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**Why are representational guarantees adopted for women and minorities?
Comparing constituency formation and electoral quota design within countries.**

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Abstract

This article explores the underlying motives for ensuring the political inclusion of marginalized groups. More specifically, it analyzes whether laws guaranteeing representation are designed differently for women and minorities and, if so, whether these differences correspond to normative arguments for group representation. We use a novel research strategy by comparing quota designs in all countries that have adopted quotas for both groups. Theoretically, we reconceptualize the relevant distinction between quota types by focusing on whether a special constituency is created or not. We identify substantial differences in quota design between the two groups. Minorities tend to be guaranteed representation through the creation of special constituencies, whereas gender quotas more commonly imply integration into pre-existing constituencies. The analysis largely supports those who argue that quotas for minorities aim to increase the autonomy of the group in question while gender quotas are adopted with the intention to integrate women into the political system.

Keywords: electoral quotas; gender; minorities; representation; constituency formation

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Biographies

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A recent trend in processes of constitution-making and electoral reform is the provision of guarantees of political representation for marginalized groups. Granting women and minorities increased access to representation is common, for instance, in democratization processes and in post-conflict societies and peace agreements. Today, the constitutions or election laws of more than 30 countries include electoral quotas¹ for the wide variety of different groups (e.g. ethnic, religious, occupational, and age-based) that commonly go under the name of ‘minority groups’ (e.g., Krook & O’Brien [2010]; Reynolds [2005]). State-mandated gender quotas have been adopted in approximately 50 countries across the globe (Dahlerup [2007]; Krook [2009]). Yet, a fairly limited number of studies analyze and compare the adoption of quota policies for both groups (notable exceptions include Htun [2004]; Htun & Ossa [2013]; Hughes [2011]; Krook & O’Brien [2010]); most research on electoral quota adoption concerns either quotas for women (e.g., Dahlerup [2006]; Krook [2007, 2009]; Meier [2004]; Murray, Krook & Opello [2012]) or quotas for minorities (e.g., Bird [2014]; Reynolds [2005, 2011]; Lublin & Wright [2013]). We thus know relatively little about the potentially different underlying motives for ensuring the political inclusion of different groups.

This article aims at filling this gap by analyzing whether laws guaranteeing representation are designed differently for women and minorities and, if so, whether these variations correspond to distinct normative arguments for group representation. Literature on group representation suggests that the roots of political exclusion differ across groups and that representational guarantees may therefore seek to remedy distinct problems. Whereas the introduction of quota policies for minorities may rest on an underlying motive to separate the group in question from the ordinary electoral procedures, some argue, the adoption of gender quotas may be

¹ We define electoral quotas as affirmative action measures that establish a percentage or number of candidates or representatives of a specific group (see also Dahlerup 2007).

driven by the aim to better integrate women into the existing system (Kymlicka 1995). We analyze these propositions by using a novel research strategy, as well as a new and innovative conceptual distinction between quota types. Theoretically, we move beyond the conventional distinction between reserved seats and candidate quotas (e.g., Dahlerup [2006]; Htun [2004]; Krook [2009]) to explore whether special (separate or overlapping) constituencies are created for the targeted group, or whether the quota is instead incorporated into existing constituencies. We suggest that such a distinction better captures the extent to which an electoral quota is designed to separate or integrate the targeted group.

Empirically, we compare the design of electoral quotas for women and minorities in a specific set of countries: those that have adopted quotas for both groups. A within-country comparison enables us to hold constant particular historical and country-specific factors that some scholars on quota adoption have suggested account for cross-group differences in quota design (Krook and O'Brien 2010). If normative arguments about separation and integration do correspond to lawmakers' separate justifications for why representational guarantees are warranted, quota legislation for minorities will more commonly stipulate constituency formation whereas gender quota policies will more often be designed to operate within the pre-existing constituency boundaries.

