

**Guarantees for representation:
Designing electoral quotas for women and minorities**

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Abstract

Electoral quotas represent one of the widest reaching constitutional reforms of the last decades. Approximately 50 countries have adopted gender quotas, whereas more than 30 countries have included guarantees for representation for specific minority groups in their constitution or election law. Hitherto, comparative analysis of quotas for women and minorities are relatively scarce and there is a limited knowledge about why and how quotas are adopted for different groups in society. As a consequence, there is a limited understanding of whether quotas for women and minorities could be understood in similar ways, that is, if the reforms are a response to similar barriers to political representation, and as to whether quotas are designed in a similar manner to different groups. By analyzing the quota regulations of those countries in the world that have adopted quotas for both women and minority groups, this paper aims at exploring whether quotas are designed differently to women and minorities. The analysis suggests that quotas for women are designed in a more inclusive manner than those for other groups in society. In most of the analyzed cases quotas for women are frequently designed to include an electorate and competitors that are not restricted to the specific group: women occasionally compete also with men and male constituents are commonly parts of the electorate. Quotas for minorities, on the other hand, are generally not inclusive, neither in terms of the electorate nor with respect to competition. An important lesson of the analysis is that scholars on group representation should be careful when generalizing any empirical findings of one of the groups to make claims about another.

Introduction

A recent trend in representative democracy is the claims made for guarantees of political representation for marginalized groups. The issue has commonly been put on the political agenda in processes of constitutional reform, and/or in democratization processes, as recently manifested in the reform processes in North Africa, in the aftermath of the Arab spring. Today, electoral quotas for different minority groups have been included in the constitutions or election laws of more than thirty countries (Krook and O'Brien 2010; Reynolds 2005). And in only a few decades, gender quota policies have been adopted in approximately 50 countries across the globe (Krook and O'Brien 2010; Dahlerup 2007).

Hitherto, most scholarly attention has been paid to the causes and effects of gender quotas (e.g. Dahlerup 2006; Franceschet et al. 2012; Krook 2009), whereas research on quotas for minority groups (ethnic, linguistic, religious, etc.) is more scarce (see however Reynolds 2011; Pande 2003). Only recently, scholars have started to put the two reforms in relation to each other and analyze them comparatively (e.g. Htun 2004; Krook and O'Brien 2010; Hughes 2011). The limited comparative research on electoral quotas has mostly showed where, when and for which groups quotas are adopted as well as quota type (candidate quotas or reserved seats) and size of the quota (e.g. Krook and O'Brien 2010). A few analyses have taken a step further and started exploring why and how quotas are adopted to different groups in society (e.g. Htun 2004; Krook and O'Brien 2010). Addressing these issues is important in order to increase our understanding of whether quotas for women and minorities could be understood in similar ways, that is, if the reforms are a response to similar barriers to political representation, and as to whether quotas are designed in a similar manner to different groups.

This analysis builds on previous research to further explore why and how electoral quotas are adopted for different groups in society. More specifically, by analyzing the quota regulations of those countries in the world that have adopted quotas for both women and minority groups, the paper aims at exploring whether quotas are designed differently to women and minorities. We examine possible differences along two dimensions of the election of group representatives: the inclusiveness of the electorate (“who elects the group representatives?”) and the inclusiveness of the (electoral) competition (“with whom do potential group representatives compete?”). With such an approach, we hope to build on Htun (2004) to gain a fuller picture of whether quotas for women are more integrative than those for other groups; we are able to analyze not only quota type but also the design within a specific quota type. In addition, our within-country comparison enables an analysis in which historical and country-specific factors are taken into consideration (c.f. Krook and O'Brien 2010).

To preview the results, the analysis suggests that quotas for women indeed are designed in a more inclusive manner than those for other groups in society. In most of the analyzed cases quotas for women are frequently designed to include an electorate and competitors that are not restricted to the specific group: women occasionally compete also with men and male constituents are commonly parts of the electorate. In the long run, the integrative character of gender quotas has the potential to change the gender consciousness of political parties and constituents; thereby, they might be self-cancelling and considered temporary. The reserved seats for minorities, on the other hand, appear to be self-reinforcing: they do not necessarily imply an integrative solution, neither in terms of the electorate nor with respect to competition. Thus, they appear to represent an explicit recognition and legitimization of the particularism of a specific minority group (c.f. Htun 2004).

