

GENDER QUOTAS IN ROMANIA - A CRITICAL OVERVIEW OF THE DEBATE¹

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Abstract

Recently the Romanian political landscape has seen some discussions around improving women's participation in politics, and more specifically around the implementation of gender quotas for party-nominated candidates. In this paper I will outline the general context in which this debate is taking place, specifically the evolution of the level of women's participation in politics after 1989, and past attempts to rectify this. Afterwards I will critically address the most widespread arguments for or against gender quotas, in order to put the local debate in a global context. Finally I will provide an overview of the types of gender quota policies, with their particular strengths and weaknesses, as well as draw some general conclusions about what mix of policies would be more effective in achieving an increase in the number of women in politics at all levels.

Keywords: political participation, Romania, gender quotas, policy

Gender quotas

Gender quotas include a series of legal actions or political practices contributing to the increase in the number of women in political functions by ensuring several positions, candidate nominations and political offices exclusively for women (Krook 2009). Gender quotas may also apply to public offices or state or public companies, as well as voting or appointing women in companies managing positions for instance, but this paper will cover exclusively the issue of gender quotas in politics.

My goal will be to provide a brief overview of the historic and current situation in Romania, a critical analysis of the arguments typically made for or against this type of policy, and finally a more in-depth look at the specific ways in which gender quotas are categorized and implemented, in order to gain a clearer view of the problems that policy implementation would face. By this approach, I hope to make a case for the utility for such a policy, frame its limits, ground it in a clear theoretical line of arguments, and outline the discussion surrounding its methods of implementation.

¹ "This work was supported by a grant of the Romanian National Authority for Scientific Research and Innovation, CNCS - UEFISCDI, project number PN-II-RU-TE-2014-4-2097".

The situation in Romania

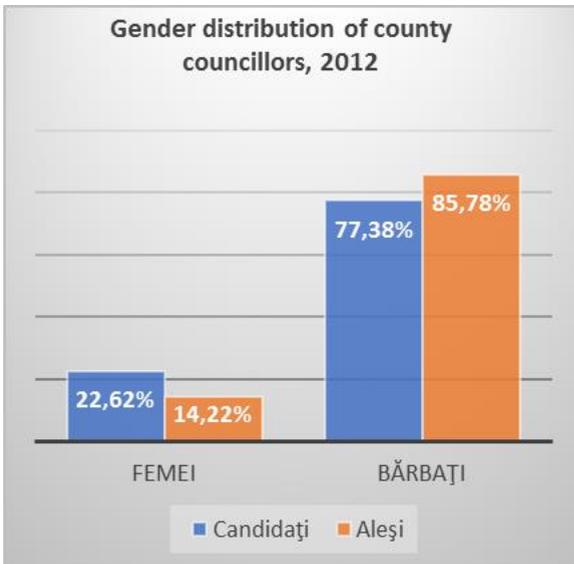
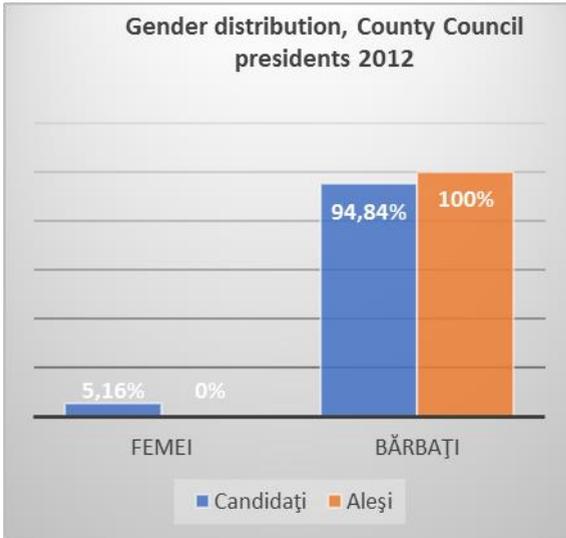
After the 1989 Revolution, the situation of women's representation had dramatically changed. At a parliamentary level, women went from representing over 30% of office-holders, prior to 1989, to under 5% in the 90's. This percentage increased slightly to around 10-13% for the Parliaments after the year 2000 (Mihai 2011). This sudden decrease in women's involvement in politics is specific to the entire Soviet Bloc, caused on the one hand by the delegitimization of the idea of gender quotas, which were associated with communist politics, and seen as an "artificial" involvement of the State that infringed upon the principle free competition, and the rejection of some elements of the egalitarian socialist discourse (Matland and Montgomery 2003). On the other hand there was the lack of social and civic institutions capable to support and substitute the disappearance of gender quotas and of the social infrastructure that could have helped women in their political involvement (Miroiu 2004). Moreover, the quasi-total absence of women from the official political environment before the socialist regime, together with their being present only in in less important positions during the communist dictatorship (Fischer 1985), meant that there was no modern historical precedent for mass participation of women in politics. This historical background further influenced the debates on the gender quotas in Romania, being repeatedly invoked against the legal initiatives that tried to address this issue.

