gloria Valerín (PUSC) and center-left Deputy Margarita Penón (PAC), to compile their bills and submit them to the *Comisión Especial de Reformas Electorales y Partidos Políticos* (Special Committee for Electoral Reform and Political Parties), a committee which had been established in 2002.

When the debate about electoral reform returned in 2004, women legislators and members of the PAC insisted that their proposal for a parity regime—or, expressly, a policy to establish that women should occupy 50 percent of candidate nominations—be included in the bill. Even though, at this time, strengthening the gender quota would incur relatively fewer risks to the careers of legislative incumbents (given that large shares of deputies were either women or members of the PAC), the demand was still met with career-driven resistance from men legislators from other parties. As a (woman) deputy from the PAC explained: “For them [other parties], this would be a big feat. Not for us, as we were already used to it.”<sup>42</sup>

In the context of higher levels of legislative support for the policy, vocal resistance to the proposal was uncommon. Nonetheless, some men legislators still expressed their electoral concerns about the bill. For example, as Deputy Ronaldo Alfaro García (ML) exposed, increasing the quota to 50 percent would pose an additional threat to men’s careers: “[T]his brings as a corollary discrimination toward a group of people that lose the opportunity to dispute in one of the electable posts, albeit they fulfill all of the criteria, just because they are not women.”<sup>43</sup>

Debates about electoral reform were only taken up in the subsequent legislature, which began in 2006. In this new legislative cycle, women legislators’ proposal was removed from the bill and replaced with a substitute text that made no mention of any provision to strengthen the gender quota. As in previous years, there are no records of the negotiations involved in the production of the substitute text. However, the retraction of the quota proposals from the larger electoral reform bill indicates an effort to preserve the policy’s design while avoiding the reputational costs of publicly opposing a proposal for quota strengthening—something that one of my interviewees said would be “political suicide.”<sup>44</sup> As a man deputy from the center-left PAC explained in another interview:

Everyone says they are in favor [of parity]. [. . .] The people who are against it feel bad to say that they are against it, and then they employ tricks so that

<sup>42</sup> Author interview with former deputy, PAC (August 30, 2014).

<sup>43</sup> *Ley* 8.765: 1420–1421.

<sup>44</sup> Author interview with senior staff, INAMU (August 25, 2014).

things do not happen, [like] presenting amendments, using obstructionism. But I've never seen a debate in which someone says, "Look, what's up with equality?"<sup>45</sup>

Despite efforts to suppress demand, together with women deputies from various parties, the INAMU was nonetheless able to reinsert the proposal into the electoral reform package. However, they were again met with resistance to specific aspects of their proposals. For example, while deputies conceded to increase the quota to a reservation of 50 percent, they rejected the proposal of vertical and horizontal parity that would require parties to comply with the quota by alternating candidates of different sexes both vertically (i.e., down the list), and horizontally (i.e., across lists). As Haydeé Hernández Pérez, chief of the *Unidad Técnica de Género e Igualdad* (Technical Unit for Gender and Equality) of the Legislative Assembly, described, men deputies ("*señores diputados*") "threatened me, saying that if we did not eliminate this [system of gender alternation] from the amendment, they would not vote for anything gender-related" (De Nieves 2015). This account is aligned with reports of similar threats from the quota debates in 1988, showing that more than 20 years later, men legislators continued to use the same strategies to constrain the risks that a quota could pose to their careers.

On this occasion, the TSE also did not push for horizontal parity—arguing that the measure would place a strong imposition on internal party regiments.<sup>46</sup> As was the case in the early days of quota debates, the court's position on the matter provided party leaders and legislators who opposed the proposal with ammunition to reject it. Stripped of the provision on horizontal parity but maintaining a clause on vertical parity (something that was already in effect due to previous TSE decisions), gender parity became law on November 18, 2008 (sanctioned into *Ley 8.765* on August 19, 2009).

Again, in the context of a larger electoral reform, women legislators working across partisan lines collaborated to achieve their common goal of strengthening the quota law. On this occasion, women not only occupied 38.6 percent of the seats but also had the support of men legislators from the PAC (who occupied another 15.8% of the seats). Together, this group of legislators constituted a majority, managing to negotiate the approval of a parity law with a placement mandate of vertical alternation, as well as a larger share of the partisan budget (50%) to be allocated to the training of women legislators and prospective candidates (to be monitored by a public accountant). The policy also extended its application to presidential tickets

<sup>45</sup> Author interview with former party leader, PAC (September 02, 2014).

<sup>46</sup> TSE, *acta de sesión ordinaria* 41-2007.

and to the reformed subnational executives—*alcalde* (mayor) and *intendente* (district-level executive), which since 2007 also offered vice-executive permanent offices, and not only substitutes. These changes increased Costa Rica's IGQS score of 15 to an almost perfect score of 19.<sup>47</sup>

Aligned with my expectations, this experience shows that decreasing levels of electoral vulnerability to the adoption of quotas in the Legislative Assembly created the conditions for a more encompassing quota reform within the legislature. In other words, when the share of legislators whose careers could be threatened by a quota decreased, so did the level of resistance toward the policy. Even in this context, however, men legislators who could still be impacted by quota strengthening (successfully) engaged in efforts to contain the policy's design. This resistance persisted even after parity was achieved in legislation.

## Judicial actors and the move toward (real!) parity

Already anticipating that the loopholes maintained in the approved parity law would negatively impact women's political representation, the year before the elections, center-left Deputy Jeannette Ruiz Delgado (PAC) and others introduced *expediente* 18.904, which proposed that parties had to abide by the parity law horizontally as well as vertically, meaning that the gender of the top candidate in a given party's lists would have to alternate across lists. In practical terms, this signified that at least three of the seven provincial party lists would be headed by women. This guaranteed a more gender-egalitarian distribution of electable posts as it would prevent parties from complying with the quota by nominating women to lower-ranked electable positions or placing them at the top of lists of provinces where they had lower chances of electoral success.

Legislators from the PAC overwhelmingly supported the initiative, a behavior that is illustrative of what my argument anticipates. Since the PAC already instituted a parity mandate with vertical and horizontal alternation as part of its internal regiment, the strengthening of the quota would not lead to any changes to the PAC's recruitment, but it would require other parties to change their strategies and displace some of their top elites.

But the bill was not debated before the 2014 elections—the first to abide by the parity law sanctioned in 2009.<sup>48</sup> Instead of solidifying the presence of

<sup>47</sup> *Ley* 8.786: 11130.

<sup>48</sup> The law was sanctioned only months before the 2010 elections, when many parties had already recruited their candidates and finalized their lists, so the law did not apply to the 2010 elections (Zamora Chavarría 2018, 70).

women in the legislature, however, the policy led to a *decrease* in women's representation from 39 percent to 33 percent—a result of parties' unwillingness to nominate women to the first position in their lists, combined with an increasingly fragmented system in which each party secured fewer legislative seats. Electoral results confirmed that a larger reservation of candidacies, when combined only with vertical alternation, was insufficient to achieve gender balance in representation.

After the electoral results made evident that the parity law was insufficient to fully close the gap in representation, the Assembly's Committee for Women, presided by center-left Deputy Pilar Porras Zúñiga (PLN), introduced another bill (*expediente* 19.010) seeking to address the issue. Similarly to *expediente* 18.904, this bill also proposed that alternation should apply vertically and horizontally. Additionally, it determined that parties that complied with the quota would benefit from receiving their public source of partisan funds earlier. This type of financial incentive constitutes another form of a compliance mechanism, a proposal that would thus increase the Costa Rican quota's score to a perfect 20. Despite receiving a favorable report from the TSE,<sup>49</sup> *expediente* 18.904 was shelved in September 2015 (therefore also decreasing the chances of approval of *expediente* 19.010, which the court deemed to be of lower quality than the former bill).

In the absence of a broader electoral reform in sight, women legislators' demands for quota strengthening were not prioritized and, thus, continuously blocked from advancing in the legislative agenda. This encouraged center-left Deputy Maureen Clarke (PLN) and Haydeé Hernández Pérez (again in her role as chief of the *Unidad Técnica de Género e Igualdad*) to file a motion with the *Sala Constitucional de la Corte Suprema de Justicia* (Constitutional Chamber of the Supreme Court) arguing that the TSE's previous decisions<sup>50</sup> regarding horizontal parity were unconstitutional in respect to the concept of parity determined by electoral law, since parity would, by default, also extend to horizontal parity as a means of achieving equivalent levels of representation between men and women.<sup>51</sup> Supreme Court judges agreed, revising the TSE's previous interpretations of horizontal alternation

<sup>49</sup> TSE, *acta de sesión ordinaria* 87-2014.

<sup>50</sup> Days before the 2014 elections, the TSE issued *Resolución* 3637-E8, maintaining that alternation should be applied only vertically and that there were no established criteria for determining the first position of candidate lists. This notion was reinforced in various judicial documents, including *acta de sesión ordinaria* 81-2007, and resolutions 3671-E8-2010, 4303-E8-2010, 5131-E8-2010, 6165-E8-2010, and 784-E8-2011. Between 2010 and 2013, the TSE also issued resolution 3671-E8-2010 to clarify the application of the law to majoritarian elections, 3671-E8-2010 to request parties to change their internal statutes to incorporate the concept of parity, *oficio* TSE-2138-2010 to reject claim of unconstitutionality of zipper mandate, 6165-E8-2010 and 0784-E8-2011 to determine how parity should be interpreted for internal party leadership, and, 3782-E1-2013 to establish that internal democratic principles of candidate selection should be maintained alongside the parity regime (Zamora Chavarría 2018, 82–93).

<sup>51</sup> *Sala Constitucional, Voto no.* 16075-15.



and recognizing it as the only means of closing the remaining loopholes in the Law. Anticipating the 2018 elections, in May 2016, the TSE then issued *Resolución* 3603-E8 to clarify procedures that should be undertaken to comply with the Supreme Court's decision. Instead of abiding only by vertical parity, starting in the 2018 elections, parties also had to respect the principle of horizontal parity.

Despite continued resistance and largely due to several judicial decisions, Costa Rica came to boast one of the strongest gender quota designs in Latin America. As a result of the TSE's 2016 decision and de facto strengthening of the gender quota design, women's presence in the Legislative Assembly increased from 33 percent in 2014 to 46 percent in 2018. That is, 30 years after Costa Rica first began to debate a gender quota, it finally achieved gender parity in representation.

### 30 years of quota policymaking in Costa Rica

After the TSE's ruling, *expediente* 19.010 continued to be debated in the Costa Rican Assembly with Deputy Emilia Molina Cruz (PAC) as its leading proponent. But the interpretation of the policy had already been determined, thus essentially nullifying the threats that the passing of the bill could impose. Due to judicial decisions that effectively closed the loopholes left open in the policies adopted through the legislature, gender quota policymaking could slow down: there was little left that could be done to further strengthen the policy. The 2015 Supreme Court and 2016 TSE decisions were, therefore, followed by a hiatus in legislative efforts for quota strengthening. This was interrupted in 2019 when the TSE issued *Resolución* 1724-E8, challenging the 2015 Supreme Court's decision and ruling that, while parties had to abide by vertical and horizontal parity in their nominations for candidates to legislative offices, there was no requirement to abide by horizontal parity in majoritarian races.<sup>52</sup> This decision ultimately established that, in majoritarian races, political parties could comply with the quota through the nomination of alternate candidates.

In an effort to counter the TSE's decision, legislators introduced three quota-related bills. *Expediente* 21.473 and *expediente* 21.483, both from 2019, sought to ensure the application of the gender parity law in majoritarian elections and to establish gender parity for elected offices as a constitutional

<sup>52</sup> As the archives of *Resolución* 1724-E8 indicate, TSE judge Eugenia María Zamora Chavarría—a long-standing supporter of gender quotas in Costa Rica—was against this decision, instead supporting that horizontal parity should also apply to majoritarian races.

principle, respectively. Meanwhile, *expediente* 22.506, from 2021, sought to improve the implementation of horizontal parity in local governments. While all these policies sought to improve quota designs in some way, my measure of quota designs (i.e., the IGQS) was developed with the specific objective of capturing quota provisions that could increase women's political representation in legislative offices. Therefore, since the Costa Rican quota was already very strong in relation to its provisions toward legislative office, none of the three proposals introduced in the 2019–2021 period would have improved Costa Rica's almost perfect IGQS score of 19.

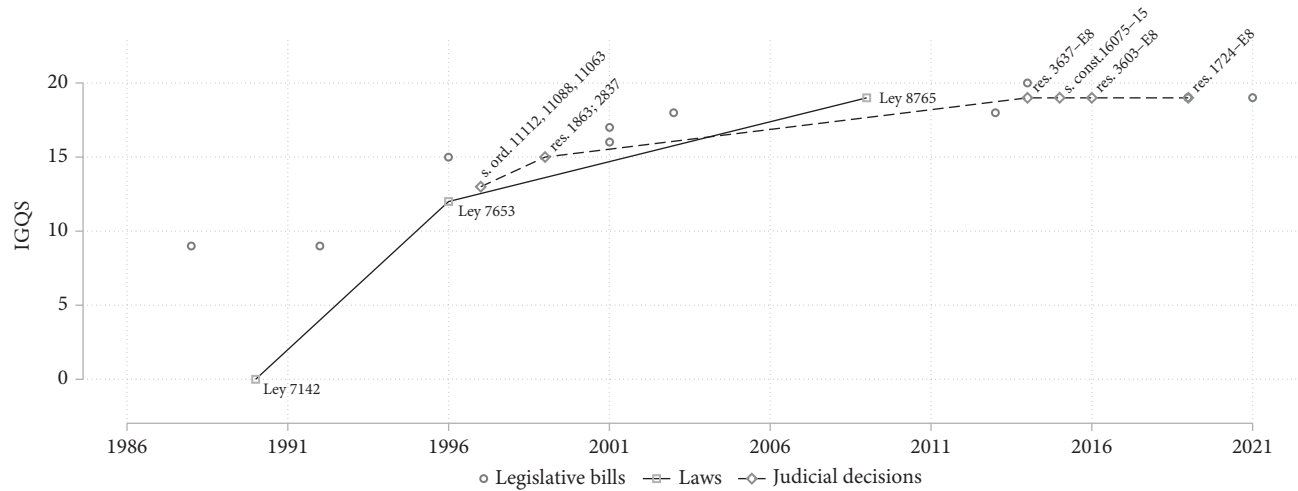
Although the bills introduced since 2016 sought to close a remaining gap reopened by the TSE, they also indicate that, when it comes to strengthening the Costa Rican gender quota, there was not much left to do. Even when justifying the motivation for *expediente* 21.473, the bill's author, Deputy José María Villalta Flórez-Estrada, from the left-wing *Frente Amplio*, made clear that Costa Rican quota legislation was robust and “settled”:

In Costa Rica, the topic of the “quota system” for women's participation in popular elections or in political party organizations has been settled. Society has accepted that parity and alternation must prevail in the ballots for popularly elected positions, that there must be 50% women and 50% men in the internal organization of the parties at all levels, and that the top positions of ballots should also alternate [candidates' gender].<sup>53</sup>

Facing no strong pressures to further strengthen the policy, it is unsurprising that quota-related proposals became less frequent. Altogether, this means that between 1988 and 2021, there were 17 instances of gender quota-related policymaking efforts in Costa Rica; 11 of them were introduced by the Legislative Assembly (although two were originally proposed by the executive), and the other six were enacted by judicial actors (see [Figure 6.3](#)). Although legislative bills were most often introduced as proposals for individual pieces of legislation, they only ever became law as part of larger bills. The original quota introduced in 1996 and its only legislative revision from 2009 were both part of larger electoral reform processes. In both instances, original bills underwent significant weakening before becoming law, with the most significant transformations in the Costa Rican quota's design originating from the judiciary.

As the process of reconstructing more than 30 years of quota policymaking in Costa Rica indicates, concerns about their future career prospects

<sup>53</sup> *Expediente* 21.473: 1.



**Fig. 6.3** The timing of adoption, strength of design, and length of policymaking process of gender quotas in Costa Rica

*Note:* The unit of analysis in the bill/executive proposal/law. Compiled by the author with original data on the strength of policy designs measured with the IGQS (developed in [Chapter 4](#)).

shaped the behavior of legislators toward gender quotas, with implications for the timing of adoption, strength of design, and length of the policymaking process. More specifically, legislators' strategic and self-interested approach postponed quota adoption by eight years, avoided improving the originally approved design with an IGQS of 12 into an effective IGQS of 19 for 13 years, and lengthened the policymaking process for over 30 years. One of my interviewees aptly summarizes how resistance delayed quota advancement. In her words: "The fight has been very tough. [. . .] We always knew what we wanted, but our demands had to go through the filter of decisions made by the [Legislative] Assembly."<sup>54</sup>

## Conclusion

Costa Rica responded early to the international community's call to promote women's political representation, introducing a gender quota bill in 1988, even before Argentina's pioneering policy. In a party-centric system where consecutive re-election is prohibited, the gender quota did not impose a risk to legislators' careers in the Legislative Assembly but still posed potential threats to politicians' standings within their parties, and their opportunities for office nominations more generally. Concerned with these prospects, legislators delayed quota adoption and deterred subsequent legislative efforts at policy strengthening. Over time, the Costa Rican quota evolved into one of the strongest policies in the region.