The implications of the findings are important: The different design of quota laws for different groups suggest that scholars should be careful when generalizing any empirical findings of one of the groups to make claims about another (c.f. Taagepera 1994; Bhavnani 2009). For instance, if the justification for representation of women is inherently different from that of minority groups, then there is reason to expect not only policy solutions, but also policy consequences, to vary across the groups. In that case, gender quotas may be designed to spur the development of one kind of representative role, whereas quotas for minorities generate another kind of mandate (see e.g. Tamale 1999; c.f. Rahat 2009), to mention but one possibility.

Taken together, the analysis contributes to the building of a research agenda on electoral quotas in a comparative perspective. It calls on researchers to carefully assess the far-reaching consequences of the two policies, to get a comprehensive understanding of their similar and different long-term effects, respectively.

Groups and Representation: Problems and Solutions

Although the arguments for representation of different groups are often compared in normative theory, there have been few systematic empirical comparisons between quotas for women and quotas for minority groups (notable exceptions, on which we draw below, are Htun 2004; Krook and O'Brien 2010). As of yet, we do not know to what extent quotas for different groups function in the same way, and can be studied in the same manner, or if they are fundamentally different.

We take our starting-point in the literature that argues that quotas for different groups are different in character and design. Htun (2004) looks at country level quota adoption in electoral democracies in order to try to determine whether countries that adopt quotas for minorities adopt another type of quota than countries that wish to improve the representation of women. Importantly, she links the quota adoption to different normative claims for representation and finds that, indeed, "*different remedies for underrepresentation are logically appropriate for each group*" (439). Her argument is that minorities have claims for inclusion that call for *self-reinforcing* remedies whereas the claims that are made for the inclusion of women are of a *self-cancelling* nature. The implications of Htun's argument is that self-reinforcing remedies include those active measures that provide the group in question with certain autonomy and self-determination, whereas self-cancelling remedies call for measures that aim at including the targetted group in the regular political process.

To be able to delve deeper into the core of these arguments and the potential consequences for policy design, we apply Bacchi's "What's the Problem" approach. This approach can be used as a tool to chisel out if and in what way there are different underlying problem descriptions that may lead to different legal solutions (Bacchi 1999). "*At its most basic, the insight is commonsensical – how we perceive or think about something will affect what we think ought to be done about it*" (Bacchi 1999, p 1). In other words, if the underrepresentation of women and minorities are perceived as different types of problems at the discursive level, it may very well influence policymakers and imprint on quota legislation. As Bacchi points out, the 'what's the problem represented to be' approach challenges the conventional view of public policy as a simple government response to an exogenous problem. Governments, Bacchi claims, do not just react to problems; they are active creators of problems. How problems are perceived has implications for how they are discussed and for which solutions are seen as

possible (Bacchi 2009). The task here is, then, to distinguish between different problem descriptions and then to investigate whether a difference in problem description can be discerned in quota legislation for women and for minorities.

The problems: Normative arguments for group representation

There is an ongoing scholarly discussion about (guaranteeing) special representation of different groups in society. Although most scholars agree that it is problematic that some groups in society (poor, women, religious or ethnic minorities, etc.) are less well represented politically (see e.g. Young 2000 , 141-2), there is less agreement among normative theorists that specific electoral arrangements are needed for marginalized groups (Phillips 2005). Whereas some scholars argue that group representation conflicts with liberal democratic norms, others claim that group representation is, instead, a logical extension of the practices already taking place in representative democracies, such as drawing the boundaries of constituencies so that they will correspond to 'communities of interest'. In general, however, arguments for group representation are generally made on contextual grounds. Certain groups, under certain circumstances, experience problems that justify that they are guaranteed representation in the constitution or in the electoral code. According to Kymlicka, there are two common and legitimate grounds for such guarantees: systemic discrimination and self-government (Kymlicka 1995).

The systemic discrimination argument applies to groups in society that historically have been oppressed and therefore are also disadvantaged in the political process. It becomes difficult or impossible for the views and interests of these groups to be represented (Kymlicka 1995; Young 1989, 1990). Thus, the argument for special group representation from this point of view is not that all identity characteristics need to be represented: only those characteristics

that disfavor a group's political participation need special guarantees. As Kymlicka argues, *"the historical domination of some groups by other groups has left a trail of barriers and prejudices that makes it difficult for historically disadvantaged groups to participate effectively in the political process"* (Kymlicka 1995, 141). Importantly, from a systemic discrimination point of view any guarantees of group representation should aim at reaching a society where discrimination no longer takes place and where an active measure for group representation is no longer needed (i.e. any quotas should be temporary). Society should actively seek to come to terms with the marginalization of a particular group, and include it in the polity. Giving this group special representation is both a compensation for past discrimination and an attempt to work against future discrimination (Kymlicka 1995).

