

ENGENDERING THE LEGISLATIVE AGENDA WITH AND WITHOUT THE QUOTA

A comparative study of Argentina and Uruguay

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Introduction

The aim of this paper is to explore from a comparative perspective both the direct and indirect effects of the application of systems of electoral gender quotas.¹ The two countries chosen for the study were Argentina and Uruguay, whose political systems, culture and history, and general level of socio-economic development have many shared characteristics, providing a common framework within which to compare the question of women's participation in formal politics. Argentina was a precursor in both Latin America and the world with respect to the adoption of a quota system in national law, while Uruguay remains one of the few countries in the region that has not introduced a quota law, despite repeated demands by both women politicians and the wider women's and feminist movements that such a measure be introduced. At present, Argentine women deputies comprise over a third of members of the Chamber of Representatives, while just 11% of members of the Uruguayan Chamber of Deputies are women.

The period of analysis covers the ten years following the first elections in which quotas were applied in Argentina, that is 1993-2003.² To explore the effects of the (lack of) quotas the paper compares first the composition by sex of the Chamber of Deputies of the Argentine Congress and the Uruguayan parliament, and women legislators' access to leadership positions in the parliamentary committees (presidencies and vice-presidencies). We then go on to compare the legislative activity of the female deputies, focusing on the bills with gender content that they authored during the period under study.³ For the purposes of this study we defined "gender

1 This article is based on a paper presented at the *20th World Congress of the International Political Science Association*, Fukuoka, Japan, July 2006.

2 In the case of Uruguay the period covered is 1995-2003, starting from the changeover in parliament following the 1994 elections.

3 The universe of analysis includes all bills authored by the women deputies, regardless of whether they were passed or not, since the aim is to measure the legislative activity of the deputies not the support for gender initiatives from the Congress or parliament as a whole. Although limiting the analysis to those bills *authored* by women deputies runs the risk of excluding what may be other important dimensions of these legislators' parliamentary activity to promote gender legislation, it is the only straightforward indicator to measure *individual* legislators' substantive commitment to gender issues. However, in the data gathering process it became clear that there exist quite different criteria with respect to legislative production in the Argentine and Uruguayan parliamentary cultures. While in the Argentine Congress the official records distinguish between the *author* of a bill and those legislators who simply *support* the initiative, in the Uruguayan case this information is not available from the official registers. This reflects

bills” as those legislative initiatives of which women are the target population, that aim to improve women’s condition in society, defend women’s rights and promote equitable relations between women and men.⁴

The central hypothesis of the study is that quotas have a major influence in engendering the legislative agenda. However, the presence of a clear gender agenda in the Uruguayan case signals the need to explore other relevant factors in this process. These other variables include levels of gender awareness among female deputies and inter-party networking around a gender legislative agenda.

Quotas in Latin America

From the 1990s onwards, mechanisms to broaden women’s political participation and their access to representation started to appear in Latin America within the context of the processes of democratization taking place in the region, which were characterized by social fragmentation produced by the political and economic crises affecting the region at the end of the century. The failure of the neo-liberal models and the insufficient responses by political parties provoked disenchantment and undermined citizens’ confidence in politics, which led to a questioning of the meaning of representation within the system.

In this context, institutional reforms favouring women — such as the implementation of affirmative actions, the creation of women’s machineries within the state, and the application of equal opportunities and treatment programmes and plans — resulted from the struggles of women as a social group historically disadvantaged within the realm of politics. Their actions took the form of demanding changes to the established institutional order, as part of a more general demand for the democratization process to be broadened and redefined.

The development of the struggle took on specific characteristics in each of the countries in the region, depending on a range of conditions: the degree of organization and the structure of the women’s movement, its engagement with the political system, the established normative framework and the correlation of forces in the political and social arenas, all of which translated into the capacity to generate support and political will, and to articulate alliances.

different perspectives regarding the role of legislators, in the former case as individual actors, whose performance in office is measured in part by the number of bills they present, and in the latter case as members of a collective, for whom individual legislative initiatives are not necessarily an important part of their parliamentary activity. In the Uruguayan case the information on the authorship of bills was gathered in interviews with women deputies and the secretaries of the party benches.

4 In our classification of the gender bills, we included those bills that had only a partial gender content. In the case of Argentina, because the universe of analysis was much larger, the classification was made on the basis of the official summaries of the bills presented, whereas in Uruguay the more limited universe allowed classification on the basis of the actual content of the bills. Clearly, in the Argentine case it is possible that some bills with partial gender content were missed.

The passing of quota laws from the 1990s⁵ onwards represents a necessary dimension for analyzing women's access to elective posts in the region. The study of the impact of such laws clearly demonstrates the importance of institutional factors in determining women's access to representation.

In this respect, we consider quotas to be institutional reforms in the electoral sphere that permit increased access by women to the different arenas of power within the state, and that operate by generating institutionalized opportunities for women's participation, representation and political contestation. The analysis of such measures, therefore, engages with theories on participation, representation and democracy as a political regime.

However, quotas are not a mechanism which establishes *per se* gender representation. A system of gender representation implies: a) a system of democratic representation that includes women with different origins and social membership in decision-making, b) who are willing to express the interests and demands of organized women's groups within civil society, and c) aim to translate them into government policies. Quotas alone cannot generate such a system of gender representation, but they can be seen as an enabling condition.

The main advantage and potential of affirmative actions lies in their normative basis, especially when they are incorporated into constitutional norms or electoral codes, and when penalties are established in cases of non-compliance. Such quota systems imply immediate and compulsory application in each electoral instance, whereas measures with non-immediate goals, such as equality plans, are non-binding recommended strategies. In those countries where binding quota laws were passed women's participation in parliament has increased considerably.