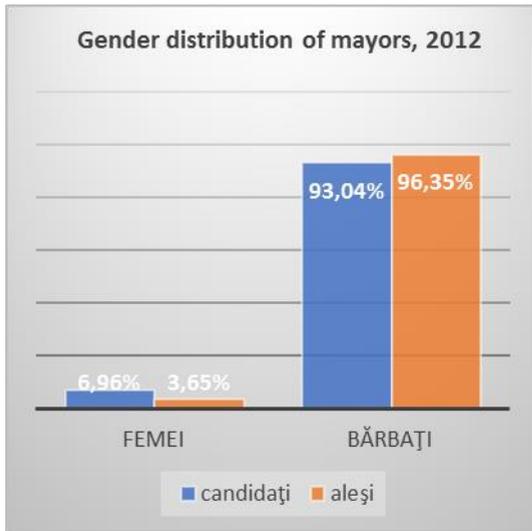
The first initiative for guaranteeing women access in politics was made by the legislative proposal no. 56/1997, initiated by the Democratic Party's deputy, Paula Ivănescu. The proposal focused on amending the Political Parties Law by retaining 20% of the state budget allocated to the parties and redistributing it to the parties based on the seats awarded to women (Mihai 2011). The proposal had therefore the aim to encourage the political parties to support women's participation in the parliamentary elections by offering them a financial compensation; but it wasn't passed, the arguments used pertaining to the use of gender quotas by the socialist regime, on one hand, and the assumption that this proposal would implicitly admit to the existence of women's inferiority, on the other hand. This line of reasoning was presented by the liberal Mona Muscă (Mihai 2011). The measure was to be adopted under another form only in 2006 (Law 334/2006, art. 14, paragraph 2), but it had no significant effect on the percentage of women elected in the Parliament.

Other legislative initiatives that guaranteed the gender representation are issued in 2003 (the Democratic Party - PD), 2004 (the Democratic Alliance of Hungarians in Romania - UDMR, and the Liberal National Party - PNL) and in 2010 (the Liberal Democratic Party - PDL), that proposed a percentage of 30% (40% for PDL in 2010) in various formula (women on the candidates lists, gender neutral, etc.), but none of these proposals had passed (Mihai 2011). Currently the only piece of legislation coming close to having gender quotas is the 2015 draft of the electoral law (Law 208/2015, art. 52, paragraph 2), which stipulates that party tickets for Parliament must “insure the representation of both sexes”. In practice however, this only means that a proposed list of candidates must contain at least one woman and one man.

