Contesting Gender Quotas: A Typology of Resistance

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Abstract

Gender quotas have diffused rapidly around the world in recent decades, suggesting widespread and dramatic transformations in women’s access to political power. Yet there is substantial evidence of resistance to quotas, suggesting that – at a deeper level – political principles and practices have changed very little in the wake of quota policies. Drawing on data from all over the world, this paper has three goals: (1) to present evidence of efforts to undermine gender quotas, showing that it is widespread; (2) to theorize how and why resistance occurs, elaborating three motivations and justifications for opposing quotas; and (3) to develop a typology of these forms of resistance, mapping and categorizing the various forms that defiance may take at three stages of the electoral process – as well as counter-strategies that have emerged to deal with them. Adopting gender quotas, therefore, may be only the beginning – rather than the end – of a long and contested process to empower women as political actors.

Quotas for women in politics have spread rapidly around the globe over the last two decades, from a handful of states in the 1970s and 1980s to more than 130 countries today. These policies now exist in very diverse cultural contexts, at all levels of development and democracy (Hughes, Krook, and Paxton 2015). The shared aim is to ensure a minimum proportion of women as political candidates or legislators through constitutional, legal, and/or political party reforms. A striking feature across many cases is that, while subject to vigorous debate, quotas are typically introduced via largely unanimous decisions, with little vocal opposition (Krook 2009). Together with a growing global norm in favor of women’s political inclusion (Towns 2010), these patterns suggest widespread consensus among both national and international actors as to the value of gender-balanced decision-making.

Yet, far from generating broad agreement, in practice quotas often face serious challenges following their adoption, affecting their implementation and, in turn, their ability to transform gender roles. Some quotas are overturned after opponents question their legality or constitutionality (Krook 2009). Other policies fall short in terms of the numbers of women elected, with the share of women even decreasing (Miguel 2008). Antagonism towards quotas, further, may continue after ‘quota women’ assume office, ranging from denigration of these women’s qualifications (Murray 2010; Nugent and Krook 2015) to misogynistic media portrayals and violent acts against female politicians (Krook and Restrepo Sanin 2014).

Such dynamics are observed frequently across case studies, but to date, these trends have not been the focus of systematic analysis. Recognizing that quotas are controversial (Bacchi 2006; Krook, Lovenduski, and Squires 2009), scholars have largely focused on how objections have been overcome through quota campaigns, identifying both principled and pragmatic motivations for reform (Krook 2009). Accounts of quota implementation, in turn, primarily highlight policy design and institutional factors as reasons for variations in quota effectiveness (Schwindt-Bayer 2009). The importance of political will is generally acknowledged in both literatures, but its role in the implementation phrase in particular remains largely under-theorized.

Yet there are reasons to believe that political will – defined as elite views and willingness to transform quota requirements into practice – deserve a closer look. Breaking with a status quo in which men dominate candidate selection pools, for example, typically requires substantial intervention on the part of central party leaders or state actors tasked with overseeing compliance (Jones 2004). Some elites many simply refuse to do anything or, more ominously, may take active steps to subvert quota impact (Baldez 2007; Murray, Krook, and Opello 2012). Mapping and explaining the “how” and “why” of these

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1 For an updated list, see http://www.quotaproject.org
dynamics is thus vital for understanding why some quotas are more effective than others, in terms of electing more women and gaining broader legitimacy.

Opening up this “black box,” this article explores the forms that resistance to quotas may take, focusing on post-adoption dynamics. Arguments for and against quotas prior to their introduction have been thoroughly discussed in other contributions (Bacchi 2006; Krook, Lovenduski, and Squires 2009). What is puzzling, however, is resistance that occurs after quotas have been adopted, especially when approved by largely consensual votes at party conferences or by national parliaments. Some case studies suggest that open opposition to quotas and women’s inclusion, voiced during quota debates, may subsequently go “underground” to less publicly visible spaces (Bird 2003; Holli, Luhtakallio, and Raevaara 2006; Meier 2008). These trends indicate ongoing contestation surrounding quotas even in the face of public acceptance, limiting the ability of these reforms to truly level the political playing field.

Drawing on data from case studies from around the world, as well as original field research in Africa, Europe, and Latin America, the first section presents evidence of resistance following quota adoption. It charts various types of legal challenges, compares policy mandates to the numbers of women elected, and catalogues some of the most common criticisms of “quota women.” The second section theorizes what resistance “is” and why it occurs, focusing on how quotas – and efforts to bring more women into politics – challenge, at a very fundamental level, gendered ideas about the public and private spheres. Integrating literatures in a variety of disciplines, it identifies three microfoundations of resistance, motivating and justifying individual and collective opposition: false universalism and political principles, male power and political survival, and gender norms and evaluations of female leaders.

Pulling these strands together, the third section presents a typology of resistance, distinguishing the forms that defiance may take at different stages of the electoral process. The focus of each stage – responding to policy adoption, preparing for and conducting elections, and settling into legislative work – shapes the actors engaged in resisting gender quotas, as well as their goals and intended effects, even as specific strategies of resistance take numerous and varied forms. Systematizing these practices under a common heading reveals various methods of obstruction, casting doubt on the ability of quota reform on its own to empower women and deepen democracy. Unveiling these tactics, however, brings these challenges to light, offering an opportunity to devise remedies – as well as a way forward for developing additional, complementary strategies to facilitate political inclusion. The article concludes that adopting gender quotas is not the end, but rather the beginning, of a long and contested process to transform the principles and practices that tend to privilege men over women as political actors.
Evidence of Resistance

Electoral gender quotas, whether introduced at the national or party level, have altered the landscape of candidate selection in a large and growing number of countries around the world. Indeed, in regions like Western Europe and Latin America there are few countries without quota regulations, to the extent that today the lack of quotas is something that needs to be explained rather than the reverse (cf. Krook 2006a). This shift was the result of domestic factors like the mobilization of women’s groups and the electoral incentives of political parties, as well as global influences like conventions, resolutions, and foreign interventions supporting the goal of gender-balanced decision-making (Krook 2009). As a result, quotas appear in a wide variety of contexts, including states where women’s rights and daily sense of security are tenuous at best (Bush 2011; Tønnessen and al-Nagar 2013).

