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At What Cost? Discrepancies between Women’s Legislative Representation and Effective Policy to Protect Women from Violence in Argentina

by Madeline Gannon

Introduction

The first country to institute a national-level quota law for the inclusion of female candidates was Argentina in 1991 (Franceschet and Piscopo 2014, 86). In a basic sense, “A substantial increase in the number of women in political legislatures is expected to strengthen women’s unity and political advocacy, leading to changes in policy content” (Sacchet 2008, 369). Exactly how the policy content is likely to or ought to change is debated. Both expectation and research has shown that, “Women legislators are more likely than their male colleagues to represent women’s interests and to support legislation that is beneficial to women” (Jones 1998, 3-4), but the expectation of women in office to have feminist policy agendas is arguably sexist. Some feminists have suggested that categorizing politically active women by their perceived, “shared ‘identity’ or ‘interests,’” assumes more than is justifiable about what is important to them (Htun, Lacalle, and Micozzi 2013, 98). Similarly, expecting female legislators to introduce effective policies on women’s issues, “holds these women, often political newcomers, to unrealistically high standards of success” (Franceschet and Piscopo 2008, 400). Some female legislators may pursue policies focused on women’s issues as a result of the gender quota, because they feel that otherwise they would not have been elected (Franceschet and Piscopo 2008, 408).

There are many reasons why a female legislator may or may not be inclined to pursue what would be considered feminist policies. There are, however, some issues that most people in support of an increase in women’s political participation, or status in general, agree are critical in addressing, such as the belief that women should be protected against violence. Failure to have adequate policy to protect women’s lives is counterintuitive to any initiative to encourage women’s political participa-
tion. In cases where a country enacts a gender quota, but does not produce effective policies to protect women from violence, one must ask what other factors contributed to that outcome. If an increase in female government officials has not coincided with establishing foundational policy that promotes equal opportunity, it seems that female legislators may face additional obstacles after being elected that inhibit them from pursuing such changes.

Violence against Women in Argentina in 2015

Gender quota theory was first put to the test when Argentina successfully passed a national mandate to meet a minimum inclusion of female candidates for political office in 1991 (Franceschet and Piscopo 2014, 86). As a legislative pioneer and trendsetter, Argentina would presumably be considered a frontrunner in women’s rights, but a substantial number of Argentine women would disagree. In June 2015, an Argentine journalist disillusioned by a string of media reports of femicide took to social media to rally support with the cry, “They’re killing us” (Goñi 2015). This claim awakened a sentiment that moved hundreds of thousands to march for an end to the violence (Goñi 2015).

Argentina does not lack specific legislation against domestic violence and murder, but is not effectively enforcing it (Argentina, Social Institutions & Gender Index). According to the Social Institutions and Gender Index, multiple offices and commissions responsible for enforcing the laws are poorly funded and no national data on violence reports or convictions is publicly available (Ibid.). In 2010, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) declared, “Argentina lacks national, provincial, and local public policies for the prevention and eradication of violence . . . [and] current attempts to prevent or address the issue of violence are isolated actions that do not amount to a government policy” (Argentina, Social Institutions & Gender Index). In response to the June 2015 march, "Supreme court justice Elena Highton announced a registry of femicides would be set up at the court. The office of President Cristina Fernández de Kirchner set off a series of tweets emphasizing her government’s concern. Meanwhile, the government’s Human Rights Secretariat announced it, too, would start to compile statistics on femicides” (Pomeraniec 2015). Additionally, female legislators introduced several bills to protect women from violence through the summer (Dirección de Información Parlamentaria, Honorable Cámara de Diputados de la Nación, República Argentina).