As men legislators' interventions in processes of gender quota policymaking reveal, Costa Rica's strong quota is not the result of men legislators' avid support for the policy; on the contrary, the policy matured despite their self-interested resistance. In a party-centric system, women legislators defied party leadership to advance quota proposals; meanwhile, party leaders' initial opposition to the policy gave men legislators scope to enact their career-oriented preferences and block advances on quota policymaking.

As my analysis shows, archival materials and interviews with key actors support the expected theoretical micro-foundations that individual legislators' vulnerability to displacement is behind their resistance toward gender quota. Although guided by very different institutional configurations, the quota policymaking processes in Costa Rica's party-centric and Brazil's candidate-centric systems bear a striking resemblance. As was the case in

<sup>54</sup> Author interview with senior staff, INAMU (August 25, 2014).

Brazil, women legislators were the biggest advocates for quota policymaking in Costa Rica; legislators' strategy to not prioritize individual quota bills also worked to delay the policy's advancement in Costa Rica, rendering broader electoral reforms the only opportunities for legislating the adoption and strengthening of the Costa Rican gender quotas. On these occasions, legislators also worked to weaken quota designs in background negotiations—where they could evade incurring reputational costs—before publicly adopting the policy unanimously or almost unanimously as part of larger electoral packages. Finally, the biggest advancements to quota policymaking in Costa Rica were also enacted by critical actors in the judiciary, whose careers would not be threatened by quota strengthening.

Differently from the Brazilian case, however, the party-centric configuration of the Costa Rican system meant that changes in the party system also opened opportunities for quota strengthening to take place *within* the legislature. Because the career prospects of Costa Rican legislators are closely tied to those of their parties, the electoral success of the PAC—a newly formed party founded on gender parity nomination principles—dramatically reduced the threat that a gender quota could pose to a substantial share of legislators (including men), who, in turn, had nothing to lose from the adoption of a stronger gender quota. In the next chapter, I examine how legislators' career-oriented preferences shape their behaviors toward gender quotas in the case of Chile, a candidate-centric system with strong parties.

# High levels of resistance and abrupt change

The case of Chile

## Introduction

In January 2015, Chile finally adopted a gender quota, becoming one of the last two countries in Latin America to do so and ending an 18-year-long debate on gender quota adoption. The frequent characterization of Chile as one of the most developed democracies in Latin America makes its low levels of women's representation and lack of gender quota until 2015 particularly puzzling. The case of Chile poses two obvious questions: First, why did it take so long for Chile to adopt a gender quota? Second, what changed after so many years of inaction and prompted Chile to adopt a quota?

Most often, the lack of a quota in Chile for so many years has been explained by a presumed inconsistency between the policy and Chile's former electoral system. Gender quotas are said to fit PR systems with large district magnitudes more easily, and Chile boasted an OLPR system with district magnitude of two—a combination that has traditionally generated majoritarian-like effects (Polga-Hecimovich and Siavelis 2015, 272; Tobar and Villar 2005, 16–23). As a result, scholars have argued that adopting a gender quota would require reforming the electoral system (Zúñiga Fajuri, Aguilera Bertucci, and Vásquez Bravo 2007, 27).<sup>1</sup> The Chilean gender quota was indeed adopted upon the replacement of the binomial system for one with a higher average district magnitude. Knowing this could lead one to accept the institutional fit explanation quickly.

But contradicting this presumption is that systems of low district magnitude, including single-member district systems (such as the case of majoritarian positions in Costa Rica), have managed to adopt and implement quota

<sup>1</sup> This is based on the notion that gender quotas are a better fit for PR systems with medium to large average district magnitude districts.

policies (Christensen and Bardall 2016).<sup>2</sup> Furthermore, quota-related bills introduced to the Chilean national legislature also included proposals to apply the policy to internal party leadership and municipal legislative elections, neither of which adheres to the binomial system. Hence, institutional misfit is insufficient to explain Chile's 18-year resistance to a gender quota and the policy's adoption in 2015 without much debate. In this chapter, I move beyond institutional fit explanations to uncover how Chilean legislators' self-survival motivations have shaped their behavior toward gender quotas. In reconstructing the history of Chile's quota policymaking process, I show that aligned with my theoretical expectations, legislators resisted gender quota adoption when it posed minimal risk to their reputations but supported the policy when resistance became potentially more costly to their careers. As incumbents whose career interests align closely with their parties' survival, legislators resisted quota adoption even against executive advocacy. However, they yielded to voter pressure when an electoral reform triggered by public demand and closely observed by civil society organizations<sup>3</sup> (Luna 2016; Waylen 2016) threatened their future career prospects.

This chapter proceeds by first examining historical electoral data to analyze patterns of re-election and career ambition in Chile. This exercise highlights the value and competitiveness of legislative seats. Employing the same data, I also show that the stable re-election prospects of incumbents were contingent upon the integrity of the electoral system. In tracking legislative records of plenary debates on gender quota bills, I then assess how the quota's threats to (men) legislators impacted their behavior toward the policy. Ultimately, I reveal how Chilean incumbents, leveraging their leadership status within their parties, drastically delayed quota adoption—a strategy that was only interrupted when demand from civil society threatened the stability of all political elites.

## **Vulnerability to displacement in a candidate-centric system with strong parties**

The lasting entrenchment of elites in the Chilean legislature until 2016—and the popular outbreaks that emerged against the political dominance of

<sup>2</sup> Additional examples include quotas in France, Uganda, and India (Christensen and Bardall 2016).

<sup>3</sup> Although it is difficult to point to a single event that marks the beginning of Chile's "crisis of representation," scholars often identify the interruption of the otherwise continuous presidency of the *Concertación* with the election of Sebastián Piñera (from *Alianza*) in 2010, and the subsequent 2011–2013 student protests over the lack of opportunities in public education, as the culmination of popular dissatisfaction with the political regime and the elites it produced and maintained in power (Luna 2016).

a select few—is evidence that Chilean incumbents have valued (and sought to retain) their offices. Under the binomial system, impervious incumbency advantage, combined with the limited number of office opportunities elsewhere, has justified incumbents' preference for static ambition. Employing individual-level historical electoral data, I show that the assumption underlying my theoretical expectations—namely, that gender quota adoption could impose threats to legislators' careers—holds. Specifically, I convey that a gender quota would have altered the formal and informal dynamics of the binomial system in ways that could pose restraints to coalition politics, thus being detrimental to both incumbents and their parties alike.

## Longstanding legislative careers

The Chilean *Congreso Nacional* (National Congress) is composed of two houses: The upper house, *Senado* (Senate), and the lower house, *Cámara de Diputados* (Chamber of Deputies). Under the system in place until 2016, senators were elected to eight-year terms, with half of Senate seats being renewed every four years, while deputies were elected to four-year terms. Both senators and deputies could seek consecutive re-election indefinitely, as there were no term limits. An OLPR system allocated seats to both houses. In this sense, the Chilean system was similar to the one applied to the Brazilian lower house. However, while district magnitude varies widely for the Brazilian Chamber of Deputies, both houses of the Chilean legislature followed a “binomial” system, in which district magnitude was fixed at two for all constituencies. The Senate was composed of 38 seats, two from each of the 19 senatorial electoral constituencies, while the Chamber of Deputies was composed of 120 seats, two for each of the 60 electoral constituencies of this house.

Under this system, constituents placed their votes for their preferred candidate, and the candidate with the most votes was elected to one of the seats. To ensure ideological representation under such low district magnitude,<sup>4</sup> the system also established that the election of a member of a given list made it significantly more difficult for the second list member to be elected, as s/he required twice as many votes as that acquired by the second most-voted list to also secure a seat. If this was not achieved, the second seat was allocated to the

<sup>4</sup> These rules were put in place during the re-democratization process in 1989 upon the election of the first democratic legislature following the plebiscite to remove General Augusto Pinochet, with the alleged intent of benefitting right-wing elites, reducing the number of parties in the party system, and imposing centrist ideological tendencies (Cabezas and Navia 2005; Carey and Siavelis 2005; Polga-Hecimovich and Siavelis 2015).



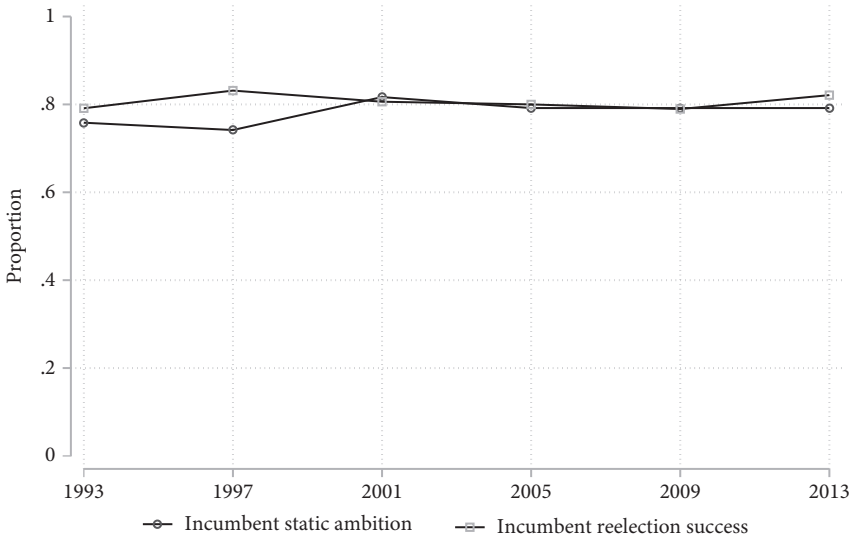
highest-placed candidate in the second-placed list (Cabezas and Navia 2005). Despite being a PR system, these rules produced majoritarian-like electoral outcomes.

Instead of a two-party system, however, the binomial system produced a bipolar logic centered around two stable coalitions—the center-leftist *Concertación de Partidos por la Democracia* (hereafter referred to as *Concertación*),<sup>5</sup> which in 2013 became known as *Nueva Mayoría*, and the center-rightist *Alianza por Chile* (hereafter referred to as *Alianza*), which in 2015 became known as *Chile Vamos*.<sup>6</sup> Since re-democratization, each of the two coalitions presented a list of candidates for each district (Alemán and Saiegh 2007, 422; Polga-Hecimovich and Siavelis 2015, 269; Valenzuela and Scully 1997). The binomial system's rules for seat allocation and the stability of two stable coalitions have historically promoted both between- and within-coalition competition for candidacy nomination and seats. In other words, the low-district magnitude of the system meant that for aspirants to claim one of the two places on their coalition's list, they needed to compete against members of their own party as well as with aspirants from other parties within their coalition. Moreover, given that under this system, for a list to win both seats, it needed to receive twice as many votes as the runner-up list, the most common scenario across districts was for the two seats to be distributed between the two main coalitions' lists, with each taking up one seat (Carey and Siavelis 2005). This arrangement encouraged within-coalition competition throughout the electoral period, as list-mates competed against one another for votes (Altman 2006, 18; Magar, Rosenblum, and Samuels 1998, 718). Under this unique set of rules, the success of an aspirant/candidate also guaranteed the representation of their party in the legislature.

The high level of intra-coalitional competitiveness in the pre- and post-nomination periods, however, did benefit the select few who were legislative incumbents—as evidenced by the high share of legislators who sought re-election since re-democratization and their respective success rates. As Figure 7.1 shows, a stable average of 78 percent of incumbents sought re-election in every election between 1993 and 2013. These high rates of static ambition signal that seats are indeed valuable to incumbents and illustrate the apparent preference of legislators for maintaining office.

<sup>5</sup> Historically composed of the *Partido Demócrata Cristiano* (Christian Democrat Party, PDC), *Partido Socialista* (Socialist Party, PS), *Partido por la Democracia* (Party for Democracy, PPD), and the *Partido Radical* (Radical Party, PR), which was previously known as the *Partido Radical Sociodemócrata* (Social-Democratic Radical Party).

<sup>6</sup> Historically composed of the *Renovación Nacional* (National Renewal, RN), *Unión Demócrata Independiente* (Independent Democratic Party, UDI), and, up until 2001, *Unión de Centro Centro* (Union of the Centrist Centre, UCC).



**Fig. 7.1** Static ambition and re-election success rates for the Chilean Chamber of Deputies (1993–2013)

*Note:* The unit of analysis is the legislative election. Compiled by the author with official electoral data from the *Servicio Electoral*. Figure displays the proportion of incumbents who sought static ambition and their success rate in each election.

The numbers also highlight the extreme level of advantage incumbents enjoyed under the binomial system. Although incumbents accounted for an average of only 23 percent of the total number of candidates between 1993 and 2013, their electoral success rate was 81 percent. Among deputies elected to the 2010–2014 legislature—considered the last one to be elected before the tipping point of the crisis of representation—the average time in office was 3.19 terms, with 42 deputies (35%) having served for four or more terms (i.e., having held a seat in the Chamber for at least 12 years).<sup>7</sup>

Professionalization in the Chamber is a consequence, not only of incumbents' advantageous electoral position, but also of the limited number of office opportunities elsewhere. Before the 2015 electoral reform, there were restricted options for political careers outside the lower house of Congress. The Senate offered only 38 seats (equivalent to roughly 32% of the seats in the Chamber of Deputies), and governor posts were assigned by appointment. Additionally, until 2004, mayoral offices were awarded to those receiving the highest number of votes in municipal council elections; this meant that an

<sup>7</sup> For those elected to the following legislature (2014–2018), the mean number of terms in office decreased to 2.51, suggesting that professionalization might have been winding down as outsider candidates increasingly challenge traditional elites and enter the Chamber.

individual's career calculations rested on the prospects of one's electoral capital being higher than that of everyone else in mayoral races, or on being sufficiently satisfied with the less prestigious post of municipal legislator. Starting in 2004, mayors came to be directly elected in majoritarian elections, but these races continued to be risky, with fewer than 30 percent of candidates being electorally successful (Botero 2008, 74). Meanwhile, in the 2006 elections, the success rate for returning incumbents was 80 percent. In other words, even when office opportunities somewhat increased, running for re-election remained a high-certainty prospect, while venturing into other offices still was a risky electoral option.

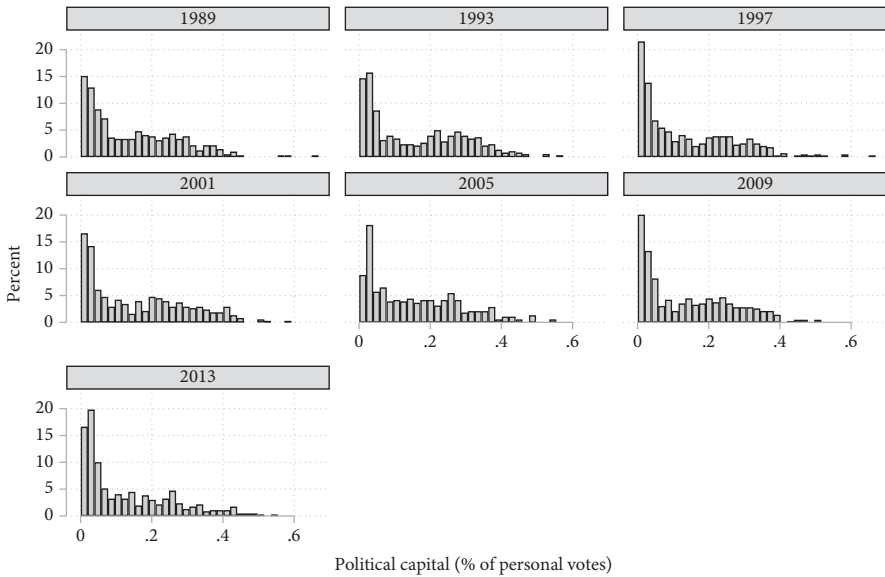
### Stable men, vulnerable system

A product of the Chilean system's weak vertical accountability (Luna 2016), incumbents' electoral advantage over other candidates can be observed in patterns of individual-level electoral capital, which show that few candidates were able to attain the high levels of voter support required to secure a seat.

As Figure 7.2 shows, between 1989 and 2013, most candidates obtained less than 10 percent of the vote shares in their respective districts, with roughly 15 percent of candidates being responsible for securing more than 20 percent of voter support (and less than 1% managing to attract more than 50% of their constituency votes). In this context, some could argue that the adoption of a quota could have just created the incentives for women to be nominated to what is known in Chile as *candidatos galletas* ("cookie candidates")—that is, individuals who sacrifice their candidacies to support their list-mates.

But this ignores the partisan dynamics underlying candidacy nominations within the context of races between coalitions. To satisfy multiple coalition members, the two candidacies in coalition lists were generally split between members of two different parties, with their nominations resulting from intense within-coalition negotiations (Siavelis 2009). Stemming from different parties, individuals' nominations thus represented opportunities for not only furthering their own personal career ambitions but also that of their parties. This means that individuals nominated for the same list had electoral interests of their own, leading to electoral competition between list-mates—or a "rival partners' game" (Magar, Rosenblum, and Samuels 1998, 718).