By conducting a detailed analysis of constitutions and election laws in 13 countries (or territories) we identify a clear correspondence between normative arguments for group representation and actual policy designs. Whereas gender quotas are implemented within the existing electoral structures, representational guarantees for minority groups in most of cases entail the formation of a special constituency defining who may stand for election and who is allowed to vote. The analysis thus contributes conceptually, methodologically, and empirically to building a comparative research agenda on electoral quotas, and more broadly

to increased understanding of the underlying motives for including different groups in policy-making.

Groups and representation: Problems and solutions

Although normative theorists often compare arguments for the representation of different groups (e.g., Kymlicka [1995]; Mansbridge [1999], Young [2000]), there have been relatively few systematic empirical comparisons of how quotas are designed for women and minority groups (but see Htun [2004]; Krook & O'Brien [2010]). As of yet, we do not know the extent to which quotas for different groups function in the same way and thus can be studied in the same manner.

Htun (2004) argues that ethnicity is different from gender as a political cleavage. Whereas gender cuts across ideological and partisan differences, she claims that ethnicity does, to a larger extent, coincide with such differences. Consequently, she suggests that 'different remedies for under-representation are logically appropriate for each group' (2004: 439). Htun argues that ethnic minorities are suited to self-reinforcing measures that provide the group in question with certain autonomy. For women, on the other hand, self-cancelling remedies integrating the targeted group into the regular political process are more appropriate. Analyzing electoral democracies, she points out that different types of quotas are adopted for women versus minority groups (Htun 2004).

We take these claims as our starting-point. In order to fully understand to what extent policy designs differ according to perceptions of the groups in question, however, we argue for moving beyond a focus on group characteristics to take the actors behind the quota design – the lawmakers – into account. To do so, we make use of Bacchi's (1999) 'What's the Problem?' approach, which challenges the conventional view of public policy as a simple government response to an exogenous problem. Governments, Bacchi claims, do not just react

to problems; they are active creators of problems. How problems are perceived shapes how they are discussed and which solutions are deemed appropriate. ‘At its most basic, the insight is commonsensical – how we perceive or think about something will affect what we think ought to be done about it’ (1999:1). Critically analyzing the policy regulations themselves, we illuminate problem descriptions that form the basis for specific electoral quota designs.

The problems: Normative arguments for group representation

There is a long-standing scholarly discussion about the origins of and remedies for the political exclusion of marginalized groups in normative work (e.g., Kymlicka [1995]; Mansbridge [1999]; Phillips [2005]; Williams [1998]; Young [2000]). The debate concerns the legitimacy of different arguments for group representation. The discussion has centered on when, why and for whom special measures should be considered, as well as on appropriate measures for different groups. It is argued that certain groups, under certain circumstances, experience problems that justify representational guarantees. These normative arguments thus rest on specific problem descriptions that are based on interpretations of the origin of exclusion. Fraser (1995) discusses two different types of goals for groups when they seek remedy for injustices: socioeconomic redistribution or recognition of cultural difference. These two demands neatly correspond to the two common and legitimate grounds for guaranteeing group representation identified by Kymlicka (1995): systemic discrimination and self-government.²

The systemic discrimination argument applies to groups in society that have historically been oppressed and therefore are also disadvantaged in the political process (cf. Young [1989, 1990]). As Kymlicka (1995: 141) argues, ‘the historical domination of some groups by other groups has left a trail of barriers and prejudices that makes it difficult for historically

² We thank Susan Franceschet for pointing out the link between Fraser’s and Kymlicka’s arguments.

disadvantaged groups to participate effectively in the political process'. Importantly, from this point of view, any guarantees should aim for a society in which discrimination no longer takes place and where active measures for group representation are no longer needed. In other words, any remedies should be of a temporary character, only to be in place until the group is fully integrated into the polity. Giving this group special representation is both a compensation for past discrimination and an attempt to work against future discrimination by redistributing power.

