

**DO FEMALE LEGISLATORS REPRESENT ALL WOMEN AND
MARGINALIZED GROUPS? A STUDY OF TWO LATIN AMERICAN
LEGISLATURES**

An Undergraduate Research Scholars Thesis

by

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Submitted to the Undergraduate Research Scholars program at
Texas A&M University
in partial fulfillment of the requirements for the designation as an

UNDERGRADUATE RESEARCH SCHOLAR

Approved by Research Advisor:

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May 2020

Major: Political Science

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ABSTRACT

Do Female Legislators Represent All Women and Marginalized Groups?
A Study of Two Latin American Legislatures

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Literature Review

It is known that the women who are usually in government are the elite women who come from the dominant ethnic group, therefore the ability of these women to address the needs of women who are from marginalized groups is questioned. Therefore, correctly defining the interest of elected women, who holds them accountable, and the kinds of powers they have within the legislature is very important in order to further understand why the existence of some women in a government does not necessarily mean that government is meeting the needs of all women.

Thesis Statement

Women are increasingly being elected into governmental seats in Latin America. Since women exist in every group in society so it is expected that women in government should represent the needs of all women. However, we see that it is mostly elite women, who share similar ideology to the men already in power, that get these positions. Therefore, needs of marginalized groups are often still left unmet. I want to see how successful women are at passing

legislation in favor of these marginalized groups as well as see if men do actually author laws that are for marginalized groups.

Theoretical Framework

This project builds on research regarding the importance of the representation of women's interests and the interests of other marginalized groups in government. I want to see the ability or inability of female officials to meet the needs of the people they are representing and how a more inclusive approach to policy change might have a more positive impact on women's ability to have a bigger voice in government. Much research has pointed to the fact that most women are just as likely as men to initiate bills, therefore I attempt to look at laws rather than the bills in order to get an understanding of what exactly has been passed that women have authored and is it in favor of marginalized groups.

Project Description

This project, explores whether large numbers of women in the legislature are associated with the representation of interests of diverse groups within the group "women." To begin to answer this question, I examine laws passed in Latin American legislatures specifically in Costa Rica (33.3% women, 2016), and Chiapas, Mexico (65% women). A novel aspect of my research is that I look at laws, rather than simply proposals that address needs of historically underrepresented groups, because I am interested in bills that actually get adopted. To create the dataset of laws examined in the paper I reviewed all laws passed during a year in each legislature selecting laws that relate to women, indigenous people, or people in poverty. I look at who initiated the bill (as well as their party and background), how often these groups are mentioned in each law, and how they are addressed. Additionally, I intend to examine if any of these groups appear together within the same law.

DEDICATION

This project is dedicated to my family. Para mi mama, mi papa, y mi hermano. Ustedes son mi motivación en todo lo que hago.

Mama, gracias por ser la gran mujer que eres. Gracias a tu ejemplo, yo me he formado en la mujer que soy hoy. Gracias por soportar mis miles llamadas por día y por siempre contestarlas. Uno de estos días andaremos en las calles de tu pueblo y andaremos por todo tu país mientras me cuentas más historias sobre el país donde tu creciste.

Papa, gracias por todo lo que has hecho por mi. Yo se que cuando me fui de la casa para estudiar fue un cambio grande que causo mucha preocupación. Gracias por apoyarme en todas mis decisiones, aunque a veces han sido un poco dificiles de entender. Algún día, pronto, estaremos en Costa Rica, en tu tierra, y jamás tendrás que ver cualquier otra cosa que no sea tu país hermoso.

Danny, gracias por ser el mejor hermanito. Ojalá sepas cuanto te quiero. Yo sé que tu no piensas que yo creo en ti, pero ojalá algún día te des cuenta de que yo siempre estaré apoyándote y que siempre estaré orgullosa de ti. Siempre haz lo que tu creas que sea la mejor decisión para ti, nunca dejes que nadie te diga que deberías hacer.

Aunque he estado lejos de ustedes por mucho tiempo, nunca se olviden que yo siempre estoy pensando en ustedes. Ojalá este proyecto reflejara el esfuerzo y dedicación que he tenido a mi estudio durante estos tres años y que estén orgullosos de mí. Gracias por su apoyo y amor en todo.

Este proyecto es para ustedes, con mucho amor.

ACKNOWLEDGMENTS

I would first like to thank my faculty research advisor Dr. Taylor-Robinson. Her support and guidance throughout this process was key to helping me finish this project. She does not know this, but there were many times when I did not feel like I was doing a good job and felt like I lacked the capacity to finish this project. Without her kind and encouraging words I would have been unable to complete this in its entirety.

Next, I'd like to thank Dr. Perry. Thanks to her suggestion I took on the journey of writing this thesis and succeeded in completing something that I never thought possible.

I would also like to thank all my friends. Thanks to Lily, Edgar, Armando, Alina, Carlo, and Rachel for all your love and support. Thank you for always believing in me and for keeping me afloat through this whole process. Cassidy and Amy, congrats on each of your own individual theses, and thank you for being there when I had questions and for always being supportive and sharing the stressful times with me. I am thankful for each and every single one of you and our friendship.

Special thanks goes first to Jocelyn. Thank you for being the best roommate and for staying up with me during that last week before this project was due and for answering all of the small questions. It really meant a lot and made me less stressed to have another person there. Diego, thank you for letting me talk your ears off about my project since the very beginning and thank you for always keeping me positive. The amount of love and support I received from you is something that I will always be thankful for. Ramon, thank you for allowing me to talk with you about every thought I had running through my head and for always keeping me in check about this project while also being super encouraging. And finally, Daniel. Thank you for being

one of my biggest supporters since day one and for always being there to talk with me about each other's projects and always finding the positive in every situation.

The final thanks goes to my family, for always supporting my decisions no matter how irrational they might seem at the time. Thank you for always encouraging me and keeping me positive despite sometimes not understanding what exactly I was doing. I also know my time at home these past two semesters has been seldom, but hopefully now all that time away from home is understood. Who knows where I would be without you guys. This would not have been possible without any of you.

INTRODUCTION

This thesis analyses who female legislators in Latin America legislate for. Assuming that legislators tend to have an incentive to represent all groups that will allow them to continue their political career, we can assume that since women have been historically marginalized in politics that they are more likely to have empathy and therefore more likely to represent marginalized groups in government. Although it is assumed that women are more likely to represent marginalized groups, that is not to say that men do not propose legislation in favor of these groups ever, it is just more expected for women to do so because of their history of being in this marginalized position. The groups that have traditionally held power (white men) are more likely to bring women into government that hold the same kind of interests which in turn denies representation and government resources to the groups who actually need more of these resources. Similarly to men, it is elite women from the dominant ethnic group who usually hold seats in government, therefore whatever they define as their interest will be what they will be more likely to pass legislation for. For these reasons, whether or not marginalized people and women make that list – are part of what elite women define as their interest, and as part of their legislative agenda – is important to know.