However, while quota laws ensure the presence of female candidates on party lists, they do not necessarily guarantee their election. This depends on a series of other conditions, as well as on how people vote. In the texts of some laws, the application of quotas is not expressed as an obligation, but simply takes the form of a proposal or recommendation. A similar effect results from laws which do not specify penalties for non-compliance. Another key element determining the effectiveness of quota laws relates to the inclusion of a placement mandate. That is, a clause requiring that women candidates be placed in electable positions on the lists. The purpose of establishing not only minimum gender percentages but also positions on the list is to guarantee access to posts and prevent party gatekeepers from placing women candidates in symbolic positions where they have little real chance of being elected. The placement mandate is only relevant in closed-list systems, since in open-list systems voters' preferences alter the original position of candidates on the list. Of the twelve Latin American countries that have quota laws, six (Argentina, Bolivia, Costa Rica, Honduras, Mexico and Paraguay) included some kind of placement mandate in the legislation.

5 Argentina (1991), Bolivia (1997), Brazil (1997), Costa Rica (1997), Dominican Republic (1997), Ecuador (1997), Honduras (2000), Mexico (1996), Panama (1997), Paraguay (1996), Peru (1997) y Venezuela (1998).

The impact of the Quota Law in Argentina

Argentina was the first country to adopt a quota system by law. Towards the end of 1989 senator Margarita Malharro de Torres from the Radical Civic Union (Unión Cívica Radical, UCR) presented in the National Congress a bill reforming the National Electoral Code. The bill was passed on 6 November 1991 as Law 24012, which established the requirement that lists of candidates to national elective posts include a minimum of 30% women. The passing of the bill was promoted by the Network of Feminist Politicians, made up of women from 15 parties, which was created during the 5th Latin American and Caribbean Feminist Encounter in San Bernardo, Argentina, in 1990.

The law was applied for the first time in the 1993 partial renovation of the National Chamber of Deputies, and was regulated by National Executive Decree No. 379/93, which established the minimum number of women candidates to be included on the list, relative to the number of seats it was seeking to renew.⁶

The application of the Law resulted in an important number of women gaining access to seats on the national legislative body and subsequently similar laws were passed in the provinces. It also had an international effect, accelerating the presentation and passing of similar legislative initiatives in several countries in the region.

In December 2000 National Executive Decree No. 1246/2000 (President Fernando de la Rúa) replaced President Menem's previous decree, and established: a) the specific bodies to which the Quota Law was applicable,⁷ b) that in calculating the minimum quota fractions smaller than one unit should be rounded up to the nearest whole unit,⁸ c) that anyone registered on the electoral roll of a district had the right to challenge before the Electoral Court any list whose composition s/he considered violated Law 24012,⁹ and d) criteria for replacing women candidates in cases of death, withdrawal or incapacity prior to the elections.

Law 24012 included a clause establishing a vague placement mandate that gave rise to legal challenges and different legal interpretations.¹⁰ The precise meaning of the placement mandate was progressively defined in the series of decrees issued to regulate the law (379/93, 1246/00 and 451/05).¹¹

What, then, was the effect of this law over the first 10 years of its application with respect to the composition by sex of the Chamber of Deputies of the National Congress and of female legislators' parliamentary activity?

6 In the National Congress the Chamber of Deputies comprises 257 members from 24 electoral districts, with the number of seats per district varying from 5 to 70. Elections are held every two years to renew half of the seats in the Chamber, with between 2 and 35 seats renewed in each district. The newly elected members take office on 10 December of the year of election.

7 This guaranteed the application of the Law in the election of the Upper House in 2001.

8 In President Menem's decree a 0.5 fraction cut-off point had been established. Under this rule, some cases did not comply with the 30% minimum established by the Law.

9 The Law thus became a public interest law.

10 The clause states: "The lists presented should include women as a minimum of 30% of the candidates to the posts to be elected and *in proportions that have a possibility of being elected*. No list that does not comply with these requirements will be officially registered." (Emphasis added.)

Table 1 Women in the Chamber of Deputies of the Argentine National Congress, by year of election

Year of election	Percentage female deputies
1983	4
1985	4
1987	4
1989	5
1991	5
1993	14
1995	27
1997	28
1999	28
2001	30
2003	34

Note: the Quota Law was first applied in the 1993 elections.

Source: elaborated by the authors using data from the Argentine Chamber of Deputies' Parliamentary Information Division.

The most immediate and visible effect of the Law was the rise in the number of women elected to legislative posts, which substantively modified the composition by sex of the National Congress (see table 1).

The first time the Law was applied, in 1993, the percentage of women elected to the Chamber of Deputies almost tripled the number of successful female candidates in the previous election. Since then, the proportion of women deputies has increased steadily in each partial renovation of the Chamber, reaching over 30% in the last elections held in the period under study (2003). A second clear effect of the Quota Law was the passing in the majority of the Argentine provinces of a range of different quota laws between 1992 and 2000. At present only two provinces do not have a law of this type.

Parallel to women's growing presence in the National Congress' Chamber of Deputies was their increasing access to leadership positions in permanent parliamentary committees (see table 2).

If we read table 2 horizontally we can see that the level of women's participation tends to increase in inverse relation to the hierarchy of the posts that they

11 Decree 451/2005 included the following articles: Art. 10. — Replacing article 4 of Decree 1246/2000, with the following: "When a political party, confederation or alliance competes for the first time in elections or is not renewing any seats or is renewing ONE (1) or TWO (2) seats, in ONE (1) of the TWO (2) first places on the list there should always appear at least one woman. Art. 60 of the National Electoral Code will not be regarded as being complied with in those case that, when ONE (1) or TWO (2) seats are being renewed a single woman candidate is included in the third place on the list. When more than TWO (2) seats are being renewed, at least one woman should appear in one of the THREE (3) first places on the list." Art. 11. — Replacing article 5 of Decree 1246/2000 with the following: "When ONE(1), TWO (2) or more seats are being renewed, the calculation will be made starting from the first place on the list and the list must have at least ONE (1) woman for every TWO (2) men in order to comply with the minimum percentage required by article 60 of the National Electoral Code."

