Women, Mobilisation and Political Representation
“Analize – Journal of Gender and Feminist Studies” is an on-line, open access, peer-reviewed international journal that aims to bring into the public arena new ideas and findings in the field of gender and feminist studies and to contribute to the gendering of the social, economic, cultural and political discourses and practices about today’s local, national, regional and international realities.

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The journal publishes studies, position papers, case studies, viewpoints, book reviews from practitioners of all grades and professions, academics and other specialists on the broad spectrum of gender and feminist studies.

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Women, Mobilization and Political Representation

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Political representation of women has been an important area for theory production and consistent research since the middle of the last century. There is a wide and engaging literature on gender and politics addressing various topics from voting behavior, obstacles women face when entering politics, strategies used to increase women’s political representation, the role of women’s movements, policy outcomes when women enter politics etc. Pamela Paxton, Sheri Kunovich and Melanie M. Hughes when selectively reviewed the literature on gender in politics focusing on women’s formal political participation, they notice that „our knowledge of women in politics is still expanding. Indeed, the literature on women in politics could be described as exploding” (Paxton, Kunovich, Hughes, 2007, p. 264). **However, some contexts were more opened for researches than others and became more visible for scholars and the wider public.** These contributions are highly valuable since they developed complex theoretical, epistemological and methodological instruments and stream of thoughts. The authors conclude that future directions for research should include as well the perspective of **globalizing theory and research:**

“Future research must globalize our present understanding of women’s political participation, representation, and impact by (a) determining which theories developed in the West apply to the non-Western context, (b), and (c) investigating whether these newer theories apply to other regions or globally” (Paxton, Kunovich, Hughes, 2007, p. 275)

Nevertheless, despite expanding the arguments for a politics of presence, women have actively **mobilized** outside the realm of politics to better pursue their interests, sanction politicians for not addressing substantive representation, urge them to elaborate a gender sensitive agenda or women ‘just’ mobilized to support various causes (environment, LGBTQ, anti-globalization etc.). The evolution of technology and communication platforms made their mobilization more flexible.
For this issue of the Journal, we solicited contributions (theoretical or empirical) on women’s and men’s participation as members of political parties, political candidates, and activists pursuing gender interests or women’s interests. Papers that examine social media as a mobilization tool for politicians and activists were welcomed. We were also interested in strategies embraced by politicians and activists to reach their goals, coalition making, alliances or autonomous strategies when pursuing a gender sensitive goal. Of particular interest have been intersectional approaches to political representation, political and civic engagement.

I should express my gratitude towards the editorial team of the Journal as they welcomed my proposal for a political representation dedicated issue intertwined with mobilization. Different contexts, either editorial or more activist ones, gave me the opportunity to argue for a more professional approach of women’s political representation, one that doesn’t fall under the umbrella of: I have opinions on the topic and as I am in a position of authority I communicate my beliefs despite many volumes and analysis and arguments about women and political representation that substantially deconstruct my sayings. As following - just to offer some examples - this issue addresses the above mentioned know-it-all flaws as the articles work with a typology of representation, distinguish between gender political representation and women’s political representation, and extensively present normative arguments supporting descriptive representation. The articles adequately clarify and then operationalize the concepts, making the issue an instrument that can hardly be neglected in contemporary debates that raise the interests of academics and activists (not exclusively).

Most of the articles focus on Central and Eastern Europe and the “Muslim world”, propose individual case studies or include comparative approaches, deal with nowadays debates, political and activist struggles or go back in time to better reveal specificities of the present, work with descriptive and substantive political representation or focus on women’s mobilization for representation and legal reforms; some articles include empirical case studies or engage into an intellectual and argumentative exercise. I shall briefly reflect on the author’s contribution, yet the substance of their articles can only be grasped by an authentic individual encounter with of their work.

Elena Brodeală’s study, Women and politics: the impact of the European integration process on women’s political representation in Romanian, explains the increase of women’s parliamentary presence in relationship with the integration of Romania into
European Union. She argues that women’s presence in politics started to be seen as a “European value” necessary for Romania’s EU accession, thus urging decision-makers to adopt certain legislative measures and lately on argue in favor of gender quotas “although there was no such legally binding requirement from the EU”. Nevertheless, in the end, if we turn to political practice, the European argument turned out to be just one political or strategic discourse as all attempts to adopt quota were unsuccessful.

If the above mentioned article focuses on previous attempts to introduce some quota provisions, *Creating and feeding discourses on political representation of women. Can MPs and NGOs join hands on quotas?* critically addresses the most recent initiative of MPs in Romania who try to introduce legislative gender quotas for 2016 local and national elections and with The Call for Action of Gender Equality Coalition. Thus, my article moves further and reflects on both the struggle of NGOs and MPs supporting descriptive and substantive representation. I argue that a critical reflection on the aims and arguments of the NGOs and MPs may reveal not only if collective action is possible, but it can also tell us more about its limitations. This discussion may help identify some potential inner weakness of their arguments and invite the parties to strengthen them during the coming public and political debate.

The third study addresses the extent in which a connection could be established between the mechanism of selection by lot - a mechanism which, according to the author, is beginning to take shape within the field of theoretical political philosophy – and the feminist perspective on women’s political representation. As the author argues in her article, *A feminist perspective on political sortition*, it may pose the advantage of avoiding negative criticism attached to quotas. As far as I am aware of (and the author supports the idea), her article is one of the first attempts binding the subject of political lottery with feminist political theory. Some other works may have been published in languages that are not so accessible.

*The mobilization of women in Central and Eastern European countries: how contextual elements shaped women’s NGOs from Romania and Poland* engages in a comparative approach of mobilization of women outside the realm of politics and inside NGOs in Romania and Poland. Andrada Nimu analyzes some of the most important contextual elements that shaped their activities, interests or causes and presents both similarities and differences between the communist legacies in the two countries, the effects of democratization and economic change, the civil society development and Western
funding, elements of national culture, as well as transnational and EU actors. In her conclusive remarks, she elaborates on how different contextual elements have impacted women's movements in the Central and Eastern European (CEE) countries.

As announced by the title itself, the geographical, cultural, religious and political landscape changes in Alina Isaac Alak’s article, *Modern States, Legal Reforms and Feminism(s) in Muslim countries*. The author includes a brief presentation of the family code reformation that was generated by the formation of the modern states in the Middle East and then describes the ways in which the presence of Muslim women in Muslim majority countries' societies is perceived and analyzed and the strategies women use in their struggle to gain more political and social rights. Here, the readers will also find a welcoming critical reflection on the generalization involved in the expression „the status of women” in Islam.

This issue also includes two book reviews in correlation with the main topics: political representation and mobilization of women. *Gender, Conservatism and Political Representation* edited by Karen Celis and Sarah Childs addresses the challenging topic of whether conservative women representatives act for substantive representation of women. The volume represents an important contribution to the study of conservative women’s presence in politics, one that discusses the distinction between the substantive representation of women and the feminist perspective on substantive representation. This demarcation is one to be further on considered as the above mentioned individual articles notice particular expectations when various parties support that women’s descriptive representation stands for more substantive representation.

The second book edited by Andrea Krizsan and Raluca Popa includes an analysis of women’s movement for domestic violence policy changes in four Central and Eastern European countries: Bulgaria, Croatia, Poland and Romania. The volume explains that women’s movements are the main actors in policy change mainly in anti-domestic violence policies. *Mobilizing for Policy Change. Women’s Movements in Central and Eastern European Domestic Violence Policy Struggles* also emphasizes that some patterns of movement are more favorable to progress than others and the strategies to support change were diverse, even inside the countries, across time.

If I come back to our intentions when launching the call for papers, I may say the articles we received and further on accepted cover some of the aspects emphasized at the beginning at this editorial. As far as I am aware of, the issue of AnALize stands as the
most recent publication focusing on *Women, Mobilization and Political Representation*. It is the case that this issue comes out in a very interesting and vivid political and activist context (that we have not anticipated, but welcome its presence) with two parties mobilizing their energies to enhance descriptive and substantive representation of women in local and national Romanian politics.

At the end of a few months of working to cover the issue, I am hopeful that future calls for papers on mobilization and political representation will be followed by articles addressing environment, intersectionality and other challenging topics.

