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Introduction: Politics of Inclusion in Latin America

Political exclusion has been pervasive in Latin America. Portraits of fair-skinned men cover the walls of government buildings. Women, Afrodescendants, and indigenous peoples are scarcely seen in these portraits and barely present in the diplomatic corps, heads of government agencies, and, until recently, in national legislative chambers. Beginning in the last decade of the twentieth century, governments in more than a dozen countries modified political institutions to promote greater inclusion of members of social groups defined by gender, race, ethnicity, or a combination of these criteria (see Table 1.1). Between 1991 and 2013, fifteen Latin American governments approved national laws requiring political parties to nominate a minimum number of women as candidates in popular elections.[1] Bolivia, Colombia, and Venezuela created small numbers of reserved legislative seats for indigenous peoples (and Colombia did the same for "black communities"), Peru required parties to include indigenous candidates on their lists in local elections in the Amazonian region, and Mexico engineered some two dozen single-member districts around areas where indigenous voters were a majority. Meanwhile, scores of Brazilian universities introduced admissions quotas by race and class, prompting the government to adopt a national law in 2012 imposing such quotas on the entire federal university system.

Official efforts to promote inclusion were informed by claims of organizations advocating the rights of historically excluded groups. The second wave of feminist movements mobilized across the region in the 1970s, 1980s, and 1990s to demand an end to violence and discrimination, an expansion of social policies, and access to political power (Alvarez, 1990; Baldez, 2002; Jaquette, 1994). In the Andes, Mexico, and Central America, groups foregrounded an

[1] A sixteenth country, Venezuela, repealed its gender quota law in 2000, but then introduced quotas for regional and municipal elections in 2008 (Piscopo, 2015).

indigenous political identity to demand recognition, autonomy, land, and presence in political decision making (Jung, 2008; Lucero, 2008; Yashar, 2005). Black movements challenged racism, entrenched inequalities, and the ways that national ideologies of mixture hid, and diluted, Afrodescendant identity (Caldwell, 2007; Hanchard, 1994; Paschel, 2010; Rahier, 2012).

At the same time, an emerging global discourse connected democratic legitimacy to social diversity in decision-making bodies. The Beijing Platform for Action, endorsed by 150 world governments in 1995, including 19 in Latin America, recommended that states take "positive action" to achieve equal representation of women and men in all governmental and public administration positions (United Nations, *Report of the Fourth World Conference on Women*, 1996). Adopted at the 2001 World Conference Against Racism, The Durban Declaration and Program of Action – endorsed by all seventeen Latin American countries that participated in the meeting – similarly called for the full participation of Afrodescendants in politics.[2] The United Nations Declaration on the Rights of Indigenous Peoples, similarly affirmed by nineteen Latin American governments, codifies their "right to participate in decision making on matters which would affect their rights" (Article 18, adopted in 2007).[3] The Inter-American Development Bank sees affirmative action and quotas in politics as a mechanism to promote its broader goal of social inclusion and as an important tool to combat discrimination and stigma suffered by excluded groups (Buvinić, 2004).

Political theorists supplied the intellectual foundation for these trends by arguing that the political presence of social groups defined by gender, race, and ethnicity improves democratic governance. In diverse societies, different groups have distinct positions, experiences, and perspectives (Young, 2000, p. 136). Their inclusion in the political process informs deliberation and decision making with the special, situated knowledge of each element of society and improves participation and engagement (Kymlicka, 1995; Mansbridge, 1999a; Phillips, 1995; Young, 2000). When marginalized groups are present in decision making, policy outputs are more likely to combat, rather than reproduce, historical patterns reinforcing structural inequalities (Williams, 1998). Political inclusion builds trust and promotes a more egalitarian society.

