

THE 30 PERCENT QUOTA LAW

A Turning Point for
Women's Political
Participation in Argentina

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This essay will describe and analyze the main results of a recent law that has revolutionized Argentinean politics and posed fresh challenges to women's political participation. We cannot focus here on women's struggle to gain the "quota law," enacted in 1991, which provides that 30 percent of all candidates standing for elections have to be women (law 24.012). But we will summarize briefly some key events in the recent history of Argentina to explain why and how Argentinean women decided to fight for a quota law and how this battle was won.

One of these events occurred under the presidency of General Juan Perón (1946 to 1955). During this period, women's participation in politics was spectacular and unusual, even at the international level. More recent events include, for example, the symbolic and cultural shock caused by the appearance of "female guerrillas" at the end of the nineteen-sixties, an unexpected image of the female in a society used to idealizing women as peaceful mothers. Through the nineteen-seventies, the gradual spread of feminist ideas in public discussion and especially in academic institutions, combined with the changing goals of the women's movements and organizations during the transition to democracy in the early nineteen-eighties, led directly and indirectly to the quota law.

Four years after the enactment of the quota law, we interviewed six women representing different political parties, and asked about their expectations, achievements, frustrations, and ideas about work yet to be done to attain the full integration of Argentinean women at all levels of political power and decision making. Their voices will be heard—*anonymously*—through these pages.

THE WOMEN'S BRANCH AND EVA PERÓN

The figure of Eva Perón and the experiences of the Peronist Party and,

later on, its women's branch are still important influences on the political style of many Argentinean women. Peronism (1946 to 1955) represented the interests and demands of an alliance formed by old and new working sectors and a growing bourgeoisie that included women and that had emerged from domestic migrations and industrialization.

Peronism speeded up and consolidated women's social and political participation. When women's suffrage (law 13.010) was enacted in 1947, for the first time at the national level, a law gave women the right to vote and run for office. The Peronist Party was organized in sectors or "branches": the "male" or "political" branch, the "women's" branch, and the "trade unions." Since party statutes granted each of the three branches an equal share of representation, during the Peronist period women attained the highest percentage of political representation in the history of Argentina. Women held 21.7 percent of the seats in the House of Representatives in 1955 and 23.5 percent in the Senate in 1954.

Moreover, Eva Perón's power and style have helped to strengthen and legitimize women's presence in politics. She created an idealized model of the "woman politician," which, even today, influences the social and personal expectations of women politicians in Argentina. According to Marysa Navarro, "Few figures in Argentinean politics have generated so much hate and so much love as Eva Perón." To her followers, she was a generous woman who worked tirelessly to improve the living conditions of workers, women, children, and the aged. To her enemies, she was an ambitious actress, a prostitute who reached the top by using influential men, and a woman resentful of her illegitimate origins (Navarro, 1988: 101). The legends created around her (she was known as the "Lady of Hope," the "wicked woman," and, in the late nineteen-fifties, "the revolutionary") still live in the memories of many Argentinean women (Taylor, 1981), especially those who tried to recreate her legacy in the women's branch after the fall of Juan Perón's government and the banning of the party in 1955.

Eva Perón is a necessary point of reference for understanding women's experience with political power in Argentina. Whether she's followed or rejected, she continues to be a model for women's expression of their desire for political power.

WOMEN'S PARTICIPATION IN THE TRANSITION TO DEMOCRACY

One of the most difficult and cruel stages in the history of Argentina ended in December 1983. The military dictatorship in power since 1976, using the "doctrine of national security,"¹ had established state terrorism as a new and sophisticated method of social control. This policy caused the "disappearance" of some thirty thousand people, the destruction of a majority of political and social organizations and trade unions, and a split society. On the economic level, as a result of neoliberal policies influenced by the Chicago School, the country found itself burdened

with an enormous foreign debt.² During the final stages of the dictatorship and the first years of democratic government (from 1984 to 1985), women's activities were significant to restoring and consolidating democracy. In a critical political and economic context, women participated with courage, creativity, and perseverance in the struggle to attain human rights (especially the right to one's life in the face of state terrorism), the restoration of democracy, and the economic survival of the family unit.