I would like to express my gratitude to our peer-reviewers for their time, attention and comments.
Women and politics: the impact of the European integration process on women’s political representation in Romania

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Abstract: This paper explains what the impact of European integration was on women's political representation in Romania. This impact is particularly interesting for two reasons: firstly, because the European Union does not have competence in the electoral domain and cannot impose Member States any obligation to adopt measures to boost women's representation in politics, and secondly, because women's political representation is generally a "taboo" subject in Romania mainly due to the abusive use of gender quotas by the former Socialist regime. In the case of the first reason, the EU can use only soft law means to raise States' awareness in this field, but Member States are free to decide on measures to increase women's political representation. In the case of the second reason, it has to be mentioned that during State Socialism, the Communist Party imposed quotas in many representative bodies, including the Parliament, this coinciding with the moment when women in Romania received full formal political rights for the first time. Yet, since all women who got in Power were Party members and were not supposed to have a real influence in the decision-making of those times, their presence in politics proved to have had a negative effect on the situation of gender representation after the fall of the regime. After this moment, it was believed that women have a detrimental impact on politics. Thus, the number of women in politics fell dramatically. It is only Romania's decision to accede to the EU that precipitated a change in the situation. The reason for this, as I argue in this paper, is that a high presence of women in politics started to be seen as a "European value" necessary for Romania's EU accession. This made Romanian decision-makers adopt certain legislative measures and argue in favor of gender quotas, although there was no such legally binding requirement from the EU. Said differently, in order to increase their chances of accession to the EU and foster Romania's “European identity”, Romanian decision-makers ended up transposing or aiming to transpose EU's soft law into hard law acts in Romania. To
illustrate how and why this happened, the paper will look at two aspects. The first aspect refers to the actual changes brought to this field by Romania’s EU integration, while the second one refers to the political and historical factors that facilitated such changes. These factors include Romania’s undeniable desire to “return to Europe” after the fall of State Socialism, the political pressure put by the EU with regard to increasing women’s representation in politics and the endeavor of local politicians to portray EU accession as requiring measures to ensure gender balance in politics.

Key words: women’s political representation • the Socialist legacy • EU integration • exceeding EU conditionality

Introduction

Romania submitted an application for European Union (hereafter ‘EU’) membership in 1995. From that moment on, Romania undertook important measures to improve its legislation in the field of gender equality. In order to become a Member State, Romania had to fulfill the Copenhagen criteria, which required Romania to meet the human rights standards necessary for accession and to harmonize its legislation with the equality and non-discrimination community acquis1. Yet, the legal changes that came with the process of European integration exceeded the sphere of conditionality and covered areas that were not under the scope of EU Law. This was not only because of EU’s political pressure2, but also because of the discursive use of the EU by local actors as a rationale for legal change in an environment where the desire to “return to Europe” through EU integration was very strong and, arguably, because of the endeavor of local politicians to compensate for Romania’s incapacity to live up to EU’s economic conditionality.

1 The Copenhagen criteria were more broad and included also economic and political criteria. For example, in the Conclusions of the Presidency of the 1993 Copenhagen European Council it was stated that: “Membership requires that candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate’s ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.” “PRESIDENCY CONCLUSIONS Copenhagen European Council,” June 21, 1993, http://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf.

2 This happened especially by (1) pointing to the slow progress in the field of gender equality in different reports, recommendations or resolutions on the topic and (2) by empowering through financial means and capacity building different local actors responsible for lobby and advocacy in the field of gender equality. Due to space limitations and sources availability, this paper focuses only on the political pressure put by the EU through “naming and shaming” Romania for its failure to address the inequalities between men and women. More research has to be done in order to understand to which extent EU’s financial support promoted and/or influenced gender equality and women’s political representation in Romania.
One of the areas in which the process of European integration brought important changes, in spite of it not being an area under the regulatory competence of the EU, is women’s political representation. This is particularly interesting since, after the fall of State Socialism in 1989 and the abolition of gender quotas used by the former regime, women's political representation seemed to be a rather taboo subject in the Romanian public sphere. The aim of this paper is twofold. On the one hand, the paper aims to map the changes brought by the process of European integration in the field of women’s political representation in Romania, a field that still requires further research. On the other hand, the paper intends to inquire into the contextual and background factors that facilitated such changes. These factors include Romania’s Socialist past, its desire to become a Member State of the EU and “return to Europe”, EU’s political pressure before Romania’s accession and the response of the Romanian politicians to such pressures.

To achieve its aims, the paper uses a four-step approach. Firstly, the paper adds the necessary methodological notes to understand the logic of the research. Secondly, the paper offers a contextualized account of what happened to women’s political representation after the fall of State Socialism until Romania was in full process of EU accession. Thirdly, the paper underlines the changes that took place during the process of European integration with regard to women’s political representation and finally, it proceeds to analyzing the discourse of Romanian decision-makers with regard to the EU and women’s political representation in Romania. The aim of the last section is to demonstrate how Romanian politicians tried to frame Romania’s accession to the EU as the reason for which it had to implement measures to increase women’s political representation such as gender quotas.

The methodological approach of women’s political representation in Romania in the context of European integration. Definition of terms

On the methodological front, in order to prove that the measures in the field of women’s political representation, that I will discuss further, were adopted or were influenced by the process of European integration, I shall regard this process in its broader meaning of Europeanization. Borrowing Kriszan and Popa’s definition, I see “Europeanization as a complex, interactive process of debate, translation, interpretation and use of EU norms by policy actors at the level of European Commission […], and by state and non-state actors at
national level”\(^3\). I find this definition suitable for my study since, by considering Europeanization as a process of continuous dialogue between European and local actors, one can easily understand how and why it lead to the apparition of new norms and discourses around women’s political representation in Romania.

No hard law instruments, or said differently no “binding instruments imposing legal obligations”\(^4\), referring specifically to women’s political representation exist at the EU level. Therefore, the EU norms that I am considering are contained in soft law or policy documents. Unlike hard law instruments, soft law instruments do not have legal power as such, “but nevertheless may have certain - indirect - legal effects, and [...] may produce practical effects”\(^5\). This, as I will show further, was also the case in Romania where EU’s soft law was an important factor that led to the discussion or the adoption of legislation that affects women’s political representation. The sources I have consulted in order to understand and establish the links between the process of European integration and the adoption or the debating of gender equality legislation in Romania in fields not covered by hard conditionality, like women’s political representation are: (a) the Regular Reports through which the European Commission gave Romania feedback regarding its progress towards accession\(^6\), (b) different resolutions and recommendations of the European institutions regarding the situation of gender representation in the EU\(^7\), (c) the parliamentary debates, the preparatory acts (i.e. memorandums and reports of the specialized parliamentary commissions) and the text of the legislation or of the legislative proposals on this topic debated in the Romanian Parliament, as well as (d) the literature discussing the connections between the process of European integration and gender equality in Romania.

It is also worth mentioning that throughout this paper “gender representation” and “women’s representation” are used interchangeably. This is not to say that “gender equates


\(^4\) This is the definition offered by IATE (“Inter-Active Terminology for Europe”), which “is the EU’s inter-institutional terminology database. IATE has been used in the EU institutions and agencies since summer 2004 for the collection, dissemination and shared management of EU-specific terminology”. See “IATE (‘Inter-Active Terminology for Europe’),” accessed December 13, 2015, http://iate.europa.eu/about_iate.html.

\(^5\) Definition taken from Ibid.


\(^7\) See sub. 71, 72 and 73.
women”. Instead, it acknowledges that, even today, women are still in a position of inequality and are heavily underrepresented in the political arena due to their gender, or said differently, due to the fact of them being women. Thus, using “gender representation” and “women’s representation” interchangeably calls for making gender a relevant criterion in analyzing political representation and underlines women’s discrimination in this field. Regarding the meaning of political representation, by it I understand on the one hand the presence of women in politics as measured by numbers and on the other hand the extent to which the women who are present in politics represent women’s needs and interests. In this sense, it is important to distinguish between substantive representation and descriptive representation. To underline the difference between these two, I will borrow the explanation offered by Oana Băluță and I will invite the reader to think about the difference between “who and what represents”\(^8\), meaning that descriptive representation refers to “who” represents in terms of numbers (i.e. how many women represent women) and substantive representation refers to who represents “what” (i.e. how many women representing women also represent women’s needs and interests). Said otherwise, a good political representation of women in terms of percentage (so a descriptive representation) does not automatically mean that these women will be feminist or that they will promote women’s rights and interests. However, as the mentioned author also underlines, descriptive representation and substantive representation are strongly interconnected, “the first being a prerequisite of the latter”\(^10\). Since the legal measures meant to improve women’s political representation generally guarantee only increasing the number of women in politics, in this paper, political representation will be used mainly in its descriptive sense.

**Before EU integration – a backlash against State Socialism**

Romania started its transition to democracy in 1989 after the violent overthrow of the Communist leader Nicolae Ceaușescu. In practice, the fall of State Socialism brought two important achievements for Romanian women. One of them was the possibility to freely

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\(^9\) Ibid.

\(^10\) Ibid.
exercise their right to vote\textsuperscript{11} and the second one was the possibility to have a legal and safe abortion\textsuperscript{12}. Yet, when it came to their political representation, the fall of State Socialism brought a serious involution. In the last two Socialist parliaments, due to gender quotas, women had quite a good (descriptive\textsuperscript{13}) representation. More precisely, the representation of women in the 1980 Romanian Parliament was 33.06\% and the representation of women in the Parliament formed in 1985 was 34.4\%\textsuperscript{14}. After the fall of State Socialism, until 2000, women occupied only 4.9\% of the first legislature (1990-1992), 3.7\% of the second legislature (1992-1996), and 4.7\% of the third legislature (1996-2003)\textsuperscript{15}.