Scores of countries outside of Latin America have taken explicit action to promote inclusion. In 2014, some seventy-eight countries across the globe had gender quotas or reservations, ethnic quotas or reservations, or both. Informal strategies to promote inclusion have appeared in dozens more, such as gender quotas used voluntarily by political parties in more than thirty countries; ethno- or race-conscious districting practiced in Ukraine and the United States; exemption from electoral thresholds for ethnic minority political organizations in Germany, Denmark, and Poland; and the overrepresentation of

[2] www.un.org/News/Press/docs/2002/GA10012.doc.htm.
[3] Colombia initially abstained and then, in 2009, endorsed the Declaration.

ethnic territories in the United Kingdom, Denmark, Tanzania, and Finland (Central Intelligence Agency, 2011; Htun, 2004b; Paxton & Hughes, 2013; Quotaproject, 2011; Reynolds, 2005). Some of these mechanisms of political inclusion stem from historical arrangements intended to make democracy possible in a plural society – such as the consociational model popularized by Arend Lijphart (Lijphart, 1977) – or to forge peace after civil conflict. Yet the vast majority of these institutional arrangements reflect attempts to improve actually existing democracies by making them more inclusive and legitimate (Dryzek, 1996).

Not everyone agrees that guarantees of inclusion and other affirmative action mechanisms advance democratic governance. Liberals criticize the focus on groups, rather than individuals; civic republicans lament the emphasis on differences rather than common projects. Libertarians allege that policies to promote inclusion, and affirmative action mechanisms more generally, produce greater social inequality (for more analysis see Htun, 2004b; Towns, 2010). In principle, quotas and reservations violate citizens' democratic rights to stand for office and to enjoy a free choice of representatives (Rehfeld, 2009a). Especially in the context of Latin America's racial and ethnic fluidity, codifying "race" in law and policy runs the risk of fixing racial identities and inciting conflict (Fry et al., 2007).

Historically, guarantees of political inclusion were used to restrict popular rule and entrench elite privileges. The French Estates-General allocated power by social rank (clergy, nobility, and everyone else) and voting typically occurred not by member but by estate. The Lancaster House Constitution, product of the 1980 agreement between Zimbabwean liberation armies, white Rhodesian settlers, and British colonial authorities, guaranteed whites 20 percent of the seats in the new Zimbabwean parliament, even though they made up only two percent of the population. South Africa's tricameral parliament of the 1980s included separate chambers for whites, coloreds, and Indians (but not for the black majority, who were excluded). The use of quotas, reservations, and other qualifications on electoral candidates to advance democracy is thus not without a certain irony.

How did guarantees of political inclusion evolve from an obstacle to an instrument of democracy? Why have a growing number of governments institutionalized inclusion, and what policies did they adopt? How do mechanisms of inclusion vary across countries and social groups? Have they improved the presence in power of members of disadvantaged groups and the representation of their interests?

This book focuses on Latin America to begin to answer some of these questions. Through analysis and comparison of experiences in Argentina, Bolivia, Brazil, Chile, Colombia, and Mexico, I account for the origins of quotas and reserved seats in international norms, domestic political coalitions, and moments of political opening forged by democratization and constitution making. I show that the existing configuration of political institutions (electoral

rules and party systems), combined with the structure of excluded groups, set the terms and processes of inclusion. Institutions and group structures constrained the strategies available to excluded groups, the extent to which new constituencies could be engineered, and the means through which group members were able to gain access to decision making. I argue that quotas in political parties and reserved seats in parliament have delivered inclusion but not representation. Policies of inclusion have increased the presence in power of some members of excluded groups but not generated the formal and informal processes through which groups can authorize and hold accountable their designated representatives and the political class as a whole.

Inclusion versus Representation

This book defines inclusion in a minimal way as the presence in decision making of members of historically excluded groups. My notion of political inclusion presupposes formal enfranchisement, which depended on struggles for suffrage and citizenship waged by disadvantaged groups. Yet even decades after they gained full political rights, including the right to cast votes and stand for election, women, Afrodescendants, and indigenous peoples in elected office were scarce. The presumed injustice of this enduring discrepancy between their political participation as citizens and their presence in decision making constituted the impetus for the claims making analyzed in this book. As Williams puts it, "The chronic underrepresentation of historically marginalized groups is intrinsically unfair" (Williams, 1998, p. 19).