The self-government argument, on the other hand, usually applies to groups in society (e.g. national minorities) who demand recognition of their different cultural identity. These groups generally wish to maintain their differences and cultural specificity alongside with integration into the larger polity. The minority groups that have a right to special representation should not just be culturally different, they should be defined as belonging to separate nations or peoples (Kymlicka 1995). Claims from these groups do not preclude claims of oppression or discrimination. Nor do they exclude the possibility that guarantees for representation, in real-life politics, are partly solicited to stabilize a divided society that has suffered from intra-state conflicts (c.f. Lijphart 1977; Krook and O'Brien 2010). The important thing here, however, is to know which problem that is underlying the demands for increased representation, because the problem description may bring about a number of consequences for how representation is later ensured.

One aspect that differs between the systemic discrimination claim and the self-government claim (or power-sharing arguments for that matter) is that they imply different time-frames.

To reiterate, the systemic discrimination claim is of a *temporary* character, only to be given special political attention as long as there is still discrimination against the group. The self-government claim is an argument about protection, a bid to make the group *permanently* politically relevant (Kymlicka 1995).

Bringing women and minorities into this discussion, it is suggested that the systemic discrimination claim is valid for women. This group has historically been excluded from politics, and women have not stood the same chances of being nominated and elected as their male counterparts. Concerning minorities, research on group representation suggest that the legitimate problem is often that these groups lack sufficient autonomy and self-determination from the hegemonic political procedures in place (see e.g. Htun 2004). Thus, there appear to be somewhat different underlying problems that justify guarantees for representation for women and minorities.

The solutions: Quota design and the election process

Building on Bacchi's "What's the problem" approach, how can we discern if different problem descriptions are mirrored in the legal solutions, that is, in quota legislation? Importantly, electoral quotas can be, and are, designed in very different ways. The most obvious and common distinguishing feature between different types of quotas is that between candidate quotas and reserved seats quotas. Candidate quotas require political parties to put a certain number of people from the targetted group on the candidate lists. Thus, representatives elected through candidate quotas are selected in a similar manner to other parliamentarians. Reserved seats, on the other hand, refer to a minimum number of parliamentary seats that are earmarked for individuals of the underrepresented group in question. These seats are usually, but

not always, add-on seats, filled after the election. The implementation of reserved seats quotas thus takes place outside of the ordinary political process (Baldez 2007; Bjarnegård and Zetterberg 2011; Krook 2009).

In this paper, we draw on Htun (2004) to hypothesize that the different theoretical grounds for representation are reflected not only in the different problems that women and ethnic minorities confront, but also in the electoral quota design that (sometimes) is presented as a solution to the problem. According to Htun, the solution to the problem of women's under-representation is to devise a quota that will increase the possibilities of women being treated in the same manner as their male counterparts. The ultimate aim of the quota is that gender should become an unimportant political factor, and that female politicians should be regarded as any other politician. If gender quota laws are designed with this ultimate aim in focus it means that further integration into the pre-existing political system is a key concern for policy makers. The procedures to elect women via quotas should, where such an aim exists, match, overlap with and target the procedures by which other, 'ordinary' or 'non-quota', MPs are selected and elected. As a consequence, Htun claims that women's guarantees for representation are mainly designed with the help of candidate quotas: These make space within already existing parties and are thus better suited to ensure representation of groups with cross-cutting partisan cleavages, where the aim is to cancel the group difference or at least make sure it is accommodated within the existing political parties, rather than to make it a permanent political cleavage.

For minorities, on the other hand, it is suggested that the solution is to grant these groups a certain degree of autonomy and independence from the system, to protect the specificity of the group. As a consequence, Htun argues that claims for difference and protection, such as the ones made by and for ethnic groups, tend to result in reserved seats quotas (Htun 2004).