This sharp decrease in the representation of women seems to have come rather as a reaction to the quotas and other gender equality measures enforced by the communists and the propagandistic usage of such measures. Once State Socialism was established in Romania\textsuperscript{16}, women were formally allowed for the first time in history to fully participate in politics. However, free and fair elections did not exist in the Romania of those times and decision-making did not involve public participation. The women who got into power were Party members and, in practice, they were not expected to have any real influence, except representing the interests of the Party\textsuperscript{17}. Generally speaking, the Party used women as tokens

\textsuperscript{11} Romanian women acquired their right to vote for Parliamentary elections in 1938 during the royal dictatorship of King Carol II, but no free elections took place until 1990 after the fall of Socialism. Thus, 1990 is also the year when women in Romania freely exercised their right to vote for the first time in history. See Roxana Cheşchebec, "The Achievement of Female Suffrage in Romania," in The Struggle for Female Suffrage in Europe: Voting to Become Citizens, ed. Blanca Rodríguez-Ruiz and Ruth Rubio-Márın (Leiden; Boston: Brill, 2012), 357–72; "The History of Electoral Consultations in Romania (Istoria consultărilor electorale în România)," Official Page of the Romanian Permanent Electoral Authority, accessed April 24, 2014, http://www.roaep.ro/ro/section.php?id=82; Mihaela Miroiu, The Road to Autonomy. Political Feminist Theories (Drumul către autonomie. Teorii politice feminine) (Iaşi: Polirom, 2004), 63.

\textsuperscript{12} During State Socialism, Romania had one of the harshest anti-abortion laws in the history of Europe. It is estimated that, during the 23 years of existence of Decree 770/1966 that prohibited abortion, around 10,000 women died because of illegal abortions, 2,000 others were imprisoned and many others faced serious health problems for the same reason. In addition, the fall of State Socialism brought to light the inhumane situation of unwanted children who were placed in public orphanages. Consequently, one of the first measures after the outbreak of the Romanian Revolution was to legalize abortion. See: Gail Kligman, The Politics of Duplicity: Controlling Reproduction in Ceausescu’s Romania (Berkeley: University of California Press, 1998).

\textsuperscript{13} See supra B. During State Socialism, the women who held seats in the Parliament promoted/had to promote the interests of the omnipotent Communist Party and not the demands of women living under the regime. Thus, one cannot speak about representation as substantive representation, in the sense of representing women’s needs and interests.


\textsuperscript{16} State Socialism in Romania was established on the 30th of December 1947 when Romania’s last king, Mihai I, was forced to abdicate.

of a “disadvantaged group” and as tools for the propaganda of the new “egalitarian regime”18. Only a few women managed to influence the decisions of the Party. Yet, those women, such as Elena Ceaușescu, the wife of the communist president Nicolae Ceaușescu, or Ana Puaker, who also happened to be the first female Foreign Minister of the modern world19, “proved to be as cold-hearted, ambitious, and ruthless as men”20. This left in the post-Decembrist21 collective consciousness what is known as the “Elena Ceaușescu syndrome”: the belief that women have a malefic influence on national politics, just as Elena is believed to have had on the Romanian politics of that time22. This syndrome can sometimes be identified in the political debates regarding the adoption of measures to increase the political representation of women such as gender quotas, and stands as an argument against their adoption23.

However, it needs to be mentioned that this backlash against State Socialism and the backlash against women’s representation that came with it are rather paradoxical. The explanation for which gender quotas and increasing women’s political representation have been rejected has to be more complex than the simple misuse of gender quotas by the Socialist regime. I claim this because the 1991 Constitution preserved the socialist quotas for minorities24, despite these quotas having been used in the same artificial way as gender quotas. I believe that the reasons for the underrepresentation of women in Romania after the fall of State Socialism should be also connected to what Mihaela Miroiu described as the “left wing and right wing gender conservatisms” and the patriarchate(s) of the period.25 Among

19 Ana Pauker served as Foreign Minister from 30 December 1947 to 9 July 1952, see Robert Levy, Ana Pauker: The Rise and Fall of a Jewish Communist (Berkeley: University of California Press, 2001), 70.
21 The idiom “post-Decembrist Romania” refers to the post-Communist era of Romania. It is called post-Decembrist because the Romanian Revolution that overthrew the Communist regime took place in the month of December.
others, these conservatisms can be seen as coming on the one hand from the pre-Socialist era and on the other hand from the gender conservatism of the Socialist era itself\(^{26}\).

After the 1989 Revolution, the Socialist regime was generally seen as a break in the democratic development of Romania. So, Romania aimed to go back and continue this democratic development that it started before the instauration of State Socialism. For this reason after 1989, Romania tried to reconstruct its public sphere by resuscitating the historical parties of its pre-Socialist monarchical past\(^{27}\) and the social values associated to this period\(^ {28}\). Yet, in this era, Romania was a rather agrarian country and overall society was deeply marked by social hierarchies, ultra-traditionalist assumptions about women’s role in the family and the role of the Church\(^{29}\) in defining social values\(^ {30}\). Consequently, this comeback meant that, in a conservative right wing fashion, after 1989 men and women’s identities in Romania started to be redefined once again in relation to their traditional role in the public, respective the private sphere; spheres that were anyhow never dismantled by the Socialists.

To understand the “left wing conservatism”, one has to bear in mind that after more than forty years of State Socialism the Romanian society and legal system were deeply marked by it. Unlike the Marxist-Leninist doctrine\(^ {31}\) and the Socialist regimes from neighboring countries, Romanian communists have been extremely conservative with regard to preserving gender differences. They emphasized the role of the nuclear family in nurturing “good citizens”, pushed women into motherhood by adopting one of the most drastic anti-abortion laws in Europe\(^ {32}\), enforced higher taxes for childless individuals\(^ {33}\), promoted women

\(^{26}\) Ibid., 256; See also Magyari-Vincze Enikő, “Gender (In)equality in the Post-Socialist Romania” (Gender and Power in the New Europe, the 5th European Feminist Research, Lund University, Sweden, 2003), http://www.rosadoc.be/athena/pdf/vincze.pdf Part 5.1.

\(^{27}\) Romania was a monarchy from 1866 to 1947. Miroiu, *The Road to Autonomy. Political Feminist Theories (Drumul către autonomie. Teorii politic feminine)*, 256.


\(^{32}\) See supra 12.

as “heroine mothers”\textsuperscript{34} and never encouraged men to share the burden of the household or child rearing\textsuperscript{35}. This is how women’s \textit{different} biological destiny as mothers was once again reinforced in Romania.

What is more, for the first time in Romanian history under State Socialism women were also \textit{forced}\textsuperscript{36} to work shoulder by shoulder with men in the labor field\textsuperscript{37}. Thus, women in Romania started to have a double working day, both in the public and the private sphere. This could explain on the one hand why after the fall of the old regime the entrance of women in the political sphere, together with their entrance on the labor market was seen as a supplementary burden on women’s shoulders, a burden brought by Communists and their gender quotas\textsuperscript{38}. On the other hand, this could also explain why, after 1989, it was believed that Romanian society should have returned to its “natural [gender] order”, an order disturbed by the Socialist rule and by Romania’s separation from the West\textsuperscript{39}.

Another factor that could account for the low representation of women in Romanian politics in the first years after the fall of State Socialism is also the rejection of feminism as an emancipatory ideology. As Mary Ellen Fischer reports, in the years after the fall of the regime, Eastern European women themselves generally repudiated feminism on various grounds, including: “mistrust of ‘emancipator’ ideological promises; association of women’s equality or emancipation with a discredited communist regime; rejection of ‘collective’ action; regard for themselves as strong women, rather than victims; placing a high value on motherhood and family; and a perception that feminism was anti-male”.\textsuperscript{40} This is how in post-Socialist Romania, feminism became what I call a “Cinderella ideology”; an ideology not welcomed at

\begin{flushleft}
\textsuperscript{34} This was an honorary title awarded to women according to the number of children they bore, see Decree no. 195/1951 on the establishment of the Heroine Mother Honorary Title, of the Mother Heroine Order, the Maternal Glory Order and the Maternity Medal, published in the Official Gazette no. 109 of 11\textsuperscript{th} of August 1951 (Decretul nr. 195/1951 privind instituirea Titlului de Onoare de Mamă Eroină, a Ordinului Mamă Eroină, a Ordinului Gloria Maternă și a Medaliei Maternității, publicat în Buletinul Oficial nr. 109 din 8 august 1951).


\textsuperscript{36} I emphasize “forced” because it was not women’s choice to enter the labor field, but they were pushed to do so by the new political regime committed to “build Socialism” in Romania through force and repression. Thus, it is arguable whether the entrance of women in the labor field during State Socialism fulfilled or not feminist demands.