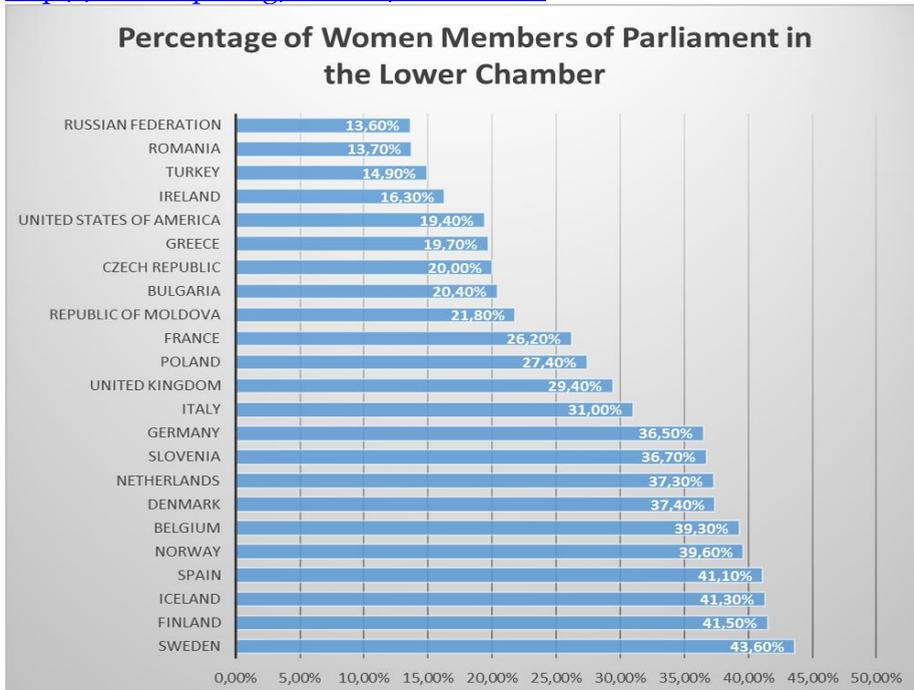
An interesting fact to mention is that during the debates on the proposal in 1997, PNL's opposition to a legislative measure directed against women's discrimination was expressed by a woman member of the Parliament. Beyond the considerations associated to the particular situation of this episode, we can find this kind of tactic a method of instrumenting women's representation in politics in order to improve the party position. This method of action was broadly used during the Ceaușescu's regime, when the high percentage of women in the Grand National Assembly would have been invoked to defend the legitimacy of the pro-natalist politics. More recently, this strategy was used for another proposal aiming at the restriction of the reproductive freedom of women, proposed in March, 2012. Although it was supported by the signatures of 40 MPs and by several NGOs fighting against abortion, it's public defenders were chosen to be two women members of the Parliament, Sulfina Barbu and Raluca Turcan, representing the PDL women's organization, and Theodor Baconschi (Andreescu 2012). We can also observe the tendencies to use women candidates in order to consolidate the position of certain leading members in the parties and in state institutions - e.g., promoting Elenei Udrea and Roberta Anastase during President Băsescu's mandate in order to consolidate the power of the president's fraction.