The problem with one dominant group being in power is that women exist in every subgroup in society. Because the women that get elected into governmental positions have historically been white, elite women, their ability to be able to identify the needs of their constituents who are not as privileged can be a struggle. In addition, women are present in every social group, therefore the expectation for women in government to represent all women remains. However, as mentioned before, we know that women in government tend to be elite

women, therefore how knowledgeable can they really be about the needs of low-income and/or indigenous people? Probably not very knowledgeable. Who – which groups of women, or which groups in society – elected women must have an incentive to represent may be influenced by how their representation work will help them to build their political career. Research has shown that women are usually found in the legislature on less prestigious and less powerful committee assignments and that it is still rare for women to hold leadership positions. So, access of elected women to the different areas within the legislature can hinder their ability to represent groups that they wish to legislate for. This thesis provides a preliminary empirical investigation of whether or not elected women do represent people (particularly women) from marginalized groups. This thesis moves beyond prior work by examining the laws that are passed that address the needs of historically marginalized groups, rather than focusing on the bills that female legislators propose because most bills proposed by legislators (men or women) do not become a law.

CHAPTER I

LITERATURE REVIEW

Introduction

The purpose of this literature review is to focus on previous research done in the field of representation of women in government to form a basis upon which this project can build. The selection of literature was done by focusing on the meaning of representation and accountability, gender quota laws and how women work once they are in government, including how intersectionality affects who female legislators represent. This project aims to further analyze how inequality within the legislature affects a female legislators' ability to help marginalized communities, specifically low-income and indigenous communities. The literature draws upon work pertaining to women in governments throughout the world while taking a special focus on women in government in Latin America.

Although women have historically had a lack of political opportunity, inability to organize around women's issues has not meant that there is a lack of interest of women or even politicians in general in these issues (Beckwith 2014). With this project, the intention is to analyze if women in legislatures have succeeded at making legislation possible for indigenous communities and people from low-income areas, particularly low-income women. The importance of focusing on these two marginalized groups pertains to the idea that the interests represented by women in government should be for all women and not just simply for a section of women. The best way to see if legislation is doing its job is an analysis of legislation passed into law, and whether it addresses needs of any of the two marginalized groups of interest.

The ability of women in government to effectively represent marginalized groups in society is affected by who the women elected to a legislature are aiming to represent and the magnitude of the power female legislators hold within their legislature. Throughout the world, the women who predominantly hold seats in a legislature tend to be elite women who come from the dominant ethnic group, so their ability to adequately address the needs of those who belong to other groups is questioned (Htun 2014; Mansbridge 1999). The existence of a woman in a governmental position may actually be simply an illusion that real representation is occurring when these women are actually failing or unable to meet the needs of all women, indigenous groups, and people in poverty. This project builds on previous research regarding the importance of the representation of women's interests and the interests of other marginalized groups in government. The goal of this project is to see the ability or inability of female officials to meet the needs of the people they are supposed to represent (all of their constituents not just some). Where there is greater inclusion of women in government (specifically in the legislative branch of government) we can examine if there is a positive impact on whether the presence of women in government enhances the representation of diverse groups within society, and particularly in the large and diverse group women.

Women in the Legislature

In Latin America, there is evidence regarding the existence of gender bias in committee assignments. Women are more likely to be found on committees pertaining to social issues rather than on committees pertaining to economic policy and foreign affairs (power committees). However, if they are found on these power committees, they will be given little to no voice inside of them (Mendelberg et al. 2014; Heath et al. 2005). If women are unable to make big changes in issue areas such as economics, foreign affairs, defense and budgets, it is still possible

that the overrepresentation of women in social issues committees might mean that they are more likely to be able to pass laws that help with major social issues present in Latin America.

When women are given the opportunity to hold leadership positions in committees of high power (committees on economics, agriculture, foreign affairs), they will usually take on some sort of role similar to that of the men who are currently in office. This is common because it is unusual for men, who still hold the leadership positions in political parties and in legislative chambers, to give seats to women if the chances of their power to pass the legislation that they want is put into jeopardy (Escobar-Lemmon and Taylor-Robinson 2016; Valdini 2019). That is why the chances of women from historically underrepresented groups to even be granted the opportunity to hold positions of power where they will be able to pass legislation is very rare.

Women have historically been assigned to social issues committees. This could be seen as advantageous if they are trying to make legislation in favor of marginalized communities with significant social policy needs such as indigenous populations and people living in poverty. In these committees, women may have more power to attempt to push legislation forward in order to benefit those whose needs are usually pushed aside. Based on the literature, knowing if women on social issues committees (health, children, family issues) are actually passing legislation that targets marginalized groups is important to further understanding of who these women are actually representing.

Accountability

In the model of accountability, marginalized groups are what are considered as less powerful actors who are unable to hold actors more powerful than them, such as politicians, accountable. Accountability known as “standard accountability” does not work when an inequality in power is present. This is due to the ability of the “stronger” actor, what Rubenstein

(2007) calls the “power wielder”, to ignore the policy preferences of the “weaker” actor because they do not have the capacity to monitor and sanction the actor in government who is supposed to work for them. What other forms of accountability are there then? This is where the accountability referred to as “surrogate accountability” stems from, which has proven to provide a small amount of the same benefits as standard accountability. Surrogate accountability can be defined as accountability that involves a substitute for the usual accountability holder during any phase of the accountability process (Rubenstein 2007). Elite women (the type of women who are usually elected into legislatures) might be able to provide surrogate representation to marginalized women in society by listening to any needs that they might have and making it a point to pass legislation in favor of these women.

Aside from these two different forms of accountability, there is also what is called “upward” or “downward” accountability. Upward accountability is accountability to those who have entrusted an actor with power, while downward accountability is accountability to those who are affected by an actor’s actions. Without accountability, government officials would lord their power over others. Some types of accountability increase rule following by the power holders, seem to encourage representation of the preferences of the people who in a democratic form of government are supposed to be able to hold government officials accountable. Accountability can also promote valuable significant or procedural standards, civic virtues and self-development, and useful information to those holding accountability, power holders, and any third parties (Rubenstein 2007).

This inequality between actors is one of the big reasons why usually the marginalized groups that this project is aimed to analyze have been kept marginalized for so long. Indigenous groups and people living in low-income areas are among the most silenced groups in many areas

of the world. We see an ever-growing amount of income inequality throughout the world putting the people who are poverty-stricken in positions where they are usually unable to overcome this financial disadvantage for multiple generations, especially in Latin America where inequality seems to be growing at a more alarming rate (Frankema 2009). Indigenous populations have been stripped of their lands and seen as foreigners in their own home since the beginning of colonization. In some cases, indigenous communities have language and cultural barriers that inhibit their ability to communicate with others outside of their community in an effective manner. The silencing of these two groups is why finding legislation that favors the well-being of these groups is seen as surprising and is expected to be a rarity.