The self-government argument, on the other hand, usually applies to groups in society like national minorities, whose different cultural identities and specificities have not been sufficiently recognized. For these groups, a certain degree of political autonomy is needed 'to ensure full and free development of their cultures and the best interests of their people' (Kymlicka 1995: 27). Self-government is, thus, an argument about autonomy by separation from the regular system, a bid to make the group permanently politically relevant.³

Translating this discussion, we suggest systemic discrimination describes why women have been excluded from politics. Women have simply not stood the same chances of being nominated and elected as their male counterparts; the 'problem' is thus that women have not been sufficiently integrated into the political system. Minority groups, on the other hand, have suffered from lack of sufficient autonomy and self-determination; the 'problem' is therefore that minorities risk being consumed by the political system because they are not sufficiently separated from it. Thus, problem diagnoses for women and for minorities appear to be somewhat different.

³ It should be noted that these normative arguments generally do not address more pragmatic reasons for including specific groups, such as power-sharing arrangements put in place to stabilize a divided society that has suffered from intra-state conflicts (cf. Krook & O'Brien [2010]; Lijphart [1977]).

The solutions: Designing electoral quotas

Moving from problem descriptions to solutions, it is important to note that different solutions are indeed possible. Measures to ensure the increased representation of marginalized groups can range from an extension of practices already taking place in electoral institutions, such as drawing the boundaries of constituencies so that they correspond to ‘communities of interest’, to more direct interventions like quotas for legislatures. Even among electoral quotas there is considerable variation in design. We now take a closer look at empirical research on quota designs for different groups. The two main comparative, cross-national studies on the subject do not reach the same conclusions.

In an empirical analysis of electoral democracies, Htun (2004) claims that women tend to gain candidate quotas, whereas minorities more commonly receive reserved seats. Candidate quotas require political parties to put a certain number of people from the targeted group on candidate lists. Reserved seats, on the other hand, refer to a minimum number of parliamentary seats earmarked for individuals of an under-represented group. In line with Htun’s argument that gender is a cross-cutting cleavage, candidate quotas are suitable for women because they target parties’ internal nomination processes. Reserved seats, on the other hand, are often, but not always, add-on seats, filled after the election (Baldez [2007]; Krook [2009]). According to Htun, reserved seats suit minority groups because these grant them a degree of autonomy and independence from the system, cementing group difference.

Krook & O’Brien (2010), however, argue that the match between targeted groups and quota designs is far from perfect. In a global analysis, they demonstrate that women receive both candidate quotas and reserved seats: almost 40 per cent of gender quotas entail reservation. Minority representation, on the other hand, is almost always ensured by reserved seats. Krook and O’Brien suggest that contextual factors, rather than group characteristics, explain why governments choose one design over another. According to them, historical differences and

transnational influences explain why particular types of quotas are common in certain regions. Reserved seats are more common – for women and ethnic groups alike – in Africa, Asia and the Middle East, whereas candidate quotas are more common in Latin America (mainly legislative quotas) and Europe (mainly party quotas) where, on the other hand, quotas for minority groups are less common. A study by Matland (2006) makes a similar observation, suggesting that countries with reserved seats for ethnic minorities tend to expand their use to women (Matland, 2006).

We are thus left with two different accounts. On the one hand, Htun (2004) suggests that there are systematic differences in quota design for the two groups, implying that lawmakers have distinct motives for ensuring the political inclusion of women and minorities. On the other hand, Krook and O'Brien's (2010) study observes that women often receive the same quota as minorities. This would imply that contextual factors, rather than group characteristics, influence choices of quota design. We attempt to settle this issue by taking country-specific factors into account with a research strategy that helps unveil potential differences in the motives behind quota adoption.

Research strategy: Same country, different quota designs?

Our research strategy qualifies previous research in two ways. First, we take contextual factors into account (cf. Krook & O'Brien, 2010) by selecting only those cases in which quotas have been adopted for *both* women and minorities. Strategic case selection eliminates country-specific or regional contextual factors as an explanation for any cross-group differences in quota design. Second, we propose an improved distinction between quota types. We argue that the relevant question is not necessarily whether quotas target the nomination stage (candidate quotas) or the election stage (reserved seats) of the recruitment process (cf. Htun 2004). There are also relevant differences within quota types. Certain reserved seats

designs, for instance, are more integrated into the ordinary political process than others – for example, some give voters the chance to directly elect representatives to reserved seats, while others give the power of appointment to the president or the prime minister (see also Dahlerup [2006]; Krook [2009]; Matland [2006]). We suggest that a crucial question is whether policymakers, when designing quotas, create new constituencies for targeted groups or establish guarantees within already existing constituencies. Constituencies put limits on who is allowed to vote and stand for election; in this way, they define the relationship between voters and representatives by circumscribing *competition* and the *electorate* (cf. Kymlicka 1995).