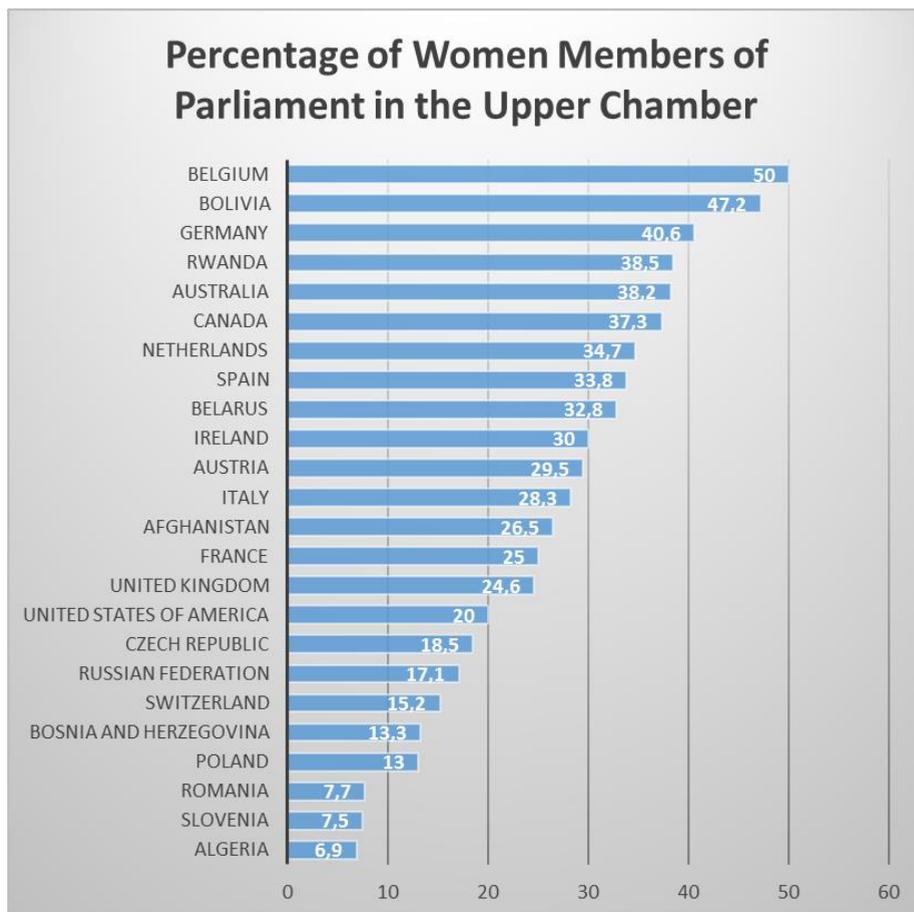
The following three diagrams are based on the data in the 2012 ANES report on the local election (ANES 2012), found at: <http://anes.gov.ro/cs/groups/public/documents/document/c2ly/mdaw/~edisp/webcenter11sir000223.pdf>





The following two diagrams are based on the data in: <http://www.ipu.org/wmn-e/classif.htm>





In the European Parliament, Romania has 69% men and 31% women; though, this is the highest percentage of women in various political structures (see the diagrams above). An important fact to take into account would be that in most cases the small number of women elected to an office is linked to the weak presence of women candidates vying for that specific office. For instance, in the local elections for mayor, the chances for electing a woman increased significantly for the cities/towns/villages where the women candidate ratio was at least 1 woman to 3 men. The elections in these cities/towns/villages were won by women in 21.84% (90 of 412 cases). The situation was better in the cities/towns/villages where the gender distribution was equal or almost equal, the women winning 46.8% mandates (22 of 47 cases) (ANES 2012).

Critical overview of arguments for or against

Next, we are going to review the main pros and cons adopting the gender quotas in politics.

Among **the arguments for implementing gender quotas** there are:

1. *Their role in eliminating the structural discrimination of women, which would allow them to get a significant number of positions that, in many states, they are not traditionally associated with, from a gender-role perspective. and at the same time compensating for the material obstacles and the biases women have to face when trying to gain certain functions* (Bacchi 2006);
2. *The fact that a significant number of women are allowed to use their capabilities and abilities that they couldn't have the opportunity to use otherwise;*
3. *Guaranteeing the right to representation and the right to be elected, rights that, under the broad presence of sexist attitudes among the electorate, risking remaining abstract;*
4. *The under-representation of women in political functions, compared to the segment they represent out of the total population, does not show a tendency to self-correct, and therefore there is a need for implementing politics that rectify this inequality;*
5. *The quotas are leading to a significant number of women in various political institutions, increasing the efficacy of women present in politics as the constraints they would feel in groups where they are not included are eliminated* (Krook 2009);
6. *The gender quotas are not contributing to a distortion of the electorate preferences because the nomination process for public offices is already controlled by the political parties, and not by the voters.*