Since women historically have been marginalized, and still today women in government tend to be marginalized even when they hold elected positions, and because women exist in indigenous populations and among people in poverty, this should make elected women who are assigned to social issues committees in the legislature more likely than men in government to propose and attempt to pass legislation in favor of these groups. Who the women on these social issues committees are and whether or not they belong to any of the marginalized groups of focus in this project, or have linkages to those marginalized groups is important. Knowing their background gives insight as to whether or not they might be more likely to *want* to represent the interests of their diverse constituents, including those from historically marginalized groups.

Gender Quotas

Gender quota laws are put into place in order to give women a guaranteed spot on a ballot that will hopefully increase the likelihood that they will be elected to the legislature, in order to increase the number of women in government. The effectiveness of these laws is sometimes quite limited, but evidence shows that effectiveness is highly dependent on the quota size, plus

the existence of placement mandates, and enforcement mechanisms (Schwindt-Bayer 2009). By 2020 most Latin American countries have adopted a gender quota, many that are “fast track” gender quotas aimed to increase the number of women quickly, while others are weakly enforced causing little to no increase. We see percentages of women in Latin American legislatures range from an impressive 53% to 15% (see Figure 1), where the differences in percentages can be traced back to whether gender quotas are large, placement mandates are in place, and if enforcement mechanisms are in place.

Depending on the design of the gender quota law, enforcement mechanisms may differ significantly. These mechanisms make it possible for authorities in charge of elections to punish the parties who refuse to comply with the quota law. The more enforcements the more we should see these quota laws work, which in turn should translate to the numbers of women in governmental seats increasing (Schwindt-Bayer 2009). However, successful gender quota laws that have increased the percentage of seats in legislatures that are held by women, still leave the question unanswered of whether those elected women represent diverse women and marginalized groups in society once they are in office.

A goal for this project relating to gender quota laws is to see how different gender quotas in different Latin American countries have been able to bring more women into government. Through the increase of women in Latin American legislatures, my project aims to look at who these women are, where they are located within the legislature, what kinds of powers do they hold in their committees, and if they have been able to pass legislation relevant to the groups this project is interested in.

Interests Defined

Women's lives are shaped by similar political, economic, and social forces that manage to shape their histories of life and life options suggesting that all women must have similar interests. These forces differ compared mainly to the shaping forces of men's lives. The identification of women's interests is highly important, but we must also consider the fact that not all women are from the same race, ethnic group, or class. However, women are present in every racial and ethnic group that exists (Beckwith 2014). Because of the diversity within the group "women", women may have diverse policy preference for addressing problems, even when women agree on a problem that is a "women's interest" (Beckwith 2014).

This project builds on recent research regarding the importance of the representation of women's interests and the interests of other marginalized groups in government. I want to see the ability or inability of female officials to meet the needs of all their constituents, including those who are part of groups that this particular legislator might not be a part of, and how a more inclusive approach to policy change might have a more positive impact on diverse women's ability to have a bigger voice in government.

As mentioned above, many times women are simply given a position to appear as if the government has listened to its people asking for more representation, but the women in these governmental positions may be unable to do anything to move legislation in favor of women's interests. Women are put into positions that are usually unimportant and hold little to no power or put in important positions where they are treated poorly and marginalized even further (Heath et al. 2005). In fact, the expectation in the literature is that when we do see women in places of high power, we see them take on the same role as the men currently holding office, because in order for women to gain these positions they must not threaten the policy preferences of men

who already have power (Escobar-Lemmon and Taylor-Robinson 2016). Yet meeting the interests of all women is important and the reason why this project focuses on two of the most marginalized groups other than women: indigenous populations and low-income populations.

Interests can differ across groups of people; therefore, the intersectionality of these interests is important when taking into consideration any movement. For instance, women's movements in the past have leaned more towards elite women's interests which goes to show that there can be conflicts about policy preference among people in the same interest area. However, the problem is that some groups may not be fighting for "all" women's rights only "some". Along with the problem of intersectionality within interests, comes the importance of the actors involved such as voluntary associations and interest groups, social movements, and political parties because of the impact that they may have towards the interests that are at hand (Beckwith 2014).

Prior research has found that elected officials represent, or "act for", constituents by sponsoring bills that address issues that are of great importance to their constituents. Latin America has a highly machista culture that genders the way certain issues are handled by politicians by putting legislators to work depending on topics determined as appropriate for men and women (Escobar-Lemmon, et al. 2014; Schwindt-Bayer 2010). Therefore, male politicians are more likely to sponsor bills that are directed towards preserving men's issues, while female politicians tend to work in areas more commonly known as women's areas, such as education, health, children, and family issues. A way that marginalization of women has been studied before is through examination of the types of bills women are more likely to sponsor, more marginalization happening when pushed to their traditional role in sponsoring social issues and

less marginalization if sponsoring issues traditionally considered to be male only (Schwindt-Bayer 2010).

Past research has also looked at bill initiation. Specifically looking at bill initiations in Costa Rica and Colombia, Escobar-Lemmon et al. (2014) look at who sponsors bills coded as “women’s equality,” “children/family” or “pro-poor bills.” They found that in both countries women legislators are more likely than their male colleagues to sponsor women’s equality bills. In Colombia, women legislators are also more likely than men to sponsor children/family bills and pro-poor bills. However, in Costa Rica, there is not a statistically significant difference in the likelihood of female and male legislators sponsoring children/family or pro-poor bills.

This project aims to expand on this research already done by political scientists on women’s representation on social issues by looking at laws rather than simply just bills. In addition, this project focuses on marginalized groups, which women are hypothesized to want to represent more due to the fact that many marginalized groups’ issues fall under the category of what could be defined as social issue which are traditionally handled by female legislators.

Conclusion

There is an extensive amount of research that has been done regarding women’s representation throughout the world, and in Latin America, with a focus on the number of women who are elected to posts in legislatures. Through the use of previous studies this project will expand further on the importance of women in governmental positions by looking at what these women do once they are elected, and in particular at their role in passing legislation that addresses interests of indigenous and low-income communities. Additionally, this project explores if other actors have been able to pass legislation in favor of these marginalized groups.