While the best-known example of politically active women during this period was the Mothers of Plaza de Mayo,³ many other women's organizations were formed toward the end of the nineteen-seventies. Some of them attempted to provide day-by-day solutions to the serious economic crisis prevailing in Argentina and in all of Latin America since the end of the nineteen-seventies and especially during the nineteen-eighties. They set up soup kitchens, day nurseries, mothers' clubs, production cooperatives, community health centers, et cetera.⁴ Although these practices seemed "feminine," they took on different meanings in the context of the transition to democracy and the progressive modernization of gender values. They testified, as they still do today, to women's desire to gain autonomy, to assert themselves in communities and in the family, as well as to gain full recognition of their rights as citizens. In this sense, these groups set the bases for the emergence of a new type of women's leadership. For Elizabeth Jelín, these movements implied a "struggle to achieve a more extensive citizenship which would include social recognition: a political struggle—in terms of access to the mechanisms of power—but also a cultural struggle, a search for a differentiation of identities" (Jelín, 1987: 348).

In 1983, a woman politician observed, "When the dictatorship ended, those of us who decided to enter politics realized that we had to change the [women's] movement's logic and practices and accept the rules imposed by democracy and by the internal life of political parties." All of this posed a great challenge for women, one that could not be met without pain and resistance. Undoubtedly, to fight against an oppressive regime generates a sort of mystique that facilitates internal cohesion and stimulates alternative practices that allow the breaking of "rules." "In this sense," she continued, "the rules of democracy require that women establish new links and accept leadership within the 'social contract.'" With this understanding in mind, being part of an institution became an option for most feminist activists. Some of them joined political parties; others integrated feminism with their professional lives through women's studies research and teaching, developing programs to improve women's status in governmental and nongovernmental organizations.

THE DEMOCRATIC REOPENING: FROM AN ILLUSION OF EQUALITY TO THE AWARENESS OF DISCRIMINATION

During the final years of the military dictatorship, large numbers of men and women joined political parties and participated in campaigns and in public meetings, in a climate of seeming gender equality. Many women, militants since before 1976, and the women who joined them at the beginning of the nineteen-eighties, believed that being a woman was not a limitation. The common belief held that "in politics we would be on equal footing with men." The political climate before the coup d'état in 1976, as well as in 1983, accentuated ideological homogeneity. All "sectorial" interests were deemed to endanger the unity needed to attain the desired changes: "social" and "national liberation" during the nineteen-sixties and nineteen-seventies, and the transition to democracy during the nineteen-eighties. Only much later did a majority of women who had been members of political parties, trade unions, or the armed forces prior to the 1976 coup d'état, admit that discrimination had existed (Feijoó and Nari, 1994). Any debate regarding gender discrimination was negligible.

But the democratic reopening of 1983 failed to bring about substantial changes in the scope of women's participation in the legislative, executive, and judiciary sectors. This confirmed the "old" fear of women politicians that political parties would continue to treat them in the same way as before. "Only yesterday, when the political parties opened the voting registers, we were the favorites of the leaders," a politician said, referring to the

campaign prior to the 1983 elections. But, she continued, "Those of us who had had some experience recognized by intuition that this was a lie, perhaps an unconscious one. We knew that much effort was still needed to make this heavy wheel turn, but we couldn't disappoint the inexperienced ones, who believed this lie" (Casas, 1985: 65).

By 1983, the percentage of women in the House of Representatives had dropped to 4.3 percent, even lower than that during the previous democratic government (between 7.8 percent and 9.1 percent in the period from 1973 to 1976)⁵ (Lipszyc, 1994). This decrease was surprising, considering the percentage of women voters, party members, and militants.

Voting is compulsory in Argentina, but historically, more women than men vote. With regard to party membership during the nineteen-eighties, the percentage of women (47 percent) was slightly lower than of men (53 percent) (Braun, 1992: 573). The profile of women in political parties formed a "pyramid": broad at the foundation (membership and militancy), narrowing up toward the higher positions.

W O M E N F I R S T

1974:

MARIA ESTELA
(ISABELA)
MARTINEZ
DE PERÓN
BECOMES THE
FIRST WOMAN
PRESIDENT OF
ARGENTINA.



Only in some of the smaller political parties did the ratio of highly placed women exceed 20 percent. In most parties, no woman held a high position and in the largest of them, women were even by 1994 a minority of the leadership (4.3 percent in the Union Civica Radical and 9.6 percent in the Partido Justicialista) (Lipszyc, 1994).

Almost from the beginning, therefore, democratic political life showed its limitations regarding gender equality at decision-making levels. In that sense, the politicians who had thought that being a woman would not be an obstacle once democracy was restored received a shock. They realized how few they were; that they were expected to be more qualified than the men in order to compete for the same positions or to present their views; and that they had ignored the subtle codes of political life which had excluded them from the unofficial places of power where the most important decisions were made: the "small committees," the hall conversations, et cetera. For some political women, this experience was a starting point in a process. As one said: "It helped me realize that other women, as qualified as I am, have been unable to make it. I also realized that if more women had joined in the projects, proposals, and objectives I fought for, I would have needed less time to achieve my goals and would have sounded more convincing."