Candidates who did not win a seat generally did not sacrifice their careers for the sake of their list-mates, instead seeking political benefits for themselves and their parties, such as appointed office (Carey and Siavelis 2005, 6–7). In other words, even occupying space on the list without the prospect



**Fig. 7.2** The individual-level political capital of candidates to the Chilean Chamber of Deputies (1989–2013)

*Note:* The unit of analysis in the individual candidate. Compiled by the author with official electoral data from the *Servicio Electoral*. Political capital is a measure of an individual’s share of nominal votes. Figure displays the variation of political capital among candidates in each election.

of being elected could impose costs on the dynamics of coalition politics and party leaders’ capacities to reward their valued party members.<sup>8</sup> This means that even if women were to be relegated to the position of “cookie candidates,” the adoption of a quota could still threaten the career opportunities of (men) supporting candidates and, more generally, disturb the status quo. As Macaulay succinctly summarizes, the adoption of a quota would:

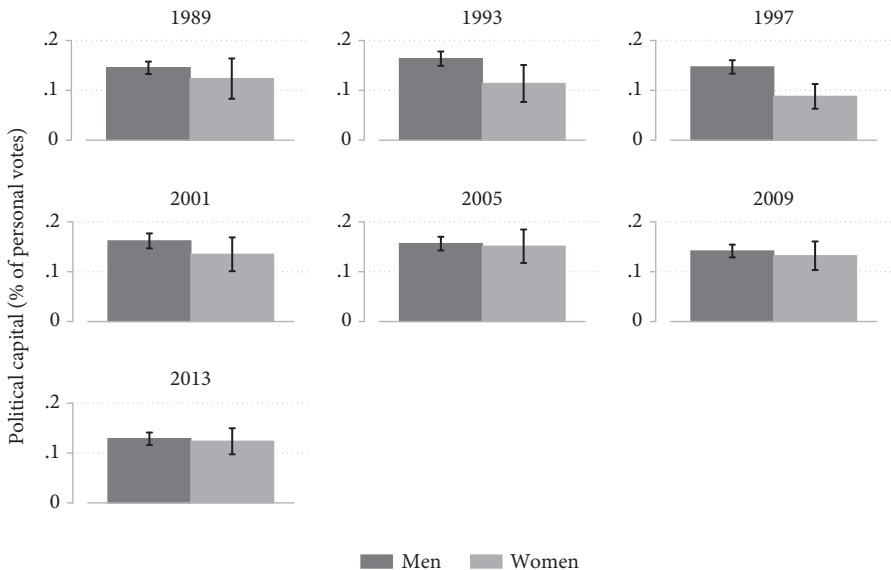
Imply a zero-sum game for deputies of all political stripes. As the electoral system is enshrined in the 1980 Constitution, any modification requires a two-thirds majority, contingent on the collaboration of the right-wing opposition, which has a vested interest in the continuation of the current system as well as an objection to positive discrimination measures. It is also hard to imagine center-left male politicians agreeing to a measure that would deprive them of their virtually guaranteed seats. (Macaulay 2009, 113)

But it is unlikely that women would only informally threaten coalition politics; they could also increase electoral competitiveness and challenge

<sup>8</sup> This is consistent with Zetterberg’s (2013) argument that quota adoption also impacts parties’ political recruitment strategies and intra-party dynamics.

incumbents' electoral prospects. When given the opportunity of nomination, women candidates in Chile are as competitive as men. Figure 7.3 shows overlapping confidence intervals, indicating that women's vote shares were statistically similar to men's in most elections between 1989 and 2013. Adopting a quota in the binomial system—a system that incumbents had the incentive to protect—would introduce more choice and competition, potentially challenging the positions men held within their parties and coalitions.

In sum, Chilean legislators' high re-election rates suggest that gender quotas would not remove them from office. However, the stability of incumbents' careers and parties relied on the electoral system staying the same. Thus, a gender quota policy that limits men's candidacies could disturb the dynamics of inter- and intra-partisan competition for sought-after nominations and seats, affecting incumbents' careers and their parties' status within coalitions. As the recipients of the nomination to the top position of their coalition lists imply, however, Chilean incumbents generally held a high status within their parties (Piscopo et al. 2022, 224; Siavelis 2005, 444)—which also gave



**Fig. 7.3** The political capital of men and women candidates to the Chilean Chamber of Deputies (1989–2013)

*Note:* The unit of analysis is the individual candidate. Compiled by the author with official electoral data from the *Servicio Electoral*. Political capital is a measure of an individual's share of nominal votes. Figure displays results from tests of differences in means of political capital for men and women deputies, by election. Overlapping confidence intervals illustrate effects that are not statistically significant at the 95 percent level.

them the power to resist policies they perceived to be against their (and their parties') interests. As I show next, this has allowed Chilean legislators to circumvent internal demands for a gender quota and considerably delay its approval—and to only assent to the policy when voters' dissatisfaction threatened to bring down the core elements of the electoral system that safeguarded their positions.

## Sustained resistance and delayed adoption

Having established that a gender quota could reasonably pose a threat to the careers of incumbents and the status of their parties, I now turn to examine whether concerns about career survival have motivated legislators' behavior toward gender quotas with implications for the timing, strength, and length of the quota policymaking process. To do so, I analyze the legislative proceedings of all gender quota-related bills introduced in Chile (see Appendix 8 for the list), as well as interviews with relevant stakeholders (see Appendix 9).

In short, I show that the delayed adoption of a gender quota in Chile does not result from institutional misfit with the binomial system; instead, it is a consequence of incumbents' (including women's) constant attempts to protect the system that maintained their electoral advantage and kept them in power—or, as Luna (2016) describes it, an effort to maintain Chile's "uprooted democracy." This is evidenced not only in the strategies incumbents engaged in delaying quota adoption but also in the policy design they approved in the context of broader electoral reform.

Despite being one of the last two countries in Latin America to adopt a gender quota, Chilean legislators were on a par with their neighbors in introducing gender quota bills as early as 1997. Between then and 2015 (when the quota was finally adopted), there were seven quota proposals introduced, four of which originated from the executive.<sup>9</sup> Executive initiatives are especially important in the Chilean context: They do not only display the executive's support for a certain policy but also result in a speedier legislative process with a greater likelihood of success (Ampuero Villagrán 2007, 40).

Yet, Chilean incumbents' reliance on institutional inertia for career protection led them to oppose even proposals for quota adoption initiated by

<sup>9</sup> Additionally, in 2010, Michelle Bachelet used her executive powers to issue *mensaje presidencial* 1812-356, thus speeding up the legislative process on *boletín* 3206-18 (but this was not a separate or independent proposal).

the executive—a strategy that resulted in only two quota-related bills ever advancing beyond committees and into the general plenary.<sup>10</sup> In a context where any change to the system threatened incumbents' careers, the electoral reform of 2015 reflected a last-ditch practice for survival and not an exercise in which incumbents independently chose to partake. As per my expectations, however, in assenting to the adoption of a gender quota at this time, legislators still sought to design a quota that accounted for their electoral concerns.

## Signaling support without incurring risks

As with many other countries in Latin America, the history of gender quotas in Chile starts with the ratification of international agreements and the adoption of the policy in Argentina. Although the military government became a signatory of the CEDAW in 1980, Chile's commitment to the Convention only came into effect in 1990, when the country instituted its return to democracy. In 1991, the same year Argentina adopted its gender quota, Chile established the *Servicio Nacional de la Mujer* (National Women's Service, SERNAM), an institution aimed at implementing the country's commitments to the CEDAW and promoting gender equality more widely (Baldez 2001; Díaz-Romero 2010; Franceschet 2001, 2003).

Since women had been overwhelmingly absent from formal politics during the military dictatorship, the return to democracy also represented women's reinsertion into party politics. In the context of re-democratization, women who fought against the military dictatorship saw the opportunity to join the center-left *Concertación*, the coalition that emerged as the obvious opposition to military elites (Carey and Siavelis 2005; Luna and Mardones 2010). Re-democratization also prompted the need for a process of constitution-writing (Reyes-Housholder, Suárez-Cao, and Le Foulon 2023, 263), something that gave women activists the opportunity to embed CEDAW's norms on the promotion of gender equality into the Chilean constitution (a bill that was recorded as *boletín* 1189–07 from 1994). Although similar to the proposal

<sup>10</sup> Given that the nature of legislators' resistance to gender quotas in Chile was primarily based on barring the policy from advancing in legislative debates, evidence of incumbents' calculated efforts toward quota adoption consists of the lack of legislative transactions. This poses a challenge for my study, as it provides only limited grounds for identifying the role of legislators in delaying the adoption or weakening of the designs of quota proposals. Still, as I show in this chapter, legislators' self-preservation behavior toward gender quotas proposals can nonetheless be captured in their oral interventions during plenary and committee meetings, references to background negotiations, and attempts to affect policy designs through the proposal of amendments.

introduced in Costa Rica in 1988 in that it also outlined the need for assuring the non-discrimination of women in public life, the Chilean bill did not propose a gender quota.<sup>11</sup>

There were no gender quota bills introduced during the 1990–1994 mandate of the center-left *Concertación* President Patricio Aylwin. This is not entirely surprising, as domestic demand was not salient. The Chilean women's movement was focused on the *differences* between men and women, aiming to improve conditions for women's work in the domestic domain and otherwise traditional spaces—without a focus on women's representation in formal politics (Baldez 2001; Díaz-Romero 2010; Franceschet 2001). Women legislators involved in negotiations during the process of re-democratization also did not prioritize tackling gender inequality in political representation (Franceschet 2001, 212). As I anticipate, under a context of no demand, it makes sense for legislators not to introduce a bill that could jeopardize their careers.

By 1997, both Costa Rica and Brazil (as well as another seven Latin American countries) had already adopted some type of gender quota—indicating that the pressure for quota adoption was spreading throughout the region. On March 13, 1997, the first gender quota-related proposal was introduced to the Chilean Chamber of Deputies. Co-sponsored by a group of center-leftist women and men legislators from the *Concertación*,<sup>12</sup> *boletín* 1994–07 proposed a 40 percent quota for internal party leaderships, as well as municipal and national legislative elections. The bill identified that parties might have been unwilling to comply unless they were punished, so it also proposed sanctions for non-compliance. As a stand-alone bill, it was not associated with a larger electoral reform, instead proposing that a gender quota be applied to the entire candidate lists of electoral pacts (i.e., coalitions). This proposal, of an IGQS score of 13, was very strong (especially considering that the highest possible IGQS value for open-list systems is 18). Gender quotas were not on the agenda of the 1994–2000 government of President Eduardo Frei Ruiz-Tagle, so there were no executive efforts to prioritize the proposal. As a result, the bill did not have a long life, only ever making it to the *Comisión de Constitución, Legislación y Justicia* (Constitution, Legislation, and Justice Committee) before being shelved.

<sup>11</sup> *Proyecto de Ley, Boletín Número 1189-07, Cuenta de Proyecto*. April 21, 1994: 1088. <https://www.camara.cl/pdf.aspx?prmID=4180%20&prmTIPO=TEXTOSesion>.

<sup>12</sup> Women deputies María Antonieta Saa Díaz (PPD), Martita Elvira Wornner (PPD), María Isabel Allende (PS), Laura Mariana Aylwin (PDC), and Romy María Veriana Rebolledo (PPD), and men deputies Camilo Enrique Escalona (PS), Jaime Luis Estévez (PS), Víctor Barrauto (PPD), and Andrés Palma (PDC); and Fanny Sonnia Pollarolo (independent).



The next gender quota-related bill was introduced only five years later, in 2002, during the presidency of Ricardo Lagos. By then, Argentina had already had a gender quota for over ten years. The proposal, filed as *boletín* 3020–06, originated on August 6 and was sponsored by a group of women and men legislators from both coalitions (although mainly the center-left *Concertación*).<sup>13</sup> This bill was considerably weaker than the first one: It only established a 30 percent quota for municipal and national legislative elections without detailing any type of sanctions for non-compliance—thus bearing an IGQS score of 8. As before, the bill was shelved.

In 2003, yet another quota-related bill emerged, replacing its 2002 predecessor. Recorded as *boletín* 3206–18, it detailed the same provisions as the original 1997 proposal, meaning that it sought to establish a 40 percent quota for municipal and national-level election and party leadership to be upheld through electoral sanctions for non-compliance (an IGQS score of 13). Worth noting is that both (the original and the 2003 bills) proposed the adoption of the policy irrespective of electoral reform; they also detailed the application of affirmative action for bodies that did not abide by the binomial system. As such, Chile's inaction toward quota adoption for more than ten years after Argentina's pioneering policy cannot be characterized solely as a matter of institutional misfit. As previous initiatives, *boletín* 3206–18 was also co-authored by women and men deputies from both coalitions (but overwhelmingly from the center-left *Concertación*).<sup>14</sup> As it did not receive executive backing, however, the proposal was not assigned "urgent" status<sup>15</sup> and, as a result, was not immediately picked up. Instead, it moved between committees for years until finally being debated in the *Comisión de Familia* in 2007.

Since none of these bills advanced in the legislative process, the early history of quota policymaking in Chile does not offer explicit insights into the reasons behind legislators' behaviors toward quota adoption. Still, they reflect the differences in the legislative process compared to my other two case studies. Instead of a cross-partisan women front, in Chile, support for a gender quota can be better characterized as a reflection of coalitional and partisan

<sup>13</sup> They were *Concertación* members María Isabel Allende (PS), Carlos Abel Jarpa (PRSD), Juan Pablo Letelier (PS), Aníbal Pérez (PPD), Edgardo Riveros (PDC), Carolina Tohá (PPD), and Ximena Vidal (PPD); *Alianza* member Carmen Ibáñez (RN); and Fulvio Rossi (independent).

<sup>14</sup> They were *Concertación* members María Isabel Allende (PS), Guido Girardi (PPD), María Eugenia Mella (PDC), Adriana Muñoz (PPD), María Antonieta Saa (PPD), Alejandra Sepúlveda (PDC), Carolina Tohá (PPD-*Concertación*); *Alianza* members Rosa González (UDI) and Carmen Ibáñez (RN); and Fulvio Rossi (independent).

<sup>15</sup> An executive instrument used to prioritize bills and accelerate its legislative process (Alemán and Navia 2009; Cox and Morgenstern 2001).

priorities. Spearheading the effort, legislators from the center-left coalition *Concertación* signaled their support for women's political inclusion by introducing gender quota bills. However, despite having the power to push for a quota adoption thanks to their control over the executive (and SERNAM), the *Concertación* chose not to (Macaulay 2009, 177).<sup>16</sup> In a context where legislators' powers are reactive (Alemán and Navia 2009; Cox and Morgenstern 2001)—and only 10 percent of bills initiated by legislators are approved into law compared to roughly 80 percent of those initiated by the executive (Ampuero Villagrán 2007, 40)—the first three gender quota proposals initiated by legislators can be interpreted as a symbolic, signaling strategy.<sup>17</sup> By proposing gender quota bills, members of the center-left *Concertación* could display their commitment to gender equality—thus yielding positive reputational benefits with voters and civil society organizations—all the while knowing that the approval of such proposals was highly unlikely.<sup>18</sup>

## Stifling progress in the face of real prospects

President Michelle Bachelet's election on January 15, 2006 marked a significant shift in the history of women's political representation and gender quotas in Chile. Not only was Bachelet Chile's first woman president, but she was also the first president who explicitly made promoting women's political representation a priority. Bachelet made this commitment clear in two main ways: Firstly, by nominating a gender-parity cabinet, and secondly, by making the adoption of a gender quota an explicit item of her policy agenda (Waylen 2016).

But enacting a more encompassing electoral reform to replace the binomial was also part of Bachelet's plan. For this purpose, she asked the then *Ministro de Interior y Seguridad Pública* (Minister of the Home and Public Safety Office), Andrés Zaldívar, to assemble a taskforce. Initially, the group,

<sup>16</sup> As Macaulay explains: "On political rights, SERNAM notably failed to push for reform of the electoral system, aware that the male leaders of all the parties would oppose a measure with potential zero-sum implications, quite aside from their principled positions on affirmative action" (Macaulay 2009, 177).

<sup>17</sup> Responsible for leading SERNAM between 1990 and 1999, the PDC's inaction toward quotas (and other women-related policies) may have been strategic on yet another level: That of coalitional politics. As Baldez (2001) argues, the PDC's control of SERNAM allowed them to use the agency to demobilize women's movements, a potentially important constituency of their coalition partners, and thus reassert their position as the strongest party within the coalition.

<sup>18</sup> As one legislator interviewed by Franceschet described: "I think there should be more congressional bills introduced where gender issues are present, but if the executive doesn't give them urgency status, doesn't support them, then we can be years and years without ever discussing them in the committees" (Franceschet 2010, 403).

which became known as the *Comisión Boeninger* (due to being led by Senator Edgardo Boeninger Kausel from the PDC), was entirely composed of men. Later, and especially due to the taskforce's mandate to include provisions for the promotion of women's political representation, political scientists Marcela Ríos Tobar and María de los Ángeles Fernández Ramil were invited to join the group. Together, the two women designed the gender quota recommendations that would become part of the taskforce's recommendations to legislators (Fernández Ramil 2008, 223).