The protest against gender-based violence, made primarily by women, reflects the desires of women to have those issues addressed by lawmakers. Proponents of gender quotas expect that increases in the number of women in legislatures will help in, “Encouraging more women to come forward as candidates and favouring the building of alliances between grassroots women and women in political institutions” (Sacchet 2008, 370). However, the connection between grassroots women and women in government showcased in the events above were not the result of the gender quota. In fact, it seems more likely that the female politicians were enabled by the
protest to address the issue. The phrasing of the quota law dictates that its intended result was “actual equality of opportunity for men and women for elective and political party positions shall be guaranteed by means of positive actions in the regulation of political parties and in the electoral system” (Constitución de la Nación Argentina, art. 37, sec. 2). Although the gender quota law has been relatively effective at including more women in the legislature, it has not been as successful at including more policy to benefit women on the legislative agenda. The women being elected may want to introduce these policies but most face substantial obstacles in their pursuit. Based on the response of female government officials in Argentina to the protests of violence against women, it is possible that these obstacles result from party politics. Do women entering a legislative body, in part as a result of a quota law, jeopardize their political futures by championing policies that directly benefit women?

The Potential for Party Leaders' Power in the Argentine Political System

According to WomanStats, in 2010, Argentina ranked among the highest countries in the world with 30–39 percent descriptive representation of women in parliament (WomanStats). In 2015, WomanStats also reported, however, that Argentina’s “laws are consonant with CEDAW, but there is spotty enforcement, the government may or may not signal its interest in challenging cultural norms harmful to women.” An additional report ranks Argentine women as having low levels of physical security (WomanStats). Argentina is puzzling, because it has high rates of descriptive representation for women but low substantive representation in the areas of physical security and protecting women from violence. What is impeding the substantive representation of women in the Argentina legislature?

Passing the 1991 Mandate was truly an accomplishment in a country where only 6 percent of the Chamber of Deputies and 9 percent of the Senate were female (Driscoll and Krook 2012, 210). It would be a mistake, however, to assume that this indicated the male legislators were proponents of more women in government. In fact, it was reported that the bill was approved only because most senators expected it to be rejected (Driscoll and Krook 2012, 211). Once it became clear the bill would pass, “the hostility of male deputies was overcome via the mechanism of party discipline, as well as the expectation that the law would have little impact” (Driscoll and Krook 2012, 211). Argentina’s elections operate under a closed list proportional system, which “allocate[s] seats among lists in accordance with their respective shares of the vote” (Schmidt 2009, 191). In legislative elections, voters vote for a party rather than a specific candidate. Once the votes are counted, each party is allotted a specific number of seats and the candidates listed in those spots on the party list are placed in power. This means that “with closed lists, in fact, party leaders can effectively nominate candidates to the Parliament by allocating them in the secure positions at the top of the party list” (Galasso and Nannicini 2015, 2). This system gives party leaders great power to almost determine the future of each candidate, because candidates largely campaign to party leaders rather than to voters (Galasso and Nannicini 2015, 11).
a provision of the Argentine quota law mandates that a specific ratio of women must be placed within particular sections of the list, parties generally do not place more women than what is mandated near the top (Sacchet 2008, 372).

Working within the closed list proportional system, there is considerable opportunity for party leaders to impose an electoral cost on legislators who make policy decisions that differ from what the party or its leaders want. Female legislators may neglect to address creating effective policies to protect women from violence, even when those policies are in their best interests, if they believe that doing so will contribute to party leadership penalizing them once it is time to draw up party lists (Sacchet 2008, 372). They may think that introducing such policies will deprive them of power and legitimacy in their other legislative projects, as well as threaten their ability to maintain office. Using Argentina as a case study, this research intends to show that by introducing women’s rights bills in the legislature, female legislators face marginalization by the party leaders and risk reelection, having jeopardized their place on the party list. These findings will suggest whether or not there is a cost for female legislators to pursue a political agenda to protect the rights of women.

Methods for Empirical Analysis

Because investigation is impractical and unlikely, it is difficult to assess the validity of the hypothesis that this kind of intimidation from party leaders occurs. An alternative is to examine the hypothesized result of such use of party power, or reelection. In order to detect an electoral cost for sponsoring bills that protect women from violence, this study analyzes the relationship between the number of such bills sponsored by female legislators and whether or not female legislators were reelected. The sample is of forty-six females in the Argentine Chamber of Deputies who were elected to serve from 2009 to 2013. The reelection data was taken from the 2013 legislative election. This offers the most recent and complete set of data available and the results from testing it will give the most accurate depiction of any limitations on the power of female deputies in dealing with policy to protect women from violence previous to the 2015 demonstration. The Argentine Chamber of Deputies was chosen because it is the larger parliamentary house and offered more observations than the Senate.