The counter-arguments to gender quotas include:

1. *The lack of efficiency of certain regulations to meet their proposed objective* (Jones 2005) – but this is related to the implementation of gender quotas;
2. *It violates the principal of equality of opportunity* – but, as we highlighted above, the material barriers (unequal access to resources, lack of time, etc.), as well as the existence of discriminatory attitudes against women, is already detrimental to the principle of equal opportunities, and the gender quotas are representing an attempt to rectify this prejudice;
3. *It violates the democratic principles, "imposing" certain candidates to the voters and to the parties.* First of all we should underline the fact that the voters do not "vote" for the candidates the parties propose, only for which one gets elected to office. Furthermore gender quotas do not impose certain candidates to the political parties, but oblige the parties to extend their member recruiting base and to prepare women candidates against many decades of discriminatory practices in this respect;

4. *Favoring gender among the candidate's attributes against the personal skills and qualifications.* This is though contradicted by the presence of some gender quotas in various states (by now, over 100 states have adopted at least a kind of gender quotas) that haven't led to a decrease of competences of the elected (Krook 2009);

5. *The absence of women in politics may be a proof of their lack of interest in this field.* But there is no source for this, taking into account the obstacles for women involvement in politics and systematically discouraging their involvement in politics (via stereotypes on gender roles, bias against women already involved in politics, etc.) ;

6. Finally, *we have the claim that there are less problematic alternatives, from a civil rights point of view, which are less intrusive in the internal life of the parties,* such as training programs for women, financial aid, reforming the education curriculum in order to combat gender stereotypes and encourage the participation of women in politics, allowing for more flexible forms of maternity leave together with propping up institutions for parental support (child-care, after-school programs etc.), and so on. Although these measures are all required to some degree in order to expand popular participation in politics, they cannot guarantee that women do get nominated by political parties, and any change could take a long span of time to come about, especially due to the fragility that these programs would have to changes in government and budgetary policies.

Before moving on, we will address a special category of **arguments that concern the problem of essentializing gender**. The adversaries of gender quotas claim that adopting quotas promotes gender essentialism, the belief that there are intrinsic, essential, and insurmountable differences between the genders, differences that involve the existence of a natural masculinity and femininity. This gender essentialism would in turn promote the idea that men or women cannot effectively represent the members of the other sex (Mansbridge 2005). This type of critique, sometimes coming from within certain currents of the feminist movement, also adds that individual women can't assume to represent women in general, or that the actual presence of women in political office is secondary to having policy-makers that are committed to promoting women's rights. Moreover, certain arguments for gender quotas seem to reinforce these critiques, such as the argument that we need more women in political structures in order for them to bring their personal experiences, that are different from those of men, or in order to bring to the public debate certain issues that may seem unimportant to elected men (Mansbridge 2005).

We will begin by addressing these arguments by pointing out first of all, that the purpose of equal representation in public office is not meant to insure the representation of women by women, but to guarantee each socio-demographic category equal access to positions of decisional power, proportionally closer to their presence in society. Furthermore, while adopting an agnostic position towards the nature of gender differences, we should not overlook the fact that differential treatment of women and men when it comes to prescribed roles and social practices, inevitably leads to them having different experiences of daily life, which in turn place before them different social problems, or at the very least different perspectives from which they face these problems. Without appealing to notions of femininity or masculinity, or to some hypothetical feminine virtues that are not put to good use in politics, we can argue that gender differences when it comes to the experiences of daily life can lead to differences in the way certain problems are approached or differences in what aspects of these problems are put into focus. Moreover the increase in the percentage of women in politics guarantee that those women who do get elected do not become gender tokens, and do not become burdened by the role of “gender representative” from their colleagues and voters (Dahlerup 1988). Finally, we must point out that women’s right to be elected into office can only be viewed as abstract, if it is not practically accompanied by the presence of women office-holders in a significant number.