Although the quota was not unanimously supported by all taskforce members (Tagle Domínguez 2006, 26), the two women in the group managed to guarantee the policy's insertion in the final document presented to legislators on June 08, 2006. This, however, was possible only because the quota was proposed alongside compensation mechanisms: Increasing the number of seats from 120 to 150 in the Chamber and from 38 to 50 in the Senate, as well as the number of candidates that could run for each seat.<sup>19</sup> The technical analysis of the proposal highlighted the weaknesses of the quota: "This does not constitute a mechanism that necessarily mandates greater women's representation, since the taskforce itself also proposes to increase the number of candidacies on lists to double the number of seats available in each district" (Tagle Domínguez 2006, 26).

The taskforce's report nonetheless served as the basis for the proposed electoral reform, introduced on June 15, 2006, through presidential message 142–354 (registered in *boletín* 4245–07). Although the message reiterated many of the taskforce's plans outlined in the report, it presented an even more toned-down proposal for the promotion of women's political representation, only stating that "the law could establish mechanisms that motivate the participation of women in political activities"—language that is suggestive of being the product of background negotiations.<sup>20</sup> While the document also indicated that these mechanisms could constitute a quota or financial benefits for parties that elected women, ultimately, the message only established that "legislators will determine" what should be employed to address women's underrepresentation.<sup>21</sup>

Given the extensive legislative powers of Chilean presidents (Baldez and Carey 1999), President Bachelet's bill represented the first quota-related proposal with realistic chances of being approved. While presidents in Chile

<sup>19</sup> Informe grupo de trabajo sobre Reforma al Sistema Electoral. 2006: 10–11.

<sup>20</sup> Proyecto de Ley, Boletín Número 4247-07, Ingreso de Proyecto. June 15, 2006: 20, 15–16. [https://www.camara.cl/pley/pley\\_detalle.aspx?prmID=4628&prmBoletin=4245-07](https://www.camara.cl/pley/pley_detalle.aspx?prmID=4628&prmBoletin=4245-07).

<sup>21</sup> Proyecto de Ley, Boletín Número 4247-07, Ingreso de Proyecto. June 15, 2006: 20, 15–16. [https://www.camara.cl/pley/pley\\_detalle.aspx?prmID=4628&prmBoletin=4245-07](https://www.camara.cl/pley/pley_detalle.aspx?prmID=4628&prmBoletin=4245-07).

have extensive control over the legislative agenda, they are still unlikely to pass legislation when congressional opposition is high, relying on frequent consultations with legislators to assess their levels of support for specific bills (Siavelis 1997, 2000).

This was the case with Bachelet's electoral reform package, which met great resistance from opposition *and* supporters alike (Aranda 2015, 199; Franceschet 2010, 400), who emphasized, among other things, their concerns that the quota would intervene in parties' internal dynamics. For example, in the report on the opinions of experts invited to expose their views to the Committee, a table summarizing arguments in favor and against a quota adoption lists the possibility that "the introduction of quotas [can] generate significant conflict at the level of internal party organization" as the first argument against a quota.<sup>22</sup> Elsewhere in the report, the potential rejection of entire candidate lists as a result of non-compliance with a quota was also raised as a reason not to adopt the policy.

Widespread opposition stemming from members of both coalitions managed to weaken the design of the policy and, later, to interrupt the evaluation of the proposal. As previously discussed, the broader electoral reform proposed by Bachelet's package could severely affect the career prospects of men *and* women incumbents, as the binomial system gave them significant electoral stability. As such, more than a rejection of what ended up becoming a vague proposal for women's political empowerment, legislators' widespread opposition to the bill reflected their rejection of any attempt at a wider electoral reform.<sup>23</sup>

But increasing women's political representation was a priority of Bachelet's government. Given its failure to promote the working group's suggestions, the executive engaged in attempts to approve a gender quota policy through other means. First, this was done through *mensaje presidencial* 860–355 (recorded as *boletín* 5553–06) from December 11, 2007, which sought to modify laws pertaining to political parties, elections, and campaign finance, as a means of establishing the "balanced participation of men and women" in political bodies.<sup>24</sup> Specifically, the bill proposed to reserve 30 percent of candidacies to elected offices and internal party leadership positions to women, and established sanctions for non-compliance, financial benefits to support women's candidacies, and rewards for lists that elected women (a bill with an

<sup>22</sup> *Proyecto de Ley, Boletín Número 3206-18, Primer Informe de Comisión*. January 24, 2007: 61.

<sup>23</sup> This is in line with existing studies that show that Chilean presidents are less successful in gaining legislative support for electoral/constitutional reforms than other types of proposals (Aleman and Navia 2009).

<sup>24</sup> *Proyecto de Ley, Boletín Número 5553-06, Ingreso de Proyecto*. December 11, 2007. [https://www.camara.cl/pley/pley\\_detalle.aspx?prmID=5936&prmBoletin=5553-06](https://www.camara.cl/pley/pley_detalle.aspx?prmID=5936&prmBoletin=5553-06).

IGQS score of 13). As in the case of Brazil, the allocation of financial resources was understood as a necessary component of a quota with any chance of being effective in an OLPR system.<sup>25</sup> The proposal was introduced to the *Comisión de Gobierno Interior* but never left the Committee—not even after Bachelet’s attempt to speed up the evaluation of the proposal by granting it “urgent” status on September 01, 2009.<sup>26</sup>

In the meantime, *boletín* 3206–18 (from 2003) continued to move through the legislative process, reaching the *Comisión de Familia* in 2007. In the end, the Committee decided to reject the bill, preventing it from reaching plenary. Notably, the opposing votes of women legislators were crucial to this decision: Of the 12 members of the Committee, eight were women. As observed in the cases of Brazil and Costa Rica, women’s cross-partisan support for gender quotas was fundamental in pushing quota bills forward in the legislative process. In the Chilean case, the lack of women’s coordinated action contributed to the opposite. While five women legislators and one man legislator voted in favor of the bill being taken to the plenary, legislators followed their respective coalitions’ whip. In the end, three women legislators and two men legislators voted against it, with another man legislator abstaining from voting. Notably, all Committee members from center-right *Alianza*, including the women, rejected the proposal. In contrast, all members of center-left *Concertación* supported it (with the exception of Carlos Abel Jarpa Wevar from the left-wing PRSD, who abstained from voting). Deputy Alejandra Sepúlveda Orbenes, a member of the alternative coalition *Chile Limpio*, also voted in favor of the bill. Without reaching the required absolute majority, the Committee resolved to “not legislate” the bill. The outcome of this process once again reveals the peculiarities of the Chilean system and the challenges of building cross-partisan women’s support for a quota in a context where the policy could pose direct threats to men *and* women incumbents, as well as their parties.

The Committee’s decision still did not kill the bill, however. Having been debated in the *Comisión de Familia*, *boletín* 3206–18 had already been issued a technical report, making it the quota proposal that had advanced the farthest in the legislative process in Chile. Bachelet’s last attempt to adopt a quota during her first term in office was thus to issue presidential message 1812–356 on January 13, 2010, thereby giving *boletín* 3206–18 the status of “urgent.”

<sup>25</sup> *Informe grupo de trabajo sobre Reforma al Sistema Electoral*. 2006: 10–11.

<sup>26</sup> *Proyecto de Ley, Boletín Número 5553-06, Cuenta del Mensaje 1050-357 que hace presente la urgencia Suma*. September 01, 2009: 86. <https://www.camara.cl/pdf.aspx?prmID=7364%20&prmTIPO=TEXTOSesion>.

This strategic move led the bill to make it to plenary on January 19, 2010 (over six years after its initial introduction).

Even though the original bill had been introduced by members of multiple parties and women from both coalitions, once it reached plenary, legislators attempted to downplay the need for a quota—conveying that women’s underrepresentation was not due to lack of opportunity but a consequence of women’s lack of interest in running for office. Many women legislators strongly refuted this claim by transferring the responsibility of gender inequality in representation to party leaders, highlighting that women were between 40 percent and 50 percent of affiliated members across Chilean political parties (thus providing a prolific pool for the recruitment of candidates)<sup>27</sup> and arguing that party selectors often acted as gatekeepers, refusing to nominate women or placing them in lists for districts where they had no chances of winning.<sup>28</sup> As described by right-wing Deputy Lily Pérez (RN-*Alianza*):

When I served as general secretary of the RN and member of the Electoral Committee, I often heard men, leaders of political parties, and even legislators who disdained women’s candidacies and did not want more women candidates. I saw it; my personal case was not like this, but I learned about the situation of numerous capable women who were prepared but whose [candidacies] were objected precisely because some people said that they did not want more women in certain roles. There were even political parties’ publications that indicated this.<sup>29</sup>

In both expert reports and plenary debates, legislators and expert consultants indicated that there were women interested in running for office but who were not being given the opportunity. In addition to debunking the argument that women’s underrepresentation was the product of a lack of women interested in running for office, the evidence presented in expert reports and plenary interventions conveyed women’s levels of electability—which only highlighted the threat that an increase in women candidates could pose to men.<sup>30</sup> As center-left Deputy Isabel Allende (PS-*Concertación*) argued, men legislators’ resistance to gender quotas was not due to moral opposition to reserving candidacies, as an informal institution—“*cuotas de poder*”

<sup>27</sup> *Proyecto de Ley, Boletín Número 3206-18, Primer Informe de Comisión*. January 24, 2007: 8. [https://www.camara.cl/pley/pley\\_detalle.aspx?prmID=3456&prmBoletin=3206-18](https://www.camara.cl/pley/pley_detalle.aspx?prmID=3456&prmBoletin=3206-18).

<sup>28</sup> *Proyecto de Ley, Boletín Número 3206-18, Primer Informe de Comisión*. January 24, 2007: 16.

<sup>29</sup> *Proyecto de Ley, Boletín Número 3206-18, Primer Informe de Comisión*. January 24, 2007: 24.

<sup>30</sup> *Proyecto de Ley, Boletín Número 3206-18, Primer Informe de Comisión*. January 24, 2007: 54–55.

(power quotas)—already existed for safeguarding spaces for those already in power.<sup>31</sup> In referring to women's electoral capital, center-left Deputy María Antonieta Saa Díaz (PPD-*Concertación*) also recalled how three women had replaced men incumbents in the 2009 Senate elections.<sup>32</sup> Although emphasizing women's electability was meant to convince party leaders that they would not be losing seats if nominating women candidates, this tactic simultaneously made evident that women could reasonably displace men incumbents. Deputy María Antonieta Saa Díaz furthered this point by conveying that the adoption of a quota would translate into a stricter selection process for men:

Currently, one hundred percent of the quota is for men, and some are competent and others incompetent. [. . .] So, what are the impediments for us to be half [of the nominations]? [. . .] The truth is that there are many intelligent women within parties, but there is no selectivity of the men who are part of the National Congress. I must admit that many would need to go through a selection [process].<sup>33</sup>

By establishing women's interest in running for office as well as their electoral competitiveness, women legislators pressured men incumbents to admit that the justification for their opposition to the quota rested on their own career concerns. Aligned with my expectations that openly opposing gender quotas is likely to incur reputational costs, however, men legislators seldom spoke during plenary debates; when they did, they did not openly express their resistance to the quota proposal as motivated by career concerns.

A key reason for this was that the quota's harshest opponents were often absent from these debates. As indicated in plenary records, many deputies who opposed the bill chose not to attend the sessions during which the proposal was discussed. As also noted previously in the cases of Brazil and Costa Rica, legislators can strategically employ absenteeism in votes they oppose but do not want to lose political capital with their parties and voters (Brown and Goodliffe 2017). This means that what I report is likely to understate the actual level of resistance toward the bill.

Both explicitly and indirectly, incumbents' behavior in legislative debates revealed their resistance to the quota proposal despite the policy's executive backing. With the end of Bachelet's term in office, the bill's status as urgent was revoked. The bill was only discussed once more, on May 12, 2010.

<sup>31</sup> *Proyecto de Ley, Boletín Número 3206-18, Discusión General*. January 19, 2010: 17. <https://www.camara.cl/pdf.aspx?prmID=7622%20&prmTIPO=TEXTOSESION>.

<sup>32</sup> *Proyecto de Ley, Boletín Número 3206-18, Discusión General*. January 19, 2010: 23.

<sup>33</sup> *Proyecto de Ley, Boletín Número 3206-18, Discusión General*. May 12, 2010: 31–32. <https://www.camara.cl/pdf.aspx?prmID=7767%20&prmTIPO=TEXTOSESION>.



On this occasion, center-left Deputy Pepe Auth Stewart (PPD-*Concertación*) exposed the sources of men legislators' resistance to quotas even more directly than his women colleagues had done on previous occasions. As he put it:

If despite being in their political programs [...] political parties do not significantly increase the participation of women, this is because the “weight of the night is big”<sup>34</sup> and that the men who dominate politics in incontestable ways resist openly and sometimes disingenuously to give up the spaces that until recently were theirs in complete exclusivity.<sup>35</sup>

Despite revoking the urgent status of bill 3206–18, President Sebastián Piñera, the first president to be elected from the center-right coalition, *Alianza*, since re-democratization, also signaled his intention to promote women's political representation. Through presidential message 525–360 from March 07, 2013 (recorded as *boletín* 8876–06), Piñera sought to reserve 20 percent of nominations for popular elections for women. Unlike prior proposals, Piñera's bill proposed a temporary measure and did not stipulate electoral sanctions, although it did outline financial benefits as a reward for compliant parties. Recognizing the importance of campaign finance for women's electoral viability, it also offered partial restitution of campaign funds to women candidates and their parties. Despite its significantly weaker design (an IGQS score of 9) and the fact that the proposal was not attached to a broader electoral reform, Piñera did not manage to receive backing from legislators from his coalition and was thus unable to move forward with the bill.

In a context where the executive has strong legislative powers, and the legislature is reactive (Alemán and Navia 2009; Ampuero Villagrán 2007; Baldez and Carey 1999), Bachelet's commitment to quota adoption represented the first real opportunity to approve gender quota legislation in Chile. Legislators' active efforts to weaken and reject executive proposals for quotas, even when these were for stand-alone (i.e., and not broader) reforms, provide a clear signal of their opposition to the policy. Incumbents' indirect efforts to undermine the policy also reveal some alternative strategies legislators can use to boycott the policymaking process without incurring the reputational costs potentially associated with speaking out against women's political representation. Despite detractors' attempts to hide their career-survival

<sup>34</sup> Expression used to describe that the system in place is established to maintain the status quo and defend the “old order” (Mendonza 2012).

<sup>35</sup> *Proyecto de Ley, Boletín Número 3206-18, Discusión General*. May 12, 2010: 20.



motivations for opposing gender quotas, technical reports and interventions by some women legislators showed that the resistance was based on self-interest, particularly concerns that: (1) Quotas could change party norms and organization and result in material and electoral party losses, and (2) reserving nominations for women could result in the displacement of men. The instances of executive-backed quota proposals thus reveal legislators' ability to reject the policy (and, therefore, delay its adoption and lengthen the policymaking process) when their interests align with those of their parties.

### **A quota at last! (a bid to salvage voter approval and protect reputations)**

A gender quota—and, especially, a broader electoral reform—continued to threaten the career stability of legislative incumbents and their parties. By 2014, however, not enacting a reform *also* posed a threat to the prospects of the political establishment. In a plenary session on 13 August 2014, center-left Deputy Roberto Eduardo León (PS-*Nueva Mayoría*) summarized voters' discontent: "People tell us: Why will we vote if those elected are definitively always the same: One from the *Alianza* and one from *Nueva Mayoría*?"<sup>36</sup> Then Deputy Gabriel Boric (independent) conveyed the public's demand even more explicitly:

Our crisis is the product of the slow erosion of an increasingly adverse situation [. . .] Chileans have created a way to refer to this problem: We call it the "problem of the binomial system." The public is clear regarding this point: We must change the binomial system.<sup>37</sup>

Between 1990 and 2014, there were over 35 attempts to replace the binomial system with one that promoted greater proportionality, but—similarly to quota adoption attempts—all bills were quickly shut down ([Arce Riffo 2015](#)).

Rooted in the notion that the binomial system prevented political renewal and protected oligarchies, voter discontent grew ([Luna and Mardones 2010](#); [Siavelis 2009](#)). According to national polls, in October 2010, 29 percent

<sup>36</sup> *Proyecto de Ley, Boletín Número 9327-07, Discusión General, Queda Pendiente*. August 13, 2014: 51. [https://www.camara.cl/pley/pley\\_detalle.aspx?prmID=9742&prmBoletin=9326-07](https://www.camara.cl/pley/pley_detalle.aspx?prmID=9742&prmBoletin=9326-07).

<sup>37</sup> *Proyecto de Ley, Boletín Número 9327-07, Discusión General, Aprobado*. August 13, 2014: 33.

and 15 percent of respondents trusted the National Congress and political parties, respectively. Just one year later, the level of trust for the same institutions fell to 13 percent for the National Congress and 7 percent for political parties (cited in [Arce Riffo 2015](#)). Voters' disillusionment with the political class translated into low electoral turnout, recurring protests, and increasing demands for an encompassing constitutional reform ([Luna 2016](#)). It also promoted the growing success of candidates running as independents ([Valenzuela 2011](#)), something that indicated a clear decline in the strength of traditional politicians and their parties. Cases of corruption involving campaign funding of candidates from both coalitions further increased popular pressure for an encompassing reform of Chile's campaign laws.