Rather than use any bill that related to women, the only bills considered by the data are those sponsored by the legislators that required specific action to be taken to protect women from violence. Other methods of classification for bills reflecting women’s issues would be subjective and would make drawing accurate conclusions more difficult. Additionally, women’s physical security is a foundational goal and acts as a prerequisite to other rights such as reproductive and economic.

This study is limited because of its small sample size. Further areas of study include testing the theory on another set of deputies from another term to assess validity, as well as including data about whether or not male deputies sponsored such bills or data on how male and female deputies voted on these bills could be beneficial.
as well. Additionally, there are many factors contributing to a candidate's prospects for reelection and status within the party and in relation to party leaders. This study does not address each of these possible factors.

If the hypothesis is proven correct and sponsoring bills that protect women from violence has a negative correlation with being reelected, then it will support the idea that parties impose an electoral cost on female legislators who seek to represent women substantively. If the hypothesis is proven incorrect, and there is not a correlation between sponsoring bills benefiting women and not being reelected or being demoted on the party list in Argentina, the results will still be meaningful. Since qualitative analysis of the perceptions of female legislators, particularly in Argentina, indicates that they fear political backlash for sponsoring women’s rights bills, a lack of correlation with reelection prospects will prove those fears may be unwarranted (Franceschet and Piscopo 2008, 420). Inconclusive results will likely indicate the need of a larger and more inclusive sample.

Preliminary Data Analysis

The sample for this data includes forty-six women who served in the Argentine Chamber of Deputies from 2009–13. Figure 1.1 shows that of these forty-six women, half did not sponsor any bills to protect women from violence. Eight women (17%) sponsored one bill each. Seven women (15%) sponsored two bills each. Three women (6.5%) sponsored three bills each. Two women (4%) sponsored four bills each. The last three women sponsored five, six, and ten bills respectively. Only 17 percent of all of the female deputies sponsored three or more bills. Such a limited

Figure 1.1: Female Deputies from 2009–13 and the Number of Bills They Sponsored to Protect Women from Violence

Source: Author's calculations, compiled from data retrieved from the Dirección de Información Parlamentaria.
involvement with these kinds of issues is not likely to brand a legislator as having a particularly "feminist" agenda. Those women who sponsored three or more bills are more likely to have been at risk of garnering attention for their actions by the party and will be most affected if an electoral penalty sponsoring such legislation is proven.

Even if there is not much of a penalty for a deputy’s future within the party, the reputation of the deputy’s legislative work may be at stake. Studies have found that women’s rights bills tend to have even less legislative success than other bills (Francesschet and Piscopo 2008, 416). Studies cite: “Women’s issues bills . . . fail more often in the Senate, and over twice as frequently in both chambers. Given that female legislators introduce most women’s issues bills, the data indicate that women change policy outcomes in women’s issue areas at rates proportionally below the norm in the Argentine Congress” (Dirección de Información Parlamentaria, Honorable Cámara de Diputados de la Nación, República Argentina). A bill to protect women from violence may not only alert party leaders of a feminist agenda, but they may also add failures to a legislative record. Some studies have found that as the number of women in legislative offices increases, “the approval rates of women’s rights bills decrease” (Htun, Lacalle, and Micozzi 2013, 97). This may reflect growing perceptions among male legislators that such policies are less legitimate and perceptions among female legislators that supporting such policies will delegitimize themselves.

**Figure 2.1: Instances of Female Deputies Sponsoring Bills to Protect Women from Violence in Each Party, 2009–13**

![Graph showing instances of female deputies sponsoring bills to protect women from violence in each party, 2009–13](image)

Source: Author’s calculations, compiled from data retrieved from the Dirección de Información Parlamentaria.
Although the Front for Victory had 35 percent of the deputy seats in 2010 and claimed 37 percent of the female deputies serving from 2009–13, their deputies were responsible for only seven of the sixty instances of deputies sponsoring bills to protect women from violence (Dirección de Información Parlamentaria, Honorable Cámara de Diputados de la Nación, República Argentina). The frontrunners were the Republican Proposal and Radical Civic Union. Each party had six female deputies and each saw an average of more than two instances of sponsoring such bills per deputy. This may reflect the personal policy objectives and political stances on women’s issues of the deputies, but it would be a mistake to assume that these results reflect the party’s position on bills that protect women from violence before considering whether or not these deputies had much of a chance of being reelected. To be sure, in Argentina, “gender activism is not concentrated within one party,” and no Argentine Party has championed the successful introduction of effective policies to protect women’s rights (Franceschet and Piscopo 2008, 410).

