How does descriptive representation affect substantive representation? Does the presence of women in politics make a difference for changing the legislative agendas and the policy outcomes thereby enhancing political equality? These are some of the questions that have been addressed in analyses of political representation and legislative elites with gender perspective.

Specialized literature has inconclusive findings regarding these issues and divergent explanations about the factors which facilitate that women in power, and in particular, in the legislative arena, change the legislative agendas (substantive representation as a process) and public policy, i.e., such as women’s political rights (as an outcome) (Franceschet and Piscopo, 2008). Some research focuses on the concept of “critical mass”, highlighting the importance of the number of women in the legislative arena. From a different theoretical perspective, the central aspect is the formation of “critical actors” that, acting individually or collectively, bring about women-friendly policy change. Another set of theories close to the latter perspective, focus on the concepts of “policy networks” or coalitions. Thus, some research has found that policy making favoring women is the result of the interaction between private and public actors or coalitions among political women, feminists within government, and activists that pursue gender parity, regardless the number of women who are present in the legislature. These networks and coalitions explain changes in the legislative agenda even though debates take place in a broader public arena.

This paper will address these questions by analyzing the case of Mexican trans-party alliances and networks of feminists and legislators, around the adoption of gender quotas and parity for congressional nominations during the last ten years. This network generated a consensus among legislators of different political ideologies around gender quotas and finally, parity which was approved in 2014. However, achievements in political equality and the fulfillment of quotas have been possible due to the intervention of the Judiciary; party women have presented the case to the Electoral Court of the Federal Judiciary Power (TFPJF, its initials in Spanish) for applying the Constitution and guarantee political equality by protecting women’s political-electoral rights. Strategies of party leaders regarding gender quotas have been paradoxical because while legislators have approved

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this affirmative action, party leaders have contravened its fulfillment in very different ways taking advantage of loopholes in the law. For instance, before 2011, the electoral law stipulated that if democratic internal elections were held, parties were exempted from fulfilling the quota. Party gatekeepers took advantage of this exemption for not selecting the minimum percentage of female candidates (Palma, 2012). For this reason, women from different parties and organizations have been active at requesting intervention of the Judiciary. “The judicialization of politics”, as a female PAN leader said (Palma, 2016) has allowed women to improve their access to nominations and participation in politics. Because of the persistence of informal rules (Piscopo, 2016), first and second generations of quotas, designed by sectors of parliamentary elites, were not enough to make decisive advances towards political equality. Parties did not comply with the quota and the percentage of female nominations and members of congress did not increase in a relevant manner. The intervention of the electoral court has been necessary for parties to comply.

Thus, the following factors have made possible women’s advancement in political equality:

i) The presence of more women in the legislature who have organized in intraparty networks around gendered issues: political equality (Palma y Cerva, 2014; Piscopo 2016), violence (Martínez 2016), introducing new commissions in Congress (Commission for gender equality, gender crimes, human trafficking, and the Women’s Parliament).

ii) Activism of intraparty women organizations such as “Women in Plural,” to bring the debate out of the legislative arena to a broader public debate and appealing for Judiciary intervention. Also, after parity was approved in Congress the agenda was disseminated to the local level.

iii) Democratization of the Judiciary and its crucial intervention in the protection of women’s political rights as human rights. The progress in the interpretation of the norm is due to a great extent, to judiciary rulings in which a gender perspective is adopted.

The increasing presence of women and the development of a network of intra-party alliances, women organizations and state institutions has had an impact on two aspects of substantive representation: the process of acting for women, i.e., female legislators introduce bills that advance women’s interests and bring gender perspective into legislative debates, and changing policy outcomes. The most relevant recent policy changes have taken place on the arena of political equality and violence against women and human trafficking. The latter ones will not be treated in this paper.

I first review some of the theories on descriptive and substantive representation, and then I trace the different quotas approved in the Mexican Congress, identifying the actors involved in this process, and the outcomes.