Upon her return to office in March 2014, President Michelle Bachelet could thus no longer avoid this issue. But while 73 percent of citizens favored reform, only 32 percent of political elites agreed ([Luna 2016](#), 128). The disconnect between voters and politicians left citizens unhopeful for prospects of reform, leading to high levels of rejection toward Bachelet's government ([Luna 2016](#), 129). With the center-left *Nueva Mayoría* holding over 55 percent of seats in both the Chamber of Deputies and the Senate, Bachelet's government could viably approve an electoral package without requiring the votes of many legislators from the opposition: Approving a constitutional reform would require the votes of two-thirds of legislators ([Macaulay 2009](#), 113), meaning an additional 13 votes in the Chamber of Deputies and four in the Senate. Failures to enact an encompassing electoral reform could thus also be reasonably associated with her coalition. Together, these factors forced the hands of *Nueva Mayoría* members and presented a window of opportunity for reform.

Through the introduction of a new plan to reform Chile's electoral, campaign, and party organization laws, President Bachelet conveyed the urgency of responding to civil society's demands ([Siavelis 2016](#)). Among other changes, presidential message 074–362 (recorded as *boletín* 9326–07) proposed to substitute the binomial for a system with greater proportionality, as well as to establish a temporary gender quota of 40 percent for the lower and upper houses of the National Congress to be applied for three consecutive legislative cycles. As with previous proposals, the bill outlined the award of financial benefits to elected women candidates and their parties. Finally, the proposal also stipulated electoral sanctions for lists that did not comply with the quota provisions (an IGQS score of 12).

Records of the 2014 plenary debates show that incumbents were fully aware of the depth of the crisis of representation and voters' dissatisfaction

with the binomial system. Nonetheless, they also admitted that such reform could lead to their own political demise. Center-left Deputy Fuad Eduardo Chahin (PDC-*Nueva Mayoría*) summarized this during his plenary intervention:

This bill also establishes uncertainty. We know that some will find whatever reason to vote against it because a change in the rules of the game generates uncertainty, and, certainly, in maintaining the status quo, many of us have a higher probability of being elected.<sup>38</sup>

Faced with a situation in which both enacting *and* rejecting a reform posed risks to their individual and their parties' futures, legislators agreed to debate an electoral reform but worked to contain the risks that the package would pose to their career prospects. All aspects of the bill (including the gender quota) were extensively negotiated among members of the *Nueva Mayoría* before reaching the plenary floor. For example, in background negotiations, legislators discussed the inclusion of a larger quota reservation (of 50%) and the application of quota requirements to districts (instead of party lists) as ways to make the quota stronger but ultimately rejected these proposals "to make it less difficult for legislators to accept the quota."<sup>39</sup> To "manage the tensions"<sup>40</sup> within the coalition and gain support for a bill that extensively revised the electoral system and introduced a gender quota, the package also increased the number of seats, avoiding the zero-sum game that a quota would have otherwise posed.

By the time it reached the legislature, this extensively negotiated package had already been agreed upon by members of the center-left *Nueva Mayoría*.<sup>41</sup> Legislative debates on the matter thus downplay legislators' resistance to the quota (and other aspects of the bill). Once the electoral reform was underway, the inclusion of a gender quota into the broader package became non-negotiable: As a policy that was not only backed by the executive but also supported by civil society, the quota could signal legislators' goodwill in the process of reform. As a result, few interventions featured the gender quota and those that did mostly highlighted its inclusion as a way of promoting greater diversity—and thus partly addressing the root cause of the crisis.

<sup>38</sup> *Proyecto de Ley, Boletín Número 9326-07, Discusión General, Aprobado*. August 13, 2014: 25.

<sup>39</sup> Author interview with Rodrigo González, senior staff, executive branch (August 06, 2018).

<sup>40</sup> Author interview with Rodrigo González, senior staff, executive branch (August 06, 2018).

<sup>41</sup> Author interview with Rodrigo González, senior staff, executive branch (August 06, 2018).

Even if the quota was not the central item under debate,<sup>42</sup> certain aspects of the policy's design were still up for scrutiny. Specifically, legislators debated three aspects of the electoral reform that would have implications for the gender quota: (1) An increase in the number of seats and candidacies in both houses; (2) the provision of financial support for women's candidacies; and (3) the maintenance of primaries for candidate selection.

Since its introduction, the electoral reform package included a provision to increase the number of seats in the National Congress. As various legislators conveyed during plenary debates, this was a crucial aspect of the bill. Given that electoral competition was likely to rise as a result of replacing the binomial for a more proportional system, increasing the number of seats in both houses was a strategy to protect their own seats. As center-right Deputy Felipe José Kast Sommerhoff (*Evolución Política-Alianza*) argued:

The increase in the number of legislators has one sole purpose: To get the votes so that those of us who are here do not have to incur risks. The author of this bill, Patricio Zapata,<sup>43</sup> said it himself on the radio. He was directly asked why it was necessary to increase the number of legislators, to which he responded: "Very simple: If not, we do not get the votes [necessary to approve the reform]."<sup>44</sup>

This intervention is similar to others in the Costa Rican and Brazilian contexts in that it highlights that electoral reforms were adjusted in accordance with incumbents' career interests to secure the needed number of votes to pass a bill.

Surprisingly, legislators were unabashed in admitting that the approval of the electoral reform was contingent on the bill's inclusion of provisions that could safeguard them. As right-wing Deputy Luis Arturo Squella Ovalle (UDI-*Alianza*) described: "The only manner you have managed to find to do it [change the electoral system] [. . .] is to tell incumbents, 'Do not worry as you will be elected without increased difficulty' [. . .] guaranteeing to legislators who hesitantly will have to vote for this bill that they will not be under risk."<sup>45</sup> Presumably being critical of others, Deputy Squella Ovalle did not support elements of the package that facilitated incumbents' maintenance

<sup>42</sup> Or, as an actor involved in the electoral reform described, the quota was just a "coadyuvante" (secondary item). Author interview with Rodrigo González, senior staff, executive branch (August 06, 2018).

<sup>43</sup> Constitutional lawyer and president of the *Consejo Ciudadano de Observadores del Proceso Constituyente* (Citizens Council of Observers of the Constituent Process).

<sup>44</sup> *Proyecto de Ley, Boletín Número 9326-07, Discusión General, Queda Pendiente*. August 06, 2014: 56.

<sup>45</sup> *Proyecto de Ley, Boletín Número 9326-07, Discusión General, Aprobado*. August 13, 2014: 23.

in office. Still, his intervention highlights that: (1) Legislators' negotiation of the electoral reform package followed the rationality-oriented logic anticipated by my argument, and (2) negotiations had already taken place before the bill reached plenary, something that should have led to lower levels of disagreement at this stage—and, consequently, less explicit evidence of the on-the-ground mechanisms of my expectations at play.

Rationale centered around self-protection also guided legislators' behavior on provisions with more direct and indirect implications for the quota's design. For instance, despite having already attained an increase in the number of seats (and, consequently, candidacies) to both houses, legislators sought to further increase the number of candidacies parties were allowed to nominate beyond the number of seats in a district. Proposals ranged from  $N \times 2$  (i.e., two times the number of candidates as the number of seats), to  $N+2$ , and  $N+1$ . After much debate, the Chamber of Deputies agreed to allow lists to be composed of  $N+1$  candidates. Proponents of the quota quickly became concerned about this as it would likely water down the effects of the quota—a strategy previously used in Brazil. Once it reached the Senate, various legislators confirmed that the purpose of the  $N+1$  rule was, among other things, to facilitate quota compliance. As center-left Senator Patricio Walker (PDC-*Nueva Mayoría*) stated:

Here, it has been sustained that this is to suit legislators; that with this, we are ensuring reelection. But it's not like that. It is just the contrary, the opposite. [. . .] This will allow to give space to the youth, to indigenous people, to women—something that the quota establishes—etc. In other words, we are expanding the electoral offer.<sup>46</sup>

Opponents of the proposal also justified their positions by highlighting that increasing the number of candidacies was meant to dilute quota demands. As right-wing Senator Juan Antonio Coloma Correa (UDI-*Chile Vamos*)<sup>47</sup> argued:

The only reason for what is being proposed is that there are coalitions that, because of their search for diversity—I am expressing it in rather bland terms so that nobody feels affected—they want to have more candidates, they need more candidates.<sup>48</sup>

<sup>46</sup> *Proyecto de Ley, Boletín Número 9326-07, Segundo trámite constitucional—Sesión 84*. January 13, 2015: 202–03. [https://www.camara.cl/pley/pley\\_detalle.aspx?prmID=9742&prmBoletin=9326-07](https://www.camara.cl/pley/pley_detalle.aspx?prmID=9742&prmBoletin=9326-07).

<sup>47</sup> In 2015, Alianza became *Chile Vamos*.

<sup>48</sup> *Proyecto de Ley, Boletín Número 9326-07, Segundo trámite constitucional—Sesión 84*. 13 January, 2015: 159.

In other words, both supporters and opponents of the proposal recognized that the need for increasing the number of candidacies stemmed from their understanding that a greater number of places in candidate lists would more easily allow the nomination of underrepresented groups, especially women, while protecting incumbents' positions.

Increasing the number of candidates was only one of the ways in which legislators worked to diminish the threats a quota would pose to themselves without weakening the design of the quota in itself. While the reform package planned on altering various electoral rules, the system of OLPR would be maintained. For a quota to be effective in this scenario, the viability of women's candidacies had to be ensured through financial support—something that previous quota debates in Chile had long established. While the reform package included provisions to reward party lists that elected women and to partly refund their campaign costs, unlike earlier bills, the proposal did not establish financial support for candidates themselves or to all women candidates. The executive proposed an amendment to address this gap.<sup>49</sup> Specifically, the amendment sought to modify items 3 and 4 of the bill's second article to institute financial benefits to women candidates based on their electoral performance (i.e., nominal votes gathered). It read:

For the parliamentary elections of 2017, 2021, 2025 and 2029, women candidates [for the positions of] senators and deputies shall be entitled to an additional reimbursement of their election expenses of 0.0100 [Chilean pesos] for every vote obtained, in accordance with the procedure provided for in Article 15 of this law.

This was crucial to increase the viability and competitiveness of women candidates in an electoral system that does not warrant placement mandates. As an amendment proposed and backed by the president, all 65 members of Bachelet's coalition who were present in the session voted as a block in favor of the proposal. Members of the center-right *Chile Vamos* overwhelmingly opposed it, with only one of its women members (Deputy Karla Rubilar Barahona) voting in its favor. Another six deputies from outside the two main coalitions (five men and one woman) also voted in support of the executive's amendments. In the end, the amendment was approved with 72 votes in favor, 40 against, and one abstention. As was the case in other moments during the process of the electoral reform, the vote on this amendment followed the logic of coalitional loyalty. As shown extensively throughout this

<sup>49</sup> Given that this was not an innovation (it had been part of previous bills), it is unclear why it was not part of the original bill.

chapter, however, this does not indicate the preferences of coalition members are unanimous—only that, in the case of Chile, legislators can more effectively advance their preferences ahead of votes.

The third aspect related to the gender quota that was debated during plenary was the policy's incongruence with the system of primaries. By defending the employment of primaries as the most democratic means of candidate selection, incumbents found a way of potentially avoiding the need to comply with the quota altogether. As right-wing Deputy Javier Hernández Hernández (UDI-*Chile Vamos*), an advocate for the prevalence of primaries over the quota, stated:

To those who favor this reform, I can assure you that they do not have, for example, a solution to make the gender quota compatible with the system of primary elections. It is impossible to do it unless sex-segregated primaries are held, which would be a mockery for any serious democratic system.<sup>50</sup>

In an interview, a woman deputy told me that, once the quota started being debated, men legislators and party leaders suddenly became fierce supporters of primaries<sup>51</sup>—a practice parties had hardly employed: From the introduction of the law on primaries in 2011 until 2015, only one party employed the system for candidate selection.<sup>52</sup> Another interviewee, a representative of a women's organization lobbying for the quota in Congress, concurred, conveying that men legislators were fighting with “tooth and nail” to keep primaries.<sup>53</sup> In plenary, center-left Senator Fulvio Rossi Ciocca (PS-*Nueva Mayoría*) revealed the contradictions of some legislators' fierce defense of primaries: “Those who have permanently been against the quota law [. . .] also opposed primaries at the time. And today, they claim that this type of election would be undermined [by the quota].”<sup>54</sup> Senator Fulvio Rossi Ciocca's intervention, expert presentations during Committee meetings,<sup>55</sup> and insights from interviews, combined with parties' unwillingness to employ primaries in the past, all suggest that protecting primaries emerged as a strategy to

<sup>50</sup> *Proyecto de Ley, Boletín Número 9326-07, Discusión General, Aprobado*. August 13, 2014: 42.

<sup>51</sup> Author interview with national deputy, PS (September 24, 2014).

<sup>52</sup> For primary election results, see: Servicio Electoral de Chile. 2016c. *Resultados Definitivos—Elección Primaria de Presidente y Diputados* 2013. <http://www.servel.cl/resultados-definitivos-eleccion-primaria-de-presidente-2013/>.

<sup>53</sup> Author interview with senior staff, *Comunidad Mujer* (September 15, 2014).

<sup>54</sup> *Proyecto de Ley, Boletín Número 9326-07, Segundo trámite constitucional—Sesión* 84. January 13, 2015: 49.

<sup>55</sup> *Proyecto de Ley, Boletín Número 9326-07, Segundo Informe de Comisión*. January 12, 2015: 30. [https://www.camara.cl/pley/pley\\_detalle.aspx?prmID=9742&prmBoletin=9326-07](https://www.camara.cl/pley/pley_detalle.aspx?prmID=9742&prmBoletin=9326-07).

undermine the quota by maintaining a loophole for non-compliance—as had been the case in Mexico (Baldez 2007; Hinojosa 2012, 146).

Various proposals emerged to “reconcile” the co-existence of the quota and primaries. For example, some suggested the suspension of primary elections during the four electoral cycles to which the quota would apply. Others tried to impose the view that primaries should take prevalence over the quota. Amendment 21, introduced by right-wing Senators Alberto Miguel Espina Otero (RN-*Alianza*) and Hernán Larraín Fernández (UDI-*Alianza*), proposed lifting the mandatory status of the quota when candidacies were selected through primaries—a provision that would open an obvious route to exempt parties from complying with the policy. Another Senate amendment proposed the opposite: To maintain primaries but clarify that the quota should be respected regardless of the candidate selection process employed. Approving the amendment would not change the content of the quota itself, but it would ensure that there was less room for loopholes (as accounted for in the “obstacles to implementation” dimension of the IGQS).

Approved by the Senate, this last proposal moved to the Chamber of Deputies, where it was voted on January 20, 2015—the same day the entire electoral reform would be voted. Nearing the end of the electoral reform session, the amendment was approved with 90 votes in favor, 22 against, and five abstentions. As before, members of the center-left *Nueva Mayoría* voted as a block, contributing 66 votes in favor of the amendment. Among members of the opposition present in the vote, 24 voted in favor, while 27 (only one woman) voted against it (or abstained from voting).

On the same day that the amendment was voted on, the entire electoral reform package was also put to a final vote. Establishing financial benefits for women’s candidacies and closing loopholes that could emerge from the policy’s incongruence with primaries made quota provisions in the final text stronger than in the original bill. At the same time, the approval of the N+1 provision indirectly diluted women’s candidacies by making it easier for parties to comply with the quota while ensuring incumbents’ nominations.

Through the adoption of *Ley 20,840* in 2015, Chile finally replaced the binomial system and adopted a gender quota with an IGQS score of 12.<sup>56</sup> As shown in this section, during the period in which pressures for quota adoption did not pose risks to their careers, legislators’ alignment with their parties’ interests allowed them to resist gender quota adoption. This changed

<sup>56</sup> *Ley 20915*, adopted at the same time to establish guidelines for the functioning of political parties, also established an equivalent quota for party leadership positions. Together, this brings up the Chilean quota’s score to 13.



in 2014, however, when deep levels of popular dissatisfaction increased the demand for change and rendered an electoral reform unavoidable. In this context, legislators' assent to a gender quota allowed them to signal responsiveness to voters' demands and a commitment to promoting political renewal. For example, when right-wing Senator Juan Antonio Coloma Correa (UDI-*Chile Vamos*) insisted on defending the use of primaries over the quota, center-left Senator Juan Pablo Letelier (PS-*Nueva Mayoría*) provoked him: "Are you against women, Mr. Senator?"<sup>57</sup> However, evidence of background negotiations for a quota design that was amenable to legislators, as well as proposals that sought to, directly and indirectly, mitigate the quota's effectiveness, reveal that even amidst this context, legislators persisted in using their knowledge of the policymaking process to advance their career-oriented interests. Several interventions that highlight legislators' self-survival motivations support this claim.