CHAPTER II

REPRESENTATION IN LATIN AMERICA

Importance of the Study of Women's Representation

From the very beginning, it has been known that politics is a male dominated area where women have only recently begun to have an opportunity to make their impact. Although women's representation in politics throughout Latin America has significantly increased since the implementation of the first gender quota law in Argentina in 1991, the reality of the kind of representation that is occurring is not very successful in representing everyone. Women have increasingly successfully acquired seats in government, and yet the needs of the most vulnerable, oppressed, and neglected groups of people are generally still ignored. The lack of meeting these needs can be seen through the growing inequality levels in many Latin American countries, and how they have yet to be addressed and properly taken care of throughout the majority of the Latin American governments. This inability of government officials to meet the needs of marginalized groups can be correlated with how most legislators are elite, including the women. Women in government also tend to be elite, because of men's inability to let go of power and policy to groups of women who do not represent the same ideals as the men currently in power. Women also tend to be assigned to committees not considered to contain much power, such as social issues committees. In these social issues committees, however, women are more likely to be able to present legislation in favor of marginalized groups. Because women know what a lack of representation means and because women exist in every group in society, they are assumed to be more likely to represent the needs of those groups who still lack representation.

This project analyzes laws that have been passed that target specific marginalized groups, rather than simply the proposed bills that past research has looked at. The reason for this, is because although research has asked both male and female legislators who they represent, and has examined the legislative agendas of women compared to men by examining the bills they introduce, it has not explored what they have successfully done to provide that representation. Looking at the laws passed that were initiated by legislators allows for the exploration of how this representation is provided as well as looking at how successfully female legislators are able to represent all women and not just the select elite.

Representation

A textbook definition of a democracy is “a basic principle of traditional democratic theory that describes the relationship between the few leaders and the many followers” where "in a society too large to make its decisions in open meetings, a few will have to look after the concerns of the many. The relationship between the few leaders and the many followers is one of representation. ... In politics, this means that the desires of the people should be replicated in government through the choices of elected officials. The closer the correspondence between representatives and their constituents, the closer the approximation to an ideal democracy"(Edwards et al. 2000: 16).

Another textbook defines a democracy as a political institution (such as Congress) that “is able to link itself to important groups and forces in the society by serving their interests and meeting their needs, then these forces can generally be expected, in turn, to support that institution in its struggles with other agencies or against any public opposition to its programs" (Lowi and Ginsberg 1994: 150).

These textbook definitions of representation typically assume that through Democratic theory everyone has equal rights to representation, but because many people do not pay attention to what government does because they are too “busy” they end up not being represented (Fearon 1999; Ferejohn 1999). Assumptions such as these are incorrect, because there are many people who have less capacity than others to monitor and sanction government officials (Rubenstein 2007; Taylor-Robinson 2010). Holding the government accountable for the representation they provide is what citizens are advised to do, but due to the inability of some groups in society to have the access to hold government accountable equally, there is a downfall to how successful that accountability may be. Governments tend to silence marginalized groups further when they ask for their needs to be met in order to ensure that the needs of the groups that government considers to be most important to them are taken care of first. This barrier to representation of marginalized groups comes from the lack of government resources to address everyone’s needs as well as conflict between the needs/policy interests of the powerful groups and the interests of the groups that have been historically marginalized.

Starting in the 1990s, in the decade after democratic transitions in Latin America in the 1980s, there was a profound change socioeconomically and culturally, and during this time the success in getting women into governmental seats in many countries has been astonishing (Schwindt-Bayer 2010). Due to this large increase in the participation of women in these formal institutions (legislatures, and more recently cabinets), it is crucial to analyze and understand what women are doing for marginalized groups in society. Large numbers of women entering politics can be directly related to an increase in representation of women in society through descriptive, substantive, and symbolic representation by female legislators. This project focuses on *substantive* representation; meaning analyzing “the way those elected ‘act for’ their constituents

through the activities of representing and their responsiveness to the political concern of their constituents” (Schwindt-Bayer 2010: 6). Figure 1 shows the percentage of women in the legislature of each Latin American country over the past 22 years as reported by the Inter-Parliamentary Union (IPU <http://archive.ipu.org/wmn-e/classif-arc.htm>). The United States is also included in the figure for comparison. Lines in the figure show the year when a gender quota law was adopted in a country and thus allow the reader to see whether adoption of a gender quota is associated with a notable increase in the percentage of women elected to the legislature (Gender Quotas Database IDEA <https://www.idea.int/data-tools/data/gender-quotas>). Yellow dashed lines represent the first gender quota law ever passed in that country. Solid red lines represent the most recent gender quota that is in place today, or the very first one in place today. If lines appear to be before the 1997 date that starts the graph, it is meant to be that way to indicate that specific gender quota was enacted in 1996. In Argentina, there appears to be no gender quotas, however I must restate that Argentina was the first country in Latin America to pass a gender quota law in 1991 and therefore does not fit in the graph. Additional amendments to the Argentinian gender quota were made in 1993.