Table 2 Women deputies in leadership positions in parliamentary committees in the Argentine Chamber of Deputies (1994-2003)

Year	Total number committees	% committees with woman president	% committees with woman first vice-president	% committees with woman second vice-president
1994	38	7.89	13.16	18.42
1995	38	7.89	13.16	21.62
1996	39	12.82	24.32	33.33
1997	40	12.50	25.00	33.33
1998	45	20.00	33.33	35.56
1999	45	20.00	33.33	36.36
2000	45	22.22	35.71	32.56
2001	45	22.22	34.09	29.27
2002	45	28.89	22.73	34.88
2003	45	31.11	24.44	34.88

Note: only permanent committees were included in the analysis. Percentages of female leadership positions were calculated in each category and year over the total number of committees for which data exists.

Source: elaborated by the authors using data from the Committees Division of the Chamber of Deputies, and from the Legislative Directory, Argentina 2002-2003, CIPPEC.

occupy. On the other hand, a vertical reading shows a significant rate of increase in women's access to the presidencies of the committees (from a low initial access rate) and a lower rate of increase in their access to second vice-presidencies (from a much higher initial rate). Within the committees the lower status posts are more accessible for women, but even in these a glass ceiling effect appears to operate.

The increased participation of women in the Chamber of Deputies had an important impact on the parliamentary agenda, in particular favouring the inclusion of gender issues. A range of demands from the women's and feminist movements were introduced on to the agenda in legislative initiatives presented by the women deputies. However, the female legislators did not centre their legislative activity exclusively or even principally around bills relating to the defence of women's rights, but rather these were one aspect of a much broader legislative agenda covering a range of issues relating to national life, reflecting their role as national deputies.

In analyzing the gender bills presented by the female deputies between 1994 and 2003 we only considered those legislators who had been in office for at least a year (177), of whom 87 presented 372 gender bills in the period under study (which includes 68 duplications of bills in the same period).¹² Of the 87 women deputies, 20 held office for more than one term.

We can see from table 3 that almost 50% of female deputies included at least one bill with gender content among their legislative initiatives. Such bills comprise 10% of the total bills presented by these deputies. These gender bills tend to be

12 Although some bills were presented more than twice, we only took into account one duplication in each case.

Table 3 Argentine women deputies' legislative activity (1994-2003)

Female deputies	% of total women deputies with at least one year in office	Gender bills as percentage of total bills presented	Total number of bills presented
Who presented gender bills (*)	49.15	10	3,735
Who did not present gender bills	45.76	0	1,245
Who did not present bills	5.08	0	0

(*) 87 female deputies who had occupied their seats for at least one year, of whom 20 held seats twice during the period under study.

Source: elaborated by the authors using data from the Argentine Chamber of Deputies' Parliamentary Information Division.

concentrated in the first year of the mandate, after each election, when new women deputies enter the Chamber as a result of the application of the Quota Law.

With respect to the content of the gender bills, the 372 bills analyzed cover a wide range of rights constitutive of different dimensions of women's citizenship. The issues that merited most treatment in the bills relate to the recognition and protection of the rights of married women (18.3%), and those relating to maternity (16.9%). Within these two thematic areas, it is questions relating to economic issues, in particular the distribution or use of goods between the married couple (59%) and alimony (46%), that elicit the most treatment. In third place come labour rights (14.3%), especially those relating to maternity (leave, child-care, defence of pregnant women's rights — 43%). In fourth place we find bills tackling sexual (rape, indecent assault) and domestic violence (10.8%). In the fifth place on the list appear political rights (8.3%), in the form of gender quotas in different spheres (the legislative, executive, judiciary, trade unions and political parties). Within the category health (also 8.3%), almost a third of initiatives focus on reproductive health, which became an issue for heated debate both in parliament and within society, resulting in the passing of a national law on 30 October 2002. Another controversial and related issue — abortion — is not nearly as visible among the total number of bills (2.4%). Among the bills on abortion the principal focus is on its decriminalization in cases of foetal anencephaly. The issue of abortion acquired more visibility in the public agenda after the period considered in this study. The remaining gender bills included anti-discrimination or equality legislation (7.5%), homage to women (5.1%), assisted fertilization techniques (2.7), special treatment for women prisoners or female refugees (2.7%), education (1.6%), social security rights (0.8%) and forced prostitution (0.3%).

Gender in the legislative agenda in Uruguay

In contrast to the majority of countries in Latin America (see note 5), Uruguay has not adopted quota legislation to accelerate the process of women's access to

elective political posts, despite having one of the lowest rates of female parliamentary representation in the region,¹³ and despite the fact that quota bills have been presented in parliament on three occasions.

Faced with the results of the first post-dictatorship elections in 1984, when not a single woman was elected to the national parliament, Uruguayan women politicians and feminists began to present the fact of women's under-representation as a problem for the consolidation of democracy in the country. The proposal for a gender quota to be applied to electoral lists, as a possible mechanism to overcome the clear imbalance by sex in representative politics, first appeared on the legislative agenda in 1988, in a bill presented by one of the few women alternates who held seats for brief periods in the first post-dictatorship parliament. A second bill was presented by two male deputies in 1992, but like its predecessor, did not get as far as being discussed in the Chamber. Although some Uruguayan political parties — most of which have no or very little chance of winning seats in parliament — have adopted quota mechanisms to ensure greater participation by women in their internal decision-making structures and electoral lists, generally this has been a measure rejected by the Left and Right alike.