As the seventeenth Latin American country to adopt a gender quota, the resulting policy was not as strong as the learning experiences of other countries could predict it to be. First, the Chilean quota established a 40 percent reservation while neighboring countries were moving toward 50–50 parity laws; secondly, it was temporary and only applicable for four consecutive electoral cycles (2017–2029); finally, its adoption coincided with an increase in the number of candidacies, which may have diluted its effects or reduced the threat it posed to men incumbents. Nonetheless, in contrast to Brazil and Costa Rica, where legislators managed to overall significantly dilute the provisions of their original quotas, some important aspects of the Chilean quota were *strengthened* during the legislative process. This outcome may be partially attributed to Chile being a late adopter, as legislators were mindful of neighboring countries' experiences in plenary debates, making it difficult to embed explicit loopholes into the policy's design.<sup>58</sup>

### 30 years of quota policymaking in Chile

After the quota's adoption in 2015, other quota-related bills continued to emerge. Most of them proposed expanding the policy's domain of application. In 2015, *boletín* 10470–07 proposed to reserve 50 percent of cabinet seats to women; meanwhile, *boletín* 11551–06 from 2017 sought to extend

<sup>57</sup> *Proyecto de Ley, Boletín Número 9326-07, Segundo trámite constitucional - Sesión 84*, archival records. January 13, 2015: 802.

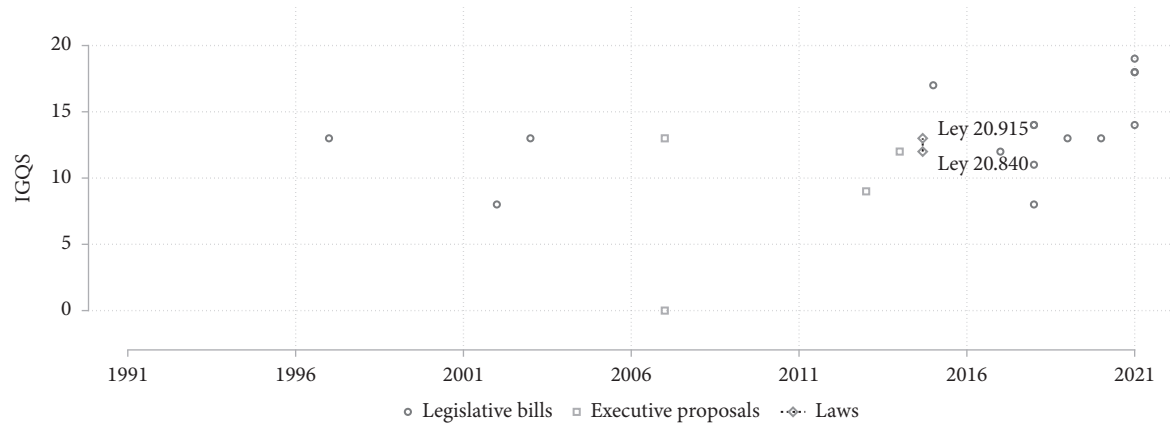
<sup>58</sup> For example, during debates about the potential inconsistencies between primaries and the quota, quota proponents often evoked the Mexican case as a cautionary tale.

the quota to *consejeros regionales* (regional councilors). Similarly, *boletín* 11645–06 from 2018 proposed to change electoral law pertaining to the election of mayors to institute a quota of 40 percent (although it did not specify viability mandates, sanctions for non-compliance, or whether this would be a permanent measure). Also in 2018, numerous efforts sought to more directly address incongruencies between national and subnational level provisions: Since the quota was debated in the context of the reform for national legislature, it did not include provisions about elections for subnational legislatures. To correct this, *boletíns* 11781–06 and 12056–34 proposed to amend the law of municipal legislative elections (*concejales*) to include a quota of 40 percent. Mirroring the 2015 national quota, this proposal outlined electoral sanctions for non-compliance. Also from 2018, *boletín* 11994–34 was even more ambitious, proposing to extend the quota to all positions—those of municipal legislative elections, as well as to the majoritarian elections for mayor (*alcaldes*) and governors (which would be directly elected for the first time in 2021). Proposed in 2019, *boletín* 12915–06 was another attempt to correct incongruencies by proposing that following the quota law outlined in *Ley 20.840*, a new text should be added to clarify that the same provisions should also apply to regional and municipal legislative elections. In other words, between 2015 and 2019, none of the gender quota-related bills introduced to the National Congress aimed at strengthening the design of legislative quota but, instead, had the intention to expand the policy to other elected positions—including positions elected through majoritarian rule, once again undermining the argument that earlier resistance to the quota in Chile stemmed from its institutional misfit with the binomial system.

In 2019, legislators turned their attention to the format of the Constituent Assembly; a cluster of proposals for parity reserved seats emerged amidst these debates.<sup>59</sup> In 2020 and 2021, inspired by the parity law approved for the Constituent Assembly (Suarez-Cao 2021), most<sup>60</sup> bills introduced sought to either transform the legislative quota into a parity law (as was the case of *boletíns* 14099–07, 14104–07), and/or apply a parity law to the National Congress as well as other elected positions, such as regional (*boletín*

<sup>59</sup> These are: *Boletín* 13126-07, *boletín* 13127-07, *boletín* 13130-07, *boletín* 13131-07, *boletín* 13132-07, and *boletín* 13134-07. Given that the Constituent Assembly constitutes a special type of legislative body created for the specific purpose of designing a constitution, I do not consider these proposals in my analyses. As Reyes-Householder et al. (2024) highlight, the debate around parity for the Constituent Assembly was not controversial, mainly because this constitutes a special body—and, as such, establishing a gender parity law for the election of this body would not risk compromising incumbents' career prospects.

<sup>60</sup> The exception is *boletín* 13574-06, which proposed that candidacies rejected by the electoral authorities should be replaced by other candidates of the same sex.



**Fig. 7.4** The timing of adoption, strength of design, and length of policymaking process of gender quotas in Chile  
*Note:* The unit of analysis in the bill/executive proposal/law. Compiled by the author with original data on the strength of policy designs measured with the IGQS (developed in [Chapter 4](#)).

14512–06) and municipal councils (*boletín* 14166–06). As has been characteristic of earlier bills, these have overwhelmingly been introduced by mixed-gender teams of legislators from the left and did not progress significantly in the legislative process. In fact, all quota-related bills introduced since the adoption of the gender quota in 2015 have either been archived or remained stuck in the legislative process.<sup>61</sup>

As summarized in [Figure 7.4](#), my analysis of 30 years of gender quota policymaking in Chile reveals that legislators’ career-oriented resistance impacted the timing, strength of design, and length of the legislative process. Despite being pushed by the executive, legislators’ vulnerability to the policy motivated them to intentionally bar policymaking from progressing, making Chile one of the last countries in Latin America to adopt a quota. Specifically, Chilean legislators’ resistance to quotas delayed the policy’s adoption for 18 years. Pressure from below, however, ultimately rendered electoral reform unavoidable ([Reyes-Housholder, Suárez-Cao, and Le Foulon 2023](#), 263-264); in a context where the need to signal commitment to voter demands was strong, legislators conceded to quota adoption but negotiated the policy’s design in the background in efforts to mitigate its potential impact. As a result, the design of the Chilean gender quota fell short of regional standards, which advanced considerably during the decades when Chile was still avoiding the policy. Chilean legislators’ longstanding resistance to quota adoption (and then strengthening) also prolonged the policymaking process: 30 years after Argentina adopted its first gender quota, Chile continues to make efforts to strengthen its original policy.

## Conclusion

Amidst the “first wave” of quota policymaking in the region, Chilean legislators first introduced a gender quota bill in 1996. In a candidate-centric system with strong parties, where a gender quota could harm both legislators’ prospects and their parties’ standing within their coalitions, legislators strongly resisted the policy’s adoption. Despite presidents’ attempts to bring the topic into the spotlight, legislators held their stance, lengthening the policymaking processes and rendering Chile one of the last Latin American countries to adopt a gender quota.

<sup>61</sup> The exceptions are proposals related to the Constituent Assembly and *boletín* 11994-34, which has been debated in legislative committees and plenary, and technically remains under consideration—although it had been stagnant for 13 months at the time of writing.

As my analysis showed, similarly to the case studies of Brazil and Costa Rica, career concerns influenced Chilean legislators' approach to gender quotas; as in my other two cases, quota adoption in Chile only took place when resisting the policy became costlier than supporting it. Even more so than in Brazil and Costa Rica, in Chile, the adoption of a gender quota could have dramatically disrupted electoral dynamics, with dire consequences for political parties across the political spectrum, as well as men *and* women incumbents. In this context, while it may have been in the interest of left-wing legislators and parties to display public support for a policy to promote gender equality in politics, the actual adoption of the policy was not.

Given the institutional particularities of the Chilean case, it is not surprising that, while I still find evidence of the micro-foundations of my theoretical expectations in this setting, the strategies legislators employed to resist—and ultimately assent to—gender quota adoption offer some variation from my other two case studies. In a system where legislators' legislative powers are reactive, women *and* men incumbents from the center-left *Concertación* could introduce gender quota bills to signal their commitment to gender equality without the risks of approving a policy that would go against their own career interests. Similarly to the cases of Brazil and Costa, in Chile, the most ambitious (and promising) efforts for advancing quota proposals came from non-legislative actors. Unlike these cases, however, the executive, not the judiciary, played a major role in quota policymaking. Even when presidents with high agenda-setting powers proposed gender quotas, career-oriented legislators blocked their advancement, thus delaying quota adoption.

Unlike in Brazil and Costa Rica, where early and frequent electoral reforms imposed on legislators the reputational costs of publicly rejecting gender quota proposals, the high coalitional stability and incumbency advantage offered by the binomial system created disincentives for Chilean legislators (or the executive) to engage in electoral reform. When a crisis of representation rendered encompassing electoral reform unavoidable, Chilean legislators behaved similarly to their counterparts in Brazil and Costa Rica: Responding to partisan/coalitional and public demands in roll-call votes but working behind closed doors to negotiate quota designs that mitigated the risks to their careers.

# 8

## Conclusion

### Introduction

By 2021—30 years after Argentina’s pioneering gender quota adoption—women occupied more than 40 percent of the seats in the national legislatures of Nicaragua, Mexico, Bolivia, Costa Rica, and Argentina ([Inter-Parliamentary Union 2023](#)). In large part, the revolutionary transformation of the gendered composition of legislatures in Latin America can be attributed to the proliferation of strong gender quotas. However, taking a step back to reflect on the 30 years of quota policymaking in the region reveals a more nuanced picture: In some countries, quota proponents have indeed managed to solidify advances but only after many years of struggle; in others, they still battle to overcome resistance and enact transformative policies.

Legislative resistance to gender quotas is not unexpected. At the time of quota adoption, men hold the majority of legislative positions. Gender quotas are designed to specifically address this overrepresentation of men by promoting women’s candidacies, an endeavor that inevitably requires the displacement of at least some men legislators. *So, under what conditions are (men) legislators more likely to support the adoption of gender quotas—a policy that goes against their career interests?*

Merging insights from the literatures on gender and politics, electoral change, and legislative behavior, I argue that incumbents are more likely to favor the adoption of gender quotas when opposition to the policy also threatens their careers. Legislators’ strategic and self-interested behavior toward gender quotas, I posit, has observable implications for the timing of quota adoption, strength of the policy’s design, and length of quota policymaking processes. Employing a multi-method approach, I tested this argument at different levels of analysis and examined the observed implications of my theoretical expectations in three in-depth case studies.

In this concluding chapter, I seek to achieve three main goals. First, I provide a summary of the argument and findings. In so doing, I show how the experimental, quantitative, and qualitative evidence I presented across different chapters converge to reinforce one another in providing

support for the micro-foundations and aggregate implications of my argument. Second, intending to strengthen still ongoing efforts to overcome gender quota resistance, I outline the main strategies that quota proponents and opponents adopt to advance their conflicting interests—takeaways that may also be relevant for other marginalized groups who, similarly to women, also endeavor to enhance their opportunities for political representation through targeted policies. Finally, I discuss the ramifications of my findings for core ongoing debates and propose possibilities for future research before offering some final thoughts about the topic's continued relevance.

## Main argument and findings

Complementing the rich scholarship on the roles of international norms and transnational diffusion, women's groups, and political parties in promoting quota adoption, this book focuses on the role of (men) legislators in quota-related policymaking processes. By focusing on this group, I do not claim legislators are the *only* actors with power over the quota policymaking process. As shown throughout my analyses, legislators' preferences and behaviors at times respond to and at times influence the preferences and behaviors of other actors involved in quota policymaking processes. These include actors whose roles have been extensively covered by the existing literature, such as civil society organizations, women legislators, political parties/party leaders, the judiciary, and executives. As my analyses convey, although men legislators are not the only set of actors involved in quota policymaking, their career-oriented behavior towards quotas has consequences for the timing of quota adoption, strength of quota design, and length of the policymaking process; had it not been for their actions, quotas throughout the region could have been adopted sooner, had stronger designs, and processes of policymaking could have been shorter than they otherwise were.

Broadly, my argument rests on three core tenets: (1) Gender quotas are most threatening to some legislators, who are thus more prone to resisting quota adoption for career-oriented reasons; (2) even legislators whose careers are threatened by quotas become more supportive of the policy when opposing it could also potentially harm their future political prospects; and (3) legislators' self-interested preferences toward gender quotas have observable implications for quota policymaking processes. Below, I briefly outline these three principles and summarize the evidence I present in their support.

## **1. Gender quotas are the most threatening to ambitious yet vulnerable men**

Aligned with the scholarship on endogenous electoral engineering, I expect legislators—by default, actors who reached political office by successfully navigating through the established electoral rules—have no incentives to modify the institutional setup that has allowed them to win unless they believe that doing so would improve their electoral advantages. But legislators are not all the same, so it is plausible to expect that electoral reform is beneficial to some incumbents while detrimental to others.

As a fundamental principle, gender quotas seek to tackle men's political overrepresentation—and, in doing so, inevitably displace some of the very men who possess the power to hinder the approval of this policy. On average, I expect men legislators to use their legislative powers to protect themselves from electoral change that could harm their prospects and, thus, to be more resistant to quota adoption than women. Conversely—and aligned with an extensive literature on quota advocates that points to the strategic and normative reasons for women's pro-quota stances (Bruhn 2003; Catalano Weeks 2018; Caul Kittilson 2005; Hassim 2002; Josefsson 2020; Matland and Studlar 1996; Meier 2004)—I expect women legislators to be the most likely proponents of quota adoption.

The assumption underlying men's self-interested behavior toward gender quotas is that adopting the policy could harm men's career prospects. This, of course, is only the case for incumbents who seek to continue pursuing political careers. Following this logic, I also expect legislators with the ambition to remain in politics to be more resistant to a policy that could increase competition for political offices; meanwhile, I anticipate that the preferences of legislators who lack the ambition to continue pursuing political careers to be more strongly guided by principles other than self-interest (e.g., ideology).

Finally, ambitious legislators are not all in the same position to achieve their goal of pursuing future political careers; even in the absence of a gender quota, some incumbents are stronger contenders than others. Gender quotas increase competition for finite positions. Legislators' vulnerability to displacement upon quota adoption is thus also likely to affect their preferences toward the policy. I anticipate legislators most vulnerable to increased competition to be more resistant to quota adoption than those unlikely to be displaced by the policy. Legislators' levels of vulnerability to displacement are only partially under their control. While their individual levels of political capital matter because quota compliance takes place at the party level, parties' pre-quota levels of women's political representation also shape the extent to which each party would have to displace their members to incorporate women.



Throughout this book, I provided experimental and qualitative support for the expectation that some types of legislators are the most threatened and, consequently, more resistant toward gender quotas. First, in [Chapter 3](#), I unpacked the micro-foundations of my argument and explored whether and how the individual-level characteristics of legislators impact their preferences toward gender quotas. Analyzing data from a survey experiment with Brazilian legislators, I confirmed my theoretical expectations that legislators' sex, political ambition, and vulnerability to displacement impact their quota-related preferences. Specifically, I found that the priorities of legislators who are men, have the ambition of further pursuing their political careers, and are vulnerable to displacement are consistent with a self-protection strategy: Legislators with this profile are less supportive of more substantial quotas and prefer policy provisions that could mitigate the quota's effectiveness, and, consequently, their chances of displacement.

Aligned with these micro-level findings, throughout my case studies, I showed that ambitious and vulnerable men resist quota adoption. One indication of this is that, in reconstructing the histories of quota policymaking in Brazil, Costa Rica, and Chile, I found that men legislators have overwhelmingly been the group to actively and explicitly voice opposition to quotas. In their interventions, these men have often revealed career concerns as the reason behind their resistance to the policy. Contrary to common sense, but aligned with prior findings that rules that prohibit re-election do not decrease men's resistance to quota adoption ([Baldez 2004](#)), I find that, across systems, incumbents' main goal is to retain political power—and that quotas can threaten these prospects.

Since gender quotas constitute a policy to promote gender equality, legislators have a normative incentive to hide preferences motivated by self-interest ([González Ocantos and LaPorte 2019](#), 1410). Under such circumstances, the admittance of career-oriented behavior should be rare. The numerous instances where men legislators openly acknowledge their strategic calculations serve as strong—that is, “smoking gun” ([Collier 2011](#); [Mosley 2013](#), 21)—evidence supporting the notion that career concerns play a central role in motivating men legislators to resist quotas.