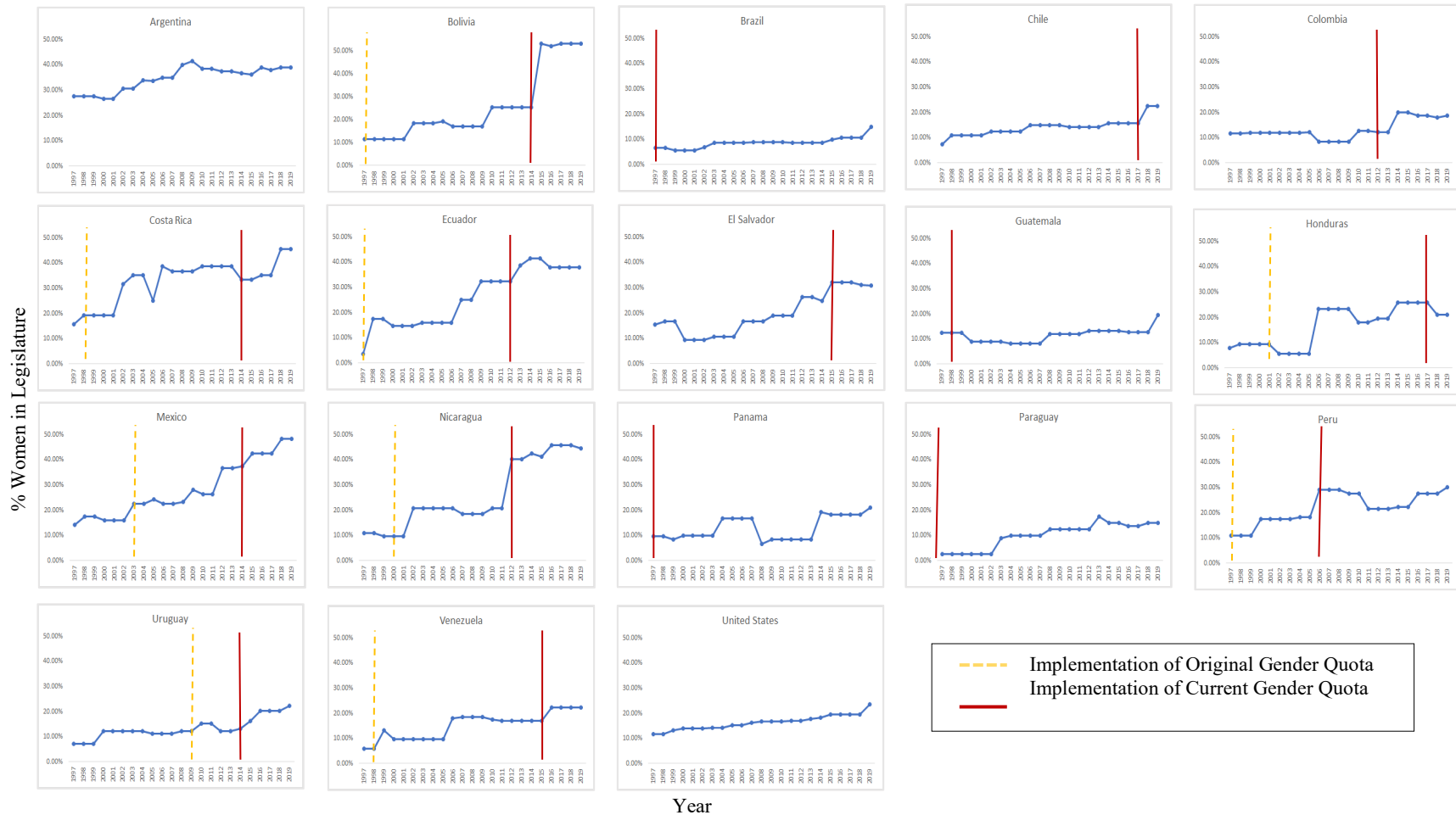


Figure 1: Representation of women in the national legislatures of Latin America, 1997-2019 and the implementation of gender quotas.
 NOTE: Data on % women was gathered from Inter-Parliamentary Union (IPU <http://archive.ipu.org/wmn-e/classif-arc.htm>). Data for gender quotas for each of the countries gathered from the International Institute for Democracy and Electoral Assistance (<https://www.idea.int/data-tools/data/gender-quotas>)

CHAPTER III

CASE STUDIES AND GROUPS OF INTEREST

Case Studies

The two case studies for this project are the country of Costa Rica and the state of Chiapas in Mexico. Costa Rica was chosen because it is the strongest and longest-standing democracy in Latin America, with the current democratic regime installed in 1949, and it has had a relatively high percentage of women in government since the 1990s. Costa Rica also happens to have one of the most effective gender quotas for getting women into government (Piscopo 2018). Although Costa Rica is home to a very small percentage of indigenous people compared to the amount residing in Chiapas, Mexico an indigenous group is still present, making it possible to explore if there is legislation that provides resources or protection for them. During the time period under study 30% (2016) and 40% (2018-2019) of the Costa Rican Legislative Assembly are women.

Mexico offers a quite different case. As a country it has had a successful gender quota since the passage of the 2014 law which allowed for a significant increase in the amount of women elected into the legislature (Piscopo 2016). However, because of the nature of the groups I am interested in studying I have chosen to examine laws passed at the state level in the state of Chiapas in Mexico. Not only is it the poorest state in Mexico but it also has one of the largest concentrations of indigenous communities in all of Mexico. Chiapas, Mexico is also home to one of the largest indigenous uprisings of the modern world, in January 1994, whose army were called the Zapatistas. They managed to get the attention of the world while shaking the government, who thought they had successfully achieved the silencing of the indigenous

community, to its core. Along with their high levels of indigenous citizenship, during the time period under study 58% of the members of the Chiapas state legislature are women.

Groups of Interest

Women have experienced marginalization and continue to experience it everywhere even inside politics. Women are known to exist in every social group in society, therefore accurately representing women is done by providing representation across all types of social groups including the marginalized ones. We have seen the inability of male legislators to meet the needs of women in the past, but we also see the inability of female legislators when they fail to represent all the diverse groups of women rather than just providing representation to the interests of a limited segment of the diverse group women. In fact, there have been arguments made by Latin American feminists that this increase in the inclusion of women in governmental operations has allowed for doors to open to the political recognition of many formerly marginalized groups, such as Afrodescendants, indigenous peoples, youth, and people in the LGBTQ+ community; groups included within the broader group “women” (Jaquette 2009). So because women exist in these marginalized groups and because of time restrictions not allowing the study of all marginalized groups, indigenous peoples and low-income communities were chosen as the main target groups of this project. Another group included in this project that is not one of the main focuses but that is still found to have importance in the substance of certain laws are the youth since they were tied to laws involving distributing resources to low-income communities. Finally, another group that is included in the Costa Rica case study is Afrodescendants because they were found to have an important impact in that specific country.

Indigenous communities have been marginalized in society since colonization, when they were stripped of their lands and rights by the colonizers. Indigenous peoples were coerced into

working for the Spanish labor market. In many instances they tried to create a voice for themselves and fight against the colonizers, but they were unsuccessful and continue to be oppressed and marginalized.¹ Many indigenous movements throughout Latin America are in the search of gaining both a voice and autonomy within a state (Jaquette 2009).

Low-income communities tend to be unheard by their governments because they lack the resources that grants them the opportunity to make their legislators listen to their needs. Inequality throughout Latin America began during the late 15th to early 19th centuries under the colonial settler societies. The colonial legacy varies by country, but the negative impact of the European presence can be seen through the influence of inequality and poverty. Government can continue to ignore indigenous people and deny them resources that they might need. Latin America being a region that is predominately and traditionally patriarchal, as well as having one of the most severe indices of inequality in the world implies that the role of the state is in labor relations, the management of markets, and the redistribution of wealth (Jaquette 2009). Another contributor to the high levels of poverty in Latin America today has to do with their experience with a large number of adjustments during the 1980s after the profound and oftentimes rushed changes in the post-colonial track of economic modernization and globalization (Frankema 2009; Morley 1995). The rushed aspect of adjustment of Latin American economies, allowed for the colonial legacies to fully influence the development of highly aristocratic and authoritarian regimes and their ideologies that legitimized forms of social exclusion, political discrimination

¹ In recent years indigenous groups have organized in some Latin American countries, with varying degrees of success. Indigenous peoples have organized against the people who marginalize them since colonial times, however a more recent example of indigenous peoples organizing can be seen in the 1994 Zapatista uprising that finally opened the eyes of the world to issues of the indigenous communities in Chiapas, Mexico. In addition, some countries with large indigenous populations have political parties with an indigenous support base that have been successful at winning power, such as Pachakutik in Ecuador and MAS in Bolivia.

and economic inequality (Frankema 2009). In other words, it created a system that does not allow people from marginalized groups to have the opportunity to move up socially as easily.