In contrast, in their public discourse all political parties agree that it is important that there should be more women in political decision-making arenas. For almost two decades women politicians brought pressure to bear, promoted debate, developed internal lobbying tactics within their parties, and implemented on their own account different actions designed to promote and support women's increased access to decision-making, although rarely without much more than rhetorical support from party leadership.

A third bill was presented in July 2002 by female deputies from three of the four parties with parliamentary representation, proposing the application of a quota system of no more than a third of same-sex candidates in lists in national, departmental and primary elections, and specifying both a placement mandate and sanctions in case of non-compliance. Although the attempt failed, it was the first time that the issue was actually debated and voted on in the parliament. A modified version of the bill was sent for discussion to the plenary of the Chamber of Deputies with the unanimous approval of all members of the Special Committee for Gender and Equity, including the representative of the fourth party who had originally followed the party line opposing the bill. Although the general discussion of the bill received an ample majority of votes in favour (64 out of 80), in the particular discussion the article establishing the quota did not receive sufficient support — only 44 votes — when a special majority of two thirds of total members of the Chamber (66) was required as it was an electoral reform bill. In other words, the

13 With a female representation rate for the lower house of 11,1%, Uruguay currently occupies position 88 on the Interparliamentary Union World Classification of Women in Parliaments, well below the regional average for the Americas (19,7%). This places it fourteenth in a ranking of 17 Latin American countries (not including Colombia and Mexico, as the results of the 2006 elections are not included in the IPU ranking), with only Guatemala, Paraguay and Brazil registering lower rates. Information as of 30 February 2006, <http://www.ipu.org/wmn-e/classif.htm>.

Table 4 Women in the Uruguayan Chamber of Deputies, by year of election

Year of election	Percentage female deputies
1984	0.00
1989	6.06
1994	7.07
1999	12.12
2004	11.11

Source: elaborated by the authors using data from the Uruguayan Chamber of Deputies' Parliamentary Information Service.

vote reflected a majority position in favour of the stated objective of the bill, but opposed to the specific measure proposed. The only clause that was voted through was a general and non-binding recommendation to political parties to promote the equitable participation of both sexes in their decision-making bodies.

Parliamentary elections in Uruguay take place every five years, with all seats in both the lower and upper houses being contested. Since the return to democracy in Uruguay in 1984, the percentage of women elected to the lower house rose steadily from election to election until 2004, when the number of women elected dropped from 12 to 11 (out of a total of 99 deputies) (see table 4).

Studies of women's political participation in Uruguay show that due to the nature of the party and electoral systems it is probable that this level of representation represents a glass ceiling that is unlikely to be surpassed unless specific measures are taken to guarantee women's access to elective posts (see Johnson 2005).

Despite these low representation rates in the lower house, female deputies have had in some cases greater access to leadership positions (presidencies and vice-presidencies) in the permanent parliamentary committees (table 5).

The data disaggregated by year shows non-linear progress in these two indicators. However, if we consider the average rate of female representation in these posts over each legislative period under study, the period 1995-1999 — when women deputies represented just 7% of the lower House — shows lower rates in both indicators than the period 2000-2003, when the rate of female representation had risen to 12%. It is interesting to note that, in contrast to the general rule for legislative posts in the Uruguayan electoral system, by which female representation rates increase in inverse relation to the status of the post,¹⁴ there is no clear pattern of hierarchy of access for women to presidencies and vice-presidencies, either in individual years or over each period. However, a greater understanding of women's access to these leadership positions would require qualitative analysis of the differences in women's access that takes into account the differing status of the parliamentary committees.

14 Thus throughout the post-dictatorship period female representation rates have been highest in the departmental legislatures, followed by the Chamber of Deputies and finally the Senate.

Table 5 Women deputies in leadership positions in parliamentary committees in the Uruguayan Chamber of Deputies (1995-2003)

Year	Total number committees	% committees with woman president	% committees with woman vice-president
1995	15	20.0	6.7
1996	15	0.0	6.7
1997	15	0.0	13.3
1998	15	6.7	13.3
1999	15	6.7	0.0
1995-1999 (**)	15	6.7	8.0
2000	16	18.8	0.0
2001	16	12.5	25.0
2002	16	25.0	6.3
2003	16	18.8	12.5
2000-2003 (**)	16	18.8	10.9

(*) Each committee elects a president and vice-president from among its members for a period of one year.

(**) Averages for each period.

Source: elaborated by the authors using data from the Director-General of Committees office, Uruguayan Chamber of Deputies.

Let us now turn to the role that these women deputies have played in introducing gender issues on to the legislative agenda through the presentation of bills. Table 6 shows that almost 40% of female deputies presented gender bills during their time in office, with those bills representing almost a third of all their legislative initiatives. On the other hand, the same proportion of women deputies did not include gender initiatives among their legislative proposals, while the remaining deputies did not present any bills at all during their time in office.