Other scholars define political inclusion more broadly to encompass not just presence but also representative behavior, power, policy influence, and even socioeconomic parity (Hero & Wolbrecht, 2005; Schmidt et al., 2010; Weldon, 2011). To understand the potential and limitations of institutional engineering, however, we must disaggregate and more precisely specify the concept of inclusion (cf. Rehfeld, 2009a). The linkages among presence, representative behavior, policy influence, and policy outputs are complex (cf. Goetz, 2003; Hassim, 2009).

Representation – defined here as an activity or behavior – is a complex, multidimensional concept, which Hanna Pitkin likened to a convoluted object in a dark room. Any single theory of representation, she wrote, is analogous to the part of the object illuminated by a flash bulb photograph, and reveals as much about the motives and worldview of the theorist as it does about what representation actually means. From one angle, representation can simply mean a resemblance or accurate reflection. From another, it can refer to a principal authorizing an agent to act on her or his behalf. Representation can occur when one agent is held to account for her actions by a group of principals, or it can be a process wherein one thing evokes emotions or attitudes normally invested in another. Finally, representation may mean acting on behalf of or in a manner responsive to the interests of citizens (Pitkin, 1967).

Pitkin's own preference is for this last view, which she calls "liberal" or "substantive" representation. She argues that representation must be thought about as a creative activity: "the forging of consensus, the formulating of policy, the activity we roughly designate by 'governing' " (Pitkin, 1967, p. 90). The activity of representation is bounded on the front side by the authorization to act (election) on the part of voters and on the back end when the representative is held to account retrospectively (reelection). These two bookends – authorization and accountability (the "two purposes of the vote"[Przeworski, Stokes, & Manin, 1999]) – are what distinguish *democratic* representation from other forms of representative politics (Rehfeld, 2006).

Though representation is an activity engaged in primarily by elected officials, it depends crucially on political processes involving civil society. For representatives to act on the behalf of interests of others, those others – we, citizens – must organize, deliberate, articulate interests, and communicate. Political representation activates a "communicative current" between civil and political society (Urbinati, 2006, p. 24). It is a process of mediation between the concerns and preferences of citizens and the decisions and policies on the government (Williams, 1998, p. 25). The organization of citizens around collective projects and the formation of public opinion make representation possible.

Origins of Quotas and Reserved Seats

For a long time, exclusion had the status of a problem no one noticed. In the 1980s and 1990s, this changed. The transition to democratic governance, the mobilization of social movements advocating rights of marginalized groups, and the consolidation of international norms of human rights (including women's rights, the rights of indigenous peoples, and the rights of Afrodescendants) raised global awareness that large sectors of the citizenry were unjustly excluded from political decision making. By seeking to include them, governments could promote a variety of desirable goals. Activists and advocates claimed that inclusion would improve the representation of the interests of marginalized groups, enhance democratic legitimacy, and change public policy outcomes.

At the same time, international organizations and scholars began to use parliamentary presence as a measure to gauge a country's progress toward greater equality. The Inter-Parliamentary Union, the United Nations Development Program, and the World Economic Forum rank ordered countries based at least in part on the proportion of parliamentary seats held by women (Inter-Parliamentary Union, 2013; United Nations Development Program, 1995; World Economic Forum, 2013). The Catalyst Census rated Fortune 500 companies according to the number of women on their boards (Catalyst, 2013). These rankings and other "performance measures" published by international organizations helped establish standards of democracy, progress, and modernity, creating the impression that country X was ahead of or behind

country Y on these criteria.[4] To look better on the global stage by ascending in the ranking, national governments felt pressure to diversify decision making.

An anecdote will help to illustrate this point. In the early 2000s, the Inter-American Dialogue and International Center for Research on Women published a "report card" on women and power in Latin America and the Caribbean, which I prepared. At that time, Uruguay occupied second-to-last place in rankings of numbers of women in power (taking into account ministers, senators, deputies, and mayors). (Brazil occupied the last place.) We sent the report card to governments throughout the region. In response, the president of Uruguay sent the Dialogue a personal letter acknowledging receipt of the report card and declaring his intention to take measures to remedy the country's shortcoming in the future. He did not want Uruguay to continue to look bad on regional rankings.