\textsuperscript{37} I use the term “labor field” as a translation of the Romanian “câmpul muncii”. I avoided using “labor market” because I do not think that in the context of the planned economies practiced by the Socialist States one can talk about a “market” in the sense used today.


\textsuperscript{39} See Magyari-Vincze, “Gender (In)equality in the Post-Socialist Romania,” Part 5.1.

\textsuperscript{40} Fischer, “From Tradition and Ideology to Elections and Competition. The Changing Status of Women in Romanian Politics,” 189.
\end{flushleft}
the public ball, unless disguised as something else. When it comes to disguising, it seems that the European dress is the one that best impresses the political decision-makers and the public opinion.

“The return to Europe” and overcoming the Socialist legacy

Ceaușescu’s deeply nationalistic version of Communism, coupled with Romania’s inclusion in the Eastern Bloc, was generally perceived by the Romanian people as a painful separation from the West. Thus, it is not surprising that after the fall of the regime, State Socialism was seen as a break in Romania’s democratic and Western-like development, a break that had to be quickly overcome. The most logical and natural way for Romania to overcome this break was to “return to Europe” and start the process of European integration. In order to be admitted in the EU and (re-)become an “European country”, Romania undertook a wide range of reforms. Nevertheless, since the Copenhagen criteria necessary for Romania’s accession to the EU were not very specific, it was not completely clear what being a “European country” was supposed to mean and what EU norms and values were mandatory to transpose and which were not. This was also the case with regard to women’s political representation. Generally, within the EU, the electoral domain is one of non-harmonization. Despite this, the European integration process brought important changes in the field of women’s political representation. As I explain below, this happened mainly because a high(er) political representation of women was perceived by Romanian decision-makers as a “European value” necessary for Romania’s ongoing democratization process and EU accession.

As previously mentioned, right after the fall of State Socialism, when the gender quotas enforced by the Communist Party were abolished, women’s representation in politics decreased dramatically. Although in the last Communist Parliaments the representation of women was around 30%, after the fall of State Socialism until the year 2000 the representation of women in Parliament did not exceed 5%. It is only after 2000 that the representation of women started to be approximately double as compared to the first period.

\[41\] In this context Europe should be read as Western Europe in its cultural sense.
\[43\] See “Inter-Parliamentary Union, Romania.”
after the fall of State Socialism and reached around 10%\textsuperscript{44}. In part, this increase should be connected to European Commission’s concern about the under-representation of women in politics and with Romania’s desire to become a Member State.

In all Regular Reports on Romania’s progress towards accession from 2000 to 2004 the European Commission underlined that the under-representation of women in Romanian politics was problematic\textsuperscript{45}. Because the EU did not have any clear hard law provisions in this area or competence to impose measures by means of hard conditionality, the Commission did not make any recommendation to Romania in this sense. Yet, most probably, because of its desire to show progress in this regard, Romania did take measures to address the underrepresentation of women in politics. The most important change was made in 2003 when the Romanian Constitution was under review in order to prepare Romania for EU (and \textit{North Atlantic Treaty Organization}, ‘NATO’) integration. At that time, a new paragraph was inserted under Article 16 that referred to citizens’ equality of rights. This new paragraph guaranteed men and women equal opportunities to occupy public functions and dignities\textsuperscript{46}. According to the statement of the Chamber of Deputies on the 2003 constitutional review, the reason for introducing such a provision was to ensure that the citizens’ fundamental rights and liberties reach “the highest European standards”\textsuperscript{47}. This change was noted in a positive manner in both 2003 and 2004 Regular Reports.

One year before the constitutional review, Law 202/2002 on equal opportunities between men and women\textsuperscript{48} (that was also adopted because of EU integration\textsuperscript{49}) explicitly

\textsuperscript{44} More specifically, the representation of women in the Romanian Parliament from 2000 to 2004 was 10.8%, 10.2% from 2004 to 2008, 9.8% from 2008 to 2012 and starting from 2012 is 11.5%. “The Evolution of Women’s Representation in the Parliament of Romania,” 1.


\textsuperscript{46} More precisely, the newly introduced paragraph (3) under Article 16 reads as follows: “Access to public, civil, or military positions or dignities may be granted, according to the law, to persons whose citizenship is Romanian and whose domicile is in Romania. The Romanian State shall guarantee equal opportunities for men and women to occupy such positions and dignities.” Official translation from the site of the Romanian Parliament. See \textit{Constitution of Romania, republished in the Official Gazette, Part. I no. 767 from 31 October 2003 (Constituţia României, republicată în Monitorul Oficial al României, Partea I nr. 767 din 31 Octombrie 2003)}, \url{http://www.cdep.ro/pls/dic/site.page?id=371}.

\textsuperscript{47} See “The Main Values of Law for Revising the Romanian Constitution (Principalele valori ale Legii de revizuire a Constituţiei României),” accessed April 12, 2014, \url{http://www.cdep.ro/pls/dic/site.page?id=333}.

\textsuperscript{48} Law no. 202 from 19 April 2002 on Equal Opportunities between Men and Women, published in the Official Gazette Part I no. 301 from 8 May 2002, republished in the Official Gazette Part I no. 326 from 5 June 2013 (Legea nr. 202 din 19 aprilie 2002
stated that all the main public actors, including political parties, had to ensure that the participation of women and men in management and decision-making processes was “equitable”, “paritarian” or “balanced”\(^50\). Accompanying these legislative changes, since 2003, there were also a few legislative attempts to re-introduce gender quotas in Romania\(^51\). As it will be explained in the next section, supporters of these quotas framed them as necessary to accede to the EU and overcome the Socialist legacy despite the fact that at the time, at the EU level, gender quotas were highly controversial.

Before moving on to concrete examples on how politicians used the EU in a discursive way to promote gender quotas, it is important to note that Romania’s accession to the EU had

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\(^{50}\) More precisely, Chapter IV of Law no. 202/2002 regarding the equal participation of men and women in decision-making process reads as follows:

> “Article 21: Central and local public institutions and authorities [...] as well as political parties [...] shall promote and support the balanced participation of women and men in management and decision-making processes and shall adopt the necessary measures to ensure the balanced participation of women and men in management and decision-making. [...]”

> “Article 22: (1) In order to achieve de facto equality of opportunities and treatment between women and men, the central and local public authorities [...] [and] the political parties shall ensure a balanced and fair representation of women and men at all decision-making levels.

> (2) All parliamentary and governmental commissions and committees shall ensure equitable and paritarian representation of women and men in their composition.

> (3) Political parties have the duty to stipulate in their statutes and internal regulations affirmative actions in favor of the under-represented sex at the decision-making level and to ensure the balanced representation of women and men when nominating candidates for local elections, general elections and elections for the European Parliament.”


another effect on women’s political representation, namely increasing women’s visibility in the public sphere due to the elections for the European Parliament. The percentage of women representing Romania in the European Parliament was always much higher than the representation of women in the national Parliament, ranging around 30%\textsuperscript{52}, which also shows that political parties can nominate women candidates and the electorate wants to elect them. Of course, such discrepancies exist in other Member States like France or the United Kingdom\textsuperscript{53} too, but they seem more striking in the Eastern European countries\textsuperscript{54}. Regarding these discrepancies, Cristina Chiva, in a research paper on the representation of women from former Socialist countries in the European Parliament\textsuperscript{55}, succeeded to show that in post-Socialist states there is not necessarily a connection between electoral systems, the social perception of gender roles or party ideology and the recruitment of women for European elections, which are generally the factors that influence the political representation of women in the West. Rather, whether parties would recruit women for elections or not seems to depend on their position vis-à-vis European integration (said differently, the more pro EU a party is, the higher the chances that it will nominate more women for elections)\textsuperscript{56}. Thus, in Eastern European countries, the EU seems to be indeed associated with increasing women’s political participation\textsuperscript{57}. It is perhaps not a coincidence that five out of six new post-socialist EU candidate and potential candidate states already have legislative gender quotas\textsuperscript{58}.


\textsuperscript{56} See ibid.

\textsuperscript{57} In my view, the better representation of women in the European Parliament could also confirm other hypotheses, like for example, Putnam’s law (i.e. when the importance of the public office increases, the proportion of women in power decreases). This would mean that the lower presence of women in national Parliaments might come from the perception that national Parliaments are more important than the European Parliament. However, the increasing visibility of women in the public sphere due to their presence in European politics cannot be denied. For Putnam’s law see Robert D. Putnam, The Comparative Study of Political Elites, Contemporary Comparative Politics Series (Englewood Cliffs, N.J.: Prentice-Hall, 1976) 33–37.