These create incentives for group based politics, cementing group difference as a long-term valid political claim and making political cleavages permanent. Htun also shows empirically that democracies that adopt quotas for ethnic minorities are more likely to opt for a reserved seats design, because it *”strengthens ties among group members by connecting them through channels of representation distinct from those used for everyone else”* (Htun 2004, 452).

Empirical research, however, has shown that the match between targeted group (women or minorities) and quota design (reserved seats or candidate quotas) is not perfect. For instance, Krook and O’Brien (2010) demonstrate that women’s representation is guaranteed not only by candidate quotas but also by reserved seats: Out of the fifty countries in which gender quota policies have been adopted in the constitution or in the electoral code, nineteen have adopted reserved seats. Minority representation, on the other hand, is almost always ensured by reserved seats (in thirtysix of thirtyseven cases).¹ They argue that contextual factors, rather than normative arguments for group representation, explain why governments adopt quotas for specific groups and choose one quota design over another. According to Krook and O’Brien (2010), historical differences and transnational influences explain why different types of quotas are common in different regions. Reserved seats are more common – for women and ethnic groups alike – in Africa, Asia and the Middle East, whereas candidate quotas are more common in Latin America (mainly legislative candidate quotas) and Europe (mainly voluntary party quotas) where, on the other hand, quotas for minority groups are less common

¹ Htun acknowledges that the picture looks different if authoritarian regimes are included in the analysis. In such countries, reserved seats are, by far, the most common quota type for women and ethnic minorities alike. Htun explains the pattern with the fact that authoritarian regimes *”lack a commitment to substantive representation [and thus] have little incentive to promote the right remedy”* (Htun 2004, 450). In addition, authoritarian states often also try to limit the influence and independence of political parties.

(Dahlerup 2006; Krook and O'Brien 2010). In addition, Matland argues that countries already employing reserved seats for ethnic minorities tend to expand the use of an already existing set of rules to encompass also women (Matland 2006).

Thus, Htun's argument about different representative claims, or problem descriptions, leading to different legislative designs has been contested; and an alternative account of quota adoption and quota design has been suggested. When developing our research strategy, we therefore acknowledge Krook and O'Brien's (2010) empirical observation about reserved seats being used for both women and minorities in, for instances, Africa, Asia and the Middle East and attempt to find a research design that takes their alternative explanation about contextual factors into account.

Research strategy: Same country, different electorate and competitors?

To examine empirically if different problem descriptions result in different solutions, we use a novel research strategy that qualifies previous research in two important ways. First, we take into account the argument about contextual factors (Krook and O'Brien 2010) by focusing solely on those countries that have adopted quotas for *both* women and minorities. By doing so, we can ascertain that no country-specific or regional contextual factors account for any possible differences in quota design between the two groups. If group belonging does not matter for quota design, we have no reason to believe that quotas for women and minorities should be differently designed in one and the same country.

Second, we acknowledge what earlier contributions to the literature have ignored: the fact that distinguishing between candidate quotas and reserved seats is just one first, and quite crude, step. All electoral quotas are not alike, even within different quota types. Certain reserved seats designs, for instance, are more integrated into the ordinary political process than others

(e.g. by giving the (whole) electorate the chance to directly elect representatives to reserved seats), while others have special mechanisms for electing representatives to reserved seats (e.g. by giving the power of appointment to the president or the prime minister) (Dahlerup 2006; Krook 2009; Matland 2006). Therefore, we look for possible differences also within one single quota type.

In order to chisel out to what extent quota regulations differ for women and minorities, we assess two aspects of the quota design: the inclusiveness of the electorate (“who elects the group representatives?”) and the inclusiveness of the (electoral) competition (“with whom do potential group representatives compete?”) (c.f. Kymlicka 1995). A quota can stipulate that only group members are eligible to vote, or it can expand voting-rights to the entire electorate. Similarly, the quota can be designed so as to avoid or to encourage competition with members of other groups. Drawing on previous research on representational guarantees, we explore the suggestion that there are differences along these dimensions between women and minorities and that quota policies are designed in a more inclusive manner for women than for minorities – both with respect to the electorate and to competition. To reiterate, the suggested solution to the past discrimination of women is to devise a quota that increases the possibilities of women being treated in the same manner as their male colleagues and that eventually makes gender an unimportant political factor. If gender quota laws are designed with this ultimate aim in focus it means that further integration into the pre-existing political system is a key concern for policy makers. The procedures to elect women via quotas should, wherever such an aim exists, match, overlap with and target the procedures by which other, ‘ordinary’ or ‘non-quota’, MPs are selected and elected. Thus, women elected via quotas should be accountable to the same constituency as all the other representatives and should compete against the same candidates as all other competitors. Concerning quotas for minorities, on the other hand, the

suggested solution to these groups' lack of autonomy and self-determination is to grant a certain independence,, in order to protect the specificity of the group. We thus expect laws for minority quotas to stipulate that members of these groups should be elected differently from other MPs (as they are perceived as having a different constituency altogether) and compete only with individuals of the same group..