The emergence of global incentives to promote inclusion did not mean that the achievement of government consensus was automatic. Some, but not all, countries adopted quotas and reserved seats. What made the difference? In the case of gender quotas, multipartisan and multisectoral coalitions of women politicians, which formed in some countries but not others, were the decisive factor. Male allies, presidents who for reasons of conviction or opportunism gave the decision nod to pro-quota coalitions, played an often-unacknowledged but important role in the adoption of quota laws. Broad-based coalitions were similarly important for the introduction of reserved seats by ethnicity and race, which took advantage of political opportunities created during constituent assemblies and other processes of reform. For example, the Colombian Constituent Assembly of 1990–1991 created a climate of participatory democracy, which made all actors more accepting of indigenous demands for guarantees of inclusion (later extended to groups of Afrodescendants) (Van Cott, 2000). Constitutional reform in Bolivia created a window of opportunity for coalitions of women to demand codification of gender parity and for indigenous groups to gain recognition of the right to inclusion.

Terms and Processes of Inclusion

Global experiences offer many examples of the different ways that institutions have been engineered to promote the inclusion of disadvantaged or minority groups. Some governments have introduced candidate quotas in parties, separate voter rolls, reserved parliamentary seats, special districts, and unique appointment procedures. Others opted for more general measures such as lower proportional representation (PR) thresholds, exceptions to PR thresholds, multimember districts, and overrepresentation of targeted geographical

[4] Rankings provoke changes in behavior and in the way people think. Experimental research shows that rankings may induce people to perceive qualitative differences as hierarchical relationships of superiority and inferiority (Espeland & Sauder, 2007).

regions (Htun, 2004b; Lijphart, 1999; Reynolds, 2005, 2011). Not all options are viable or desirable in every country. Different inclusion mechanisms do different types of work and relate to political institutions in distinct ways (Htun, 2004b; Bjarnegård and Zetterberg, 2014). Features of preexisting political institutions – such as whether a country has a majoritarian electoral system or uses PR, is federal or unitary, and the size of electoral districts – impose practical constraints on institutional engineering and condition the interests of actors vis-à-vis new policies. Majoritarian systems may introduce reserved seats instead of changing rules to PR (Lijphart, 1986a). PR systems, unable to switch to majority-rule single-member districts (SMDs), may create virtual districts or separate voter rolls. Party leaders will be likely to oppose policies that have the potential to harm their electoral prospects and to prefer policies that alter only minimally those rules from which they have benefitted.

Structural characteristics of excluded groups, such as the nature and stability of group boundaries, shape the terms and processes of inclusion.[5] When group boundaries are self-evident, it is relatively simple for political institutions to target benefits and sort voters by group (though such moves may still be contested). When group boundaries are more ambiguous, the application of group-specific policies – whether on political inclusion or access to higher education – poses practical difficulties. The government's conception of the targeted group may not match the self-perceptions of disadvantaged citizens. There may be confusion about whom the new policies are meant to benefit. The introduction of categorical distinctions among citizens may seem like a novelty and provoke principled opposition.

As we see in this book, gender quotas were a struggle to achieve, but once on the books, they were simple to implement. Women and men were easily identified (though not every human being conforms to a gender binary) and few people contested the classification. It was easy for parties to figure out which people, when placed on party lists, would help them fulfill the quota. Monitoring compliance was facilitated by the fact that most names indicate the sex of the bearer.