CHAPTER IV

DATA AND RESULTS

Data Collection

For this project, I was interested in laws that speak on anything related to women, indigenous people, or people in poverty. I also want to see if any of these three groups ever appeared together in the same law or if they are just handled as individual issues. I wanted to see how often they are mentioned in legislation and how they are addressed as well as who they are addressed by. The over-arching purpose of the analysis presented below is to observe whether and how both male and female legislators who authored laws provide some kind of representation for these historically marginalized groups and what kinds of legislators are performing these representational activities.

For my data in Chiapas, Mexico the information was found by going through all 106 pieces of legislation passed in the current legislature, covering the period from October 9, 2018 until November 14, 2019. At the time of the retrieval of this information, there were 106 laws that had been published for the current legislative session. I know that if I were to go back and retrieve new information, I would find an increase in the number of laws published online, but data collection ended for this thesis in mid-November 2019. I also realize that in my search I might have accidentally overlooked some laws that might actually be of interest to me, because it was not feasible to read the full text of all the laws passed by the Chiapas legislature during that year. When looking for the laws I was going to be using for this project, I carefully read the title of each law passed to determine if they were of interest and made note of the authors, which were stated in the first paragraph of the law. If it was not made clear to me what the law was

about through reading through the title, then I proceeded to read the “Exposicion de Motivos” to figure out what the specific piece of legislation was about. From there if the bill consisted of anything mentioning women, indigenous peoples, or people in poverty then I would move on and read the entire text of the law. Once I had gone through all of the laws and gotten ones that might be useful in my analysis for this project, I printed each law and read through all of the laws thoroughly and decided if it contained (1) information about the marginalized groups this project is interested in and (2) if it provided detailed information about what kinds of resources and/or protections it provided for the group(s) mentioned. After completing my search, I found five laws relevant to my project.

For my data in Costa Rica, the laws were selected in a similar way. The decision was made to look at laws passed during the 2014-2018 Assembly, since information was not available on laws that were passed since the new assembly in 2018 was elected. Laws relating to women and low-income communities were found by the following procedure. Through the Legislative Assembly’s website there is an option when searching for the history of laws passed to look for information through the Sistema Costarricense de Información Jurídica (SCIJ). In the SCIJ there is an option to search for certain descriptors included², through the SCIJ was where I found my laws on indigenous peoples and afrodescendants. The laws were chosen through the same decision process as was used for the laws in Chiapas, Mexico: (1) information about the marginalized groups this project is interested in and (2) if it provided detailed information about what kinds of resources and/or protections it provided for the group(s) mentioned. However, finding the authors of these laws was a more tedious procedure because in order to retrieve author names I had to look up every law by number, downloading the digital file of the law, and

² Descriptors used in the SCIJ search for laws on afrodescendants: “afrodescendiente”. Descriptors used in the SCIJ for laws on indigenous peoples: “indigena”.

noting the authors that are stated on the first page of that digital file. Most of the laws had more than one author, but it was only indicated on that first page by saying “X Deputy and others”. Therefore, I had to go through the digital file further until I found the signature page that contained signatures of all the deputies assigned on this bill and take note of them. I realize that some of the laws have more authors on them than stated in my data, but some laws did not have clear names or no names under signatures, therefore were unable to be counted because a clear identity of the deputy was not found. A total of seven laws were chosen to be analyzed for this project.

Determining Labels for Tables

The data collected about each law were coded on several dimensions that are presented in Table 1 and Table 2. We look at the law description, sex of author and number of authors, the group(s) the law was meant to target, group links author(s) have held or currently hold, power posts author(s) held by the author(s), and whether or not deputies from more than one party authored the bill. The sex of the author is important since the project examines whether or not women are more likely than male elected officials to represent marginalized groups. As discussed above in the literature review, women are expected to be advocates for historically marginalized groups due to women's long-time experience with marginalization in society. Sex is labeled either F (female author) or M (male author), beginning with a number which explains the number of authors of that sex that authored the bill. Target groups of each law were determined by reading the full text of the law to learn what the substance of the law was. Because titles of laws were not necessarily explanatory of what the law actually covered, the intended substantive impact of the law was determined by carefully reading through the entirety of the law to determining what type of groups the law targeted.³ Deciding what groups would be placed on the tables was determined by: first, looking at which of the three main groups that are the focus of this thesis (women, indigenous, and low-income communities) the law actually addressed and second by determining whether any other kinds of groups were relevant. In particular, age groups were frequently mentioned, which were determined to be important enough to be included into the data tables.

³ All laws were read in the Spanish.

Table 1: Data from Chiapas, Mexico

CHIAPAS, MEXICO					
Law	Authors	Target Group(s)	Group Links	Power Posts	Multiparty
#1 : Displacement of Indigenous People	1 M 1F	indigenous women elderly and minors	3 M 2F	5 M 4F	yes
#2 : Political Violence Against Women	1 F	women	4	3	no
#3 : Infrastructure for Low-Income Rural Areas	1 M	low-income	2	5	no
#4 : Funding for Education in Indigenous Communities	2 F	indigenous low-income	7	10	yes
#5 : Protection Against Obstetric Violence	5 F	Indigenous women	20	29	yes

Table 2: Data from Costa Rica

COSTA RICA					
Law	Authors	Target Group(s)	Group Links	Power Posts	Multiparty
#1 : Violence Against Women	6 M 2 F	women	8 M 6 F	12 M 4 F	yes
#2 : Punishment for Sexual Abuse of Minors	4 F 2 M	women minors	13 F 3 M	19 F 2 M	yes
#3 : Funding for School Lunches	5 M 1 F	low-income (specifically youth)	7 M 4 F	35 M 5 F	yes
#4 : Indigenous Access to Justice	1 M	indigenous	6	2	no
#5 : Citizenship Access for Border Indigenous Communities	Executive Powers	indigenous	N/A	N/A	no
#6 : Creation of Committee for Afro-Costa Rican Studies	Executive Powers	afro-descentants	N/A	N/A	no
#7 : Creation of Program to Expand the Growth of Limon	Executive Powers	afro-descentants	N/A	N/A	no
#8 : Eradication of Ethno-Racial Discrimination in Educational Centers	Executive Powers	afro-descentants	N/A	N/A	no

Group links and power posts of the authors were determined by looking at the information available on their online resumes provided through the national or state assemblies' website and from Google searches for additional sources of information about the bill authors. Other sources of information included, Facebook pages, personal Curriculum Vitae's (if available), or websites that had information for voters. Group links refers to when an actor, in this case, a legislator, is involved in any kind of organization that relates to the groups at hand. For this analysis in particular, any kind of involvement in organizations, groups, outside certification classes, and committees that were directly related to either women, the indigenous, or low-income communities was considered a group link for that legislator.