All but one of these gender bills were presented in the second legislative period, 2000-2003. This fact undoubtedly reflects the greater presence of women deputies in this period, but more specifically it reflects the entry of women politicians with a long history of activism on women's rights. Three of the new female deputies who took office in 2000, and subsequently presented five of the nine gender bills tabled in this period, had previously been coordinators of the Network of Women Politicians (Red de Mujeres Políticas, RMP). This was a cross-party network of women party activists and politicians created in 1992, the aim of which was to "exchange ideas, initiatives and positions among women representatives from the different political parties in order to analyze, study and propose policies and legislation to defend women's rights, and coordinate actions at national and international levels".¹⁵

On 8 March 2000, on the initiative of these deputies, the philosophy of the RMP was transferred to the parliamentary arena, with the creation of the so-called Female Bench (Bancada Femenina, BF), a horizontal, cross-party coordinating body, open to all female legislators, incumbents or alternates, who wished to be

15 Taken from the *Estatutos de Creación de la Red de Mujeres Políticas del Uruguay* (22/07/1992).

Table 6 Uruguayan women deputies' legislative activity (1993-2003)

Women deputies	% of total women deputies	Gender bills as percentage of total bills presented	Total bills presented
Who presented gender bills (*)	38.46	32.26	31
Who did not present gender bills (**)	38.46	00.00	15
Who did not present bills (***)	23.08	00.00	00

(*) Five deputies, of whom two completed two terms in the period under study.

(**) Five deputies, of whom one completed two terms in the period under study.

(***) Three deputies, all of whom completed two terms in the period under study.

Source: elaborated by the authors using data from the Uruguayan Chamber of Deputies' Parliamentary Information Service.

members. The BF thus became the vehicle for the cross-party promotion of gender issues on the legislative agenda, signalling by its very nature the relevance of such issues to all women and the potential for building consensus around certain issues beyond party and ideological differences. In practice different members of the BF supported each others' legislative initiatives, with the result that five of the nine gender bills presented were signed by women deputies from different parties to those of their authors.

With respect to the thematic content of the 10 gender bills presented, a majority (4) covered issues relating to women's labour rights, in particular their maternity-related rights as workers (3 bills). Of the remaining six bills, two related to acts of recognition for historic women leaders, one was a quota bill (political rights), another related to reproductive health and the last one to special tax exemptions for rural women artisan cooperatives. Two key issues from the women's and feminist movements' agendas are notably absent from the bills presented by the female deputies: domestic violence and abortion. However, the Chamber of Deputies passed bills on both these issues during the period under study and the BF played a crucial role in getting them on to the legislative agenda, even though the bills themselves were not directly authored or re-presented by any of the individual women deputies.

The bill on the detection, prevention and treatment of domestic violence, which was passed as Law 17514 in July 2002, had been presented in the previous legislature and automatically filed at the end of the parliamentary term since it had not been approved by the parliamentary committee that was studying it. Rather than presenting a new bill, or presenting the old one again, the BF in its first collective act on 8 March 2000 simply requested that the bill be returned for study to the parliamentary committee. In the case of the reproductive health bill, which included the decriminalization of abortion, it was the Special Committee on Gender and Equity — which can be seen as the formal, institutionalized expression of the BF — that requested that four previously presented and filed bills (from 1985, 1991, 1993 and 1998) be returned for study to the Committee on Public Health and Social Assistance. It was the all-male members of this Committee, whom the BF had previously lobbied to generate support for the initiative, that subsequently drafted the

bill on reproductive health which was passed by the Chamber of Deputies in December 2003, but failed to gain the support of the Senate. While the presentation of this legislative initiative clearly depended on the role played by the BF in requesting the withdrawal from the file of previously presented bills and their lobbying to generate the commitment among the members of the Health Committee, none of the women deputies appear as authors or even as supporters of the bill. But, in fact, this was part of a conscious strategy. The BF considered that a bill authored by a Committee whose membership came entirely from the medical profession would give the initiative more weight and legitimacy in the eyes of both the rest of the legislators and public opinion than if it were authored only by women deputies, several of whom publicly identified themselves as feminists. These two cases, then, clearly illustrate the limitations of measuring the impact on the legislative agenda of women deputies solely with reference to authorship of bills.

Two cases, two realities

This paper has set out to compare two national cases: Argentina, chosen because it was the first country to establish gender quotas in its legislation governing the electoral system, and Uruguay, one of the few countries in Latin America that has not passed a gender quota law.

From the data analyzed we can observe that as the female presence in the Chambers of Deputies grows, it is accompanied by the presentation of a greater number of bills dealing with different aspects of women's rights (see table 7). This can be seen to be the case in both Argentina and Uruguay, although given the greater numerical presence of women in the Argentine Congress resulting from the Quota Law, the gender bills in the latter case are more numerous and there is greater diversity among their thematic contents. This confirms the importance of affirmative actions, both in terms of their effect on women's access to legislative bodies and with respect to the introduction of gender issues on to the parliamentary agenda. While in quantitative terms the percentage of women deputies increased in both countries (probably in more general terms as a response to the greater participation by women in politics from the 1980s onwards), the increase in the rate of female representation under the Quota Law is considerably more marked and sustained (see tables 1 and 4).

In both cases, too, we can see that the presence of a greater number of women legislators has an important effect on the introduction of gender issues in the legislative agenda. In Argentina during the period following the implementation of the Quota Law, there is a steady increase in the number of bills with gender content following each partial legislative renewal (every two years). In Uruguay, where all the seats in the Chamber of Deputies are renewed every five years, the gender bills presented increase from just one to nine, in line with the marked rise in the number of female parliamentarians in the 1999 elections.

Something similar happens in the Argentine case with respect to women's access to leadership positions in the permanent committees in the legislative

Table 7 Female representation and legislative activity in the Argentine and Uruguayan parliaments (1994-2003)

Argentina			Uruguay		
Legislative period	% women deputies	Number of gender bills presented	Legislative period	% women deputies	Number of gender bills presented
1994-1995	14	34	1995-1999	7	1
1996-1997	27	73			
1998-1999	28	85			
2000-2001	28	89	2000-2003	12	9
2002-2003	30	91			

Source: elaborated by the authors using data from the Argentine Chamber of Deputies' Parliamentary Information Division and the Uruguayan Chamber of Deputies' Parliamentary Information Service.

chambers (see above table 2). After each election, with the entry of a greater number of women, the relative presence of women occupying presidencies on parliamentary committees increases, even if it must be recognised that the selection of committee authorities is the result of inter-party agreements and the relative weight of each party within the House. Once again, under the quota system, the percentage of committees with female presidents is greater and grows systematically from election to election, unlike in the Uruguayan case where there is no cumulative progress in this indicator (see above table 5). These data, then, reflect the indirect effect of the quota system in consolidating women's access to internal decision-making spaces, although this pattern merits further qualitative exploration, since not all the parliamentary committees concentrate similar quotas of power.