Figure 2.2 gives a visual representation of the number of female deputies in each party, how many of those deputies were reelected in 2013, and of those reelected, how many had sponsored bills to protect women from violence. Only eight of the fifteen parties show any women being reelected, demonstrating that reelection is not common. Six of those parties reelected female deputies that had sponsored bills to protect women from violence. Front for Victory saw two such women reelected, and the other five parties had one each. In Front for Victory, 35 percent of female legislators were reelected, one-third of whom sponsored a bill that protected women from violence. The Republican Proposal, whose female deputies sponsored more bills to protect women from violence than any of the other parties, reelected two female deputies, which is one-third of their total number of women. Of those two deputies, one sponsored bills protecting women from violence. The Radical Civic Union deputies sponsored one less bill than the Republican Proposal, but none of the party’s female deputies were reelected. Although many smaller parties did not reelect their female deputy or deputies, both the Generation for a Nationalist Encounter and the Socialist Party were notable cases. Each had one female deputy that was reelected and had sponsored legislation to protect women from violence.

**Regression Analysis**

With such a small sample, observations in which large parties saw 35 percent of their female deputies reelected are compared against other observations with only one female deputy that sometimes saw 100 percent reelection within the party seemed likely to pose a problem in statistical analysis. Political scientists have debated the influence of size on women’s substantive representation in government, citing that, “newer parties may be more flexible, innovative, and open when promoting women’s candidacies” (Franceschet and Piscopo 2014, 95). Even if a party’s motives are not so positive, it may be small enough that it is willing to allow its “token woman,” whom they are required by the quota to have on their ballot, to pursue gendered issues. In
larger parties, this "label effect" can be much more damaging if the size of the party provides more female options for candidates or has more likelihood of achieving major policy goals in the parliament (Franceschet and Piscopo 2008, 394–95). Sponsoring gendered policies could be more detrimental to a female in a larger party with more female deputies than one from a smaller party with few or no other female party members within the parliament. Robustness checks confirmed that party size

**Figure 2.2: Comparative Graph of Total Number of Female Legislators Up for Reelection in 2013, Total Number of Female Deputies Reelected in 2013, and the Number of Female Deputies that Were Reelected and Sponsored Bills to Protect Women from Violence, 2009–13**

Source: Author's calculations, compiled from data retrieved from the Dirección de Información Parlamentaria; Instituto Nacional de Estadística y Censos, República Argentina.
was necessary to control for, and eliminated from the sample were ten observations of deputies who were the only woman or one of two women in their parties serving from 2009–13. The deputies’ party affiliations were not included in the regression but rather the parties were grouped into their national ideological coalitions of Justicialists, Progressive Civil and Social Front, Social and Civic Agreement, and Other. By excluding observations based on the party’s number of female deputies, the “Other” coalition was eliminated from the sample. The Justicialist coalition, which is the largest, was omitted from the test as the control. Additionally, variables to control for the number of female deputies up for reelection in 2013, total female deputies in the party outside of the specified term limits, and the total number of seats that each party had within the Chamber of Deputies were included. Each of these variables controlled for a specific characteristic of party size.

Table 3.1 displays the results of the final regression. The results indicate there is a highly statistically significant relationship between the number of bills to protect women from violence that a female deputy sponsored and her likelihood of being reelected in 2013. With each of these kinds of bills sponsored, a female deputy’s chance of being reelected decreases by 21.2 percent. In cases where a deputy only sponsored one or two such bills, their chances of reelection would not change dramatically, especially considering the low reelection rates within the Chamber of Deputies. However, if a female deputy makes protecting women from violence a main policy objective and sponsors five, six, or ten such bills, as did occur with some of these deputies, she seems to have no chance of reelection.