I The academic debate
In the last two decades, there has been an increasing interest in the literature on parliamentary elites and gender studies on the best conditions for women to access representation posts and its relevance for changing legislative agendas. The research agenda has focused on descriptive and substantive representation and the critical mass theory has been central in this debate.

From the perspective of descriptive representation, legislative bodies are representatives if they reflect the composition of society (Pitkin, 1967). Scarcely presence of women in congresses indicates a problem of de facto exclusion of women from representative institutions but also an exclusion of gendered issues such as labor rights, violence, political equality, sexual rights, among others, which have not been brought into legislative agendas by traditional political elites.

According to the “critical mass” theory the number of female representatives has an effect on legislative behavior, on political style and public policy, and it encourages and legitimizes the presence of women in legislature (Mc Allister). Women act more distinctly once their number reaches a certain threshold (Peña, 2005). Analyses of descriptive representation have focused to a large extent on the effect of electoral systems and the particularities of the gender quota on the number of female legislatures (Archenti y Tula, 2008; Paxton, Hughes y Painter, 2009).

This approach has been criticized because the percentage of women that is necessary in congress is undefined and given that there is no linear relationship between numbers and outcomes. Childs and Krook (2009) propose instead the concept of “Critical actor”. Critical actors act individually or collectively to bring about women friendly policy change” (Childs and Krook, 2009: 127). This depends not on the number of women in Congress but on a diversity of factors such as forming strategic coalitions, the capacity for influencing men’s behavior, whether they hold feminist or non-feminist visions, identities legislative arenas, among others. Collective action occurs not as the result of the effort of the average group member but rather through the work of a small number highly interested and resourceful individuals that play a central role in mobilizing others.

In a similar line of research, other studies highlight the importance of “public-policy networks” that include governmental and non-governmental actors and that act together for establishing founding agendas on gender issues. (Martínez, 2016). Networks are relationships. A “closed network” is an alliance among few actors that in the legislative arena have the authority to found an agenda. An “open network” is an alliance among several actors, governmental and non-governmental ones, that share resources and depend on their interrelation to concentrate information and decision power on the agenda.
Close to this approach, feminist institutionalism emphasizes the role played by informal practices both to block gender quotas and to promote women’s participation.

The following table summarizes part of this research and the concepts regarding the importance of women’s access to legislatures.

<table>
<thead>
<tr>
<th>Theories of descriptive and substantive representation</th>
<th>Importance of female legislative elites in the advancement of an agenda of political equality</th>
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<tbody>
<tr>
<td>Critical Mass (Dahlerup, 1988; Kanter, 1997; Peña, 2005; St. Germain, 1989)</td>
<td>Descriptive representation: once a number of women is reached, it will improve the representation of women’s interests by changing agendas and policies.</td>
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<tr>
<td>Critical Actors (Childs and Krook, 2009)</td>
<td>Relevant actors act for women’s issues and policy change, regardless the number and depending upon the formation of strategic coalitions, influencing men’s behavior, positional power in committees, ideology, legislative arenas, identity, feminist or non-feminist definitions, legislative contests, among others.</td>
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<tr>
<td>Networks of public policy in the legislature (Martínez 2016)</td>
<td>“Open networks”, governmental and nongovernmental actors act together for establishing a founding agenda on gender issues. Networks affect the legislative process and policy outcomes.</td>
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<tr>
<td>Feminist institutionalism (Lovenduski, 2005; Galligan, 2006; Piscopo 2016)</td>
<td>Gendered dimensions of institutions. Quotas interact with informal practices to shape the recruitment, nominations and election of female candidates. Importance of informal networks to approve gender quotas and fight against parties’ informal practices to avoid quotas.</td>
</tr>
<tr>
<td>Law studies (González Oropeza, et.al. 2016).</td>
<td>Beyond parliamentary elites, the intervention of the Judiciary is crucial to protect political equality.</td>
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<td>Approach used in this paper draws upon critical actors studies, feminist institutionalism and law studies.</td>
<td>Alignment of legislative elites, pro-quota party members, electoral authorities and most importantly, the Judiciary have been decisive for the design of quotas, its approval, and advancing in political equality.</td>
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Substantive representation: main achievements of women legislators in political equality

Since the nineties, quotas and parity for congressional nominations have been one of the main struggles of women’s movements and of female militants in Latin America. In this region, the quota that has been approved is the one that applies to nominations for Congressional seats. Quotas are one of the issues that generate more consensus among women of different parties and ideologies. However, since it is a redistributive policy, it has also generated a new line of conflict within parties because quotas displace older elites from nominations.