Diversity in the circumstances surrounding quota adoption suggests that quotas may not have the same meaning in every country, given different political institutions, experiences with democracy, and women’s status in other spheres. Quota debates, however, are surprisingly universal, with nearly identical projections – both positive and negative – being made about the impact of quotas on women, democracy, and society. Positive predictions focus on the potential for quotas to achieve greater diversity among legislators, enhanced attention to women’s issues in policy-making, and broader transformation of gender roles, while negative projections expect that the just the opposite will occur, eroding potential transformative effects (Franceschet, Krook, and Piscopo 2012; Krook 2013).

Manifestations of resistance to gender quotas, consequently, are strikingly similar around the globe, despite the fact that opponents – like supporters – are an internally diverse group, driven by a host of different motivations. Reviewing scholarly studies and news accounts points to at least three patterns recurring across world regions, problematizing assumptions that quotas reflect or enact new principled commitments to women’s political inclusion. Indeed, upon closer examination, resistance – not compliance – appears to be the norm vis-à-vis quota implementation, This antagonism ranges from subtle to overt, engaging arguments based on political principles to more pragmatic considerations expressed through candidate selection decisions and reactions to women elected via quota policies.

Legal Challenges

Legal challenges are a common feature of many case studies – yet, interestingly, this problem does not feature prominently in the comparative literature. Contention revolves around whether quotas for women in politics violate constitutional guarantees of equality (Krook, Lovenduski, and Squires 2009). Claims that quotas are unconstitutional may be voiced before quotas are approved. In Russia,
members of parliament (MPs) referred to constitutional guarantees of equality when rejecting a bill in 2005 to set a minimum of 30% female representation in the federal and regional legislatures. Similarly, in Slovakia, a Ministry of Justice official criticized a proposal made by the Interior Ministry prior to the 2002 elections to amend the election law to state that every third position on candidate lists be for the opposite sex. The bill failed as male MPs echoed the claim that quotas were anti-constitutional and discriminatory against men. Anticipating such claims, quota advocates in several countries, including Slovenia, have taken steps to establish the constitutionality of affirmative action prior to pursuing quota reforms (Antic and Lokar 2006).

Once quotas have been passed, they have been vulnerable – in several cases – to claims about their constitutionality. The quota law in Italy, for example, was overturned on these grounds in 1995. The Constitutional Court ruled that Article 51 providing for equal access by women and men to public and elective offices had “absolute value,” not permitting distinctions of any kind – and, therefore, any favoring of citizens of a disadvantaged group (Palici di Suni 2012). In other countries, legal challenges have been launched but not succeeded. In Spain, the courts affirmed the constitutionality of quota provisions (Verge and Troupel 2011), while in Mexico, judges took the opportunity to pass positive judgment on the constitutionality of the quota law even as the local conservative party that had registered the case sought to withdraw it (Balde 2004).

Establishing the constitutionality of gender quotas, however, has not always paved the way for greater acceptance of quotas. In Haiti, a constitutional reform in 2012 reform recognized the principle of a minimum 30 per cent quota for women at all levels, but the legislation necessary to formalize such a quota has never been passed. Similar conflicts in Kenya led legislators to refer to the Supreme Court in 2012 a decision on the new electoral system, implementing a new constitutional provision that “not more than two-thirds of the members of elective public bodies shall be of the same gender.” Justices ultimately ruled that “the historical marginalization of women in elective politics could not be resolved by quotas but would only be realized over time and in stages.” Legal difficulties are thus not restricted to constitutional questions, although this is the most common legal method for challenging quotas.

**Election Patterns**

A second trend emerging from global experiences with gender quotas is a disparity between the levels of representation mandated and the numbers of women actually elected. Various studies indicate

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2 Male Deputies Say Quota for Russian Female Parliamentarians Unconstitutional, 18 April 2005.
3 SME 12.2.2002
4 [http://www.ipsnews.net/2012/12/no-women-no-elections/](http://www.ipsnews.net/2012/12/no-women-no-elections/)
that introducing quotas has contributed to a rise in women’s political representation (Paxton, Hughes, and Painter 2010; Tripp and Kang 2008). Largely as a result of quota diffusion, over the last twenty years the world average of women in national parliaments has nearly doubled, from 11.3% in 1995 to 22.1% in 2015. In the vast majority of cases, however, elections result in lower – and sometimes much lower – numbers of women in parliament than the proportions identified in quota policies.