Ultimately, it is not individual legislators but rather the collective body that decides whether to adopt or reject gender quotas; in other words, the preferences at the individual level aggregate to shape the preferences of the legislative body. Another piece of evidence supporting my expectation that ambitious, vulnerable men are behind quota resistance came from my analyses of how changing levels of vulnerability toward quotas at the aggregate (i.e., legislature) level shift the prospects of quota reform.

Although vulnerability to quotas at the legislature level may have fluctuated in Brazil and Chile in the period under analysis (1991–2021), no drastic changes have occurred, and most legislators remained vulnerable to displacement. Meanwhile, in Costa Rica, endogenous and exogenous factors contributed to a drastic change in the gender and partisan composition of legislators, rendering the majority of them safe from displacement. This new equilibrium provided an opportunity for meaningful policy strengthening.

Finally, the behavior of actors not expected to be at risk of displacement further corroborated the notion that ambitious, vulnerable men are the main obstacles to quota policymaking. In Brazil and Costa Rica, women legislators from across the ideological spectrum have been consistently more supportive of gender quotas than men. In Chile, where a quota could also put women's careers at stake, a cross-coalitional women's alliance in support of quotas did not emerge. As shown in [Chapter 4](#) and across my three case studies, non-legislative actors—such as executives and electoral court judges—have also been fundamental in prioritizing quotas in legislative agendas and de facto strengthening gender quota designs.

## **2. Legislators show increased support for quotas when resistance could harm their careers**

As detailed above, I expect legislators' sex, career ambition, and vulnerability to displacement to shape their preferences toward gender quotas. Given the policy's goal of addressing this issue, it is reasonable to expect that, before quota adoption, most legislators are men. As political scientists have long established, staying in power is politicians' main goal ([Downs 1957](#); [Fenno 1977](#); [Mayhew 2004](#)). On average, women are not less competitive candidates than men and can reasonably be expected to increase electoral competition ([Allen, Cutts, and Campbell 2016](#); [Besley et al. 2017](#); [Schwarz and Coppock 2022](#)). Together, this means that when demands for quotas arise, the modal profile of legislators is of ambitious men who are vulnerable to displacement. As established above, I showed that this profile of legislator resists quota adoption.

This could result in a static scenario where gender quotas are not adopted. The proliferation of gender quotas, of course, challenges this. So, when do resisting legislators become more prone to assenting to quota adoption? I argue that this happens when opposing gender quotas also poses risks to legislators' future careers. Specifically, I claim that the risks of quota opposition increase when legislators' policymaking behaviors are most likely to be monitored by parties and voters.

Be it for strategic or normative reasons (e.g., Baldez 2004; Catalano Weeks 2018; Caul 2001; Valdini 2019), political parties from across the ideological spectrum may have an interest in promoting gender quotas. Due to gendered expectations about desirable politician traits and greater diversity in representation, voters' support for gender quotas also tends to be high (Barnes and Córdova 2016; Beauregard 2018; Espírito-Santo 2016). Legislators' career prospects depend on their parties and voters (e.g., Gerber and Lewis 2004; Hazan 2014; Hix 2004). As such, legislators seeking to pursue future careers have the motivation to be responsive to the preferences of their respective parties and voters.

The evidence presented throughout my empirical chapters lends support to this expectation. Employing data from roll-call votes in Chapter 3, I explored how legislators whose careers are threatened by a gender quota behave within a context of party and voter oversight. Aligned with my theoretical expectations, I found that roll-call votes force legislators to weigh the potential costs of quota adoption against the risks of opposing their party guidelines and being punished by voters. The prospect of reputational damage with parties and voters weakens legislators' capacity to oppose gender quotas outright. More specifically, I revealed that, although there is some indication that, particularly among men, career ambition and vulnerability to displacement reduce support for gender quotas, it is party whip and left-right ideology (the closest available proxy for voters' preferences) that more substantially impact legislators' behavior toward quotas in roll-call votes.

This indicates that support for gender quotas becomes more likely in circumstances in which legislators' opposition to quotas could impose risks to their careers. The evidence I presented in qualitative analyses provides further support for these micro-level findings. As I discussed in Chapter 4, despite variations in electoral systems and legislatures' regulatory frameworks, electoral and constitutional reforms have been critical to the approval of original gender quota legislation throughout Latin America. Archival materials documenting legislative processes across the region attest to legislators' responsiveness to their parties and voters as contributing to the unanimous or nearly unanimous approval of quota proposals embedded into larger reforms.

My case study chapters showed how these processes unfold in greater detail: In both Brazil and Costa Rica, electoral reforms provided early opportunities for quota adoption. In both contexts, the whip of at least some party leaders and citizens' support for the initiative were fundamental to achieving this prospect. Costa Rica's prior attempt at quota adoption reinforces this: In the context of a larger bill promoting gender equality, legislators managed

to circumvent popular demand for a gender quota and still signal support for women's rights by approving other chapters of the bill. Conversely, in Chile—where the maintenance of the binomial system was in the interest of incumbents—the absence of electoral or constitutional reforms that could increase party and voter oversight over their behavior allowed legislators to avoid quota demands in more obscure/private background negotiation processes, even when these demands came from the executive. When growing voter distrust prompted an electoral reform, Chilean legislators assented to quota adoption and used the policy to signal to voters their commitment to political renewal. As my case study chapters also revealed, in the absence of situations that increase risks to their reputations with their parties and voters, legislators' modal behavior is to resist quota adoption by barring quota bills from advancing in the legislative process.

### **3. Legislators' self-interested behaviors have implications for gender quota policymaking**

Legislators' career-driven behavior toward quotas has observable implications for the timing of adoption, strength of policy design, and length of quota policymaking processes. Across my three case studies, gender quotas were only adopted as part of broader electoral reforms whose approvals were in the interest of the majority of legislators. In the absence of such windows of opportunity, legislators have been able to delay quota adoption. Although in Brazil, the demand for a quota emerged concurrently with an electoral reform, in Costa Rica and Chile, legislators' resistance to gender quotas succeeded in delaying the adoption of the policy for eight and 18 years, respectively.

As I showed in [Chapter 3](#), ambitious and vulnerable men prefer weak gender quota designs. As my other empirical chapters revealed, this translates into legislators' active efforts to negotiate the weakening of quota designs and, ultimately, the approval of legislation with embedded known gaps. In assessing all cases of gender quota legislation in Latin America, [Chapter 4](#) showed that, throughout the region, the weaker aspects of quota designs are viability mandates and sanctions for non-compliance—precisely areas that could render the policy more efficient in increasing women's political representation ([Dahlerup and Freidenvall 2011](#); [Krook 2010](#)). My in-depth case study analyses reinforced this finding, showing how legislators use background negotiations, amendments, and substitute texts to create loopholes in gender quota designs. Legislators' endeavors to mitigate the damage a quota could impose on their careers prove effective. In Brazil, legislators' strategic electoral engineering resulted in the maintenance of a quota with a

weak design for over 24 years. At the time of writing, nine years since Chile's adoption of a gender quota, the original policy has yet to be strengthened. In Costa Rica, legislators' work to contain the quota's strength was short-lived—but only because judicial reinterpretations strengthened the quota's implementation despite legislators' resistance. As [Chapter 4](#) outlined, this is not unique to Costa Rica: Across Latin America, non-legislative actors have been fundamental in closing quota loopholes.

Although Costa Rica and other Latin American cases denote that strong gender quotas are indeed a possible outcome of legislative processes, my analyses made evident that this result is unlikely in the short term and that another consequence of legislators' quota resistance is the lengthening of quota policymaking processes. Across Latin America, it has taken an average of 16 years between the first quota adopted in a country and its latest policy revision effort. Many of these countries continue to see demands for further quota strengthening, so the quota-related policymaking process is still not over. In Costa Rica, it took over 30 years of legislative attempts until the quota reached a design that requires no further strengthening. In Brazil and Chile, these processes are still ongoing.

## Overcoming resistance: A how-to-guide

A critical insight that emerges from my analyses is that the adoption and strengthening of gender quotas occur despite (and not because) of men legislators' policy preferences. In other words, achieving quota adoption and strengthening is a feat that requires quota proponents to employ several strategies. In the conclusion of her book, Wylie describes that “at the root of the literature on women's representation lies a drive to enhance female empowerment” ([Wylie 2018b](#), 220). Similarly, Brinks and colleagues volume also concludes with a call for scholarship guided by normative principles and that can contribute to democratic strengthening ([Brinks, Leiras, and Mainwaring 2014](#), 353–54). Inspired by their words and motivated by this book's emphasis on policymaking, I highlight four strategies<sup>1</sup> quota proponents in Costa Rica, Brazil, and Chile employed to overcome resistance

<sup>1</sup> These strategies are not exhaustive. For example, given the existing literature's extant coverage of the importance of women's cross-partisan action to push for gender quotas (and women-related policies, more generally, as extensively detailed in [Barne's \(2016\)](#) book), I do not provide further commentary on this tactic. In a recent report targeted at civil society organizations and published in English, Portuguese, and Spanish, Thomé and I also outline strategies that non-state actors can take to advance electoral reforms that promote diversity ([Gatto and Thomé 2023](#)).

and advance quota policymaking. These tactics have, in the past, contributed to improving women's political representation in countries with different electoral systems and legislative regulatory frameworks—but may also be useful to continued efforts to promote greater diversity in politics in Latin America and beyond.

### **1. Inserting quota proposals into larger bills (i.e., logrolling)**

Policymaking processes are complex. This complexity gives legislators ample opportunities to kill or delay the advancement of bills that go against their interests. As shown in all my case studies but perhaps most notably in the case of Chile, from the perspective of ambitious, vulnerable men, deterring bills from moving forward in the legislative process is a particularly good strategy, as this protects legislators from potentially having to oppose the policy later on publicly. Since the number of bills introduced tends to be far superior to the number of projects legislatures can debate at a given time, agenda-setting is always essential. For a policy prone to insiders' opposition, agenda-setting is *particularly* crucial. As such, making gender quota bills a priority in legislative agendas is often the first hurdle quota proponents must surpass.

As my three case studies demonstrate, a key strategy quota proponents employ to overcome this obstacle is logrolling—or, in other words, the insertion of quota proposals into larger bills that have already been given legislative priority. As a type of electoral institution, an obvious opportunity for logrolling quotas is during debates of more extensive electoral reforms. As discussed in [Chapter 4](#), gender quotas' normative goal of promoting gender equality in political office, however, has also created the possibility of logrolling during processes of constitutional reforms (i.e., when citizenship and representation considerations are made) or when more extensive women's rights frameworks are under debate.

While these three types of larger bills may offer opportunities for fast-forwarding the legislative assessment of quota proposals, they do not equally give women legislators (and broader coalitions of quota supporters) the same level of bargaining power. As seen in the first attempt at quota adoption in Costa Rica in 1988, the approval of a broader framework for the promotion of gender equality allowed men legislators to exclude quota provisions from the larger package while still signaling their support for women's rights. In other words, packages that are in the interest of legislative majorities provide the most propitious opportunities for logrolling.

## 2. Shaming opponents into quota support

After inserting quota demands into larger bills, quota proponents across my three cases have worked to increase the reputational costs of publicly opposing gender quotas. Quotas' explicit goal of promoting gender equality in political bodies makes it harder for legislators to openly reject the policy without risking being seen as contrary to women's political representation. Women's standing as roughly half of the electorate further elevates this electoral concern. Knowing this to be the case, quota proponents in various settings—the executive, the legislature, and civil society organizations—have worked to increase the publicity of gender quotas in the public eye, seeking to make quota opposition costlier for career-oriented men politicians.

In Costa Rica, this strategy was most notably employed by the executive, which dedicated substantial resources to promoting an extensive public campaign to raise awareness about the need for a gender equality framework in 1988. This campaign took many forms and included family activities in public spaces, marches, and ads on radio and television (INAMU 2011). As a result, when legislators decided to strike quota provisions of the larger bill, civil society responded by sending dozens of letters of outrage addressed to quota opponents, asking them to review their position on the policy. However, as detailed in Chapter 6, the high publicity of the bill was still insufficient to force the hands of legislators into approving the quota in this opportunity; this being a bill on women's rights, legislators could signal their support for gender equality by approving other aspects of the larger bill.

In Brazil, quota proponents working within the legislature were particularly explicit in their efforts to use shaming as a strategy to gain support for a quota proposal. During plenary debates on a quota bill in 2015, the Women's Caucus "surprised" legislators with video interviews where they asked men legislators whether they supported the initiative. This tactic was purposefully designed to make legislators embarrassed to go against the bill publicly while also attempting to "lockdown" their support in roll-call votes by ensuring that a vote against the policy would be incongruent with their video declarations made available online.<sup>2</sup> Similarly to Costa Rica, the Women's Caucus' attempts to shame legislators into adopting reserved seats was unsuccessful in Brazil. However, this strategy was still fundamental in gathering high support for the bill at roll-calling. As discussed in Chapters 3 and 5, ambitious and vulnerable men legislators largely voted in its favor in order to

<sup>2</sup> Author interviews with Iara Cordero, senior staff, Women's Caucus (25 July 2018), and Gerson Scheid, senior staff, Women's Caucus (25 July 2018).

“save face” but without trusting that it would achieve the threshold necessary for its approval; when the bill only failed to pass by a small margin, legislators refused to vote on future iterations of the proposal fearing its approval.

Perhaps due to Bachelet’s public commitment to the insertion of a gender quota into the electoral reform, as well as to the already low levels of trust in politicians, Chilean actors did not employ shaming as a strategy as much as their counterparts in Brazil and Costa Rica. Nevertheless, civil society organizations still made efforts to raise awareness about gender quotas among the general public. For example, organizations such as *Comunidad Mujer, Chile 21*, and *Corporación Humanas* built online platforms dedicated to covering the progress of the gender quota policymaking, profiling specific legislators’ backing of the proposal, as well as asking voters to showcase their support of the quota by sharing the campaign online.

### 3. Exploiting existing institutions

As discussed previously, an important strategy to facilitate quota policymaking is embedding quotas into existing bills that are more advanced in the legislative processes. Similarly, an important strategy to promote (and justify) quota strengthening is attaching quota provisions to existing institutions. Gender quotas do not emerge in a vacuum but are, instead, inserted into frameworks of institutional rules. These rules may provide quota proponents with a point of departure for quota demands.

Across my case studies, quota proponents’ use of constitutional layering to strengthen quota provisions has been apparent in two main instances. The first of these cases is Costa Rica’s move from a 40 percent quota to a parity regime. Similarly to other Latin American cases, the need to reform the Costa Rican law was justified based on the principles of “equality and non-discrimination” outlined in the Costa Rican constitution. In other words, quota proponents’ justification for quota strengthening under these terms made it harder for opponents to object to change, as such objection would also go against principles already established by the country’s principal political document.

More recently, in the case of Brazil, women legislators used the campaign finance fund, created in 2016 after Brazil’s highest court ruled that corporate campaign donations were unconstitutional, to request the judiciary to reserve 30 percent of this fund for women’s candidacies. The justification for this relied on two existing institutions: (1) The (recently established) campaign fund funded by public (thus, constituents’) money, and (2) the gender quota reserving 30 percent of candidacies in party lists for women.



The Brazilian case is particularly appropriate to illustrate the strategic benefit of relying on institutional layering for quota strengthening. Since the very first debates on gender quotas in 1995, women legislators understood that in the context of Brazil's OLPR system, a gender quota would only be effective if it also ensured the viability of women to compete in elections. This meant that quota proponents recognized the importance of reserving campaign funding for women. This demand was brought up early in the quota policymaking process but never approved. At that time, due to the absence of a publicly funded campaign finance system, women legislators' proposals targeted party funds, a funding source that parties could more plausibly argue they needed to oversee to uphold their partisan autonomy. As a result, quota proponents' most significant gains in increasing women's electoral viability had been minor reservations in television time and party finance to promote women's political participation—not women legislators' *campaigns*. In other words, the creation of a publicly funded pot dedicated exclusively to campaign financing ultimately provided quota proponents with the means to advocate for changes in the one aspect that could enhance the effectiveness of the quota within an OLPR system.

#### **4. Gaining the support of non-legislative actors**

Finally, as shown in my regional analyses and three case studies, non-legislative actors can be critical allies of quota proponents, facilitating quota adoption and expediting strengthening. Unlike legislators, non-legislative actors are generally not subjected to quota legislation, meaning that the future of their careers is not threatened by the legislative domain's adoption or strengthening of quotas. Nevertheless, executive and judicial actors still have substantial powers over policymaking processes. Across contexts, executives can often influence agenda-setting and legislative behavior in roll-call votes, while judges can issue interpretations of legislation that effectively change their designs (Alemán and Tsebelis 2005; Pereira 2022). As discussed in Chapter 2, non-legislative actors may not only have the means but also the incentives to advance gender quotas (González Ocantos 2016; Mainwaring and Shugart 1997; Pereira 2022).