If policymakers intend to separate certain groups from the ordinary electoral order to ensure that they are permanently politically relevant, an efficient way would be to create new special constituencies for these groups. We thus explore whether there are differences with respect to constituency formation between women and minorities. We anticipate that quota policies more commonly imply the creation of new, separate or overlapping, electoral districts for minorities than for women. The rationale is that constituency formation represents a solution to minority groups' lack of autonomy and self-determination, granting them some degree of independence in order to safeguard their group specificity. For women, on the other hand, quotas seek to increase women's opportunities to be treated in the same manner as their male counterparts, thus integrating women within already established constituency boundaries, with the goal being to eliminate the effects of past discrimination and render gender an unimportant political factor.

Analyzing the content of legislative texts, we assess, first, whether quota policies assign new constituencies to targeted groups. Such an analysis enables us to assess whether there is a difference in the guarantees assigned to women and minorities. It also provides us with the opportunity to determine whether potential differences correspond to normative theories about

group representation. Our assumption is that the way in which quota policies are formulated in constitutions and election laws can be interpreted as a manifestation of the underlying motives and intentions of lawmakers.

Second, our framework permits us to examine potential differences in the degree of separation. Whereas quotas implemented within existing constituencies do not limit competition and the electorate for the group in question, the formation of new constituencies can do so to varying degrees. Thus, where both women and minorities are assigned special constituencies, we examine how legislation is designed and worded with respect to who is entitled to run for the ‘extra constituency seats’ and who elects these representatives. Our expectation is that, even when new constituencies are created for both groups, the competition and electorate will be more limited in quotas for minorities versus women.

In all, we study regulations in 13 countries (or territories) that have adopted measures for both women and minorities in the single or lower house of parliament: Afghanistan, Burundi⁴, China, France, Jordan, Niger, Pakistan, Palestine, Portugal, Rwanda, Taiwan, Tanzania and Uganda.⁵ We used two main sources: the Inter-Parliamentary Union’s PARLINE database (IPU, 2013) and the International Foundation for Electoral System’s Election Guide (IFES, 2013). Both databases contain information about election laws and constitutions. When they lacked the detail our analysis requires, we consulted the original constitution or election law.⁶

⁴ Burundi appears twice in the analysis because it has two different sets of quota designs for different minorities.

⁵ We use Krook and O’Brien (2010) to identify the countries and territories. However, we exclude three countries: Tibet due to lack of information, and Belgium and Bosnia because their minority quota is only for the upper house.

⁶ In one case, Jordan, we also approached the IFES Country Director of Jordan, Darren Nance, for further consultation. This was done by e-mail on 2 June 2011.

Results

Our results indicate that lawmakers, within a single country, are likely to design quotas differently for women and minorities. In a majority of the cases, new electoral districts are designed for minorities but not for women, and in no case do policymakers assign women special constituencies and integrate minorities within the existing electoral districts. In those cases where new constituencies are created for both groups, the design of the constituencies is generally geared towards more separation for minorities. In three cases, however, there are no differences between women and minorities in terms of degree of separation.

Constituency formation for minorities but not for women

In most of the cases (8 of 13), we can see a difference in quota design for women and certain, primarily smaller, minorities in terms of whether they are assigned new special constituencies. In this group, including Afghanistan, Burundi (in the case of Twa), China, France, Jordan, Niger, Portugal and Taiwan, policymakers have chosen to provide minorities with new, separate or overlapping, constituencies whereas quotas for women are more firmly integrated into the existing political process.