The two aspects are explored by analyzing quota regulations as they are formulated in constitutions and election laws. By going into the legislative texts and analyzing their content, it is possible to assess whether legislation is designed and worded in a manner where the electorate and competition is similar to that of non-quota parliamentarians or whether the electorate and competition is distinctly different for quota candidates. We are thus aiming to unveil the intentions of lawmakers, insofar as they are made visible in the legal texts. We thus limit our analysis to the actual law, and do not study the actual process by which the quota is implemented. Here, we have two main sources: the Inter-Parliamentarian Union's (IPU) PARLINE database², which contains information about the structure and working methods of national parliaments, and the International Foundation for Electoral System's (IFES) Election Guide³. In those cases where these databases have lacked in detail we have consulted the original source – either the constitution or the election law. In one case, Jordan, we have also approached the IFES Country Director of Jordan for further consultation⁴.

² www.ipu.org/parline-e

³ www.electionguide.org

⁴ E-mail correspondence with Darren Nance, International Foundation for Electoral Systems (IFES) Country Director of Jordan, June 2, 2011.

Results

There is a total of fifteen countries that have adopted electoral quotas for both women and minorities in parliament or in the lower house, as they are listed by Krook and O'Brien⁵ (2010):

⁵ Three countries are listed by Krook & O'Brien but excluded from our analysis: Tibet and Palestine, due to the lack of information, and Bosnia-Herzegovina, due to the fact that their minority quota is only for the upper house..

Afghanistan	Jordan	Rwanda
Belgium	Niger	Taiwan
Burundi	Pakistan	Tanzania
China	Palestine	Tibet
France	Portugal	Uganda

In order to facilitate the interpretation of our findings, we present the results in groups of countries – or “constellations” or “quota families” – rather than going through the quota regulations of each of the fifteen countries. In all, we find three different constellations, or families.

Different electorates, different competitors

In about half of the countries, we can see a fairly straightforward difference in quota design for women and minorities. In Afghanistan, Burundi, France, Jordan, Niger, Portugal and Taiwan, quotas for women are more firmly integrated into the existing political process than are quotas for minorities. In Burundi, France, Niger and Portugal, the quota for women is designed so as to require political parties to put more women on their proportional party lists. The quota women are thus not even discernible from other candidates and compete on the same terms as all other candidates and for votes from the same set of voters. When it comes to the quotas for minorities, they are designed so as to create new and separate constituencies for the minority groups. This implies that only voters registered in that particular constituency can vote for the

group in question, and it also implies that minority candidates only compete with other minority candidates.

This set of countries do raise an interesting question about the delineation between quotas and constituency formation, however. In the case of France and Portugal, for instance, the minority that is being guaranteed representation are expatriates. French or Portuguese citizens who live abroad are thus ascribed to one large worldwide constituency. Just like in regular elections, only voters registered in that particular constituency can vote, and candidates only compete with candidates from the same constituency. Yet it is clear that the formation of these constituencies going beyond national territory is designed to ensure representation of a group that would otherwise not receive representation.

Constituency formation is a way of ensuring representation also for groups other than expats, within a national territory. In Niger, for instance, eight seats in the National Assembly are reserved for the Tuareg minority group. While the gender quota is integrated into the ordinary proportional party lists for the eight constituencies corresponding to regions, the quota for the Tuareg is implemented in a different set of eight constituencies, where the FPTP-system is used. Only Tuareg vote in those constituencies, and Tuareg compete against Tuareg candidates only.

Afghanistan and Jordan serve as examples that even where there are no candidate quotas, guarantees for representation for women are more geared towards integration than are those for minorities. Afghanistan's reserved seat system dates back to 2004, after the fall of the Taliban regime. The 2004 constitution stipulates that 68 of 249 seats (27 percent) should be reserved to women. If this quota is not filled in the ordinary election, the women who received the most votes, without being elected, are appointed until all 68 seats are filled.