The pioneer country in this matter was Argentina which approved “ley de cupos” in 1991. In Mexico, the debate on gender quota started in the nineties and it was, first, a demand of leftist women within their parties which adopted a voluntary internal quota for candidacies and positions in the parties’ national directorates. Later on, it was also a demand within the centrist and formerly hegemonic party, PRI.

The first quota included in the electoral law was approved in 1993, but as a recommendation with no mandatory power with a threshold of 70/30 percent. That is, no gender would exceed 70% of the nominations. Nine years later, in 2002 it was mandatory for both chambers in Congress. In 2008 the quota was increased to 60/40%, and in 2014, parity was approved both as a constitutional amendment and an electoral reform.

Approval of quotas has had a gradual effect in increasing the number of women in Congress, in creating a gender oriented commissions in Congress, and in diffusing the quota to the local level. The quotas of first generation were promoted and approved by female legislators of the centrist Institutional Revolutionary Party and the leftists Party of the Democratic Revolution. Second and third generation of quotas were the result of a wider alliance in which finally, women legislators of right wing National Action Party, accepted to support the quota. At the beginning of debate on quotas PAN legislators were either against or skeptical about it, and they opposed a meritocratic principle against affirmative action.

In the table shown below, the trajectory of the quotas is shown. It includes the critical acts, i.e., the electoral and/or constitutional reform that had place, the specificity of the quota, the actors involved in the reform and the impact outside the legislative arena, i.e., on parties and electoral institutions and the Judiciary. Although they were approved by parties in the legislative, they have not been fulfilled by party leaders who have taken advantage of loopholes in the law. Female members of parties appealed for intervention to the Electoral Court before 2001 for protecting political rights of women and for re-interpreting the candidate selection process. Formal rules are not enough for pursuing a political goal
because sometimes informal rules, in this case, strategies used by some party leaders, erode them.