Within this group, France, Niger, Portugal and Taiwan show clear similarities. Gender quotas are designed so as to require parties to put more women on their proportional (PR) lists. Women elected through quotas are thus not even discernible from other candidates; they compete on the same terms as all other candidates and for votes from the same set of voters. Quotas for minorities, on the other hand, are designed so as to create new, separate or overlapping, constituencies for minority groups. Only voters registered in that district can vote for the group in question, and minority candidates only compete with other minority candidates.

Starting with Niger, eight seats in the National Assembly are reserved for the Tuareg. Being a nomadic population, the Tuareg do not occupy a particular territory. While the ten per cent gender quota is integrated into the ordinary PR lists for the eight constituencies corresponding to regions, the quota for the Tuaregs specifies a creation of a different set of eight constituencies, where a first-past-the-post (FPTP) system is used. Only Tuareg vote in those territorially overlapping constituencies, and Tuareg compete against Tuareg candidates only. Additionally, the Tuareg population votes for the Tuareg seats only.

Taiwan follows a similar logic. In a mixed election system, 79 seats are elected from constituencies, while 34 seats are proportionally distributed. Among the 79 constituency-based seats, 73 seats emanate from FPTP single-member constituencies. The remaining six representatives are elected from two specially created, territorially overlapping, three-member constituencies, in which only the indigenous Austronesian inhabitants of Taiwan can vote and stand for election. The gender quota, on the other hand, operates in the parallel PR system. Among party-list candidates, 50 per cent have to be women. This implies that women compete against men, and that both men and women vote for the female candidates.

In addition to gender quotas, France and Portugal both guarantee representation to expatriate communities. Just as in Niger and Taiwan, quotas for women apply to the candidate lists in each country's PR system. In contrast, expatriate communities are guaranteed representation through the creation of a territorially separate worldwide constituency, to which French or Portuguese citizens who live abroad are ascribed. Just as in any other constituency, only voters registered in that particular electoral district can vote, and candidates only compete with candidates from the same district⁷.

⁷ Taiwan also includes its expatriate community in the electoral process, but does not guarantee their representation as such.

Afghanistan and Jordan serve as good illustrations of the usefulness of re-conceptualizing the distinction between quota types. Although seats are reserved for both women and minorities, guarantees for minorities are more geared towards separation than those for women. Afghanistan's constitution from 2004 stipulates that 68 of 249 seats (27 per cent) should be reserved for women. If women do not win their seats outright, the women who received the most votes, without being elected, are appointed until all 68 seats are filled. Another 10 seats are reserved for a nomadic population, the Kuchis. The new nationwide Kuchi constituency overlaps with the other electoral districts. All Kuchis are granted special *Kuchi-cards* and can vote in designated Kuchi polling stations, only for the Kuchi seats.

There is thus a discernable difference between the reserved seats for women and for the Kuchi minority. The distribution of the reserved seats for women is based on the ordinary election, such that the women who fill these seats have competed with other candidates, male and female, for the same voters. No separate constituencies are created. The 'best-loser' system can indeed be interpreted as a way of integrating women into the electoral game, while giving them a 'boost' to compensate for disadvantages they might have in elections, in the long run leveling out the electoral playing field so that women can compete on the same terms as men. On the other hand, Kuchis do not compete at all with non-Kuchi candidates, nor are they accountable to a non-Kuchi constituency.

Similarly, the 2010 Election Law of Jordan stipulates that ten per cent of the 120 seats should be reserved for women. In addition, the law specifies that nine seats should be reserved for Christians and three seats for Circassians or Chechens. Within the 96 remaining seats, distributed among Muslim candidates,⁸ nine are reserved for Bedouins. The quota for women is allocated among the Muslim seats, according to a best-loser logic. Unlike the Afghani

⁸ The Jordanian system for distributing seats to parliament could thus be described as being entirely quota-based. However, with Muslims constituting the vast majority of the population, the 96 seats reserved for Muslims are generally not referred to as a quota.

design, however, these 12 seats are reserved for women, regardless of how many ‘ordinary’ seats women win. The rest of the seats are distributed through specific constituencies in which only members of the specific group (Chechens/Circassians, Bedouins, and Muslims) have the right to vote, similar to the Afghani pattern.