Racial and ethnic boundaries are less clear cut, particularly in Latin America. Ideologies of nationhood celebrated mixing and unity, and deemphasized status group differences. Though people refer to one another with racial and ethnic categories all the time, their use of labels varies and follows a plurality of criteria (Harris, 1964; Sheriff, 2001; Wade, 1993, 1997). Until the 2000s, most censuses did not even count by race or ethnicity (Loveman, 2014). In these

[5] Many scholars may question the utility of the notion of "group structure." Brubaker, for example, argues that ethnic, racial and/or national groups are not "things" but "ways of seeing" (2004). Jung's work documents how the formation of groups is a product of politics, rather than a precondition for politics (Jung, 2008). I agree that over the long haul, group structure is not fixed but flexible. In the shorter term, group structure is stable enough to inform the decisions of activists and governments about inclusion strategies and policies.

respects, the region differs from the United States, India, and South Africa, where ethnic and racial categories, membership in those categories, and criteria for classification were codified by the state over decades (Degler, 1971; Harris, 1964; Hoetink & Hooykaas, 1971; Marx, 1998; Tannenbaum, 1946). Since Latin American states did not "make race" in a consistent way, contemporary efforts to promote inclusion and representation through group-based policies face hurdles. Electoral agencies purporting to sort candidates and voters by race and ethnicity confront societies that are not explicitly and consistently organized along these lines. Unlike in the United States, where people identify themselves by race when applying for jobs, arriving at the doctor's office, answering surveys, soliciting welfare benefits, and in virtually any encounter with a public or private organization, most Latin Americans have lived their entire lives without ever answering a question about their race (Loveman, 2014, p. xi). It is an enterprise many citizens view as ethically abhorrent and advocates of group-based policies are frequently accused of importing a U.S. model of race relations (Bourdieu & Wacquant, 1999).

Group Representation

Excluded groups can achieve representation in two ways. Formally, they can be organized into constituencies, the building blocks of a system of representative democracy. Constituencies are defined as the "group in which a citizen's vote is counted for the purpose of electing a political representative" (Rehfeld, 2005, pp. 36–44). In the traditional, principal–agent model of representation, constituencies (principals) authorize representatives (agents) to engage in behavior that advocates their interests or opinions. Periodic elections induce responsiveness and accountability of the agents (Mansbridge, 2003; Pitkin, 1967; Przeworski et al., 1999; Rehfeld, 2009b; Urbinati & Warren, 2008, p. 389). Constituencies may be drawn in many ways, such as by territory, number of votes cast, profession, social class, or ethnicity. Electoral constituencies vary on other dimensions, including their degree of voluntariness, permanence, and homogeneity, as well as the manner in which they are justified (Rehfeld, 2005, pp. 36–44).

Among existing electoral systems, the major distinction in constituency definition lies between SMD plurality and PR systems. In the former, where constituencies are circumscribed by territory, district lines can be drawn around areas where disadvantaged groups cluster geographically, enabling them to constitute a majority and thus elect a "candidate of their choice." Such a practice has been in use for decades in India, where special districts are used to elect members of Scheduled Castes and Scheduled Tribes to parliament, and in the United States' majority–minority districts created to elect African-Americans and Latinos. In a proportional representation system, constituencies are formed by the group of voters that support a particular political party on election day. In this context, the vehicle for group representation is the political

party whose candidates and voters belong to historically excluded groups. By self-constituting an electoral constituency, the group may collectively authorize and hold accountable its own representatives (cf. Guinier, 1994).

The second way excluded groups achieve representation is by organizing themselves into an informal constituency and relying on other modalities of representative behavior. As Mansbridge points out, representatives do not act merely as agents responsive to the principals of their district but also as gyroscopes following internal convictions and personal judgments; surrogates championing the rights of voters with whom they have no electoral relationship; and in an anticipatory fashion, acting in a way pleasing to voters at the next election (Mansbridge, 2003). Once these other modes of representation are taken into account, the proper unit of analysis for the study of representation is not just the formal constituent–representative dyad. Rather, the appropriate unit of analysis is parliament as a whole (Weissberg, 1978). What is more, quality is not determined only by the extent to which representatives fulfill the promises they made to voters at election time and by the correspondence between voter preferences and representatives' behavior (Mansbridge, 2003; Pitkin, 1967; Przeworski et al., 1999; Rehfeld, 2009b). Rather, the quality of representation should be evaluated by systemic criteria such as the character of deliberation in the polity, communication, mutual education, the accuracy of information, whether all relevant perspectives are present, and whether salient interests have a voice (Mansbridge, 2003).