THE RELATIONSHIP BETWEEN WOMEN POLITICIANS AND WOMEN'S MOVEMENTS

Following the restoration of democracy, some women politicians began to participate in the women's movement, overcoming their distrust of the feminists' positions. Feminists also distrusted women politicians. But a different kind of consensus gradually gained ground, especially during a workshop on "Woman and the Political Parties" held during the Fifth National Women's Meeting (in Rosario, 1989) to lobby for affirmative action in the political area. Women continued to discuss this project and mobilize public opinion in its favor. A Forum of Women Politicians met toward the end of 1989 and, at the Fifth Meeting of Feminists from Latin America and the Caribbean, a Latin American Network of Feminist Politicians was created.

On March 8, 1991, the Argentinean section of this network⁶ organized a series of activities throughout the country. The most significant of these was a simulated session of the Deliberating Council of Buenos Aires, at which feminist politicians occupied all the benches and submitted and approved municipal statutes covering all the areas of women's equality in society.

The establishment of new political interest groups and gatherings of women politicians helped to achieve consensus regarding the need to support the quota law project submitted to the Congress in 1989.

THE QUOTA LAW

The quota law (24.012), which was approved by Congress in November 1991, amends Article 60 of the Electoral Code and stipulates that “the lists of candidates must include at least 30 percent of women candidates for public office, in proportions which will make their election possible. Lists of candidates which fail to fulfill this requisite shall not be made official.”

Toward the end of 1989, Senator Margarita Malharro and Representatives Norma Allegrone de Fonte and Florentina Gomez Miranda simultaneously submitted “quota law” bills to the House and the Senate.⁷ While both bills initially had been promoted by lawmakers from the Union Civica Radical, the bills also obtained the immediate support of women members from other political parties.

Senator Malharro’s bill was approved by the Senate on September 20, 1990, a somewhat surprising result considering the previously unfavorable climate. “That day we mobilized our colleagues, asking for their support,” she said. “However, although we did not have much hope... when the bill was approved, we were stunned. What happened in the Senate was a question of luck, of opportunity.” But after this unexpected victory, women from different political parties realized that, if they wanted the bill approved by the House of Representatives, they would have to coordinate their efforts and be prepared in advance.

On November 6, 1991, the law was debated in the House of Representatives. Huge numbers of women exerted strong pressure from the gallery, in the Chambers, and in the squares and streets near the Congress. Demanding, singing, talking to and even insulting male politicians during the debate, women from different social classes, with different ideologies, showed great consensus and a determination not easy to ignore.⁸ As one legislator remembered the occasion, “We entered the Chamber, not knowing whether we would win or lose in the voting. We took a risk, but the mobilization of women on the day of the parliamentary debate was decisive. Among the men, many could not vote against us, either because they had promised their vote, or because they could not run the risk of ‘killing’ a project supported by every woman in all political and social sectors.”

Prior to the parliamentary debate, Peronist Party women had organized several women’s meetings to present and discuss the law, inviting male politicians as speakers. Using this strategy, they tried to induce the men to make a public commitment before mass assemblies: “We invited male political leaders who were unaccustomed to such large and spontaneous meetings. When faced by all these women, they adopted an extremely ‘feminist’ attitude, as would any other politician who wished to please his audience.”

The interparty alliance among women was also essential for the approval of the law. Not all women favored this measure, but those who disagreed with promised not to criticize it publicly.⁹ A common

strategy was adopted to deal with each male representative: “We knew already which woman could speak with what man, even though each might belong to different parties. We took advantage of all existing political links, such as having worked together in the same committees, personal affinities, shared political and professional experiences, et cetera.”

Without denying these facts, some affirm that the law was passed by the president’s final decision. The “unofficial” story is that President Carlos Menem made a decisive phone call to the minister of the Interior at 2 a.m., ordering him to go to the House of Representatives and tell the Justicialista legislators (the majority members) to vote for the bill. Two different interpretations have attempted to explain his action. According to some opinions, the president expressed the historical commitment of Peronism to women, as well as his personal vision of the fundamental role women should play in Argentinean politics. To others, his was a demagogic strategy to obtain political advantage. Still another interpretation holds that men supported the law to show that they were “modern and democratic,” assuming also that this might improve the tarnished image of politicians.

Whatever the reason, women decided pragmatically to take advantage of the situation: “Our strategy was to use this opportunity to our benefit; to make politics more accessible for women, and then to try to change politics according to our perspectives and ideals.”