Burundi is a special case because of distinct quotas for different ethnic groups. Burundi ends up in this classification when comparing the quota for women with the quota for the Twa ethnic group.⁹ Just as in Niger, Taiwan, France and Portugal, there is a gender quota for candidate lists (30 per cent). Thus, female politicians operate within the same constituency as their male counterparts. The Twa minority group, on the other hand, is guaranteed representation through reserved seats. However, the three Twa representatives are not directly elected to the reserved seats. The Election Commission formally appoints the parliamentarians from the Twa minority. Although the Twa representatives are not directly elected by voters, we suggest that a specific ‘constituency’ has been created. The representatives all come from Twa-specific organizations which nominate the candidates to the Election Commission.

China is different, in the sense that none of the almost 3,000 delegates to the National People’s Congress (NPC) are elected through universal suffrage. Instead, they are elected within the organizational structure of the Communist Party, by the Local People’s Congresses (LPCs) from around the country. Although it is difficult to discuss the relationship between representatives and their electorates in contexts where representatives are appointed rather than elected, with the limited data at our disposal we do discern a difference between the groups with respect to constituencies. The Electoral Law of the NPC and the LPCs rather vaguely stipulates that ‘there shall be an appropriate number of women deputies, and the proportion thereof shall be raised gradually’. It is up to the LPCs to ensure that there is an

⁹ The comparison between gender quotas and quotas for Hutus and Tutsis are elaborated below.

‘appropriate’ number of women on the lists. However, in contrast to the case of women, the LPCs are not the only bodies to elect members of specific ethnic groups to the NPC: the Communist Party has adopted a system in which the Standing Committee of the NPC reserves the right to appoint an additional 26 minority delegates. Thus, some of the minority delegates are accountable to a constituency other than all the other delegates, namely the national party elite of the Standing Committee of the NPC. By thus forming an extra overlapping constituency of sorts, the minority quota is less integrative than the gender quota.

Constituency formation for women and minorities, different limitations on electorate

Assessing differences in quota design through the lens of constituency formation thus helps us to unveil the logic behind quota adoption for different groups in eight of the cases. However, in six remaining cases this first step is unable to provide us with a comprehensive understanding. In Uganda, Rwanda and Tanzania, new constituencies have been created for *both* women and minorities. Importantly, just as in Burundi (in the case of the Twa) and China, these constituencies do not necessarily consist of electoral districts in which representatives are directly elected by voters within the area. Rather, a specific institution or organization has been given the right to appoint representatives.

As both women and minorities are assigned special constituencies in these three countries, we look closer at the main features of the constituencies, with respect to who is entitled to compete for these ‘extra constituency seats’ and who elects, or appoints, the representatives. We find that there is no open electoral competition with non-members of the group. However, we find a difference across these countries with respect to group accountability.

Starting with Uganda, in addition to the 35 per cent reserved seats for women, the 1995 Constitution also distributes special seats to workers, youth, the disabled and the army. Quotas for women and minorities are similar in the sense that a new set of constituencies have

been created so that competition for the seats takes place only within the group. However, the ways in which representatives are elected to these seats differ. Representatives for workers, youth, the disabled and the army are indirectly elected by electoral colleges populated by local leaders of these groups. The reserved seats for women, on the other hand, are designed differently. From 2006 onwards, women are no longer elected by electoral colleges but via direct election. A new set of larger and territorially overlapping electoral districts have been created. Both men and women vote for who will enter the National Assembly in the 'women's seats'. Therefore, quotas for women in Uganda are more geared towards integration than are minority quotas.