Power posts were defined as the kind of power positions a legislator might have held throughout their entire career. This includes presidential, vice presidential, secretarial, and auxiliary positions a legislator might have held in the chamber, as well as directorship of an organization, important position within a party, and advisory positions within a party or work as an auxiliary for a legislator. Power posts had to be counted across time because, although the majority of legislators include dates on their online resumes, some do not. Therefore, it was not possible to match up dates when the bill was being debated, and dates when an author held a power post. In addition, power posts held prior to the time a bill was under debate could still give the legislator clout within the chamber or their party, as well as connections to other party or chamber leaders.

Data for Chiapas, Mexico

The first law from Chiapas, Mexico focused on looking at the displacement of indigenous people which also happened to heavily focus on women, elderly and minors which is why they are included in the target group(s) column. For this law there were two authors, one male and

one female. When looking at the group links and power posts held by the authors for that law, it can be seen that the male author showed 3 group links through his committee assignments relating to indigenous communities, public wellness, and the youth. The female author showed 2 group links through her involvement in an organization focused on protecting the youth and being a part of a committee on handicrafts related to indigenous people. For the power posts, it was determined that the female deputy had held 4 positions of power through an administrative position, directorship of an organization, an auxiliary position, and as a deputy of her local government. The male deputy had held 5 power posts through his presidency in one committee, vice-presidency in two other committees, and his position as secretary in an additional two committees. Since both authors were from different parties, the law was classified as a multiparty effort, as can be seen by the 'yes' under the multiparty column.

The second law from Chiapas, Mexico focused on women only. This was an addition to the original law that was specifically about protecting women against political violence. The addition called for a punishment of six years in jail and a fine for anyone who by their own will or through third parties committed any action or omission that in the political or public sphere has the purpose or result of limiting, nullifying, or impairing the effective exercise of the political-electoral rights of a woman. This law only had only one author, a woman, who was involved in several committees related to the groups of interests thus allowing her to be coded as having 4 group links, as well as holding 3 positions of power throughout her whole career. Her group links were characterized by her membership in the committees of education, vulnerable groups, housing, and of border zones and their surrounding areas. Power posts were determined by her position as deputy for a past legislature, a national congresswoman, and a national

councilor. Because this law only had one author, it was not a multiparty effort, and this means that the bill was passed into law even when it was not authored with multi-party support.

The third law from Chiapas, Mexico dealt with creating a law that would build infrastructure in low-income rural areas, so the target group of this law was determined as people from low-income areas. This law was authored by one male deputy who was found to have 2 group links related to the groups of interest. He was involved in 2 committees regarding civil protection and border zones and their surrounding areas. He was found to have held 5 power posts throughout his career as president of a national party and a municipality, auxiliary for the state council, deputy in a past legislature, and as secretary of development and social participation. This law was authored by a single legislator so, it was classified as not being a multiparty effort.

The fourth law from Chiapas included in this study was an amendment to a law to provide funding for education in indigenous communities that was authored by two female deputies. Indigenous communities are often lower-income areas that do not have access to many resources, such as the educational resources that the law was aiming to extend to this community. Therefore, low-income communities are included as a target group along with the already clear indigenous target of the law. For the two authors, together they possessed 7 group links with positions on committees focused on handicrafts (which are usually done by indigenous groups), urban development, rights for gender equality, and human rights. They were also involved in groups in which they held power positions (which were also counted for their power posts) in programs for youth, women's empowerment in the state of Chiapas, and the integral development of the family in specific areas of Chiapas. As for power posts, both authors combined were determined to have held 10, including director positions in important

organizations, administrative positions, an auxiliary position, presidential and secretarial positions in committees, and history in being a local representative. These two authors belonged to two different parties; therefore, their law was a multiparty effort.

The fifth and final law from Chiapas, was an amendment calling for strict enforcement of the protection of women against obstetric violence. Five female legislators authored this law. These women had some of the most impressive resumes of all the law authors in the Chiapas database. Together, all five presented 20 group links including membership in committees of great interest, several extra activities to certify themselves that aimed to increase their knowledge of marginalized groups, and one recognition for remarkable work in including gender equality into projects and actions of social and civil organizations. The amount of power posts these five deputies had combined was a grand total of 29. These power posts included several presidencies, vice presidencies, secretarial, and auxiliary positions in committees, as well as previous experience as a deputy, director posts in many different organizations, and one national councilor. The five deputies who authored the law included three who shared the same party, and two from other parties, making the law a multiparty effort as well.

Data for Costa Rica

The first law analyzed from Costa Rica focused on an amendment to a law, specifically on the violence against women, which called for stricter punishments if one who was in any kind of relationship with a woman was found to financially abuse a woman through any kind of act, contract, management, legal or judicial document, on assets that may be jointly owned, that harm the rights of that woman. The law was authored by 6 male legislators and 2 female legislators. The male legislators were found to have 8 group links through membership in organizations for human rights and workers' rights as well, being appointed to committees involving social affairs

and human rights, and explicit mentions of interests in human rights and social affairs on their resumes. The 12 power posts held by the male legislators involved auxiliary, presidential, secretarial, and director positions. The 2 female legislators held 6 group links through membership in organizations for women's rights, workers' rights, and human rights, and membership in the social affairs and human rights committees. Since the law had multiple authors, all from different several parties, this law was classified as a multiparty effort. This is pertinent in the Costa Rican Legislative Assembly, because at the time this bill was debated and passed no single party held a majority of seats. Thus, the deputies who authored this bill had to create a multi-party coalition of support to pass this bill in to law.

The second law from Costa Rica imposes an amendment for the stronger punishment for those who sexually abuse children. Since the law explicitly talks about underage girls, the target groups were determined as women and underage girls. The authors of this amendment were 4 women and 2 men. The women held 13 group links through membership in organizations for the national patronage of children, assignments in human rights, women's, and social affairs committees, involvement in outside certification classes, and an explicit mention on one legislator's resume on the Legislative Assembly's website of what her interests within the legislature are (social, youth, human rights, and issues regarding vulnerable groups). The female legislators' 19 power posts were presidential, secretarial, directorship, and auxiliary positions. The 3 group links held by the 2 male legislators were through their committee assignments to the human rights committee and the committee on the youth. For power posts, the 2 men held 2 through a presidential and secretarial position in an organization. This law was also a multiparty effort because all members who signed this law were from different parties.

The third law from Costa Rica created specific funding to provide school lunches year-round for students in low-income areas that were suffering from food insecurity. The law was determined to have one specific target group of trying to help lower-income communities, specifically the youth which is why “specifically youth” is included in the table. This law was authored by 5 male authors and one female author. The male deputies had a combined total of 7 group links in committees involving human rights, the youth, social affairs, municipal affairs, and involvement in organizations related to the education of lower-income youth. The men also held a grand total of 35 power posts in which the majority were auxiliary positions, but others included, presidential positions, vice president positions, secretary positions, municipal councilor positions, one governor position, and two separate terms served as judge by one of the officials. The single female legislator had 4 group links through her involvement with outside organizations focused on social equality and gender equality. She also held 5 power posts through her director position in two organizations, a professional auxiliary position for an organization for gender equality and equity, position as mayor for a canton,⁴ and as deputy coordinator for the promotion of rights. Each of the authors belonged to different parties; therefore, it was determined to be a multiparty effort.