Latin America offers perhaps the clearest illustration of these variations. Although some countries have since increased their quotas to 40 or 50%, in 2008 nearly all states in the region had adopted laws requiring that all parties nominate at least 30% female candidates (40% in the case of Costa Rica). As shown in Table 1, only Argentina and Guyana met or surpassed their quota mandates. Other countries, like Peru and Ecuador, fell only slightly short, while cases like Bolivia, Panama, and Paraguay barely elected half the number of women than might be expected. Brazil, in turn, holds the distinction of being one of the few countries in the world where women’s representation dropped after quotas were adopted in 1997, from 6.6% in 1994 to 5.7% in 1998. Nearly twenty years later, women’s share of the lower house in Brazil remains below 10%, even as other countries, like Bolivia, Nicaragua, and Ecuador, have witnessed notable progress, surpassing Argentina as regional leaders.

Table 1: Women in National Parliaments in Latin American Countries with Gender Quotas, 2008

<table>
<thead>
<tr>
<th>Country</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Argentina</td>
<td>40%</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>37%</td>
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<tr>
<td>Guyana</td>
<td>30%</td>
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<tr>
<td>Peru</td>
<td>29%</td>
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<tr>
<td>Ecuador</td>
<td>25%</td>
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<tr>
<td>Honduras</td>
<td>23%</td>
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<tr>
<td>Mexico</td>
<td>23%</td>
</tr>
<tr>
<td>Dom. Republic</td>
<td>20%</td>
</tr>
<tr>
<td>Venezuela*</td>
<td>19%</td>
</tr>
<tr>
<td>Bolivia</td>
<td>17%</td>
</tr>
<tr>
<td>Panama</td>
<td>17%</td>
</tr>
<tr>
<td>Paraguay</td>
<td>13%</td>
</tr>
<tr>
<td>Brazil</td>
<td>9%</td>
</tr>
<tr>
<td>Colombia*</td>
<td>8%</td>
</tr>
</tbody>
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Regional Average 22%

*Countries where 30% quota laws were subsequently repealed.

Whereas reserved seats establish a minimum proportion of women who must be elected, party and legislative quotas apply to the percentage of female candidates. Shortfalls between these numbers suggest that the women who are nominated as a result of quota requirements are not necessarily given the chance to compete on equal terms with men. To return to Latin America, ample evidence indicates

6 All figures from [http://www.ipu.org/wmn-e/classif-arc.htm](http://www.ipu.org/wmn-e/classif-arc.htm)
7 [http://www.ipu.org/wmn-e/arc/classif310108.htm](http://www.ipu.org/wmn-e/arc/classif310108.htm)
that without formal rules stipulating placement mandates and sanctions for non-compliance, parties do not place women in list positions that would result in high chances of being elected (Jones 2009). This tendency was explicitly recognized in the recent electoral reform in Mexico in 2014: the new law for the country’s mixed electoral system states that parties must alternate between women and men in the list portion and may not place women “exclusively” in losing districts in the single-member portion. Along similar lines, in Libya parties must apply both “vertical” and “horizontal” zipping – alternating between women and men both down and across the lists that they present – in the list segment of the country’s mixed electoral system. This requirement was inspired by experiences in Tunisia, where vertical zipping did not produce equal representation, because the vast majority of parties had placed men at the top of their lists, leading to a mere 26.7% women elected in 2011.8

**Criticism and Coercion**

A third recurring theme across countries is harsh treatment of women elected via quota policies as compared to other politicians. These women are often criticized as “unqualified,” nominated solely because they are female, without regard to whether they truly deserve to be selected (Franceschet, Krook, and Piscopo 2012). These charges, importantly, are not based on their objective qualifications to hold office. Studies comparing the backgrounds of elected officials find that women elected via quotas are equally and, in some cases, more qualified than their non-quota counterparts (Huang 2013; O’Brien 2012). As such, quotas do not appear to provide an “easy way in” for sub-par candidates, but rather to reduce the barriers for well-prepared women to enter politics. Discursive opposition to “quota women” is very common, however, presenting a powerful strategy for undermining public and self-perceptions of their worth as politicians (Nugent and Krook 2015) and for undercutting their effectiveness as legislative advocates for women (Franceschet and Piscopo 2008).

Far less subtle tactics, however, have become increasingly common, including resorting to acts of violence and harassment to pressure women to withdraw as candidates or resign as elected officials (Krook and Restrepo Sanin 2014). Indeed, non-governmental organizations working in a variety of regions have begun to convene events and publish studies on this phenomenon, which some scholars explicitly theorize as a backlash against efforts to “jumpstart” changes in women’s representation (Cerva Cerna 2014). Studies by NGOs suggest that violent incidents leave women demoralized and outside the centers of decision-making, leading them to be less likely than men to stand for reelection – or to leave after serving fewer terms (SAP International 2006). In Bolivia, 48% of the women leaving office in 2010

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8 [http://www.ipu.org/wmn-e/arc/classif311211.htm](http://www.ipu.org/wmn-e/arc/classif311211.htm)
reported being victims of such violence (ACOBOL 2012). Introducing quotas may thus precipitate various forms of backlash against women in politics, undermining the drive towards greater gender equality.

**The Microfoundations of Resistance**

These three trends signal ongoing obstacles to women’s access and voice in the political realm, painting a more complex picture of what quotas have meant for women’s political empowerment than traditional accounts of diffusion and norm change might suggest. Shared patterns across diverse regions indicate that opening politics to women – and leveling the political playing field – requires more than simply introducing quotas. This is because, in many societies, women’s political exclusion is rooted in a tendency to associate men with the public sphere and women with the private sphere – a perspective supported by a vast infrastructure of rules, practices, and norms reinforcing this divide as the “natural order” of society (Elshtain 1981). Quotas thus pose a fundamental challenge to gendered distributions of power. Identifying and unpacking the microfoundations of this divide – generating, preserving, and in some cases “hiding” it from public view – is vital for appreciating the nature of resistance, as well as for devising counter-strategies to realize the transformative potential of quota reforms.