THE DEBATE REGARDING POSITIVE ACTION

Throughout this period, a widespread social debate brought to the surface controversial issues related to gender relationships in Argentinean society and the need for positive action to improve them. In general, public opinion was not against the quota law. But it is interesting to note that its justifications were based on at least two very different premises.

On the one hand, the law became a tool to attain equality and justice for women in the political area, thus a function of human rights and democracy. The egalitarian argument springs from liberal feminist views that seek to overcome discrimination against women in society mainly through the law and by improving access to education and empowerment. It accepts positive actions as temporary solutions to the problems of discrimination against women (Amorós, 1991).

The second argument springs from another tradition of feminist thought, one that emphasizes women as a source of moral superiority. Characteristics such as altruism, self-denial, intuition, and caring are seen as a biological “essence of femininity” or traits of a “feminine culture” which have been concealed by the patriarchal culture and which, in use, would change patriarchal institutions (Gilligan, 1982; Rich, 1978).

The first argument—based on women’s demand for equality—was much more irritating than the second, since it revealed the existence of discrimination in the nation’s democracy and expressed women’s desire

for power without any further justification. As a counterargument, some people insisted that the quota law was antidemocratic because it discriminated against political parties and the population as a whole by restricting their freedom of choice. Male politicians of both the right and the left who opposed the law insisted that, "If women and men are equal, there is no need for a quota." Hence, "The women who don't make it lack the necessary qualifications." During the parliamentary debate, one representative justified his opposition by stating that the law was "coercive, reactionary, and offensive to women who had sufficient ability to rise to the positions held by women legislators, and to all women who had made a significant contribution to this country's development" (Representative Alberto Albamonte [Union del Centro Democratico] in the House of Representatives. *Journal of Sessions*, Nov. 6, 1991).

Not unexpectedly, the claim for women's exceptional ethical and affective qualities was hailed as a refreshing contribution to politics and gained many more allies, especially among men. This was the argument men most often used in defense of this law: "This responsibility for the survival of the species makes a difference in the relationship between women and power. Men use power as an exercise; women use it to preserve life. They seek power to ensure the survival of the species. Women don't seek power because they want to manage the Central Bank.... Women's search for power has biological roots; it is their mission" (Minister of the Interior Jose Luis Manzano in the House of Representatives. *Journal of Sessions*, Nov. 6, 1991).

But, as one woman politician said, "How can one resist this proposal? It sounds like an exciting invitation, an attempt to enhance 'the best' supposed to be in women. However, behind it we detect the mechanism used to lull, to deny the real significance of our presence: to hold places of power and decision" (Sampoalesi, 1993: 10).

In this debate, a third voice could be heard, one that took issue with the debates about equality or differences and pointed to women's equal ability even to participate in corruption scandals. This voice argued: "The task of 'humanizing' politics, placing it at people's service, should be carried out by women and men together. I feel compelled to be ethical as an individual, not as a woman. I can't understand why women should be the saviors. On the other hand, I don't think that we have yet established the truth of this premise."

ENFORCEMENT OF THE LAW

When the law was implemented on March 8, 1991, the item most difficult to interpret was the one stipulating that at least 30 percent of candidates must be women, included in sufficient "proportion to have an opportunity to be elected." According to the regulating decree, these 30 percent should be placed as candidates "among the positions which

each political party submits for reelection," and the lists must contain one woman candidate for every two men (*Página 12*, March 9, 1993: 2). By the time the regulating decree was issued, the quota law had also been included in the legislation of six provinces (Mendoza, Santa Fe, Santa Cruz, La Rioja, Corrientes, and Misiones) and the federal capital.

The law was first enforced during the national elections in October 1993. In spite of the regulating decree, in many districts the lists of candidates failed to comply with the law. The "women's cabinet"¹⁰ and some women members of political parties filed immediate appeals with the election courts. In general, they were successful (*La Nación*, Aug. 8, 1993: 12). Consequently, since almost all the lists submitted at these elections complied with the law, this caused a significant *quantitative change*. The percentage of women in the House of Representatives rose from 5.4 percent in 1991 to 13.3 percent in 1993.

In 1994, a new opportunity arose to apply the quota law during the election of the delegates to the Constitutional Assembly, responsible for the reform of the national constitution. Of the 305 delegates elected to the Assembly, 81 were women. Two of them resigned, leaving 25.9 percent women (*Página 12*, May 24, 1994: 6).