Additionally, there was a positive correlation between having been a deputy for more than one term, although incumbency is not common in the Argentine parliament, and none of the female deputies had served more than two terms by the time of the 2013 election. There is also a significant relationship that shows an increase in likelihood of being elected if the number of women from the party is greater in the Chamber of Deputies. It is important to note here that this is only the case if there are three or more women in the party since all other observations were excluded from the test. Conversely, there is a statistically significant negative correlation between party size and reelection. While the exact implications of these relationships are inconclusive, it indicates that party size matters on multiple levels.

If the results of this test accurately reflect party dynamics within the Argentine parliament, there are several possible explanations that can be pieced together by the studies of political scientists and observations from female legislators in Argentina. If party leadership decides which party members will be legislative candidates and where they will be placed on the party list, they have considerable influence in determining whether or not that candidate has a shot at election or reelection. Studies have proven that “fewer women have held positions that provide access to resources, status, and prestige. Men therefore dominate the elite political networks that structure Argentina’s political landscape even as the number of women in congress grows sub-
stantially” (Franceschet and Piscopo 2014, 95). With most party leaders being male, there is a diminished influence of women in the candidate selections process (Marx, Borner, & Caminotti, 2007, 178). Party leaders have an incentive to keep control of the policies supported by their deputies, and they may be disapproving of legislation focused on improving the status of women. Imposing a penalty by limiting their likelihood of being reelected can help maintain that control. Accordingly, more female party leaders contributing to decisions like the makeup of the party list could diminish this practice.

Table 3.1: Probit Regression of the Impact of Sponsoring Bills that Protect Women from Violence on Reelection for Female Deputies in 2013 (excluding Any Observations of Parties with Two or Less Females within the Chamber of Deputies).

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>Variable</th>
<th>Coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Bills Sponsored to Protect Women from Violence</td>
<td>-0.212*** (0.075)</td>
<td>Total Female Deputies in the Party</td>
<td>0.628 (0.142)</td>
</tr>
<tr>
<td>Total Terms in Office as a Deputy</td>
<td>0.710*** (0.042)</td>
<td>Total Party Seats in Chamber of Deputies</td>
<td>-0.374*** (0.071)</td>
</tr>
<tr>
<td>Provincial Unemployment Rate</td>
<td>2.828 (6.453)</td>
<td>Progressive Civil and Social Front</td>
<td>(omitted)</td>
</tr>
<tr>
<td>United Nations Human Development Index of Province</td>
<td>-40.555 (5.582)</td>
<td>Social and Civic Agreement</td>
<td>-5.515*** (0.888)</td>
</tr>
<tr>
<td>Female Deputies in the Party Up for Reelection in 2013</td>
<td>0.297*** (0.350)</td>
<td>cons</td>
<td>37.286 (4.615)</td>
</tr>
</tbody>
</table>

Number of Observations = 36. Pseudo $R^2 = 0.275$. Robust standard errors within parentheses.

*Significant at the 0.10 level; **significant at the 0.05; and ***significant at the 0.01 level.

Source: Author’s calculations, compiled from data retrieved from the Dirección de Información Parlamentaria; Instituto Nacional de Estadística y Censos, República Argentina; United Nations Human Development Index.

Reports from female deputies show that the perception of these and other penalties for sponsoring bills to protect women from violence are prevalent. In response to an interview performed by Susan Franceschet and Jennifer M. Piscopo, they discussed how female legislators in Argentina fear marginalization over supporting feminist
policies, because "it limits them to dedicate themselves to women's rights themes, so they prefer a public profile that is more expansive." If there are fewer women willing to associate themselves with feminist initiatives, then those legislators who do engage in substantive representation as process may encounter greater difficulties finding allies, thereby making substantive representation as outcome even less likely" (2008, 420). Argentine deputies fear that their involvement with women's policy issues will delegitimize their legislative work and make for a dim political future.