The fourth law from Costa Rica targeted indigenous communities and their access to justice. The law specified what resources were to be made available for indigenous communities in order for them to know that their rights were being protected. This law was authored by one male legislator that held 6 group links through committees and outside organizations, as well as 2 power posts as an auxiliary on labor trials for various groups of workers and as a deputy in the

⁴ An administrative division located inside the provinces in Costa Rica that possess local government in the form of municipalities.

past during 2010-2014 Legislative Assembly of Costa Rica. The law was authored by him alone, and therefore is not classified as a multiparty effort.

The remaining four laws from Costa Rica were initiated by the executive branch and therefore only a description and a target group are presented. This is because it is not an individual legislator that authors the law, rather the executive branch, meaning a cabinet minister or ministers proposed the bill.⁵ As such, these laws do not contribute to our study of whether female or male legislators are more active in representation of interests of historically marginalized groups. However, I include the four laws here because they help to paint a more complete picture of the Costa Rican government's efforts to represent marginalized groups during the time period under study. For law number five, the target group for the law was indigenous communities. It explained the level of access to citizenship that indigenous communities who happened to be immigrants from bordering towns in the neighboring country, had. It explained the rights that they had as border indigenous people as well as what steps would be taken in order to integrate them into society. The last three laws were aimed towards targeting the needs of afro-descendants. The reason that these laws were chosen to be included in the research was because in Costa Rica, although rarely talked about, afro-descendants exist and have had a great impact on the history of the country especially in the province of Limon where this community is largely concentrated. Each law initiated by the executive branch was different with regard to the precise problem or program it targets, but all have the same larger purpose: more inclusion of Afro-Costa Ricans into society. One creates an official commission for Afro-Costa Rican studies, another creates a program to expand the economic growth of the province of

⁵ Costa Rica's Constitution, unlike the U.S. Constitution, allows the executive branch to directly initiate legislation.

Limon, and the third addresses and establishes a program for the eradication of ethno-racial discrimination in educational centers.

CONCLUSION

Conclusion and Discussion

Because women as a broad group have historically been marginalized in society, and in politics, this research built from the expectation that women elected to seats in the legislature would have an incentive to represent people from marginalized groups because women understand what it means to be marginalized. The overarching finding of this study supports that prediction. Yes, there is representation occurring by female officials as well as by male officials. There is a huge variety in the different kinds of issues that these laws tackle as well as laws addressing a combination of two or more marginalized groups focused on in this study.

Women who are assigned to social issues committees are usually the ones initiating laws that benefit historically marginalized groups, but so are female and male legislators who are not on social issues committees. We see that the female legislators who initiate these laws tend to have many more power posts and more diverse group links than male legislators. Most of the men who were found to author laws for these marginalized groups were found to have positions on committees directly related to these groups.

In Chiapas, Mexico, male legislators were only seen to be assigned to five different committees that were related to social issues or directly related to low-income, indigenous, and/or women which accounted for the only group links that they had to these marginalized groups. However, the majority of the female legislators from Chiapas, Mexico, who authored the laws studied here had group links through their commission assignments and also through outside organizations they were a part of, organizations they were directors of, or any extra courses or conferences in relation to indigenous peoples, low-income communities, and/or

women. Only one of the female legislators was found to hold group links solely through her committee assignment. As for power post differences between female and male politicians, men appeared to hold less power posts than women. Women were also found to hold power posts in social issues committees as well as committees that are seen more as “men’s issues” committees such as, agriculture, and finance. In addition, one of the men held 5 power posts, the other one only held 3; while women authors of the laws held at least 3 power posts each, and up to 12 power posts.

In Costa Rica, it was seen that male legislators had initiated most of the bills that were initiated by the legislators themselves. These deputies not only had group links through the commissions they were assigned to, but through organizations related to the marginalized groups of interest. For one male deputy in particular, his group linkages included providing legal assistance to low-income groups who are experiencing conflicts regarding access to their land. Power posts that both female and male deputies held, were found to be almost entirely consistent for all of them, ranging from 3 to 5 each, except for one male deputy who was only found to hold 2. Although the fifth through eighth laws in Costa Rica were initiated by the executive powers, the passage of laws regarding indigenous peoples and afrodescendants can be seen as a big step for the Costa Rican legislature, because the majority (exception of one) were new laws which promote the integration of indigenous peoples and afrodescendants.

Both group links and power posts were counted across time, so depending on whether legislators decide to provide their Legislative Assembly’s website with information about their whole careers is unknown due to the fact that some legislators provide dates and others do not. Therefore, the assumption that legislators do provide all of their information is made. It was surprising to see the different number of group links and power posts listed on legislators’

resumes in the Costa Rican Legislative Assembly compared to those of the legislators of Chiapas, Mexico. This could be because most female politicians must build up a strong resume in order to be more likely to be allowed to run,⁶ which may explain the large number of linkages and power posts for women legislators in Chiapas, Mexico. In Costa Rica, as previously stated, they have had an active welfare state for many decades, so these are seen as more mainstream for both male and female legislators which could explain the reason that group links and power posts are not as numerous.

Surprisingly enough, both male and female legislators introduced laws or amendments to laws that are of great interest to the marginalized groups in question. Although it is not clear if men and women are both just as likely to author bills for these specific marginalized groups, it is clear that legislators – both men and women – succeeded at getting some kind of legislation passed for these groups. Another finding that was rather surprising was the fact that the executive powers passed laws regarding indigenous and afrodescendants in Costa Rica, therefore suggesting that these are issues that are of interest to the whole legislature.

Suggestions for Future Research

This project began to scratch at the surface on what laws legislators are able to successfully pass that represent these underrepresented groups, so conducting a larger study with more countries would be a way to expand on this research. Originally this project had the intentions of looking at laws passed in two additional countries, Bolivia and Chile. However, because of the time constraint that this project was completed in and because of the removal of President Evo Morales in Bolivia in November 2019 that created a problem in the attempt of gathering data from the Legislative Assembly's website, the two cases were not included. Other

⁶ This need to have superior credentials has been shown by Fulton (2012) for the United States.

future expansions could be ones that compare all of the bills that have been initiated in the goal of representing marginalized groups by women compared to men legislators and compare them to the number and types of bills that successfully make it into law to increase understanding of which types of legislators are able to successfully move their bills to approved laws. In addition, future research could connect more explicitly to the concept of surrogate representation by exploring if and how the legislators who author laws that address needs of indigenous groups and poor people attempt to consult with those groups when developing their proposals.

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