In Rwanda, quotas for women and two minority groups – young people and disabled persons – were adopted in the constitutional reform process that followed the civil war. In both these cases, reserved seats are filled through special arrangements outside of the established constituency boundaries. Similar to Uganda, the quota design stipulates that young people as well as disabled persons are elected via functional decentralization through the national organization of each of the groups. In contrast, the election of women's seats engages a more diverse set of actors. More specifically, two women from each province as well as the capital (Kigali) are elected by a joint assembly composed of members of the local councils, as well as members of the executive committee of locally based women's organizations. Thus, whereas the 'electorate' for the minority seats is limited to members of the targeted groups, organized women have only partial influence over the election of 'women representatives'.

In Tanzania, special seats are reserved for two groups: women and inhabitants of the island of Zanzibar. The reserved seats allocated to women constitute 30 per cent of all the seats in the parliament and were adopted in 1985. These seats are filled by parties after the general election, in accordance with their proportion of the votes. The Zanzibari seats are filled by the Zanzibari House of Representatives, which appoints five of its elected members to the

national parliament. Thus, special arrangements are created that overlap with the constituencies of the FPTP electoral system used in Tanzania. However, there are differences in the arrangements with regard to the extent to which they aim at integration or separation. Whereas women's special seats are filled within the realm of party organizations, by men and women, the Zanzibari arrangement is more formally concentrated in the targeted group itself, protecting the Zanzibari community by granting them guaranteed influence over national politics as well as a certain amount of self-government.

No constituency formation, similar competition and electorate

In three remaining cases, there are no differences in the design of quotas for women and minority groups as to whether special constituencies are created and with respect to the degree of separation. No new constituencies are created for women and minorities (Hindus, Christians, Ahmadis/Parsees, and other religious minorities) in Pakistan, Burundi (in the case of Hutu and Tutsi), and Palestine (Christians). The quotas are similarly designed in terms of who elects the representatives and with whom they compete.

In Pakistan, the reserved seats for both women and minorities are selected by the political parties, in relation to the number of seats the party receives in the election. Thus, the two groups are guaranteed representation in an identical manner, and no differences whatsoever can be discerned in terms of separation or integration.

In Burundi, the Hutu and Tutsi have a history of conflict and power struggles. Instead of separation, quotas for these groups provide an example of power-sharing. Such arrangements are often of a pragmatic nature, designed to avoid conflict or ethnic division along party lines. The constitution guarantees a 60:40 split between the Hutu and Tutsi, inducing an overrepresentation of the Tutsis who constitute about 14 per cent of the population. In practice, the arrangement means that for every three candidates on a candidate list, no more

than two may be from one ethnic group. This quota is designed in the same way as the 30 per cent candidate quota for women. No new constituencies are created; instead, Hutu and Tutsi candidates stand on the same party lists and compete against other candidates from both ethnic groups and for votes from both groups.¹⁰

Finally, in contrast to Pakistan and Burundi, there are some differences in the design of gender quotas and quotas for the Christian minority in Palestine. Palestine has a mixed election system and quotas for women and Christians are implemented in different parts of the mixed system. Quotas for women apply to the PR lists, with at least one of the first three candidates being a woman. The quota for Christians applies to the FPTP system: in each of six appointed constituencies, one Christian is awarded a seat according to a best-loser logic. We place Palestine in this group for two reasons. First, when designing the quotas, no new constituencies were created for either women or minorities. Second, within their constituencies, both women and Christians compete with candidates and are elected by constituents from other groups (men and Muslims, respectively).

Conclusion

This article explores the underlying motives for ensuring the political inclusion of marginalized groups. More specifically, it analyzes whether laws guaranteeing representation are designed differently for women and minorities and, if so, whether these variations correspond to normative arguments for group representation. When designing the empirical analysis, we contribute both theoretically and methodologically to the building of a comparative research agenda on electoral quotas for women and minorities. Methodologically, we use an improved case-selection method by including only those

¹⁰ The Election Commission has the right to appoint members of parliament to ensure that either of the stipulated quotas is filled. This option only marginally changes the representation. Following the election of 2010, there were 100 elected and six appointed members. Three of the appointees were Twa, and the remaining three consisted of one male Hutu representative and one male and one female Tutsi representative.

countries that have adopted quotas for both women and minority groups. In so doing, we can ascertain that no country-specific factors account for any possible differences in quota design between the two groups. Theoretically, we propose a novel and more relevant conceptual distinction between different types of quota designs, focusing on whether special (separate or overlapping) constituencies are created for the targeted group, or whether the quota is instead incorporated into already existing constituencies.