The information from both countries also reveals that the women deputies legislate on a variety of issues, among which gender bills comprise a minority. In other words, the legislative activity of the women parliamentarians is not specifically nor fundamentally oriented towards defending women's rights, but rather cover a wide range of rights, of which women's rights are but one dimension. Indeed, in both countries less than half of the women deputies included gender bills among the legislative initiatives they authored (see above tables 3 and 6). These results belie the claim made by some that quotas would generate a corporatist model of female legislative activity within parliament.

If we compare the legislative activity of the women deputies from both countries in the period under study (table 8), we see that the Argentine deputies presented 4980 bills, of which 7.46% (372) had gender content. On the other hand, the Uruguayan legislators presented 46 bills, of which 21.73% (10) covered women's rights issues.

The difference in the number of bills presented by the women deputies in each country is notably high. However, in order to compare the legislative production of these two groups one must take into account, on the one hand, the total

Table 8 Legislative activity of Argentine and Uruguayan women deputies: gender bills presented

	Total number of bills presented	Number of gender bills presented	Gender bills as percentage of total bills presented
Argentina (1994-2003)	4,980	372	7.46
Uruguay (1995-2003)	46	10	21.73

Source: elaborated by the authors using data from the Argentine Chamber of Deputies' Parliamentary Information Division and the Uruguayan Chamber of Deputies' Parliamentary Information Service.

legislative production of the two Chambers of Deputies (in the Argentine case 16,077 bills were presented between 1994 and 2003, while in the Uruguayan Chamber of Representatives a total of 1366 bills were presented), and on the other hand, the numerical difference in the female presence in the lower Houses of both countries, resulting from the existence of quotas in one case but not in the other. However, within the diversity of these two contexts, it is important to note that in percentage terms gender bills represent a much greater proportion of the legislative activity of the Uruguayan deputies than of that of their Argentine counterparts. These data, then, point to a greater focus on gender issues in the case of the former than of the latter.

One possible explanation for this difference could be provided by the hypothesis that these are gender issues that have been historically relegated in the Uruguayan Chamber of Representatives, due to the low female representation rates. Thus, the increase in the number of women-held seats from the year 2000 led to those demands being expressed in the presentation of bills. A similar phenomenon could be observed in Argentina in the first years following the transition to democracy, from 1983 (Archenti and Gomez, 1994) when a series of demands that had been stifled during the military dictatorship were presented to Congress.

However, it is important to explore the plausibility of such a hypothesis in the Uruguayan case within the framework of the development by female legislators of a collective gender strategy within an electoral system without quotas.

The collective organization of women politicians in Argentina and Uruguay from the beginning of the 1990s onwards followed different paths. The Argentine Network of Feminist Politicians, created in 1990 to push for the passing of the Quota Law, dissolved once that goal had been reached. The disappearance of the Network can be explained by reference to the fact that its members redirected their political action towards the interior of their parties in order to guarantee compliance with the Law and to position themselves within the internal party competition for the spaces that had been opened up by the quota system.

The Uruguayan Network of Women Politicians created in 1992 was successful in achieving the strategic positioning of candidates, in that three of the women deputies who entered parliament in 2000, and subsequently authored five of the nine gender bills presented in that period, had been coordinators of the RMP. The Uruguayan practice of cross-party coordination continued within

the parliamentary arena, giving rise to the creation of the BF in the Chamber of Representatives.

While in Uruguay a cross-party women's organization was created within parliament with the aim of promoting bills in defence of women's gender interests, putting aside their party and ideological differences, in Argentina there are no such examples of women's organizing within the Congress. Under the quota system, the difficulties involved in articulating a practice of gender solidarity in the political parties are greater when there are no strong female leadership figures and, consequently, the similar chances enjoyed by all of occupying a quota-reserved place on the lists heightens the degree of competition among the potential women candidates. The difficulty is even greater in cross-party relations where ideological and positional differences regarding the main issues on the legislative agenda prevail over gender solidarity.

By way of conclusion

Looking towards the future: the convergence between the two strategies

The institutional strategy of quotas has turned out to be highly effective, especially in countries where they have been established through binding laws, since the number of women in political decision-making spaces increased substantially. The advantages of these affirmative actions, and their greatest potential, rest in the fact that they are established through legal norms — that reform constitutional stipulations, electoral codes or party statutes — that provide for sanctions in cases of non-compliance and have an immediate application in electoral system.

From a quantitative point of view quotas have meant an advance in terms of gender equality by establishing institutionalized opportunities for the greater participation of women in decision-making processes. Similarly, the greater female presence has resulted in the inclusion of issues relating to women's rights that were previously excluded from the public and political agendas.

On the other hand, the access of more women to legislative posts represents in itself a important advance in the process of democratization, independently of whether the female representatives assume a commitment to legislating in support of interests specific to different groups of women.