The high percentage of women delegates may explain the numerous new provisions on women's rights adopted in the amended constitution. For example, the United Nations' "Convention on the Elimination of All Forms of Discrimination against Women" has acquired constitutional status in Argentina. The constitution also authorizes the Congress to promote positive action measures for women and to guarantee equal opportunities and treatment and the full enjoyment of all the rights recognized by the constitution and in international treaties (Part II, ch. 5, arts. 22 and 23). Especially regarding political rights, it guarantees women's full participation, granting men and women equal opportunity to be elected to party positions through positive measures to be adopted by the political parties and the electoral system (Part I, ch. 2, art. 37).

EVALUATING THE EXPERIENCE: GAINS, ILLUSIONS, AND FEARS

The struggle to get the quota law passed and implemented and the experience gained by women during this process gave birth to illusions, desires, and fantasies, which exert a significant symbolic and practical influence on current public discourse in Argentina. According to the women we interviewed, those who fought for the law praise the *quantitative leap* it has effected and hope that in the future it can promote *qualitative changes* in political institutions and in society. However, all agree that it is too soon to make a balanced judgment, since social change occurs slowly.

One of the basic problems of women politicians is the *admission of their desire for power*: "The majority of my colleagues feel that they have to look for excuses for doing political work. Women tend to rationalize

their feelings by using *legitimate* excuses for their public activities: 'I do it to help the children, the poor, others....' But they also expect that the younger generation will change these beliefs by expressing their desire for power with greater honesty, although younger women are still far from admitting frankly "that they *like power, deserve it, and must fight for it together with their colleagues.*"

Another problem is the *organization of alliances among women*. While women's solidarity is an effective tool that enables women to place measures that will benefit women on the agenda of political debate, some warn against unrealistic expectations that may ruin these alliances: "It seems as if we have an obligation to love each other. We should be able to say, 'We act together up to this point, but no further,' without feeling betrayed."

Despite disagreements, so-called betrayals, envy, and questions of mutual esteem and recognition, during the last decade, links have been forged among women from different political parties. Especially since the enforcement of the

quota law, joint attempts have been made to promote laws on reproductive health, violence, the incorporation of women into the armed forces, and living standards.

A third very important problem is the establishment and acceptance of *leadership among women*. When the quota law was first enforced in 1991, it became obvious that few women leaders with gender awareness had the power to place other women on the lists of candidates. As one legislator said, "Many women candidates were placed on the lists because of a personal relationship with the (male) area leader, or because they supported the (male) party leader. There are still too few female leaders in a position to name candidates." Another said, "In many cases, the women elected had no previous political experience and were not committed to gender issues."

The politicians we interviewed remarked on the two major problems of women leaders. On the one hand, women need both to confront the male members of the political group and also to negotiate with them: "The men compelled to give up public office put up strong resistance. Some of them even dispute the validity of the law. Many conflicts have arisen. This is not a battle which has been won. The law is a tool which must be defended and to do so, we must create awareness among women and find a way to overcome our fear when we confront the men."

On the other hand, our sources generally agreed that, since the law preceded the creation of alliances among women politicians, it has therefore been difficult to acknowledge and appreciate other women's capabilities and to delegate power to them. The problem of fostering

women's leadership, of acknowledging and assuming it, has been explained in different ways. Some attribute it to women's lack of experience in the public area. Others say the fault lies in the feminist discourse that fosters women's political participation, which is based on questioning the power of the patriarchy and on the promise of an alternative concept of power that would respond to women's needs. This notion has some profoundly paralyzing effects. For example, as one legislator put it, "We either insist on being brilliant or expect all women to be the same, simply because they are women."

Ultimately, women are learning from experience that the quota law is not a point of "arrival" but one of "departure," a permanent effort that requires great willpower, conviction, and awareness. The political work demands constant monitoring to maintain its original significance. "That is why," one legislator said, "we must make certain that women who rise to public office through this law should not betray their commitment to gender interests." The fears women politicians face every day are those of sliding back, of the manipulation of their efforts, of being trapped in structures which cannot be changed, of "not making a difference."

But women are also aware that the quota law is a progressive measure that has gone beyond strictly political ends. Perhaps its most important accomplishment has been its impact on established models of democracy, political representation systems, and gender relations. It has certainly been a useful test of "modern" Argentinean views of equality between men and women; for detecting old and new hypocrisies in political leadership; and for subtle manipulations of women's claims. Most important, it has also determined that a great social consensus exists regarding the legitimate right of women to participate in Argentinean political life.

W O M E N F I R S T



1985:
MARIA LIBERIA-
PETERS IS THE
FIRST WOMAN TO
BECOME PRIME
MINISTER OF THE
NETHERLANDS
ANTILLES.