Another 10 seats are reserved to a nomad population: the Kuchis (Article 83). Being a nomad population, the Kuchis do not occupy a particular territory. Instead, a nation-wide Kuchi-constituency has been created. All Kuchis are granted special *Kuchi-cards* and can vote in designated Kuchi polling-stations, and thus only for the ten Kuchi seats. There is thus a discernable difference between the reserved seats for women and the reserved seats for the Nomads. Although women are not integrated into the party lists, the distribution of the reserved seats for women are based on the the ordinary election, and the women who fill these seats have competed with other candidates, male and female and for the same voters. The ‘lycky-loser’-system can indeed be interpreted as a way of integrating women into the electoral game, while also giving them a “boost”, to compensate for the disadvantages they might have in an ordinary electoral race, and, in the long run, level out the electoral playing field so that women can compete on the same terms as other candidates. The Kuchis, however, are not at all competing with non-Kuchi candidates. They have ten seats, separated from the rest of the seats, and Kuchi interests are seen as so particular that they do not need to concern themselves with any political struggles going on outside the Kuchi constituency.

Similarly, quotas for women in Jordan were first introduced in the 2003 amendment of the Election Law from 2001. The quota policy required that six seats (5.45 percent) in parliament were reserved for women. In the temporary Election Law in May 2010, the number of seats reserved for women increased to 12, which equals 10 percent of all the seats (the total number of parliamentarians increased from 110 to 120). In addition, the law also specified that nine seats should be reserved for Christians and three seats should be reserved for Circassians or Checheans. Within the 96 remaining seats, which are distributed among Muslim candidates, nine are reserved for Bedouins. Thus, the Jordanian system for distributing seats to parliament could be described as being entirely quota-based. Again, this raises questions about what a

quota really is, and what is it not. The 96 seats reserved for Muslims are generally not referred to as a quota, and certainly not a minority quota, seeing that Muslims constitute the majority of the Jordanian population. The quota provision for women takes place within the race for the Muslim seats. The 12 women who did not become elected in the open race for the Muslim seats but obtained the largest number of votes (in percentage) are elected, again according to a lucky loser logic. Unlike the Afghani design, however, 12 quota seats are reserved for women regardless of how many “ordinary” seats that are filled by women. As for the remaining seats, these are distributed through specific constituencies in which only constituents from the specific group (Checheans/Circassians, Bedouins, and Muslims) have the right to vote. That is, Bedouin representatives compete against Bedouin candidates and are elected by Bedouin voters, etc. Thus, the pattern in Jordan is similar to the Afghani pattern. Women are involved in the electoral race for the 96 Muslim seats, and their participation is encouraged by giving additional seats to women who clearly stood a chance but did not manage to win a seat. When given a parliamentary seat, they are also given the chance to build up confidence among constituents and to forge alliances within parliament (whether partisan or not), and they thus stand a better chance of winning an “ordinary” Muslim seat in the next election. The other minorities are clearly granted separate constituencies in order to protect and ensure the political participation of members of that particular group. They are not seen as politically disadvantaged in the electoral race, rather, they need to be ensured representation for the very reason that they are seen as permanently different from the majority Muslim population.

In Burundi, quotas for women are ensured in candidate lists and so are the 60:40 power-sharing arrangements of the Hutu and Tutsi. A smaller minority called Twa is guaranteed representation through reserved seats. The underlying argument of the latter group is quite clear: it would not gain any representation were there no guarantees. Hutu and Tutsi, on the

other hand, are both big enough to ensure representation, but the power-struggles between these two groups make power-sharing arrangements desirable.

In all of the cases in this first family, 'quota women' are competing with 'ordinary' candidates, while the minority representatives are not. Likewise, women need to attract votes also from men, whereas the quota minorities need only focus on the concerns of their respective group. Thus, there is a clear difference along both the two dimensions.