The idea of separate spheres was used to justify denying political rights to women, with female suffrage framed as a profound threat to “the patriarchal structure of relations between the sexes and conceptions of masculinity and femininity” (Pateman 1994, 339). This view has eroded as women’s right to vote has become nearly universal on a global scale (Towns 2010). Gendered perceptions about who can (or should) be a politician, nevertheless, continue to affect women’s perceived qualifications and ambitions to run for elected office (Lawless and Fox 2005). Further, gender stereotypes still shape how voters evaluate female politicians (Matland and Tezcür 2011). Yet, as greater numbers of women enter politics, their presence also highlights and challenges beliefs and practices regarding politics as a male domain. Exposure to female leaders can weaken gender stereotypes (Beaman et al 2009). “Universal” political principles and gendered practices and norms of power, however, are powerful tools for those defending the status quo, together conferring on men greater access and legitimacy as political actors.

**False Universalism and Political Principles**

In key contributions to feminism and political science, early work by feminist theorists unveiled the male bias inherent in supposedly “universal” and “impartial” concepts like equality and democracy. Re-reading core texts in classical and modern political theory, they observed that women – often by virtue of their association with “nature” – were typically excluded as a necessary first step in nearly all
well-known theories about citizenship and democracy (Okin 1979; Pateman 1988). As a consequence, neutral-sounding concepts like “citizen” were historically deemed to apply only to men – with women being defined, prior to theorizing, as existing outside the scope of the political. Consciously done, this move implies that “the ideal of the civic public as expressing the general interest, the impartial point of view of reason, itself results in exclusion” (Young 1985, 389). The implication is a “false universalism” behind core concepts, which as a result, cannot be a remedy for incorporating women on similar terms as men. As Okin argues, it is impossible to “include women, formerly minor characters, as major ones within the political drama without challenging basic and age-old assumptions about the family, its traditional sex roles, and its relation to the wider world of political society” (1979, 286).

The operation of this “male norm” in practice can be seen in the example of gendered suffrage extension in the United States. According to Harvey (1998), the fact that women gained the right to vote decades after men has had a lasting impact on women’s ability to transform their voting rights into the passage of policies beneficial to women as a group. As latecomers to the political game, women faced a political landscape that was already organized around other interests prior to their arrival. As a result, after an initial flurry of legislation immediately after women gained the right to vote in 1920, women’s issues – and women as voters more generally – received very little attention from the major political parties until decades later when women again began organizing collectively on a broader scale. Simply extending the same rights to women, therefore, did not make them equal actors in American politics. Rather, universal-sounding political rights masked a bias towards masculine actors and priorities in the public sphere, leading to a false perception of full equality in the political realm.

**Male Power and Political Survival**

Normative arguments often frame women’s political presence as benefiting everyone, leading to an enhanced sense of justice, attention to a wider range of interests, and greater legitimacy of the polity (Mansbridge, 1999; Phillips, 1995). Yet, in nearly all cases, an increase in the number of women in elected positions requires – mathematically – a reduction in the share of men. Quota reforms thus entail a “negative sum” game from the perspective of current and prospective male aspirants – men who, as a result, must step aside or be overlooked in order to make way for women (Baldez 2006). Not surprisingly, therefore, quotas sometimes spark acrimonious conflict within political parties, leading

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9 John Stuart Mill’s *The Subjection of Women* (1869) is a notable exception.

10 In Bangladesh, introducing reserved seats for women involved increasing the size of the parliament.
some disaffected men to challenge their parties’ selection policies and even establish rival candidacies (Cutts, Childs, and Fieldhouse 2008; Murray, Krook, and Opello 2012).

These dynamics render both remarkable and puzzling the apparent consensus at the global, national, and party levels in favor of gender-balanced decision-making. Since at least the work of Downs (1957), political scientists have largely operated from the assumption that politicians seek to maximize their chances of election and reelection. Yet legislators and party elites – who in most cases are male – publicly support gender quotas, despite the potential implications for their own careers. According to one game-theoretic analysis, the answer is simple: quota adoption is in male legislators’ self-interest. Due to voter bias in favor men, the authors propose, male incumbents stand a greater chance of being reelected if they face a female challenger (Fréchette, Maniquet, and Morelli 2008). While theoretically and empirically weak (Murray, Krook, and Opello 2012), this model suggests that policy adoption may be driven by motivations that may have little to do with empowering women in politics per se.

Quotas may thus potentially challenge and preserve male privilege in the political sphere. They may also, counter-intuitively, enhance power inequalities among different groups of men. In some instances, quotas provide a convenient excuse to party leaders to cull the ranks of male candidates, taking out those they may disagree with or who they view as lower-performing for whatever reason (Bird 2003). In Sweden, indeed, the advent of formal quotas in the 1990s provoked what female party activists labeled the “crisis of the mediocre man” (Besley, Folke, Persson, and Rickne 2013). As a result, strategies to inject change can threaten to destabilize the various kinds of male-dominated networks that have traditionally served as recruiting grounds for elected officials (Bjarnegård 2013).