\textsuperscript{58} These countries are Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia. See Milica G. Antic and Sonja Lokar, “The Balkans: From Total Rejection to Gradual Acceptance of Gender Quotas,” in Women, Quotas and Politics, ed. Drude Dahlerup, 1st ed. (London; New York: Routledge, 2006), 138–68.
EU: the "saving force" for women’s political representation in Romania. Debates around the re-introduction of gender quotas

Since 2003, more attempts have been made to re-introduce gender quotas in Romania. None of these were adopted. Still, there is one particularly interesting aspect about analyzing these attempts. This is the way in which their supporters portrayed the EU as an argument in favor of adopting measures to increase women’s representation in politics.

Because of the misuse of gender quotas by the Socialist regime, these proposals proved to be highly controversial. Their supporters seem to have seen the EU as the only “saving force” from associating such measures with the dictatorial past. For this reason, politicians tried to frame them as in accordance with EU Law or even as a requirement for Romania’s EU accession. Apart from the use of the EU in a strategic way to overcome the “Socialist legacy”, this might also have been caused by a lack of a clear understanding of the European integration mechanisms.

In 2003 when the first attempt to introduce gender quotas was made in Romania, a deputy of the center-left Social Democratic Party (Partidul Social Democrat, PSD), Smaranda Dobrescu, portrayed gender quotas as being in accordance with the “true principle of non-discrimination practiced in the EU”. However, this was not exactly in accordance with the EU reality at that time. For example, just three years before this statement, the European Court of Justice (‘ECJ’) declared gender quotas in employment in fields where women were under-represented as contrary to EU Law, if women were not similarly qualified to men.

Additionally, like many of her colleagues, Dobrescu probably did not have much experience in dealing and understanding the EU technicalities and she did not seem to distinguish between a directive, thus binding acquis that had to be transposed, and EU

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59 See supra 51.
60 See the declarations of deputy Norica Nicolai also discussed later on in this section in “Transcript of the Chamber of Deputies Debate from 19 February 2004 regarding the Legislative Proposal for the Election of Public Local Authorities.”
61 This can be seen when reading the transcripts of the parliamentary debates that took place when gender quotas were proposed in Romania and that will be discussed in this section.
62 The proposal was to amend Article 5 of Law no. 68/1992 for the election of Chamber of Deputies and the Senate and to introduce a requirement that all political parties, political coalitions and other political formations nominate for election at least 30% women candidates. See “Transcript of the Chamber of Deputies debate from 14 April 2003 regarding the Legislative Proposal for amending Law no. 68/1992 for the Election of Chamber of Deputies and the Senate”.
64 See the C-407/98, Abrahámsson and Anderson v Fogelqvist, ECJ, (2000).
recommendations or resolutions, thus non-binding *acquis* that was not subject to mandatory transposition. During the 2003 gender quotas parliamentary debates deputy Dobrescu stated:

"Regarding the European Directives, there is here as well a Directive [...] [that] recommends [so it is not mandatory] that [electoral] lists should include at least 40% men or women. So, this is the *true principle of nondiscrimination practiced in the EU*"\(^{65}\).

Heather Grabbe identified this lack of experience of Central and Eastern European (‘CEE’) politicians as one of the reasons for which the CEE countries accepted accession conditions that the old Member States would have never accepted for themselves\(^ {66}\). This could also be another reason for which CEE countries like Romania adopted measures that exceeded the sphere of hard conditionality and for which gender quotas were framed as required for Romania’s EU accession.

In the same political debates, it can be seen that during that period, even Romania’s main radical right wing party *The Greater Romania Party* (*Partidul România Mare*, ‘PRM’) saw women’s equal representation as connected to the process of European integration. In this sense, the deputy *Damian Brudașca*, speaking in the name of PRM, stated:

“I would like you to acknowledge that [when it comes to gender quotas and women’s equal representation] *The Greater Romania Party [...] [is also] of European orientation*”\(^ {67}\).

This statement is perhaps not surprising, given that, at the time of the debates, about 90% of Romanians were in favor of European accession\(^ {68}\). This should also be one of the

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\(^{65}\) My translation. Original in Romanian: “În privința Directivelor Europene, și aici există o Directivă, și anume țările candidate să aibă o manieră, deci nu e obligativitate, se recomandă ca minim 40% bărbați sau femei să se regăsească pe liste. Deci acesta este adevăratul principiu al nediscriminării practicat în Uniunea Europeană” full context in “Transcript of the Chamber of Deputies Debate from 14 April 2003 regarding the Legislative Proposal for amending Law no. 68/1992 for the Election of Chamber of Deputies and the Senate.”


\(^{67}\) My translation. Original in Romanian and full context: “Eu recunosc că, dacă nu vorbea doamna Smaranda Dobrescu, nu aş fi dorit să ridic această chestiune. Aş vrea s-o informez pe domnia sa, în cazul în care nu cunoaşte, că nu numai Internaţionala Socialistă este cea care îşi propune asigurarea de şanse egale. Şi Partidul România Mare are acest obiectiv, iar preşedinţele partidului nostru a făcut, în ultima perioadă, recomandări clare în materie de prezenţă pe listă, cu şanse de reuşită, a unui număr de cel puţin 30% dintre femei, aşa încât, dacă tot este vorba să ne spălăm rufele în familie, politic vorbind, aş vrea să luaţi la cunoştinţă că şi Partidul România Mare este, din acest punct de vedere, de orientare europeană.” My emphasis. Full context in: “Transcript of the Chamber of Deputies Debate from 14 April 2003 regarding the Legislative Proposal for amending Law no. 68/1992 for the Election of Chamber of Deputies and the Senate.”

reasons for which using EU as an argument of legal change proved to be extremely powerful during those times.

The debates continued in 2004, when a new law for the election of local public administration was under parliamentary review. This time deputy Péter Eckstein-Kovács, member of the Democratic Union of Hungarians in Romania (Uniunea Democrată Maghiară din Romania, ‘UDMR’), and one of the greatest supporters of gender equality in the country, proposed the introduction of a “semi-zipper” gender order on the electoral lists. In order to convince his colleagues to adopt these measures, Eckstein-Kovács, probably hinting at Romania’s Regular Reports on progress towards accession, emphasized that the European institutions are monitoring “on a constant basis” the application of two, actually non-binding, EU documents with regard to the equal representation of both genders. More precisely, he stated that:

“The cornerstone document of the European Union [on the balanced participation of women and men in the decision-making process] is the Council’s Recommendation no. 96/694/1996 whose implementation was monitored on a constant basis by the European Parliament and the other European institutions. In 2000, the European Parliament - that is actually monitoring us because we are a country that wishes to accede in the EU - enacts a document, which is otherwise a resolution that has the following provisions – I am trying to translate but maybe the translation is not 100% accurate – point 7: “Calls participant countries to ensure that the representation of each sex at different national and international levels is at least 40%”.

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70 The “semi-zipper” proposed by the UDMR deputy required a "two men, one woman" or "two women, one man" order on the lists. Mihai, Tudorina, "Gender Quotas in Politics and their Enforcement in Romania," 42.


Point 7 in original reads as following: "Calls for the promotion of a gender balance in all policy fields and all committees at EU, national and international level, whereby the representation of either gender should not fall below 40%";
because it clearly refers to us as well, is point 13, in which they call upon governments, especially the governments of those countries where women’s participation in the decision-making process is under 30%, to introduce a “quota system” [...] like the “Zipper system”: one man – one woman, one man – one woman on the [electoral] lists, in order to promote men’s and women’s equality of opportunities in decision-making”73.

In the same parliamentary debates, deputy Norica Nicolai, member of the center right-wing, historical party74 National Liberal Party (Partidul Național Liberal, ‘PNL’) went even further and portrayed European Union as the “saving force” from, probably, the dictatorial past and a guarantee of democracy through its equality acquis. She stated that:

“I just found out with delight that there is a tint [Rom. nuanță] that is saving us from harm and reorients us in our negotiations with the European Union. This reorientation [...] [is connected to] reorienting the policies from Bucharest in accordance with the community acquis and I think that we must seriously consider this, because equality of chances is one of the founding principles of the democratic acquis [sic!] and the existence of the rule of law”75.
The strong connection between the EU and the broader process of Romania’s transition to democracy is obvious in deputy Nicolai’s statement. For Nicolai, the community acquis that Romania had to transpose in its national legislation to fulfill the EU admission criteria, was a “democratic acquis” and equality of chances was the fundamental pillar of the acquis and interestingly, of the rule of law (Rom. “stat de drept”). This association opens up an entirely new discussion about the connection between women’s political representation and democracy and the role of the EU in the democratization process of Eastern European countries like Romania.  

Conclusion

As this paper has shown, the European integration process was an important factor that led to legal and factual changes in the field of women’s political representation in Romania. This is, for instance, the case with the adoption of Law 202/2002 on equal opportunities between men and women, with the introduction of paragraph (3) under Article 16 of the Romanian Constitution guaranteeing equal chances for men and women to occupy public functions and dignities or with giving women the possibility to become more visible in the political arena as a result of the elections for the European Parliament. These changes, however, were not necessary a result of hard conditionality or of Romania’s obligation to transpose EU’s Directives. No such Directives exist at EU level and EU’s competence to impose legally binding obligations on Member States with regard to women’s representation in politics is highly debatable. The EU can instead issue only soft law documents to pinpoint the problematic situation of women in politics in different Member or potential Member States or across the Union. This was also the case regarding Romania.