Women's inclusive electorate – exclusive competition for women and for different types of minorities

Uganda itself constitutes a specific group, in which quotas for women and minorities are similar with respect to competition but different when it comes to the electorate. Uganda introduced gender quotas already in 1989. It is also part of the Constitution of 1995 which, in addition to women also distributes special seats to workers, youth, the disabled and the army (Article 78c). The guarantees for group representation in Uganda thus does not have an ethnic aspect to it, which is another new aspect to tackle. There is a slight dissonance, between the theories on group representation for ethnic minorities and the empirical results that point to a different type of minority. Theories on group representation stipulate that minorities' claim to representation is grounded in arguments of protection and self-government. That these two aims go together is evident when ethnic or religious minorities are to be represented, but less evident when young or disabled people, or army representatives, gain special representation. Clearly, the claim underlying their representation has nothing to do with them wanting to be seen as a nation, claiming self-government. Nor, however, does it belong with the step-by-step integration into the system that is envisioned in the quotas for women. Our suggestion is that the logic behind these reserved seats quotas is similar to that behind other quotas for

minorities: it concerns permanent protection of the group. In order to protect the rights of disabled people, of young people, of workers, of people fighting for the country, the argument is that they need to be guaranteed representation in the highest political body of the country. Take the group of disabled people, for instance – it is not a group large enough to make it possible for political parties to clearly integrate them in their candidate nomination process. Instead, they need to be given guaranteed representation.

Quotas for women and minorities are similar in the sense that competition is only within the group. However, the ways in which representatives are elected to these seats differ across group but also over time. Representatives for workers, the youth, disabled and the army are elected by electoral colleges populated by local leaders of these groups. Thus, there is a so-called functionalized decentralization of the candidate selection system (cf. Hazan 2002), in which leaders of popular sectors are given the power to elect representatives. The reserved seats for women, on the other hand, are designed differently. Before the 2006 elections, the women to reserved seats were elected primarily by “a narrow electorate of mostly male district elites” (Goetz 2003, 119). From 2006 and forward, women are directly elected. The political parties nominate women or women stand as non-partisan candidates, and then the citizens (both men and women) vote for who will enter the national assembly on the ‘women’s seats’.

Appointments of group representatives

A final set of countries design quotas in the form of different types of appointments. In Rwanda, Tanzania and China, we discern a small difference between the two groups. Whereas the regular political parties appoint the female representatives, the appointment of minorities

is delegated to organizations representing the respective group. In Rwanda, the quota design stipulates that whereas seats reserved to young people as well as disabled persons are elected via functional decentralization (through the national organization of each of the groups), the election of women's seats also involves the political parties. More specifically, two women from each province as well as the capital (Kigali) are elected by a joint assembly composed of members of the local (district, town, municipality, etc.) councils as well as by members of the executive committee of locally based women's organizations (Article 76).

In Tanzanian politics specific seats are reserved for two groups: women and inhabitants of the island of Zanzibar. The reserved seats allocated to women are 30 percent of all the seats in the parliament. These seats are filled by the political parties after the general election, in accordance with their proportion of the votes. The Zanzibari seats are five. These are elected by the Zanzibari House of Representatives (Article 66, 1b-c). Thus, the election to the reserved seats in Tanzania goes through established political channels, but the one for Zanzibar is a form of decentralization. It is not a question of that the people of Tanzania should, in the long run, start voting for Zanzibar candidates. In the case with quotas for women, the parties are directly involved, as the seats are proportionally distributed after the election result has been presented. Most political parties have had no institutionalized process, with clear candidacy requirements, for electing their representatives to women's seats; thus, political leaders have tended to choose those women who are personally loyal to them (Meena 2003). As for the Zanzibari seats, political parties have been indirectly involved, through the Zanzibari legislature. The semi-autonomous status of the island of Zanzibar in the Republic of Tanzania is fairly unique. Inhabitants of Zanzibar vote for both the Zanzibari House of Representatives for state-issues as well as for the Tanzanian parliament for national issues - and in addition the Zanzibar House of Parliament gets to represent Zanzibar interests by

appointing five of its elected members to the national parliament. Certainly, this arrangement is about protecting the Zanzibari community by granting them guaranteed influence over national politics as well as a certain amount of self-government.

In Pakistan, the special seats allocated to women and minorities (Hindus, Christians, Ahmadis/Parsees, and Other religious minorities), respectively, are selected by the political parties, in relation to the number of seats they receive in the election (The National Assembly and Provincial Assemblies. Allocation of reserved seats for women and non-Muslims (procedure) rules, 2002. Article 3). Thus, all reserved seats in Pakistan, regardless of which group they are targeting, involve political parties, and in the same manner. In fact, political parties are central actors in filling the reserved seats for both women and other minorities, and thus, the reserved seats quota in Pakistan targets established procedures regardless of the group in question.