<table>
<thead>
<tr>
<th>Periods</th>
<th>Critical Act: approval of an electoral reform, and changes in the congressional commissions. Substantive representation as a process and as an outcome</th>
<th>Network and actors involved</th>
<th>Consequences on parties, and outside the legislative arena.</th>
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<tr>
<td>First Period (1993-2002)</td>
<td>--Electoral Reform in 1993: First recommendation to parties for including 30% of women --Creation of the Gender and Equity Committee in Congress in 1997. Introduction of quota debate in Congress by PRD and PRI female legislators --Elected women for the Chamber of Deputies after the 1993 reform: In the 1997 federal election, 71. In the 2000 federal election 80 out of 500.</td>
<td>--Feminist and Women’s Movements: “Diversa”, “Mujeres y Punto” “Causa Ciudadana” --Cross –party network: Female and male legislators from PRI (Center-right) and PRD (Left). PAN (right-wing) women did not sign agreements with them but did not block the demand of a 30% quota</td>
<td>--Electoral court intervenes in internal life of parties In 2000 the Supreme Court states that electoral law must be designed according to political equity between men and women. --Activism of both male and female militants appeal to the Electoral Court for the defense of their political-electoral rights: men, defending their rights against the quota and women demanding application of the quota. The court issued sentences protecting women´s rights.²</td>
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<td>Second Period (2002-2007)</td>
<td>-2002 Electoral reform: it is mandatory that parties will not surpass 70% of any gender for nominations in both chambers in both the 300 single member districts and the proportional representation lists (200 seats). These lists will alternate genders (“mandate position”) Problems of the quota: Weak</td>
<td>--Women form PRI and PRD signed a pact to push a mandatory 30% and not only a recommendation. Female militants also pushed within these two parties for a 50% quota for their national executive committees. PAN female legislators</td>
<td>--Parties´ minimalist strategy regarding the quota: they did not fulfill the quota in federal electoral processes since they held internal primary elections. In elections held after the 2002 reform, parties nominated less than 30% of women for majority</td>
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² Judiciary (Electoral Tribunal of Judiciary Power of the Federation) went through a process of democratization and since 2003 changed its own criteria and arena of action and started to accept claims of militants and therefore, to intervene in internal political life of political parties. Different types of sentences have been approved regarding interpretation of the quotas and parity (González Oropeza et.al., 2016).
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<td>Sanction: public warning if parties do not fulfill the minimum of 30%. Exception: if parties select candidates by direct vote for the 300 nominations in single member districts, they will not have to fulfill the quota. Women elected after the 2002 reform: 113 in 2003; 116 in 2005.</td>
<td>Approval of parity for electoral list, both single-member districts and proportional representation. 2014 Electoral Reform and, for the first time, Constitutional amendment that guarantees parity among genders. Women elected in 2015: 211 for the legislatures which represents 42. 4% of the chamber. Mexico is the fifth</td>
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<td>Women did not sign the agreement but supported the mandatory quotas when the bill was passed to Congress. This party was divided along this issue. Electoral Court increasingly intervenes for the protection of both female and male militants who wanted to run for a nomination according to the observance of parties’ internal rules.</td>
<td>Chief executive --Activists from different organizations. All parties. Approved by 409 votes out of 500.</td>
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<tr>
<td>--Electoral Court --“Red de Mujeres en Plural” composed by female leaders from the PRI and the PRD reacted against resistance of their parties to fulfill the gender quota. They used a legal strategy (observation of article 1 of the constitution that guarantees human rights and protects citizens against discrimination) and lobbying with electoral court members. They presented the case to the Electoral Court on behalf of women in general, and not as a case of defense of individual electoral-political rights.</td>
<td>--Decisive intervention of Electoral Authorities and the Judiciary in the interpretation of parity and the vigilance of political rights against parties’ minimalist strategies. Parties are still sending women disproportionately to unwinnable districts. Militants are still fighting against this both in the</td>
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<tr>
<td>Some elected female legislators yielded their seat to their alternate male partners.</td>
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country in the world with more women in the lower chamber. --30% of congressional commissions led by female legislators. For the first time they are head of key congressional committees of internal government, energy, labor, revenue, education, social security, among others.

| Sources: the table was made with information from Martínez (2016); Freidenberg (2016); González Oropeza, et.al (2016); Palma (2014); Piscopo (2016) |
| country in the world with more women in the lower chamber. --30% of congressional commissions led by female legislators. For the first time they are head of key congressional committees of internal government, energy, labor, revenue, education, social security, among others. |
| federal and local level. Parity is still an issue at the municipal level.³ --Diffusion of demand of parity for municipal posts. Debates and struggles at the local level that are still going on |

Conclusions

The Mexican case illustrates some interesting processes regarding the relationship between the presence of women in the legislature (descriptive representation) and how they rule (substantive representation):

(i) Intra-party alliances are a key factor for advancing political equality rather than descriptive representation.

(ii) A crucial factor in the process of designing and approving gender quotas is that women, in alliance with some male legislators, brought together gender issues into congressional agenda. The creation of the “Gender and equity committee” was crucial in this process because it gradually introduced “gender” as a legitimate and institutionalized issue into legislative agenda.

(iii) Women activists and legislators brought up to the public agenda the problem of the loopholes in the electoral law and the issue of the implementation of minimalist strategies by parties. Since informal rules erode formal ones, they appealed to the electoral court for its intervention. The Judiciary has been erected as a democratic institution that has developed a gender perspective and that has reinterpreted electoral law in the light of the Constitution. Its intervention was decisive in the process of re-writing the electoral law and fulfilling the quota.

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³ According to Freidenberg (2016) between 2006 and 2016 the Electoral Court has received 183 demands of female party militants demanding protection of their political–electoral rights.


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