Before Romania’s accession to the EU, the European Commission underlined in a clear manner in the Regular Reports on Romania’s progress towards accession that the low

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76 There are also different international documents that explicitly refer to the connection between women’s political representation and democratic rule. For example, Convention on the Elimination of all Forms of Discrimination Against Women (‘CEDAW’) Committee in Recommendation no. 23 affirms that “societies in which women are excluded from public life and decision-making cannot be described as democratic. The concept of democracy will have real and dynamic meaning and lasting effect only when political decision-making is shared by women and men and takes equal account of the interests of both”. See para. 14 of CEDAW Committee, General Recommendation No. 23 (1997) on Women in Political and Public Life, http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.html#recomm14. Furthermore, more recently the UN General Assembly reaffirmed that “the active participation of women, on equal terms with men, at all levels of decision-making is essential to the achievement of equality, sustainable development, peace and democracy”. See Preamble of General Assembly Resolution on Women’s Political Participation (A/RES/66/130), http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/130&Lang=E. Emphasis added.
participation of women in politics represented a problem, but did not suggest to Romania any specific solutions to solve this problem. Romanian politicians, however, proposed the adoption of measures to increase women’s political representation such as gender quotas. Interestingly, they argued that such measures were required for Romania’s accession to the EU, although this was not exactly the case. This could have been either a strategy of the politicians to rescue gender quotas from their association with the discredited Socialist past, or it might have simply come from the confusion of the politicians with regard to the acts of the EU. It might be the case that politicians were what I call “lost in transposition” and did not understand the difference between EU acts which required mandatory transposition and the ones which did not. In a context in which Romania’s desire for accession to the EU was very strong and a higher representation of women started to be seen as a “European value”, it is indeed exceedingly probable that measures to boost women’s political representation were considered as part of the binding community acquis.

Overall, this is not necessary something negative. Given the poor situation of women’s representation in Romania77, these first steps can be seen as opening the path for deeper changes. However, it is not clear whether there are enough reasons for optimism. Despite the adoption of equality legislation in 2002 and the constitutional review in 2003, the representation of women in politics never exceeded 11.5%. Furthermore, no other legal measures were adopted to address this problem after 2007 when Romania became a Member State. This is caused mainly by the fact that the changes that occurred in the early 2000s concerning the gender balance in politics did not necessarily take place because of an internal commitment to women’s rights and gender justice. Rather, as previously argued, these changes were meant to contribute to Romania’s EU accession, formal democratization and return to its Western-like development78. Further improvements in the field of women’s

77 Romania has never had any female president or prime minister and, at present, only 11.5% of the Parliament are women. Similarly, at local level, Romania does not have any female head of county councils, has 14.2% women in county councils, and only 2.65% women mayors. See ”The Evolution of Women’s Representation in the Parliament of Romania”; ”The Representation of Men and Women in the Elections for Public Local Administration 2012 (Reprezentarea femeilor și a bărbaților în alegările pentru autoritățile administrației publice locale 2012)” (Romanian Ministry of Labor, Family, Social Protection and Elderly/Ministerul Muncii, Familiei, Protecției Sociale și Persoanelor Vârstnice), http://www.mmuncii.ro/i33/images/Documente/Familie/ESFB-StudiiAnalizaRapoarte-2012/Reprezentarea_femeilor_si_a_barbatilor_in_alegerile_locale_2012.pdf.
78 Mihaela Miroiu calls the force behind adopting gender equality legislation because of the EU’s pressure “room-service feminism”. This should be contrasted to the feminism that streams from everyday injustices and is characterized by a genuine commitment to improve women’s condition. Miroiu, The Road to Autonomy. Political Feminist Theories (Drumul către Autonomie. Teorii politice femineiste), 257.
political representation in Romania are strongly needed. It remains to be seen what forces will back such improvements in the future.

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Creating and feeding discourses on political representation of women. Can MPs and NGOs join hands on quotas?

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Abstract: In this paper I reflect on the discourses created around political representation by MPs and feminist NGOs associated with the Gender Equality Coalition in their endeavor to strengthen women's representation in the 2016 Parliamentary elections. My aim is twofold. On one hand, I seek to draw on the expanding scholarly literature on gender or women and political representation in order to illuminate and critique the discourses of MPs and NGOs from the Gender Equality Coalition. Here I draw heavily from Pitkin's (1967) classic conceptualization of political representation and the critical analysis developed by Sarah Childs (2008). My purpose here is not to reflect substantially on these works or to contribute to the development of social theory so much as to use these works to better understand current political debates. On the other hand, I try to identify commonalities and differences in discourses of MPs and NGOs on descriptive and substantive representation. The current round of political discussion of gender quotas has just begun and the proposal for fair representation of women is under debate in Romanian Parliament. I believe that a critical reflection on the aims and arguments of the NGOs and MPs may reveal whether collective action is possible and it can tell us more about its limitations. At the same time this discussion may help identify some potential inner weakness of their arguments and invite the parties to strengthen them during the coming public and political debate.

Key words: descriptive and substantive political representation • gender quotas • mobilization • Gender Equality Coalition

Introduction

Women in Romania are under-represented politically at both the national and local levels. Electoral reforms did not help redress trend in women's representation nor did they impact the number of women as elected officials despite the change of electoral
system. Feminist scholars and activists troubled by this situation have sought to explain it as a result of traditional gender roles, gender biases in the educational system, the distinctive socio-economic obstacles facing women, or the patriarchal character of the dominant political party ideologies (Băluţă, 2006; Ghebrea, Tătărâm, Creţoiu, 2005; Miroiu, 2004; Popescu, 2004; Pasti, 2003). Yet rarely have institutional political factors, such as the electoral system or the structure and recruitment practices of the political parties, come under the scrutiny of consistent research and public debates in post-communist countries (Montgomery, 2004; Pasti, 2003; Miroiu, 2004; Popescu, 2004).

My aim in this paper is to focus attention on precisely these factors, and to suggest that attention to them can point the way towards a new political coalition linking MPs and feminist NGOs interested in promoting greater political representation of women.

The facts are plain. In the first decade after Communism, women made up only around 4% of the Romanian Parliament, and as Table 1 demonstrates, they continue to be poorly represented in spite of minimal increases in recent years.

### Table 1: The evolution of women’s mandates in Romanian Parliament

<table>
<thead>
<tr>
<th>Legislature</th>
<th>% of women’s mandates</th>
<th>Overall number of MPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990-1992</td>
<td>4.9%;</td>
<td>515</td>
</tr>
<tr>
<td>1992-1996</td>
<td>3.7%</td>
<td>484</td>
</tr>
<tr>
<td>1996-2000 closed party lists</td>
<td>4.7%</td>
<td>486</td>
</tr>
<tr>
<td>2000-2004 closed party lists</td>
<td>10.8%</td>
<td>485</td>
</tr>
<tr>
<td>2004-2008 closed party lists</td>
<td>10.2%</td>
<td>466</td>
</tr>
<tr>
<td><strong>2008-2012</strong> mixed system with uninominal candidates¹</td>
<td><strong>9.8%</strong></td>
<td><strong>470</strong></td>
</tr>
<tr>
<td>2012- mixed system with uninominal candidates</td>
<td><strong>11.5%</strong></td>
<td><strong>588</strong></td>
</tr>
</tbody>
</table>


¹ In 2008, the electoral system in Romania was changed from a proportional representation system into a uninominal/mixed system. Law no 35/2008 proposed “an original type of uninominal” as it cannot be fully considered majority system because it includes proportionality provisions in regards to the overall number of votes and MP mandates. The election is conducted in single-member constituencies and candidates need an absolute majority of the vote in order to win a constituency seat. Overall, each uninominal constituency has one corresponding MP mandate/seat. The distribution of seats in each chamber is carried out by proportional representation among parties winning at least five percent of the nationwide vote, or first place in a minimum number of constituency seats (three in the Senate, six in the Chamber).
With the party lists adopted once more for the 2016 legislative elections, there are no high hopes for a substantial change in women’s presence into Parliament, considering previous experience of party lists.