As in efforts to promote gender equality more generally, these changes may be experienced by some men as a loss of status, triggering a search for counterstrategies to recuperate a sense of power and control (Mansbridge and Shames 2008). Such survival tactics, as scholars in diverse disciplines have observed, may range from overt acts of violence to more subtle strategies to marginalize and render women less effective – and be perpetrated by men at all levels of the social hierarchy (Cockburn 1991; Gallagher and Parrott 2011). Ås (1978) describes efforts to reinscribe male authority as “domination techniques,” aimed at reducing women’s impact in organizations as women enter these new spaces. These include rendering invisible, ridiculing, withholding information, double-punishing, and blaming and shaming – a repertoire of behaviors that, at their core, seek to delegitimize and exclude women, even when they are formally incorporated within previously male-dominated spaces.
Gender Norms and Female Leaders

Developments over the last several decades have opened up a wider range of roles in society for both women and men. Nonetheless, research in psychology finds that the same traits deemed desirable for women in the 1970s continue to be viewed in similar terms today (Rudman and Phelan 2008). In line with traditional gender roles, women are (or should be) more “communal,” concerned with the welfare of others, while men are (or should be) more “agentic,” assertive, controlling, and confident – qualities that are, in turn, equated with a good leader (Eagly and Karau 2002). Consequently, women who aspire to leadership positions face a dilemma. If women are seen as less agentic than men, individual women may be overlooked for leadership positions unless they convey themselves to be atypical women. Yet female agency can provoke negative reactions due to a “lack of fit” between feminine stereotypes and leadership qualities (Eagly and Karau 2002; Okimoto and Brescoll 2010), leading to attacks for perceived status violations in efforts to defend reigning gender hierarchies (Rudman et al 2012).

In light of these dynamics, it is perhaps not surprising that many female politicians frame their participation as an extension of their roles as mothers (Chaney 1979) or elect not to have children or wait until their children have grown before pursuing a political career (McKay 2011). In the former case, women’s entry poses less of challenge to traditional gender roles, while in the latter women are better equipped to conform to the male norm. Nonetheless, women’s presence in political institutions can be unsettling to reigning standards and practices of political life, precisely because this space has been constructed through women’s exclusion (Puwar 2004). Whether or not it is their intention, by being present in the public sphere, these women jeopardize existing gendered norms of power, forcing reconsideration or backlash (Rudman et al 2012) to resolve these apparent conflicts.

A Typology of Resistance

Theoretically elaborated and extensively documented across various academic disciplines, these microfoundations reveal the multi-faceted challenges facing efforts to include and empower women in public life. Many attempts to undermine gender quotas, moreover, are not open and unambiguous, but instead less visible and obvious. To aid global efforts to promote women as political actors, as well as to advance the quota literature, the typology below offers an analytical framework for identifying forms of resistance, comprehending the motivations behind them, and exposing what is at stake if such behaviors are ignored. This approach brings questions of agency to the center of academic and activist discussions, emphasizing – more so than has been the focus of discussion thus far – that quotas may not simply fail to increase the numbers of women in politics due to shortcomings in design or features of the broader
institutional context. Rather, these policies may be undermined by deliberate tactics on the part of different actors to subvert their intended effects on women’s political empowerment.

While they have not been a primary focus of analysis in the literature, case studies are replete with examples of efforts to undermine quota impact. An inductive investigation of these dynamics in existing work, as well as original field research, reveals that moments of defiance occur at all stages of the electoral process – not surprisingly, given that quotas seek to alter the male-dominated status quo by incorporating women as candidates (prior to elections), enhancing women’s likelihood of being elected (during elections), and enabling women to participate fully as decision-makers (after elections). This exercise, indeed, indicates substantial ongoing contestation, not limited to one country or region of the world. This finding nuances the broad outward acceptance of quotas at both the global and national levels – suggesting, in fact, the lack of a deeper consensus on their need or validity as a strategy to bring more women into politics (cf. Meier 2008).

A “typology,” according to George and Bennett (2005), involves classifying observations in terms of attributes on multiple variables. The distinct prerogatives of quotas at different points of the electoral cycle suggest, logically, that the nature of defiance may vary depending on the stage at which it occurs – affecting the goals of resistance, the forms that it takes, the actors who express it, and the effects of these acts. Behaviors observed reveal substantial recurrence to the three microfoundations elaborated above, with “universal” principles and gendered practices and norms of power being frequently utilized to block the full implementation of gender quotas, as well as to delegitimize this strategy and undercut women’s acceptance as political actors if quotas are used. The country data, however, also illuminate various counter-strategies to render unambiguous the legal status and practical requirements of gender quotas, as well to contribute to a deeper appreciation of gendered barriers to women’s full and equal participation, signaling the need to pursue additional strategies to truly level the political playing field for female aspirants, candidates, and elected officials.

Pre-Election Period

Prior to elections, political parties devise their electoral strategies, analyzing the electoral law and deciding how to select their candidates and draft their party platforms to garner the most votes. When quotas have been introduced, parties must decide how to implement these provisions. The focus of resistance at this stage is to criticize the policy per se, declaring gender quotas to be illegitimate and invalid in order to foster ambiguity regarding their legal status. These strategies thus operate at the level of political principles, seeking to influence public opinion and, more concretely, appeal to existing legal
frameworks to have quotas overturned or minimized in terms of their impact on candidate selection procedures. While members of the public, especially the media, may be engaged in these debates, the key actors tend to be aggrieved men and those who—whether motivated by pure principles or not—claim to be defending “equality” as it is defined in the constitution and anti-discrimination law.

Legal challenges thus typically come into play during this period. In the United Kingdom, for example, a quota policy adopted by the Labour Party in 1993 was challenged in an industrial tribunal by two male party members, arguing that their exclusion as men from certain selection contests involved sex-based discrimination. The case hinged upon whether selection as a political candidate amounted to a qualification for employment. Although the British tax authorities treat MPs separately because they are not considered to be “employees,” the tribunal argued that candidate selection did constitute a qualification for becoming an MP and thus quotas did violate the terms of the 1975 Sex Discrimination Act. This court decision was not challenged at the time by party leaders, despite its questionable legal grounds (Krook 2009; Russell 2000).