The empirical analysis shows that there are systematic differences in quota design between women and different minority groups. These differences do correspond to arguments put forward by normative theorists. More specifically, the overall findings suggest that the introduction of quota policies for minorities commonly rests on an underlying motive among lawmakers to recognize and separate the group in question from the ordinary electoral order. The adoption of gender quotas, on the other hand, is driven by lawmakers' aims to redistribute power by better integrating women into the existing political system (cf. Htun, [2004]; Kymlicka, [1995]).

In a majority of the cases, new, separate or overlapping, constituencies are designed for minorities but not for women. There are no instances of quotas for women being designed in a more separating manner than quotas for minorities: in none of the cases in our sample have lawmakers opted for the creation of new electoral districts for women while guaranteeing minorities representation within the existing constituencies. In addition, we show that even in those cases where new constituencies are created both for women and for minorities, the design of the constituencies is generally geared towards more separation for minorities than for women. Thus, to conclude, our analysis generally supports the suggestion that different groups receive different types of guarantees for representation.

The analysis implies that electoral quotas are not a uniform policy; to the contrary, the designs of quotas differ to a great extent also within countries. Contrary to the argument that the

choice of design is dependent on the context (Krook & O'Brien 2010) or on previous experiences with a particular type of quota (Matland 2006), our analysis suggests that lawmakers have different ideas about different groups in society and that these ideas affect how they design guarantees for representation for the respective groups. The perceptions of lawmakers, as they are reflected in constitutions and election laws, largely seem to correspond to the normative justifications for group representation put forward in the literature (Kymlicka [1995]; Young [2000]).

In general, policymakers designing quotas for minority groups appear to perceive separation from the dominant political actors as the priority. Quotas for minorities are designed to grant the group certain self-determination, either through the creation of special electoral districts in which only people within the group may participate (as candidates or voters) or by providing their representative institutions (organizations or assemblies) with the power to appoint representatives. Quotas for women, on the other hand, seem to be designed with their integration into the regular (s)election process in mind. Quotas for women are designed to ensure that women are elected by – and often also compete with – both men and women.

Importantly, the analysis not only provides answers; it also raises a new set of questions that future research on electoral quotas should address. For instance, the analysis draws attention to the definition of 'minority quotas'. Kymlicka (1995) is mainly concerned with small ethnic minority groups who have a right to be recognized by being granted a certain amount of autonomy . When juxtaposing women with the broad category of 'minority quotas', it becomes clear that the diversity within the latter category is large and that all groups concerned with the quota cannot be considered minorities (e.g., Hutu in Burundi), even less *ethnic* minorities (e.g., youth, workers, disabled, and army officials in Uganda). Future research in this emerging field should unpack the minority group further. Potential avenues for doing this include distinguishing between, on the one hand, the relation between the size

of the group in question and the size of the quota and, on the other hand, between group identities that are ascribed and permanent – such as sex, ethnic or religious identities – and other identities that are acquired during the course of life – such as being a young person, a worker, or an army official.

In order to continue the building of a comparative research agenda on electoral quotas, we call on researchers to continue theorizing and empirically examining when, how and why quotas are included in constitutions or election laws to guarantee representation for specific groups in society. Case studies of the type of countries that are investigated in this analysis – i.e. countries with quotas for both women and minority groups – are particularly useful. Scrutinizing the intentions and ideas of lawmakers when they are in the process of simultaneously designing quotas for women and minorities would contribute to a deeper understanding of the motives underpinning quota design. In addition, researchers should carefully assess the potentially far-reaching consequences of different quota designs for women and minorities, for instance on legislative activities, to get a comprehensive understanding of their similar and different long-term effects, respectively. In that endeavor, we hope that our proposed new distinction of different quota types will be a useful conceptual tool.

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