Excluded groups can induce representation by introducing issues to the political agenda, shaping national public opinion, forging coalitions, sharing information, and building organizations. By contacting and communicating across the political spectrum, excluded groups can potentially compel *any* elected official to represent their opinions, interests, and perspectives. As Young puts it, an important measure of democracy is the degree to which people are connected "to a plurality of representatives who relate to different aspects of their lives" (Young, 2000, p. 133). If a group is able to engage in a collective project of formulating positions and advancing interests, it can potentially impose a mandate on, and hold accountable, the entire political system.

Inclusion, Not Representation

The new institutions engineered by Latin American governments, including quotas in political parties, reserved parliamentary seats, and special districts, have delivered inclusion but not representation. For the most part, they have increased access to decision making by members of marginalized groups. But the way institutions were engineered precluded group representation along the lines of the principal–agent model. With few exceptions, Latin America's marginalized groups did not correspond to those formal constituencies able to authorize and hold accountable their designated representatives in the ways anticipated by classical democratic theory. Women, Afrodescendant, and

indigenous representatives tended to be elected by voters as a whole, not by disadvantaged groups. As a result, the same forces that fought for political inclusion often had little say over which group members ended up gaining power as their representatives, and little control over such individuals once they were in office. Sometimes, women nominated to comply with gender quotas had little interest in advocating women's rights, while indigenous and Afrodescendant "representatives" lacked connections to movements advocating the rights of these groups. As Anne Phillips predicted in the mid-1990s, the problem with the "politics of presence" is the failure of most electoral institutions to engineer linkages of authorization and accountability between legislators from excluded groups and the constituencies they purportedly represent (Phillips, 1995).

Nor have excluded groups consistently formed political parties to take advantage of reserved seats or the chance for representation under PR systems. Echoing global trends, Latin America lacks women's parties.[6] Ethnic parties, the subject of considerable research in comparative politics (see, e.g., Chandra, 2004, 2005; Horowitz, 1985; Ishiyama, 2009; Ishiyama & Breuning, 2011; Rabushka & Shepsle, 1972), and the dominant vehicle for the representation of minority groups in much of the world (Krook & Moser, 2013), have historically been absent in Latin America. Though parties deemed "ethnic" by scholars began to *emerge* in the last few decades of the twentieth century (Madrid, 2008; Rice & Van Cott, 2006; Van Cott, 2005), most have not *lasted* as ethnic parties.[7] In fact, the more "ethnic" the party, the less successful it has tended to be. As Raul Madrid has argued, parties such as the Movimiento al Socialismo (MAS) in Bolivia and Pachachutik in Ecuador succeeded precisely by becoming nonethnic parties – that is, by appealing to diverse sectors of people and espousing a populist discourse (Madrid, 2012). Other parties that began as ethnic parties later became more inclusive, such as Consejo Nacional Indio de Venezuela (CONIVE) in Venezuela and the Alianza Social Indígena (ASI) in Colombia (Angosto Ferrández, 2011; Laurent, 2012a).

The factors that shape political representation are not as susceptible to institutional engineering as those that determine the degree of political inclusion. Modifications of electoral regulations – such as the introduction of quotas and reserved seats – can improve political inclusion relatively independently of contextual factors (Krook & Moser, 2013). By contrast, the dynamics of political representation – including the accountability of individual legislators, the emergence of political parties, their programmatic or patronage orientation, the formation of governments, and the ideological congruence between voters

[6] There is one exception: a feminist party contested Paraguay's 2013 elections, advocating the legalization of abortion and other women's rights. Retrieved from www.worldcrunch.com/world-affairs/paraguay-039-s-first-woman-presidential-candidate-tries-to-crack-macho-culture/feminism-election-women-rights-lilian-soto/c1s11468/#.Vb1S_ngqdUQ (accessed April 20, 2013).

[7] Following Chandra, I consider an ethnic party to be a party that presents itself as the champion of one particular group or set of groups (Chandra, 2004, p. 2).