One aspect of the “anti-essentialist” critiques of gender quotas should however be taken into account. The fact that these quotas address women in general does indeed pose the problem of the sub-groups hidden therein, both in terms of socio-economic differentiation of women, as well as differentiation on lines of race, ethnicity, sexuality etc. (Davis 1981). If, in terms of ethnicity or sexuality, we can complement gender quotas with specific quotas that target women from marginalized ethnic groups – in the case of Romania, Roma women – and women from the LGBT community, addressing the socio-economic component of intra-gender differentiation is more difficult, as involvement in politics requires, as we have previously explained, serious investments of time and resources, as well as a certain training, which poor women cannot accumulate so easily. Tackling the issue of the access to political participation of women from poor environments depends on building an array of social-support institutions, which can offer the respite necessary for political involvement.

Another problem to take into account here, is that of transgender persons. Unfortunately this issue cannot be so easily addressed, as transgender people do not yet have an official legal status in most of the world's states, Romania included. Furthermore, the literature on policies targeting the issues of transgender people specifically is still in its infancy, and it is thus difficult to estimate what specific problems they face when trying to get involved in politics and how these potential problems could be addressed. The tension between their legally determined identity, which in Romania is still established by their determined sex at birth, and their social identity only further complicates these issues.

Last, but not least, we should talk about the relationship between women who end up pursuing careers in politics and the problem of women's emancipation in general. We should again mention the fact that gender quotas only address the issue of women's access to public life, without addressing their commitment to defending and promoting women's rights. Within this narrow domain, gender quotas promote women's rights by guaranteeing the possibility of their involvement in politics. Also, increasing the number of women in public office and involving their particular perspectives in political debates, can help the dialogue around issues of gender equality. However, these issues will have to be tackled mostly through other types of politics, quotas being unable to fulfill the role of universal panacea for any gender related problem that a society faces.

Gender quotas, a comparison between models

In the literature, the most widely acknowledged types of gender quota policies are: **reserved seats, party quotas and legislative quotas** (Krook 2005, Norris, Lovenduski & Campbell 2004).

Reserved seats have been implemented especially in Africa, Asia and the Middle East, where they're meant to combat the low level of representation of women in politics. This type of policy attempts to create separate voting districts for female candidates, and either distributing these districts to women based on the percentage of the popular vote that each party received, or to create a separate electoral list for female candidates. Depending on the method of implementation, reserved seats can imply a certain degree of dependency between elected women and the parties that back them. They mainly differ from legislative or party quotas through the fact that they guarantee a minimum number of women in the legislature.

The advantages of reserved seats for women in public office are, first and foremost, the fact that they insure a certain minimum level of representation of women in politics. Such an approach presupposes a perspective that emphasizes equality of outcome more than equality of chances, however in societies where strongly conservative or explicitly sexist attitudes are dominant, the existence of reserved seats for women guarantees overcoming these obstacles that prevent women from being elected in electoral competitions. It should also be mentioned that in countries with a high level of corruption, access to public office leads to getting women involved in networks of political patronage, and implicitly in increasing their level of access to resources (Krook 2009). Finally we should point out that in Romania, as well as in other Eastern and South-Eastern European countries, this type of quotas have a precedent in reserved seats for nationally recognized ethnic minorities.

The disadvantage of reserved seats differ depending on the type of voting system employed. When the candidates for reserved seats are named by the party, either through the party's candidate list, in the case of proportional representation, either through the distribution of reserved seats for women to the party depending on its electoral performance, the women office-holders tend to have a higher degree of dependency towards the party leadership. Candidates that compete for their district have somewhat more independence from the party leadership (relative to the methods of candidate selection within the party). At the same time however there is the risk that, within traditionalist societies, this could lead to the imposition of a certain type of candidates who adhere to the dominant social values, leading to the formal representation of women without any other progress when it comes to combating gender inequality (Krook 2009). Lastly, reserving seats for women tends to have a weak impact on the overall representation of women in politics (Chowdhury 2002).