More commonly, legal appeals regarding quotas appear as constitutional challenges. France is perhaps the most well-known example. In 1982, a female MP introduced a bill in the National Assembly stipulating that lists of candidates for local elections not include more than 75% of candidates of the same sex. During the legislative debates, rumors circulated among MPs that the Constitutional Council would declare the quota unconstitutional (Mossuz-Lavau 1988), a belief reinforced by a government minister who requested that the quota appear as a separate article so that, should it be annulled, the rest of the bill on municipal elections could still stand (Bird 2003). After so doing, MPs voted nearly unanimously in favor of the measure. Several months later, as expected, the court reviewed the bill and declared gender quotas unconstitutional. Its decision stated that the principle of “equality before the law” precluded the “division” of voters and candidates into “categories” for the purposes of elections.12

Two main counter-strategies have emerged to deal with these types of legal challenges. The first is to pursue legal and constitutional reforms to “legalize” positive action. Six years after the judgment in the UK against all-women shortlists, parliament reformed the Sex Discrimination Act to permit parties to use affirmative action in their candidate selection processes. In France, advocates launched a campaign in the 1990s around the concept of “parity,” a principle calling for the equal sharing of power among women and men (and thus not a “quota,” they claimed). Making reference to ideas contained in the Constitution, they argued that sex was the universal difference, cutting across all other categories and

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11 Interviews, May and June 2012, January 2013.
12 Décision no. 82-146 DC du 18 novembre 1982.
groups in society. Therefore, it was vital to reform the constitution to more accurately reflect the whole people and the common interest (Bereni and Lépinard 2004). Notably, however, negotiations over the constitutional reform led to a watering down of the language, from “guaranteeing parity” to “favoring equal access.” While the amendment was passed by overwhelming majorities in both houses, a group of sixty senators challenged the resulting electoral law, referring it to the Constitutional Council – which, this time around, confirmed its constitutionality (Krook 2009).

A second counter-strategy is to use gender-neutral phrasing in the quota policy, transforming men and women into potential beneficiaries of the policy, with neither sex receiving special treatment (UNDP-NDI 2011). In Macedonia, for example, there were fears that singling out women as the focus of a gender quota would violate the terms of Article 9 of the Constitution, stating that all citizens had equal rights regardless of their sex. The solution was to phrase the quota as the minimum 30% presence of the “under-represented sex” on candidate lists (Dimitrievska 2004). Related alternatives include stipulating a maximum percentage of one sex, as in the 1982 French reform, or a maximum percentage of one sex and a minimum proportion of another, as in Chile, where neither sex may occupy more than 60% or less than 40% of the lists for elections. The growing and widespread use of gender-neutral language in quota policies around the world indicates recognition of the need to reduce legal or constitutional ambiguity surrounding these measures, reducing their vulnerability to challenge on principled grounds.

*Election Period*

In the preparations leading up to elections, parties select their candidates, deciding which individuals to nominate based on a host of different criteria, like education, party service, legislative experience, speaking abilities, financial resources, political connections, and name-recognition (Rahat and Hazan 2001). During the election period, parties also determine which candidacies to prioritize and how to allocate their campaign resources. Far from reflecting the population, these processes generally result in the selection and election of more affluent, male, middle-aged, and white-collar people than exist proportionally in the electorate (Norris 1997). Gender quotas seek to interrupt these dynamics of exclusion by mandating that parties choose a minimum proportion of women among their candidates (Krook 2009). Resistance to quotas at this stage typically involves following the letter, but not the spirit of the reforms: technically complying with policy requirements, but searching for and taking advantage of loopholes. These dynamics usually play out on two levels simultaneously, with acceptance of quotas on the surface obscuring efforts to hollow out their impact on the ground – thereby reinforcing, rather than challenging, the male-dominated status quo. The main actors include party elites charged with
selecting and distributing resources to candidates, but may also include rival male candidates and other party colleagues, taking steps to ensure their own political survival.

These tactics take a host of different forms, ranging from seemingly benign to more obviously egregious violations of quota requirements. They have one of two goals: to ensure that quotas are not effective in electing more women and to undercut, through nomination processes, the transformative potential of quotas to empower women as political actors. Evidence of the former appears across many case studies. One version is to “misunderstand” or misconstrue these regulations. Party lawyers in Brazil, for example, interpreted the 1997 quota law – stating that “parties should reserve 30% of their list positions for women” – to mean that parties were not actually required to select female candidates, but only that a share of the slots not be filled with men. A related approach is to “forget” to implement the quota. In Finland in the late 1990s, many local officials failed to fulfill a legally-mandated quota for appointed boards at the municipal level. Because they had implemented the provision in the previous election cycle, this suggests deliberate obstruction, rather than inadvertent oversight of the law (Holli, Luhtakallio, and Raevaara 2006). A combination of these two approaches can be seen in Senegal, where three reforms – a 2008 constitutional reform, a 2010 electoral reform, and a 2011 presidential decree – together mandate “absolute parity” in all elected and partially elected bodies. Despite no ambiguity in the decree regarding the bodies to which parity applies, various officials claim – including in a circular sent to all governors and local officials by the Minister of the Interior – that the law is not clear or does not apply to governing bodies, even though the decree explicitly states this to be the case.