Because of the appointments and thus the indirect election of group representatives, it is not straightforward to analyze this group of countries with the help of our analytical framework. Clearly, there is no competition with non-members of the group. However, if we think of the electorate in terms of accountability, there is likely to be a difference in Rwanda and perhaps also Tanzania. Political parties are more involved in the election of women than in the election of minorities; thus, women are to a greater extent accountable to the parties. This might be considered a more integrative character of the quota design for women than for minorities. As for minorities, there is a more exclusive election of the representatives, as only group members are involved in the process. For Pakistan, on the other hand, there are no differences whatsoever in the design.

Taking the three ‘families’ together, there appears to be some support to the theoretically derived suggestion that quotas are designed in a more inclusive manner for women than for minorities. In most cases quotas for women are frequently designed to include an electorate and competitors that are not restricted to the specific group: women occasionally compete also with men and male constituents are commonly parts of the electorate. In the long run, the integrative character of gender quotas has the potential to change the gender consciousness of political parties and constituents; thereby, they might be self-cancelling and considered temporary. The reserved seats for minorities, on the other hand, appear to be self-reinforcing: they do not necessarily imply an integrative solution, neither in terms of the electorate nor with respect to competition. Thus, they appear to represent an explicit recognition and legitimization of the particularism of a specific minority group (c.f. Htun 2004).

Conclusion

This paper has analyzed the design of one of the widest reaching constitutional (or electoral) reforms of the last decades: electoral quota policies . A distinct feature of gender quotas and quotas for minority groups is that these attempts of constitutional engineering to some extent change the rules of the game of party-dominated representative democracy, either by requiring the political parties to put a number of persons of the targeted group on the electoral slots, or by ear-marking a number of seats in the legislature to persons of a specific group in society. The analysis builds on previous comparative research on electoral quotas to further explore why and how quotas are adopted for different groups in society. More specifically, by analyzing the quota regulations of those countries in the world that have adopted quotas for both women and minority groups, the paper has aimed at exploring whether quotas are

designed differently to women and minorities. We have examined possible differences along two dimensions of the election of group representatives: the inclusiveness of the electorate (“who elects the group representatives?”) and the inclusiveness of the (electoral) competition (“with whom do potential group representatives compete?”). With such an approach, we have had the intention to build on Htun (2004) to gain a fuller picture of whether quotas for women are more integrative than those for other groups.

The analysis suggests that quotas for women indeed are designed in a more inclusive manner than those for other groups in society. In most of the analyzed cases quotas for women are to some extent designed to include an electorate and competitors that are not restricted to the specific group: women occasionally compete also with men and male constituents are commonly parts of the electorate. The reserved seats for minorities, on the other hand, do not necessarily imply an integrative solution, neither in terms of the electorate nor with respect to competition.

The analysis indicates that electoral quotas are not a uniform policy; to the contrary, different ideas about groups in society and their need for representation appear to be embedded in these electoral reforms. To put it simply, a general idea seems to be that the interests of minority groups should be permanently protected whereas women should be gradually included in the polity until they are no longer marginalized. These thoughts are reflected in the quota policies, not only in the choice of quota type but also in the more detailed wording within a specific quota type. Roughly speaking, women should become included in the political parties, whereas minority groups should be protected from party-dominated politics by letting people from their own group (organizations, citizens, etc.) elect a number of legislators.

Another implication of the different quota designs is that scholars should be careful when generalizing any empirical findings of one of the groups to make claims about another (c.f. Taagepera 1994; Bhavnani 2009). For instance, if the justification for representation of women is inherently different from that of minority groups, then there is reason to expect not only policy solutions, but also policy consequences, to vary across the groups. In that case, gender quotas may be designed to spur the development of one kind of representative role, whereas quotas for minorities generate another kind of mandate (see e.g. Tamale 1999; c.f. Rahat 2009), to mention but one possibility.

In order to continue the building of a research agenda on electoral quotas in a comparative perspective, we call on researchers to theorize and empirically examine when, how and why quotas are included in constitutions or election laws to guarantee representation for specific groups in society. In addition, researchers should carefully assess the far-reaching consequences of quota policies for women and minorities, to get a comprehensive understanding of their similar and different long-term effects, respectively.

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