Party quotas are the most widely implemented type of policy. They represent measures that are voluntarily adopted by political parties, which pledges them to have a certain percentage of women among its candidates for public office. Usually these quotas demand that women represent between 25% and 50% of a party's candidates (Krook 2009). The phrasing and implementation however differ on case by case basis: some policies identify women as the targeted group, while others pursue a gender-neutral formula, establishing a minimum or maximum quota for each

gender. When the vote is based on proportional representation, quotas address the composition of the party lists, covering either the entire candidate list, or just the number of seats that the party predicts it will win; if the vote is uninominal, quotas impose that in a minimum number of constituencies the candidates have to be women, with potential additional provisions regarding the nomination of women candidates in a minimum percentage of the constituencies where the party anticipates it will win (Campbell, Childs and Lovenduski 2006, Russell 2005).

The advantages of this type of measures consist in the fact that they change the recruiting practices for party members and the methods of selecting candidates, forcing party organisations to attract potential female members and to dedicate time and resources towards their training for political leadership (Lawless and Fox 2005, Krook 2006). For example, when gender quotas were implemented in the German Social-Democratic Party (which increased its number of female candidates from 25% in 1988 to 40% in 1998), the leadership was forced to simplify the conditions for nominating candidates, which had previously required that candidates have a certain number of years of party activity, under the supervision of senior members, because they noticed that these conditions tended to exclude women, who had less free time to dedicate to party activities, despite having the necessary qualifications (Krook 2009). Moreover, the party was constrained to seek out new potential candidates within its youth section, to organize training sessions for potential candidates, and to encourage women with the right skills and qualifications to run on the party ticket (Kolinsky 1991, McKay 2005). Self-imposed quotas also imply the party leadership's acknowledgment of existing social inequalities, thus forming a starting-point for more firm engagement on issues of gender equality.

The principal disadvantage of party quotas consists in the fact that, being voluntary quotas, there are very few strict guarantees that these quotas will be respected by the parties, without pressure from party members and civil society in general. In the case of Romania, for example, so far both the Social-Democratic Party and the former Liberal-Democratic Party had implemented party gender quotas (in 2001 and 2007 respectively), however these have remained largely ignored in the actual activity of the parties (Mihai 2011). Furthermore, because the way in which quotas are implemented remains at the party's discretion, they can be used as instruments in the factional infighting within the party, or to propose

candidates with less influence over the membership, who are thus more vulnerable to pressure from party elites (Bruhn 2003, Costa Benavides 2003, Goetz and Hassim 2003, Baldez 2004).

Legislative quotas are the newest type of gender quota, appearing for the first time in the 1990's, when issues regarding women's representation in politics reached the agenda of INGOs and other international organizations. Because of this they tend to be implemented in developing countries or countries that have just gone through a prolonged period of conflict, being predominant in Latin America, Africa, the Middle East and South-East Europe (Krook 2004). Legislative quotas focus on reforming electoral law and sometimes the constitutions themselves, by trying, in a similar manner to party quotas, to nominate a minimal percentage of women or respecting a certain gender-parity in the nominating process of the party candidates. Taking such coercive measures, unlike the voluntary party quotas, is usually tied to situations where there is no widespread party support for the adoption or proper implementation, of quotas of representation. Alternatively these quotas can signify the legal consolidation of multiple decades of progress in political practice (Krook 2009).

The advantage of legislative quotas consist, on the one hand, in accelerating the implementation process of gender quotas among the parties, bypassing the parties' aversion to assuming some potential electoral costs tied to nominating a large group of female candidates. On the other hand, the adoption of legislative quotas implies the *de jure* acknowledgement of the existence of a gender component of the political identity of the citizen, and establishes a judicial precedent for future positive policies targeting gender inequalities. The terms in which these laws are usually formulated are gender-neutral or talk about the "under-represented gender" (Krook 2009), and the specific language used is essential in phrasing future demands in policies aimed at gender inequality. Also, by adopting a universally applied formula and sanctions to parties that do not respect the quotas, as well as establishing an institution that oversees the implementation of the law (Baldez 2004, Jones 1998), legislative quotas can overcome the reluctance of the parties to go through with enforcing voluntary quotas, and guarantee that no party is disadvantaged in the election.