However, the quota strategy that proved so successful in Argentina,¹⁶ in terms of generating instances of greater democratic inclusion, introducing new issues on to the public agenda, and giving participation and visibility to women in decision-making posts, is not in itself a sufficient condition for establishing gender equity in terms of promoting a process of empowerment for those women who

16 The success of quotas in Argentina basically derives from the fact that the Quota contains a strict placement mandate and establishes penalties for non-compliance, as well as the fact that it is applied within an electoral system based on proportional representation and a closed-list voting system.

have been historically marginalized from politics. Such measures, then, guarantee a short-term effectiveness but do not modify the cultural conditions that give rise to discrimination, except for the symbolic significance generated by the presence of women in traditionally masculine spaces. In the Latin American political culture — where gender continues to represent a cleavage of rupture and exclusion — that is structured around rules of the game that are not necessarily expressed in norms relating to particular loyalties and electoral dynamics, we still find certain characteristics that have a negative impact on the effectiveness of gender quotas.

While the quota system was created as an institutionalized mechanism designed to compensate for the defects in equity terms of our democratic systems and to promote changes in the political culture, the dominant culture continues to have a distorting effect on the spirit of affirmative action. Quotas are designed to modify the composition by sex of the electoral lists, but they do not alter the logic of the candidate selection process. In the candidate recruitment processes used by political parties it is common to find, when the quota system does not include a placement mandate, that party gatekeepers include women candidates in positions that have little real chance of being elected. And even when a placement mandate exists, female candidates with low levels of autonomy are often selected on the basis of criteria of family ties or clientelism. This phenomenon tends to be greater in parties with strong leadership figures who promote internal recruitment mechanisms based on elite-level agreements rather than on internal elections.

One of the undesired effects of quotas has been to undermine solidarity among women within parties. To the extent that they must compete within candidate recruitment processes in order to occupy the places that quotas open up on the lists, the potential for collective action among women is limited. This has a doubly negative impact, since political parties have been the structures most reluctant to opening up decision-making spaces to women.

Is it possible for actions based on gender solidarity to have an impact on this logic? Do women's organizations — whether party, cross-party or civil society — have the potential capacity to impose names on the candidate lists?

In the Argentine case, the inclusion of women in party structures seems to represent an obstacle to this kind of coalition, within a model of representative democracy that is organized more around the "politics of ideas" than the "politics of identity" (Phillips, 1995). The mediation of interests by party strategies impedes the development of a coalition politics based around women's strategic gender interests.

The logic of quotas, then, appears inherently to create the conditions to disrupt the coalition-building potential of the very women politicians that promote them. In turn, the possibility of reconstructing a gender alliance among elected female representatives is undermined by party loyalties, loyalties towards specific party leaders and the party commitments assumed in electoral alliances.

In contrast, in other cases, like that of Uruguay, the very resistance by parties to introducing quotas has contributed to consolidating the practice of building cross-party alliances among women politicians in defence both of their right to representation in decision-making spaces and of other issues affecting women's rights. However, this different scenario is open to different kinds of risks.

The building of a cross-party alliance among women parliamentarians in Uruguay has had a clear impact in terms of engendering the legislative agenda, but the sustainability of that alliance is at least in part dependent on the continued presence of key figures with a commitment to promoting a gender agenda. The risk, then, is that in the absence of specific mechanisms like quotas to guarantee access by women to elective posts, especially in electoral systems where female representation has apparently come up against a glass ceiling, changes in the correlation of forces both between and within parties may result in none of the current women deputies being re-elected, including the leading figures in the promotion of a gender agenda. Another risk is that when it is just a few individuals who are involved in the promotion of polemical issues, such as the legalization of abortion, if they are seen by the male party authorities as “trouble-makers” this may result in their exclusion from the lists by party gatekeepers in subsequent elections, although as has already been pointed out, the existence of a quota system does not prevent this type of vetting practice from taking place.

Nonetheless, it is clear that if alliances can be built among women from different parties and from civil society organizations, the presence of women in spheres of political power will contribute to strengthening women’s citizenship through the promotion of gender-sensitive policies (Siim, 1991).

It seems likely that the most promising scenario for the defence of women’s rights in the framework of an equitable democratic system is the presence of many women committed to promoting gender equality in all arenas of state power. And a possible path towards achieving that scenario is the convergence of two strategies: (1) the institutionalization of quotas to guarantee the presence of a critical mass of women, and (2) the articulation of a broad consensus to promote gender-sensitive policies and female leadership with the capacity to influence candidate selection processes.

We could argue that Argentina and Uruguay represent two successful examples of each one of these strategies, and that the main challenge for the establishment of a gender-equitable system involves working out how to combine both.

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Resumo/abstract/résumé/resumen

Integração da perspectiva de gênero na agenda legislativa, com e sem quotas: estudo comparativo entre a Argentina e o Uruguai

O presente artigo procura analisar os efeitos da legislação relativa às quotas, comparando a composição por gênero das assembleias legislativas e a actividade legislativa das deputadas, na Argentina e no Uruguai, entre 1993 e 2003 (primeiros dez anos da existência de quotas na Argentina). Em 1991, a Argentina foi o primeiro país do mundo a estabelecer por lei um sistema de quotas que garante o acesso das mulheres ao parlamento. Esta reforma institucional produziu grande impacto em muitos países da América Latina, que aprovaram leis semelhantes. Pelo contrário, em 2003 o Uruguai não aprovou o terceiro projecto de lei apresentado desde 1988, em que se propunha a adopção de um sistema de quotas semelhante, sendo um dos poucos países da região que não introduziram legislação nesta

matéria. Presentemente, as deputadas argentinas constituem mais de um terço dos membros da Câmara de Representantes, ao passo que apenas 11% dos membros da Câmara dos Deputados uruguaia são do sexo feminino. O principal objetivo deste contributo é proceder a um estudo comparativo dos casos argentino e uruguaio, com base numa análise da actividade parlamentar das deputadas, centrada nos projectos de lei por elas apresentados, a fim de identificar os efeitos do sistema de quotas na configuração da agenda parlamentar relativa às questões de género. Parte-se da hipótese de que as quotas têm grande influência na incorporação da perspectiva de género na agenda legislativa, não obstante a necessidade de ter em conta outros factores pertinentes para entender o processo na sua totalidade. Estes factores ajudarão a entender a existência de uma nítida agenda em termos de género no caso do Uruguai. Entre essas outras variáveis, incluem-se o grau de sensibilização das deputadas para as questões de género e a formação de redes interpartidárias em torno da agenda legislativa neste domínio.