In other countries, parties do comply with quotas, but apply the minimal interpretation possible. In China, the law for local elections mandates that there be “an appropriate number” of women on each village committee. Many committees do not have a single woman – seen, perhaps, as the “appropriate” level. While some provinces have introduced regulations clarifying that “appropriate” means “at least one woman,” in most instances the practice is to include no more than one woman (Jacka 2008). In a related fashion, the phrasing of the quota law in Argentina, requiring “30% women, in proportions which make their election possible,” was initially read by politicians as applying to all party candidates – who could in theory be elected – rather than to the positions at the top of list that parties were most likely to win (Durrieu 1999). In countries with reserved seats, like India, elites appear to assume that seats not explicitly reserved for women are thereby reserved for men, reducing the opportunities for women to stand as candidates in open seats and run for re-election when their seats are de-reserved (Dalal 2000).

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13 Interviews in Rio de Janeiro and Brasilia, October and November 2014.
14 Interviews in Dakar, May and June 2015.
Other ways to undermine quotas along these lines include deliberating placing women in losing districts, as in France (Murray 2008); channeling the vast majority of funds and resources to men, despite state policies mandating that women receive a minimum share, as in Brazil (Sacchet and Speck 2012);¹⁵ and prioritizing men at the top of lists in cases where parties are likely to win only one seat, as in Tunisia where women headed fewer than 3% of lists in 2011 and 15% of lists in 2014.¹⁶ As a result, women’s electoral prospects are substantially reduced, even when they form the requisite number of candidates.

Even more nefarious tactics, unfortunately, are not uncommon. Quota policies themselves can be altered downwards, as occurred in Mongolia, where a 30% quota enacted in 2005 was repealed just before the 2008 elections in favor of a 20% measure.¹⁷ Elsewhere, women have been pressured to step down after being elected, either by prior agreement with their male alternates or as a result of various forms of violence and aggression against them and their families (Krook and Restrepo Sanin 2014). The issue came to light in Mexico after the 2009 elections, when eight women resigned almost immediately after being elected, transferring their seats to men inside their parties. The same happened in Kosovo in 2000, when a number of women quit their posts right after being elected (Nordlund 2003). Perhaps the most egregious example, however, is the widespread electoral fraud perpetrated in the 1999 municipal elections in Bolivia, when parties systematically “misspelled” the names of some male candidates, listing them in the feminine form (Albaine 2009). A final, and perhaps the most widespread, way to reduce the impact of quotas is to nominate women who are the wives and daughters of male elites – reproducing the political class, rather than empowering women more broadly as political actors. Although some of these women do have substantial prior political experience, their closeness to male elites suggests that their presence may contribute to strengthening, rather than undermining, male domination.

Struggles to ensure that quotas are respected have led to two broad responses to these efforts to obstruct quota application. One focuses on the policies themselves, pursuing clarifications to quota requirements and lobbying for improved monitoring of party compliance. In Brazil, the low numbers of women selected as candidates despite the quota law inspired female parliamentarians to lobby for a “mini-reform” in 2009, replacing the phrase “should reserve” with “shall fulfill” a minimum of 30% and maximum of 70% of candidates of each sex. As a result, women constituted close to 30% of candidates for the first time more than ten years after quotas were first introduced (Wylie 2012). A growing trend in relation to “forgetting” to implement quotas has been to establish the ultimate sanction: rejection of lists that fail to comply. An illustrative case is France, where sanctions for non-compliance vary across

¹⁵ Interviews in Rio de Janeiro and Brasilia, October and December 2014.
levels of government: financial penalties in national elections have led to low levels of compliance, while list rejection in local elections has resulted in nearly perfect implementation (Krook 2009). Across Latin America, electoral court decisions and presidential decrees have served to clarify quota requirements as applying to the number of list slots that parties expect to win, leading to dramatic increases in the share of women elected as a result (Jones 2004). Reforms in Mexico in 2014, moreover, stipulated that – in the majoritarian portion of the country’s mixed electoral system – parties could not “exclusively” place women in “losing districts.” This change was the result of extensive mobilization of women in politics and in civil society, together with landmark cases decided by the country’s electoral courts, to highlight and fight a culture of non-compliance among Mexican political parties.  

A second group of strategies involves tackling the practices that hollow out the impact of quota reforms. Pressures on women to step down after being elected have been observed in countries across Latin America. In Mexico, this phenomenon was common enough to spur the country’s electoral tribunal – and later the country’s new electoral law – to establish that alternates must be of the same sex as the person stepping down. In Argentina, a similar rule was stipulated for candidates in a presidential decree in 2000: should female candidates drop out for any reason, they must be replaced by women, while men in the same situation may be replaced by men or women. While the decree only applies to candidates, a similar practice has emerged whereby female deputies who step down are replaced by women, even if a man is the next person on the list, with these men voluntarily recusing themselves to enable a woman to take the seat. Legal reforms have been pursued in other cases, where pressures to resign have resulted from threats of violence and intimidation, as in Bolivia where locally elected women lobbied for – and eventually achieved in 2012 – a law criminalizing this type of behavior (Krook and Restrepo Sanin 2014). To counteract tendencies to nominate female relatives, women’s groups have organized campaigns to collect names of women willing to run, with the aim of responding to elite claims that they cannot find enough female candidates. This was, for example, a strategy used by women in the 1970s and 1980s in Sweden as they mobilized to get more women included on party lists. The aim of all these strategies is to reduce the possibilities for male domination to be reinscribed in the face of quota policies.