As far as disadvantages are concerned, legislative quotas are less efficient when the language of the law doesn't impose clear quotas, only vague prescriptions about "facilitating women's access" (Giraud and Jenson 2001), or when it doesn't involve serious sanctions for not respecting them. In France, for example, despite the existence of a law that requires 50-50 parity for nominated candidates in most elections (local, regional, legislative, European), the fact that rejecting party lists which do not respect the principle of parity doesn't apply to the election for the National Assembly, determines the larger parties to accept the financial sanctions (in 2002, for example, the Union for a Popular Movement lost over 4 million euros) in order to avoid hypothetical electoral defeats or the elimination of certain influential party members from the electoral lists (Mihai 2011). Furthermore, like in the case of party quotas, there is still the risk that women candidates who are nominated will be placed on the bottom of the party ticket, when regulations concerning the alternance of candidates by gender on the positions within the list (e.g. Sweden, France), or that these candidates will be nominated in districts where the parties estimate they will have smaller chances of winning, especially seeing that, unlike internal party regulations, which can have some flexibility, it is much more difficult to legally impose that parties nominate women for constituencies where the parties are stronger. In this case what is needed is either pressure from civil society actors is usually necessary, in order to get parties to nominated women in their electoral strongholds, or complementing legislative quotas with internal party quotas or reserved seats for women (Krook 2009).

Conclusion

As they seem to once again be turning up on the public agenda, gender quotas and gender equality in general seem to be difficult issues to tackle within Romanian society. We have shown that this is due in part to the complicated relationship that post-socialist Romania has with the political ideas and realities of the communist regime, and in part due to a more conservative set of values prevalent in Romanian society, which construct a restrictive matrix of gender roles for women to fulfill, with very few acceptable ways in which women can successfully practice politics. While the trend seems to be towards a progress in gender relations, these changes are slow, and uneven across the political landscape.

We have shown, throughout this paper, the utility of gender quotas in addressing unequal political representation, as well as the echos that this type of policy can make within the domain of gender equality. While there are a set of arguments that can be raised against quotas, we have concluded

that a good deal of them are either faulty or abstract, ignoring the actual issue of equal opportunity at political participation.

This being said, we mustn't consider gender quotas to be a universal panacea to women's issues, or even to the specific issue of women's access to politics. As we have pointed out, quotas solely seek to ensure that women have equal access to candidacies for public office. Despite this, gender quotas present other positive outcomes, such as determining political parties to invest time and money in training women as political operatives and leaders, or allowing women to access positions of power, and therefore contributing to their overall upward social mobility.

The case can be made that gender quotas are inefficient on their own, and indeed our overview of the types and implementation of such policies has enforced this view. Any policy proposal would therefore have to take into account the peculiarities of the Romanian situation, and draft a set of auxiliary measures that would contribute to the proper implementation of the quotas. As we have shown, additional provisions have to be made, from precisely regulating how the quotas are to be implemented, to prescribing punitive measures or rewards or benefits for parties, to creating organisms meant to oversee and guarantee the implementation process.

Finally, we have shown that the proper enactment of gender quotas require a good deal of civil society co-participation, both in support and for the oversight of the parties and of the electoral institutions. This has been shown not only to guarantee that parties have outside support in finding and nurturing potential female candidates, but also to provide a focal point for further mobilization towards women's rights, as well as helping to create a bond between female office-holders and their civil society supporters. Lastly non-party actors can take a watchdog role towards parties, ensuring that quotas are seriously respected and not misused, for example in factional infighting.

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