Palavras-chave representação política, género, quotas, América Latina.

*Engendering the legislative agenda with and without the quota:
a comparative study of Argentina and Uruguay*

This article sets out to explore the effects of the quota law by comparing the composition by sex of the legislatures and the legislative activity of women MPs in Argentina and Uruguay since 1993 to 2003 (first ten years with quotas in Argentina). In 1991 Argentina became the first country in the world to establish by law a quota system that guarantees women's access to parliament. This institutional reform produced an important impact on many countries of Latin America which sanctioned similar laws. In contrast, in 2003 Uruguay failed to pass the third bill presented since 1988 proposing the introduction of a similar quota system, and remains one of the few countries in the Region that has not introduced a quota law. At the present, Argentine women deputies comprise over a third of members of the Chamber of Representatives, while just 11 per cent of members of the Uruguayan Chamber of Deputies are women. The main objective of this paper is to undertake a comparative study of the Argentinean and Uruguayan cases based on an analysis of women MPs' parliamentary activity, focusing on the bills they present, in order to identify effects of quotas on the design of parliamentary gender agenda. The central hypothesis is that quotas have an outstanding influence engendering legislative agenda however other relevant factors must be taken into account in order to understand the whole process. These would contribute to the comprehension of the presence of a clear gender agenda in the Uruguayan case. These other variables include levels of gender awareness among female deputies and inter-party networking around a gender legislative agenda.

Key-words political representation, gender, quotas, Latin America.

Intégration de la perspective de genre dans l'agenda législatif, avec et sans quotas: étude comparative entre l'Argentine et l'Uruguay

L'article présente une analyse des effets de la législation sur les quotas, en comparant la composition des assemblées législatives par genre et l'activité législative des députées, en Argentine et en Uruguay, entre 1993 et 2003 (dix premières années de l'existence des quotas en Argentine). L'Argentine fut le premier pays au monde à adopter, en 1991, un système de quotas garantissant l'accès des femmes au parlement. Cette réforme institutionnelle eut un grand impact dans beaucoup de pays de l'Amérique Latine, qui approuvèrent des lois semblables. En revanche, en 2003, l'Uruguay n'a pas approuvé le troisième projet de loi présenté depuis 1988, visant l'adoption d'un système de quotas similaire. C'est l'un des rares pays de la région à ne pas avoir adopté de législation en la matière. À l'heure actuelle, les députées argentines représentent plus d'un tiers des membres de la Chambre des Représentants, tandis que seulement 11% des membres de la Chambre des Députés uruguayenne sont du sexe féminin. Le principal objectif de ce travail est de procéder à une étude comparative des cas argentin et uruguayen, à partir d'une analyse de l'activité parlementaire des députées, centrée sur les projets de loi qu'elles ont présentés, afin d'identifier les effets du système de quotas sur la configuration de l'agenda parlementaire relatif aux questions de genre. L'étude part de l'hypothèse selon laquelle les quotas ont une grande influence sur l'intégration de la perspective de genre dans l'agenda législatif, même s'il faut prendre en compte d'autres facteurs pertinents pour comprendre le processus dans son ensemble. Ces facteurs aideront à comprendre l'existence d'un net agenda en termes de genre dans le cas de l'Uruguay. Parmi ces autres variables figurent le degré de sensibilisation des députées aux questions de genre et la formation de réseaux interpartisans autour de l'agenda législatif dans ce domaine.

Mots-clés représentation politique, genre, quotas, Amérique Latine.

Con y sin cuotas: Estudio comparativo de las agendas legislativas de género en Argentina y Uruguay.

Este artículo se propone estudiar los efectos de la Ley de Cuotas, comparando la composición por sexo y las agendas legislativas de género, en Argentina y Uruguay entre 1993 y 2003 (primeros diez años de vigencia de la Ley en Argentina). Argentina fue el primer país del mundo que estableció por ley un sistema de cuotas de género que garantizaba el acceso de las mujeres al poder legislativo, sancionado en 1991. Esta reforma institucional produjo importantes efectos en muchos países de América Latina que sancionaron leyes similares. En contraste, Uruguay es uno de los pocos países de la región que no ha sancionado una ley de cuotas, a pesar que en tres oportunidades se presentaron proyectos legislativos con ese objetivo. Actualmente las diputadas argentinas ocupan más de un tercio de las bancas, mientras que las diputadas uruguayas ocupan el 11% de la Cámara de Representantes. El

principal objetivo de este trabajo es realizar un estudio comparativo de los casos argentino y uruguayo, basado en el análisis de la actividad parlamentaria de las diputadas, focalizando en los proyectos de ley con contenido de género que ellas presentaron a fin de identificar los efectos de las cuotas en el diseño de la agenda parlamentaria de género. La hipótesis central es que las cuotas tienen un efecto de género muy importante en la agenda parlamentaria, sin embargo, la presencia de una clara agenda de género en el caso uruguayo indica la necesidad de explorar otros factores relevantes que den cuenta de este proceso. Entre ellos podemos señalar el nivel de compromiso de género de las legisladoras y la posibilidad de redes interpartidarias orientadas a una agenda legislativa de género.

Palabras-clave representación política, género, cuotas, América Latina.