Post-Election Period

After elections, those who are elected take up their posts and turn their attention to policy-making. Resistance to quotas at this stage is perhaps the least obvious, because quotas per se are not

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18 Interviews in Mexico City, May and July 2014.
19 Interviews in Buenos Aires, August 2014.
20 Interview in Stockholm, June 2012.
being applied. However, a host of tactics may be deployed by various actors to reduce these women’s capacity and legitimacy as legislators, often at the level of perceptions rather than in actuality – using controversies surrounding quotas to suggest that women elected via quotas are not effective politicians. The main actors are diverse, ranging from male rivals and colleagues to journalists and citizens writing in the media or social media outlets. While often framed in the language of democratic accountability, the goal is to reduce women’s legitimacy and voice as political actors, sending out the message that women do not belong in politics – whether or not they are elected through quota policies. It is at this stage that gender norms regarding male versus female leaders most come into play, tapping into stereotypes that disparage female politicians and, in turn, reduce other women’s political ambitions by fostering a hostile climate for women’s participation.

Resistance at this stage falls into two broad categories, related to perceptions and portrayals of quota women, on the one hand, and their legislative performance, on the other. A common concern in many debates is that quotas may lead to the election of “unqualified” or “elite” women (Franceschet, Krook, and Piscopo 2012). Such discourse is especially prominent in the UK, where the Labour Party has applied quotas for its candidate selections for more than 20 years. Although the policy is used in only some selection contests, citizen focus groups and elite interviews indicate substantial hostility to “quota women” that they generalize to female Labour politicians who they believe have under-performed – the vast majority of whom were not selected via the quota policy (Childs and Webb 2012). Quota women may also be the subject of attacks on their sexual morality: a candidate in Kenya found polling stations littered with condoms with her name written on them (Migiro 2013), while Afghan politician Malalai Joya discovered a poster calling her a prostitute (Krook and Restrepo Sanin 2014).

Efforts to undermine women’s legislative performance, feeding back into portrayals that they are unqualified, include tactics to prevent them from exercising the office to which they have been elected. In addition to being prevented from attending political meetings by their own colleagues, who change the time and place without informing them, women in countries like Costa Rica, Ecuador, and Afghanistan find their voices actively silenced by their microphones being cut off while they are speaking (Krook and Restrepo Sanin 2014). Sexist taunts and gestures are also used to unnerve women: a local assemblywoman in Japan, for example, faced jeers from her male colleagues telling her to get married and have children (Lies 2004). Further devices to obstruct women’s political work include denying them salaries and even office space, supplied to their male colleagues, and forcing them to take decisions or resign their positions against their will, as occurred in Bolivia (Machiao 2012).

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Counter-strategies to these forms of resistance focus on recasting these negative portrayals and equipping elected women with the resources to be more effective legislators. In response to a widely publicized statement by a senior male politician in Senegal, claiming that 90% of the women elected via gender quotas in 2012 were illiterate, Fatou Sow Sarr – a professor and activist – conducted a survey of these women that was published, distributed, and widely circulated in the media, showing that most of these women in fact had advanced degrees. In other cases, female politicians have spoken out about their negative treatment, which has been covered in national and international media outlets (Krook and Restrepo Sanin 2014). To empower women as political actors, the National Democratic Institute has organized women-specific orientation programs for newly elected women, with the aim of helping them navigate the many informal rules and practices necessary for policy-making (Markham 2014). Initiatives in several countries, including Costa Rica and South Africa, have moved to address sexual harassment in parliament (Palmieri 2011). Finally, a Bolivian law and bills being considered in Mexico, Ecuador, and Peru seek to recognize and criminalize political violence and harassment of female politicians. The aim is to rethink, rather than reinforce, gendered norms of leadership through these initiatives and reforms.

Conclusions

Gender quotas have diffused rapidly around the world in recent decades, suggesting widespread and dramatic transformations in women’s access to political power. Yet there is substantial evidence of resistance to quotas, suggesting that – at a deeper level – political principles and practices have changed very little in the wake of quota policies. Indeed, interviewees in Latin America often make reference to the saying hecha la ley, hecha la trampa – liberally translated, “when a law is born so is a way to cheat it.” This is true of many initiatives to promote gender equality, as feminist academics and activists have observed, with equality discourses and goals often being “stretched” or “bent” to accommodate other imperatives, with the result that projects may lose some of their original meaning or contribute to what some might view as less-than-feminist goals (Lombardo, Meier, and Verloo 2009).

Focusing on post-adoption dynamics, this article has three goals: to present evidence of efforts to undermine gender quotas, showing that it is widespread; to theorize how and why resistance occurs, elaborating three motivations and justifications for opposing quotas; and to develop a typology of these forms of resistance, mapping and categorizing the various forms that defiance may take at three stages of the electoral process – as well as counter-strategies that have emerged to deal with them. Using data

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22 Interviews in Dakar, May and June 2015.
23 Especially interviews in Mexico City, May and July 2014.
from all over the world, this discussion serves to highlight the lingering challenges to women’s political empowerment even after quotas have been introduced. Quotas, in other words, form only one part of the process, given that the roots of resistance run deep, from the biases inherent in reigning political principles to the imperatives of political survival to the gendered evaluations of leadership qualities. Exposing these practices, however, presents an opportunity to address these challenges and suggests the need for additional non-quota strategies to reinforce the goals of quota reforms (Krook and Norris 2014), including interventions at all stages of the electoral process to ensure women’s access to and voice within elective political institutions.

References

Krook, Mona Lena. 2014.