Historically, women's rights issues have been seen as weak, particularly in the Peronist parties like Front for Victory. Peronism reached its popularity by championing welfare and women's rights, and women played a particular role in those movements (Auyero 1999, 472). Following the example of Eva Perón, "Being a Peronist woman in politics 'naturally' implies taking maternal care of the poor, doing 'social' (as opposed to 'political') work, and collaborating with the man who makes the decisions" (Auyero 1999, 472). Although increasing the number of women in parliament, particularly in the large Peronist parties, is breaking down the confines of gender in this political hierarchy, the categorization of women's issues as social rather than political remains intact.

**Figure 3.2: Instances of Female Deputies Sponsoring Bills to Protect Women from Violence, Serving 2011–15**

![Bar chart showing instances of female deputies sponsoring bills to protect women from violence, serving 2011-15.](chart.png)

Source: Author's calculations, compiled from data retrieved from the Dirección de Información Parlamentaria.

Waiting on party leaders to change their attitudes toward female deputies or to see more women included in party leadership and other high ranking offices is not satisfactory for those actively pursuing women's substantive representation in government. The data in Figure 3.2 offers a hopeful prospect for change. In looking at
instances in which bills proposed by female deputies serving from 2011–15, there is a clear spike in 2015. The steep increase in the number of legislators sponsoring these bills in 2015 is a reaction to the public outcry over femicide and gender-based violence in June 2015. The majority of the bills from 2015 were introduced between June and the end of the term in October.

According to the data, the women who sponsored bills in 2015 did not face less of an electoral penalty for their sponsorship in the 2015 elections than those in 2013, but it appears to show a greater level of commitment to the issues in spite of any penalty (La Nación 2015). The actions of these deputies were reactions to their constituents who either persuaded them of the importance of legislation to protect women from violence, or more likely, empowered female deputies to sponsor the legislation in spite of the negative effects that those actions might have on their status within the party. Perhaps gender quotas are most effective when they result in the construction of alliances between women working within political institutions and women at grassroots levels (Sacchet 2008, 369). The support of female voters can help to legitimize policy goals that improve the status of women, but a lack of support keeps power in the hands of party leaders who are usually male, and in the case of Argentina, unlikely to support the pursuit of such policies. Even in a closed list proportional system, where party leaders wield so much power, voters can check that power, because “the extent to which parties are able to use the selection and allocation of candidates as a tool of political persuasion rests ultimately on the voters’ preferences for the type of candidates, and hence on their voting behavior” (Galasso and Nannicini 2015, 2).

**Conclusion**

Argentina was the first country to enact a nationally mandated gender quota, but its lack of effective policy to protect women from violence is puzzling to proponents of the gender quota theory. An increase of the descriptive representation of women in government is expected to bring about more effective policy that benefits women. Although it is not justifiable to expect that a legislator’s gender necessitates that she focus on women’s policy issues or have particular opinions about those issues, it is permissible to expect interest in measures to increase women’s physical security, considering Argentina is ranked among the lowest countries worldwide (WomanStats).

Various studies have researched the effectiveness of gender quotas at producing these kinds of results in a closed list proportional system, because it allows for party leadership to maintain gender hierarchies within legislative bodies. Historically in Argentina, women’s issues were thought of as social rather than political and enacting the gender quota was fairly uncharacteristic (Auyero 1999, 472). This proposes the question as to whether or not these party leaders indeed discourage female legislators from sponsoring policy that protects women from violence by imposing a consequence of decreased chances of reelection due to lowering their placement on the party list.

The study’s statistical analysis determined that for women in the Argentine Chamber of Deputies who served from 2009–13 and faced reelection in 2013, every
bill that was sponsored to protect women from violence decreased the deputy’s chances of being reelected by around 21 percent. For women who made such policies a main part of their agendas, their reelection prospects were severely diminished. This finding was true for women in larger parties with three or more women in the Chamber of Deputies. It is likely because those party leaders have more to gain or lose by maintaining such control of their deputies that such penalties are imposed.

A recent increase in instances of sponsoring bills to protect women from violence from female deputies serving from 2011–15 was likely a response to a major public demonstration calling for such legislation. Public support of these bills may be key in overcoming or eventually eliminating the electoral penalties imposed by party leaders for such actions. Voters have the opportunity to make women’s issues, often viewed as social in Argentina, political.

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