Obviously the persistent exclusion of women from political offices, at the national and the local level, has many social, economic and cultural dimensions, and feminists interested in gender equality need to address all of these at the level of policy. At the same time, electoral rules may be more easily bent in order to create opportunities for women in politics, and such opportunities may open up the possibility of more egalitarian social and economic policies. I believe that a novel legislative proposal addressing gender quotas may be provocative enough, in a context where previous legislative attempts were unsuccessful in the face of criticism and opposition, to move the cause of gender political equality forward. And two recent developments in the local political and activist field offer a particularly promising occasion for reflecting on legislative political representation of women in Romania and ‘narratives’ of women MPs and feminist activists. In what follows I reflect on the discourses created around political representation by MPs and feminist NGOs associated with the Gender Equality Coalition1 in their endeavor to strengthen women’s representation in the 2016 Parliamentary elections. My aim is twofold. On one hand, I seek to draw on the expanding scholarly literature on gender or women and political representation in order to illuminate and critique the discourses of MPs and NGOs from the Gender Equality Coalition.2 Here I draw heavily from Pitkin’s (1967) classic conceptualization of political representation and the critical analysis developed by Sarah Childs (2008). My purpose here is not to reflect substantially on these works or to contribute to the development of social theory so much as to use these works to better understand current political debates. On the other hand, I try to identify commonalities and differences in their discourses on descriptive and substantive representation. The current round of political discussion of gender quotas has just begun and the proposal for fair representation of women is under debate in Romanian Parliament. For a number of months various NGOs and informal groups have mobilized to support electoral reform and to create other

1 Not all the NGOs within the Gender Equality Coalition assume a feminist identity, some embrace women’s rights, others gender equality. As women’s rights and gender equality do not oppose feminism, I chose to simplify language.
2 For more data on the Coalition and its objectives, see http://ongen.ro/coalitia-pentru-egalitate-de-gen-si-a-marit-numarul-de-organizatii-membre/.
electoral opportunities. There is widespread and growing public criticism concerning the substance of the representatives and their responsiveness.

This is an important moment for advocates of women's political equality. Both MPs and NGOs associated with Gender Equality Coalition may create not only the necessary public and political context for representation to be interpreted in terms of gender fairness, but to actually create the premises to achieve the goal of getting more women into politics through collective action.

The importance of women’s presence in office

Conceptualizing political representation

Political representation of women has been an important area for theory production and consistent research since the middle of the last century (Paxton, Kunovich, Hughes, 2007, p. 264). There is a wide and engaging literature on gender and politics addressing various topics from voting behavior, obstacles women face when entering politics, strategies used to increase women's political representation, the role of women's movements, policy outcomes when women enter politics etc. Pamela Paxton, Sheri Kunovich and Melanie M. Hughes (in a 2007 article, Gender in Politics) when selectively reviewed the literature on gender in politics focusing on women’s formal political participation, they notice that „our knowledge of women in politics is still expanding. Indeed, the literature on women in politics could be described as exploding.” (Paxton, Kunovich, Hughes, 2007, p. 264).

Contemporary political analysis and debates concerning political representation are usually grounded in the work of Hanna F. Pitkin, The Concept of Representation (1967), however critically revised by subsequent approaches. For the objectives assumed within the present article both the works of Pitkin and the critical analysis developed by Sarah Childs in her 2008 volume about British politics, Women and British Party Politics. Descriptive, Substantive and Symbolic Representation, stand as two important theoretical references. Childs embraces Pitkin's typology and proposes a feminist critique or reading of her arguments and depictions of representation. It is not the aim of this paper to reflect substantially on Pitkin's and Child's work, but to create the theoretical grounding for my case study.

According to Pitkin, representation is “the making present in some sense of something which is nevertheless not present literally or in fact” (Pitkin, 1967, p. 8-9). I believe it is
widely known that Pitkin proposes a four-part typology of representation: formalistic, descriptive, substantial and symbolic. For the purpose of the paper I shall briefly present this typology.

*Formal representation* refers to the institutional rules and procedures governing elections, thus “the crucial criterion becomes elections” (Pitkin, 1967, p. 43).

*Descriptive representation* refers to the correspondence between representative’s characteristics and the represented (politicians and citizens) as representatives ‘stand for’ them (Pikin, 1967, p. 61). Taking into account the extensive body of literature dedicated to the ‘politics of presence’, I want to add that Pitkin is doubtful in regards to this type of representation, as she says: “we tend to assume that people’s characteristics are a guide to the actions they will take, and we are concerned with the characteristics of our legislators for just this reason. But it is no simple correlation; the best descriptive representative is not necessarily the best representative for activity or government” (Pikin, 1967, p. 89). This perspective was vividly criticized by feminist theoreticians who provided powerful arguments in favor of descriptive representation centered on the politics of presence (Phillips, 1995; Mansbridge, 1999; Young, 2002; Dovi, 2002).

*Substantive representation* refers to the congruence between representatives’ actions and the interests of the represented as representatives act ‘on behalf of others’, ‘in their place’, ‘in their interest’: “he must act in their interest, and this means that he must not normally come into conflict with their wishes. (Pitkin, 1967, p. 166) This ‘acting for’ type of representation is Pitkin’s preferred conception (also see Childs, 2008, p. 97; Schwindt-Bayer, Mishler, 2005). Under the umbrella of substantive representation there is an extensive and important body of international and national feminist literature dedicated to women’ political interests or gender political interests addressing: a.) commonalities and differences among women and their interests (Butler, 1998; Sapiro, 1998; Diamond, Hartsock, 1998; Grünberg, 1998) b.) typology of interests (Molyneux, 1985, 2003; Thenjiwe, 2003; Peterson, A.S. Runyan, 1994; Pringle, Watson, 1998; Miroiu, 2004; Pasti, 2003; Magyari Vincze, 2002; Băluță, 2007, 2013) c.) the ideological utility of the concept of interests (Diamond, Hartsock, 1998) d.) the need to redefine the concept of interests (Jónasdóttir, 1988).

*Symbolic representation* refers to the represented’s feelings of being fairly represented. According to Pitkin, “symbols, too, are often said to represent something, to
make it present by their presence, although it is not really present in fact” (Pitkin, 1967, p. 92).

Researchers have usually dwelled on descriptive, substantive and symbolic representation, rarely have they operationalized all its four dimensions (also see Schwindt-Bayer, Mishler, 2005). I am interested here in the connections between descriptive, substantive and formal representation. More specifically, the question is this: can rules governing descriptive representation in legislatures—quotas—enhance the robustness of political debate in ways that make possible social policies promoting gender equality (substantive representation). Obviously, gender equality requires much more than the descriptive representation of women. But just as obviously, it is hard to imagine political processes being responsive to the interests of women if women are absent from these processes.

**Normative arguments in favor of women’s presence**

There are some important normative prevailing arguments (though possibly not the only ones) when discussing the case of more women into politics (an increase of their number or gender parity). In this section I will mostly list them, and not go into critical reflection about their substance.

One major source when addressing the topic is the work of Anne Phillips. In *The Politics of Presence* (1995), she elaborates on three interesting entry points (Phillips, 1995, p. 40-43). The first one introduces the *symbolic significance* of who is present, thus by including those previously excluded, political institutions become “more legitimate, more obviously and visibly representative of those they pretend to represent” (Phillips, 1995, p.40). This argument reminds us of symbolic representation as conceptualized by Pitkin. A second one puts an emphasis on the need to *tackle exclusions rising from party representation* focusing on the politics of ideas. Outside the electoral campaign, issues not previously discussed with citizens may come out on the political agenda, as not everything can be debated. Taking into account the relative autonomy of representatives, his or her gender may turn out to be important when new issues emerge. A third argument discusses about a *politics of transformation*: ones some preferences have not been yet expressed and ideas have not reached the political agenda, more women into politics can substantially change political practices and

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1 I am grateful to Jeffrey Isaac for his substantive suggestions and correlations.
agenda. Some other demands rely on the concept of *justice* and on *values and experiences* women would bring into politics, the latter turning society into a more compassionate and caring one\(^1\) (Phillips, 1991, p.62-63). According to Ballington there is also an issue of authenticity as "the development of any political agenda that does not include the perspectives, views and experiences of those who will be affected is not credible" (Ballington, 2005, p. 24). The *justice argument* is understood as a matter of fairness and obstacles women face: "it is unfair for men to monopolize representation. If there were no obstacles operating to keep certain groups of people out of political life, then we should expect positions of political life to be randomly distributed between both sexes. (Phillips, 1998, p. 229)

Another argument introduces the *role model effect*. More women in politics will alter the perception of an all-male domain, will raise women’s self-esteem and may encourage others to step into politics (Phillips, 1995, p. 63). I need to add two comments on the role model issue. Despite the fact it is important to have individuals as life or career models, Phillips notices that the argument "has no particular purchase on politics per se" as it is not directly connected with democracy. (Phillips, 1995, p. 63) At the same time, due to stereotypical media portrayals of women and to symbolic annihilation, one can hardly argue there is a profound positive intersection between descriptive and symbolic representation of women (Childs, 2008)\(^2\).