Throughout Chapters 4–7, I have noted the numerous ways that non-legislative actors have exerted influence in promoting quota adoption and strengthening. For example, in Chile, Michelle Bachelet used the extensive powers of the presidency to prioritize quota bills; during her second term, she made the inclusion of a gender quota into the larger electoral reform package a non-negotiable item. In Costa Rica, the role of the executive in promoting a broader gender equality framework in 1988 is also undeniable. Moreover, although executive representation at the time is associated

with the presidency of Óscar Arias, all my interviewees have emphasized the crucial role of his then-wife, Margarita Penón, in pushing for the broader bill—especially the gender quota.

While executive actors may drive processes of quota adoption in Costa Rica, the judiciary may have a particularly prominent role in policy strengthening. Again, unequivocally, all my Costa Rican interviewees pointed to the vital role of Judge Maria Eugenia Zamorra in carefully studying quota provisions and issuing resolutions that were critical to changing the quota's design in practice and ensuring the policy's effective implementation. In Brazil, Zamorra's counterpart is Judge Luciana Lóssio, who, as Minister of the TSE, led the court in increasing its role in overseeing the effective implementation of the policy.<sup>3</sup> After leaving the TSE, Lóssio continued to pursue strengthening the quota as a lawyer, using the knowledge gained as a minister to encourage women legislators to seek quota strengthening through judicial resolutions and then legally representing them. As detailed in [Chapter 5](#), her most recent efforts in 2018 resulted in the reservations of campaign funds for women.

Unlike in legislatures where collective action is necessary to advance policy adoption and subsequent reform, the aforementioned instances highlight that an important strategy quota proponents can adopt to advance their interests is to receive the support of critical actors in the executive and judicial branches. In these domains, securing the commitment of one or two actors may lead to transformative outcomes.

Men presidents and judges have held crucial roles in promoting gender quotas through their respective positions, but, as my case studies illustrate, the role of women in the executive and judicial branches is noteworthy. This highlights the importance of women's strategic partnerships across government levels, branches, and organizations for successful policy change ([Abrar, Lovenduski, and Margetts 2000](#); [Barnes 2016](#); [Holli 2008](#); [Mazur 2002](#)).

## Future research

In this book, I have focused on the conditions under which career-driven legislators adopt (and strengthen) gender quotas. My theoretical framework and findings raise several questions that could be tackled in future research. First, how far do findings from Latin American cases extend to other settings? An

<sup>3</sup> As [Gatto and Wylie \(2021\)](#) show, quota compliance increased significantly in 2014, the general elections following Lóssio's nomination to the TSE in 2013.

extensive literature in political science posits that politicians' goal of retaining office shapes their preferences and behaviors while in office (Downs 1957; Fenno 1977; Mayhew 2004). The micro-foundations underpinning my argument should, thus, reasonably travel beyond the Latin American context. As my own in-depth analyses of three case studies indicate, however, institutional variation may inform *which* groups of legislators resist gender quotas and *how*. The resistance strategies employed by quota antagonists in contexts with starkly different institutional setups than the ones I examine in Latin America (e.g., parliamentary systems) thus remain unknown.

Second, beyond quota adoptions and revisions, how else does men's self-interested behavior impact women's political representation? As gender and politics scholars have long documented, gendered dynamics affect all stages of women's career trajectories, from candidate recruitment (e.g., Bjarnegård and Kenny 2015; Piscopo 2019) to legislative effectiveness (e.g., Funk, Morales, and Taylor-Robinson 2017; Heath, Schwindt-Bayer, and Taylor-Robinson 2005; Murray and Sénac 2018) and exposure to violence (e.g., Biroli 2018; Krook 2017; Krook and Restrepo Sanín 2016). While this literature has provided extensive evidence for the myriad consequences of gendered institutions and political parties for women's political representation, the role of men legislators (and their career-oriented preferences) has remained less clear.

Although gender quota policymaking processes are still ongoing in many countries around the globe, a growing demand for greater diversity in representation has also prompted the rise of debates around policies targeted at increasing the political representation of other marginalized groups (Freidenberg 2022a; Gatto and Thomé 2023; Piscopo and Wylie 2020). A third question thus arises: Are demands for the political representation of other politically marginalized groups also likely to prompt a similar pattern of career-oriented legislative resistance? Unlike women, a group that represents at least half of the population in most democracies, most other groups that are marginalized from politics (e.g., ethnic minorities, LGBTQI+ people, youth) constitute a minority of the population. Both the type of policies aimed at addressing the underrepresentation of these groups, as well as the electoral calculations of legislators and party elites toward the adoption and revision of said policies, may thus be different. As Htun (2016) argues, while gender crosscuts partisan divisions, race and ethnicity may coincide with partisan and/or regional cleavages, prompting the adoption of reserved seats—policies whereby targeted candidates compete against each other, not “general” candidates, as is the case with legislated candidate quotas. Because reserved seats do not increase overall competition for general seats, the threat

of this policy's adoption to the careers of legislators may be lower than the one posed by the adoption of legislated candidate quotas. But the electoral incentives to advance (or not reject) these policies may also be lower: Unlike their efforts to promote women's representation, international and transnational organizations have not established the promotion of the political representation of other marginalized groups as a global priority. Parties' and voters' preferences for policies to tackle the underrepresentation of other minoritized groups also remain largely unknown, so whether these actors are likely to punish legislators who oppose these measures also remains unidentified.

Finally, as quotas become more robust and the share of women legislators increases, do legislatures become more receptive to promoting the representation of other marginalized groups? On the one hand, it is plausible to expect so. On average, women legislators may come from more diverse backgrounds than men (Bejarano 2013; Celis et al. 2014) and, thus, are more likely to endorse targeted policies that seek to promote the political representation of a group with which they share a common identity. In addition, the adoption of gender quotas may not only increase women's political representation but also promote greater diversity among men (Barnes and Holman 2020), further enlarging the share of potential supporters of policies to increase the political representation of other marginalized groups. On the other hand, once elected to office, women legislators are expected to also abide by self-preservation tactics. In other words, if reserving space for another group is at odds with their career interests, women legislators could be opponents—not allies—in efforts to further diversify legislatures.

## Final thoughts

In Brazil, I grew up hearing the popular saying “*farinha pouca, meu pirão primeiro*” (which loosely translates to “when ingredients are scarce, I make my food first”). In the years it has taken me to write this book, I have often resorted to this saying when presenting my research to Brazilian audiences. Albeit short, the saying captures the core of my argument: Political positions are finite, and insiders seek to keep them for themselves. Thus, any proposed change that aims to intensify competition does not occur without a fight.

In reconstructing three decades of gender quota policymaking, I have revealed the fierce legislative resistance that quota proponents faced. Although my analysis concludes in 2021, opposition to gender quotas continues. For example, in Brazil, in the aftermath of judicial decisions that reserved a share of campaign funds for women and Afro-Brazilians, legislators struck

back, making several attempts to pass and approve bills to ensure that parties not complying with the judicial decisions would not be punished (Borges and Amaral 2024; Clavery 2022).

This is merely one example of recent quota resistance, yet it undoubtedly is not the only—or the last—one. Even after more than three decades of quota policymaking, the battle for political rights persists undeterred. Despite considerable progress, incumbents continue making efforts to hold on to their seats.

# Appendices

## Appendix 1 Measure of political capital employed in Chapter 3

In Brazil's OLPR system, the election of federal deputies is the product of (1) their nominal votes, and (2) the pooled votes of all candidates from their parties or coalitions. In other words, the performances of both individuals and their parties matter. Still, legislators who are less reliant on their parties/coalitions for election are plausibly at a lower risk of displacement than those whose election heavily depended on vote transfers from their parties/coalitions. To capture this, I employ official data on candidates' and parties'/coalitions' electoral performances to calculate a measure of electoral capital that accounts for the relative weight of personal and party/coalition votes in contributing to one's election, as per the below equation:

$$\text{Political capital} = \log_{\frac{EQ}{NE}} \left( \frac{I}{NE} \right)$$

In the equation, *EQ* is the electoral quotient (i.e., threshold) that a party or coalition must reach to be awarded one seat, *NE* is the number of votes gathered by the first individual not elected by the legislators' party or coalition, and *I* corresponds to the number of nominal votes received by the individual candidate.

Because of its design, values are easy to interpret: For candidates who did not attain election, the variable takes on values that are equal to or below zero; values between 0 and 1 correspond to candidates elected with the help of the votes of their parties or coalitions; finally, values above 1 correspond to candidates whose individual nominal votes suffice to elect them (without transfers for their parties' or coalitions' pooled votes).

## Appendix 2 Balance tests conducted for survey experiment in Chapter 3

The table displays t-tests of differences in means of key variables across control and treatment groups.

Variable	Control	Treatment	P-value
Men	0.867	0.843	0.612
Political ambition	0.858	0.852	0.947
Age	46.398	47.522	0.490
Education	7.407	7.643	0.095
Non-white	0.265	0.296	0.614
Left-right placement	5.0796	4.574	0.086
State deputy	0.593	0.583	0.875
2017	0.549	0.574	0.703

### Appendix 3 Analysis of the reliability of the IGQS introduced in Chapter 4

Figure A1 displays the predicted share of women's representation in lower/unicameral houses, by levels of the IGQS. As shown, the adoption of quotas with strong designs is positively correlated with the share of women legislators in the post-adoption election.

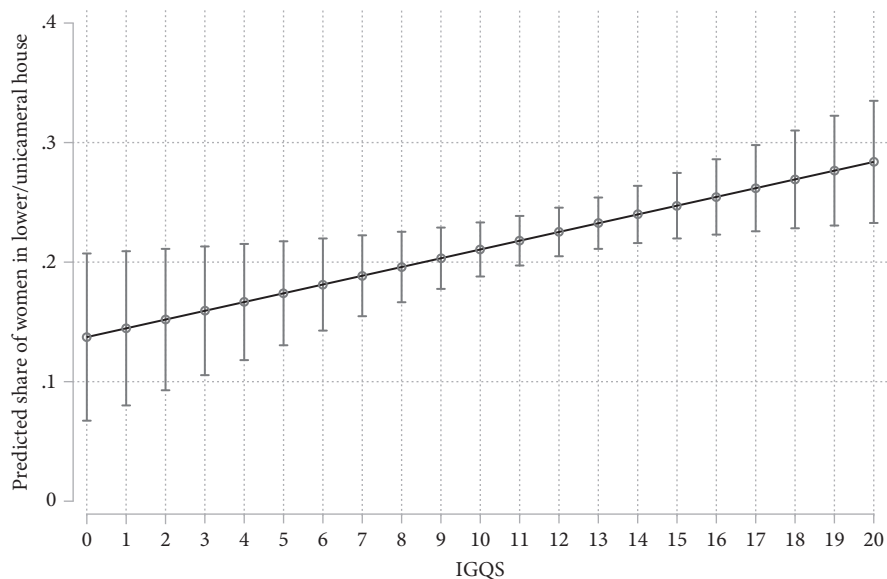


Fig. A1 Predicted share of women's representation in lower/unicameral houses, by levels of the IGQS

### Appendix 4 List of archival documents consulted and analyzed in Chapter 5 (Brazil)

Year	Document Number/ID
1995	PL 783
1996	PL 2465
1997	PL 3257
1997	PL 2695
1997	PL 3069
1997	Lei 9504

Year	Document Number/ID
1998	PL 4423
2000	PL 2355
2001	PL 4649
2002	PL 7000
2002	PL 6216
2005	PL 4804
2007	PL 607
2007	PEC 205
2008	PL 3563
2008	PL 4407
2009	PL 5279
2009	Lei 12034
2010	REE No 784-32
2012	PL 4497
2013	PEC 371
2013	PL 6768
2013	PL 5384
2014	PL 7539
2015	PEC 134
2015	Lei 13165
2016	PEC 283
2017	PL 7403
2017	PL 7583
2017	PL 8612
2018	ADI 5617/ADI 4650
2019	PL 2996
2019	PL 4130
2019	PL 73
2019	PL 331
2019	PL 1462
2019	PL 3623
2019	PL 4024
2019	PL 4340
2019	PL 4896
2019	PL 4948
2019	PL 5004
2019	PL 5423
2020	PL 259
2020	PL 2826
2020	PL 3540
2020	PL 4213

*Continued*



*Continued*

Year	Document Number/ID
2020	PL 4375
2020	PL 4763
2020	PL 5569
2021	PL 2099
2021	PEC 18
2021	PL 2788
2021	PL 1951
2021	PEC 111

### Appendix 5 List of interviews employed in Chapter 5 (Brazil)

In 2018, I conducted phone interviews with stakeholders involved in the process of gender quota adoption in Brazil. Some of those interviewed have been granted anonymity (per their request) and are identified by their professional role and interview dates.

Name	Role	Interview date
Luciana Lóssio	Former minister, TSE	31 May 2018
Luciana Temer	Senior lobbyist and legislative strategist	20 July 2018
<i>Anonymous</i>	Senior staff, Senate	24 July 2018
Iara Cordero	Senior staff, Women's Caucus	25 July 2018
Diego Scardone	Staff consultant, Senator Lindberg Farias	25 July 2018
Eliana Graça	Senior staff, SPM	25 July 2018
Gerson Scheid	Senior staff, Women's Caucus	26 July 2018
Liana Issa Lima	Senior staff, Senate	26 July 2018
Soraya Santos	Federal deputy, PR	27 July 2018
<i>Anonymous</i>	Youth leader, PT	30 July 2018

### Appendix 6 List of archival documents consulted and analyzed in Chapter 6 (Costa Rica)

Year	Document Number/ID
1988	exp. 10605
1988	<i>sesión ordinaria</i> 8933
1990	<i>Ley</i> 7142

Year	Document Number/ID
1992	exp. 11618
1992	exp. 11.504
1996	exp. 12741
1996	<i>Ley</i> 7653
1997	<i>sesión ordinaria</i> 11112
1997	<i>sesión ordinaria</i> 11088
1997	<i>sesión ordinaria</i> 11063
1999	res. 1863; 2837
2000	res. 804-E-2000
2000	res. 0918-E
2001	exp. 14268
2001	exp. 14592
2003	exp. 15312
2007	<i>sesión ordinaria</i> 41
2007	<i>sesión ordinaria</i> 81
2009	<i>Ley</i> 8765
2010	res. 3671-E8
2010	res. 4303-E8
2010	res. 5131-E8
2010	res. 6165-E8
2010	res. 3671-E8
2010	res. 2138
2010	res. 6165-E8
2011	res. 0784-E8
2011	res. 784-E8
2013	exp. 18904
2013	res. 3782-E1
2014	res. 3637-E8
2014	exp. 19010
2014	<i>sesión ordinaria</i> 87–2014
2015	<i>sala constitucional</i> 16075–15
2016	res. 3603-E8
2019	res. 1724-E8
2019	exp. 21473
2019	exp. 21483
2021	exp. 22506

## Appendix 7 List of interviews employed in Chapter 6 (Costa Rica)

While conducting archival research in San José in 2014, I also carried out several in-person interviews with key actors involved in the process of gender quota adoption and/or reform in Costa Rica.

Interviewees have been granted anonymity and are identified by their professional role and interview dates.

Role	Interview date
Senior staff (1), TSE	18 August 2014
Judge, TSE	19 August 2014
Senior staff (2), TSE	21 August 2014
Senior staff, INAMU	25 August 2014
Former party leader, PLN	27 August 2014
Senior staff, <i>Estado de la Nación</i>	30 August 2014
Former deputy, PAC	30 August 2014
Former deputy, PUSC	01 September 2014
Former party leader, PAC	02 September 2014

### Appendix 8 List of archival documents consulted and analyzed in Chapter 7 (Chile)

Year	Document Number/ID
1997	boletín 1994–07
2002	boletín 3020–06
2003	boletín 3206–18
2007	boletín 4245–07
2007	boletín 5553–06
2013	boletín 8876–06
2014	boletín 9326–07
2015	Ley 20.840
2015	Ley 20.915
2015	boletín 10470–07
2017	boletín 11551–06
2018	boletín 11645–06
2018	boletín 11781–06
2018	boletín 11994–34
2018	boletín 12056–34
2019	boletín 12915–06
2020	boletín 13574–06
2021	boletín 14099–07
2021	boletín 14104–07
2021	boletín 14166–06
2021	boletín 14512–06

### Appendix 9 List of interviews employed in Chapter 7 (Chile)

While conducting archival research in Santiago/Valparaíso in 2014, I also conducted in-person interviews with key stakeholders involved in the process of gender quota adoption in Chile. I conducted additional phone interviews in 2018.

Those interviewed in 2014 have been granted anonymity and are identified by their professional role and interview dates.

Name	Role	Interview date
<i>Anonymous</i>	Senior staff, <i>Comunidad Mujer</i>	15 September 2014
<i>Anonymous</i>	Consultant on gender quota reform	19 September 2014
<i>Anonymous</i>	Senior staff, <i>Chile 21</i>	22 September 2014
<i>Anonymous</i>	Consultant on gender quota reform	23 September 2014
<i>Anonymous</i>	National deputy, PS	24 September 2014
<i>Anonymous</i>	Consultant on gender quota reform	24 September 2014
<i>Anonymous</i>	Senior staff, <i>Libertad y Desarrollo</i>	25 September 2014
<i>Anonymous</i>	Senior staff, TSE	29 September 2014
Javiera Arce Riffo	Consultant on gender quota reform	26 July 2018
Rodrigo González	Senior staff, executive branch	06 August 2018



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