Phillips also supports the argument of *political realism* correlated with interests\(^3\) that women have and that would be overlooked in the absence of women politicians (Phillips, 1995; 1998). Yet, I should mention, as the idea has a rather controversial character, that Anne Phillips does reflect extensively on the issue of particular interests of women and additional questions that complicate the argument, for instance: do women share common interests? Do they share only distinctive interests from men? What about differences among women? and so on\(^4\) (Phillips, 1995).

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\(^1\) Also see the discussion of Anne Phillips on “maternal feminism” and its echoes into politics (Phillips, 1995, p.73-76)\(^\)


\(^3\) For an extended analysis of women’s interests see Băluţă, Oana, 2013, *Feminism modern reflexiv*, Tritonic Publishing House.

\(^4\) For a more in-depth reflection on the topic of women’s interests or gender interests, see Băluţă, Oana, 2013, *Feminism modern reflexiv*, Tritonic Publishing House, Bucharest; Băluţă, Oana, 2007, *Gen și interese politice. La intersecția dintre teorie, cercetare și viața cotidiană*, in Băluţă, Oana; Dragolea, Alina; Iancu, Alice, *Gen și interese politice*, Polirom Publishing House, Iași.
Even if more descriptive representation stands as an argument for increasing levels of democratization within institutions, debates, democracy turned out to be an argument in itself as it "by definition, cannot afford to be gender blind" (Ballington, 2005, p. 24). We know that women's mobilization has been crucial to advance a gender friendly political agenda and this is true for expanding descriptive representation as well. According to Shvedova, one of the important reasons in increasing women's parliamentary representation has been “the impact on women’s organizations inside and outside political parties” (Shvedova, 2005, p. 38). A dialogue between women politicians and women in NGOs is one predicator of success. Alongside this path of communication it is important, in my opinion, to better understand the motivation driving each part into action, that is to understand what type of political representation do women MPs and feminist NGOs embrace or favor: descriptive and/ or substantive? It goes without saying that when women's NGOs mobilize to support more women into politics they assume more substantial representation would follow. However when it comes to women MPs arguing for better representation, more substantial representation is not ‘naturally’ attached to their endeavor.

We may presume that women MPs will advance more arguments favoring descriptive representation as it is in their best interest to alter electoral rules and create more electoral opportunities for themselves. Gender quotas are an end in itself. We may presume that feminist NGOs will support substantial representation and thus they will advance the betterment of women’s interests/rights/needs. Gender quotas are a means only.

One may argue the above demarcation is rather artificial as accountability is a crucial aspect that accompanies representation and it is conceived in terms of policies, programs and ideas. Nevertheless without any clear binding mechanisms¹ the two assumptions may not be that artificial. How is dialogue possible if one part creates only electoral opportunities while the other one tries to create opportunities for a gender friendly political agenda? I think this is one legitimate question.

¹ The relationship between the representatives and those represented is important and it is also debated, and while considering the autonomy of the first, we cannot dismiss the latter from acting responsively. This issue of accountability is highly important in my opinion especially in a context of growing criticism in regards to MPs. And judging by street protest, it is the case of Romania as well.
It is obvious that I perceive the two approaches as slightly different in terms of **aims**. One can hardly argue that gender quotas perceived as means or as an end don’t open different doors and generate different expectations.

**Authentic or just a wanna be collective action?**

This case study is based on a micro document analysis of one recent legislative proposal supporting gender quotas and A Call to Action launched by Gender Equality Coalition in December 2015. On the basis of content analysis structured alongside a broad guiding axis of **what** and **how** (see table below), this section aims to reveal the discursive preferences of the two parties in regards to political representation. The two questions organizing the chart are meant not only to give an insight into the arguments supporting the aims of NGOs and MPs, but to also better clarify their ‘cause’. I shall analyze the legislative proposal and the Call for Action by delineating two main axis: **commonality** and **specificity**. These axis will demarcate both common arguments, aims and particular differences between the two. The main purpose of the chart is to clarify whether the **what** and **how** axis opens doors for collective action in regards to women’s representation. At the same time, the table below is a good instrument to further reflect more on both the intersection of these preferred arguments with what representation stands for and with normative arguments previously discussed.

The legislative proposal presented as an initiative of the Liberal Party s – though supported by other political groups- comes to amend and complete the process of electing the representatives for the two chambers of the Parliament. The MPs also elaborated a comparative distinctive proposal focusing on local elections, as it is outside the reach of the article I did not include it in the analysis. The two proposals were preceded by a debate that took place at the Parliament on the 17\textsuperscript{th} of December 2015, an event that reunited speakers from political parties, The Gender Equality Coalition, academia etc. One day before, on the 16\textsuperscript{th} of December, The Call to Action initiated by the Gender Equality Coalition was publicly presented during an event held in Bucharest that grouped together more representatives of the civil society then politicians. Even if the two events and actions happened almost simultaneously they were not meant to be coordinated as such. I believe that a critical reflection on the aims and arguments of the

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1 Legislative proposal to amend and complete Law no 208/2015 on the election of the Senate and Chamber of Deputies, as well as on the organization and functioning of the Permanent Electoral Authority.
NGOs and MPs may reveal whether collective action is possible and it can tell us more about its limitations. At the same time this discussion may help identify some potential inner weakness of their arguments and invite the parties to strengthen them during the coming public and political debate.

**Table 2 - What and Why?**

<table>
<thead>
<tr>
<th>Legislative proposal - MPs</th>
<th>Call to Action - Gender Equality Coalition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What?</strong></td>
<td><strong>What?</strong></td>
</tr>
<tr>
<td>30% Gender quota as a condition to validate electoral lists of candidates</td>
<td>30% Women quota applied to eligible positions or as zipper system (one woman, one men) - as an instrument political parties have to express democratic values</td>
</tr>
<tr>
<td></td>
<td>Additional party strategies to support women - empowering women’s party organizations and their role in the internal decision making, training programs for women candidates (to alter pressure coming from double burden and different access to resources); politics of parity (no more than 60% men or women) in all party actives</td>
</tr>
<tr>
<td></td>
<td>Include women specific issues in the 2016 competing electoral programs - the 2016 elections must not avoid or exclude “problems that women citizens confront with” (care infrastructure for children, elderly and disabled, multiple discrimination, support services for victims of domestic violence, poor access to contraceptives and reproductive health services, feminization of poverty, institutionalization of double burden, lack of gender budgeting)</td>
</tr>
<tr>
<td></td>
<td>Political campaign without discrimination - general principles guiding political parties, men and women candidates to refrain from 1. discourses, images, messages that promote hate on the basis of various criteria (race, color, nationality, ethnicity, gender, age etc.), 2. Stereotypes and gender prejudices; respect human dignity during electoral campaign no matter race, color, nationality, ethnicity, gender, age etc.; impose sanctions.</td>
</tr>
<tr>
<td>Why?</td>
<td>Juridical arguments- Constitution, equal opportunities legislation, positive actions- financial rewarding parties that support women, CEDAW, UN- MDGs, European recommendations</td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Alignment to standards of European states and consolidated democracies</td>
<td>Expectations and requests coming from society concerning substantial change of the political class</td>
</tr>
<tr>
<td>Integration of all human resources to tackle the political crisis and division between political class and citizens</td>
<td>Family values and gender balance within society as incentives for a real symmetrical representation within democratic institutions</td>
</tr>
<tr>
<td>Mirroring one practice of Executive European institutions that introduced gender quotas</td>
<td>Mirroring the national Cabinet where the presence of women was considered during formation process</td>
</tr>
<tr>
<td>Quantitative and educational arguments- Large number of women citizens, high number of women graduates that do not mirror Parliament</td>
<td>Justice argument- women score more than 50% as citizens, and it is unfair to reach less 15% as elected representatives</td>
</tr>
<tr>
<td>Global representation index - Romania is at the bottom</td>
<td>European representation index - Romania is at the bottom</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>Gender quotas as one global mechanism embraced by various states</td>
<td>Women's underrepresentation affects substantial representation – poor inclusion on the political agenda of the problems women confront with (domestic violence, sexual violence, patriarchal values in the family and community, disrespect for sexual and reproductive rights, poor care infrastructure, gender discrimination on the labor market, including wage discrimination, lack of coherent work-life balance policies etc.)</td>
</tr>
<tr>
<td>Specific arguments depending on the identified problem/specific women's issues</td>
<td>Democracy or inclusion argument - decision making should be more inclusive and democratic</td>
</tr>
</tbody>
</table>

Once information is organized into a table, the content reveals specific preferences and approaches of the two parties. I shall discuss the above in terms of commonalities and specificities as previously mentioned.

**Commonality axis**

As we shall see, there are some important common points when addressing the why and what.

**What.** Both parties demand quotas, however while MPs prefer a more ‘gender neutral language’, the Coalition speaks of quotas for women and formulates its request in terms of eligible positions and zipper system. We already know that quotas in itself, without additional mechanisms, do not automatically have more women in elected positions as outcome. I believe that the two approaches also reveal that NGOs and MPs have different degrees of autonomy. MPs’ choice for neutral language may diminish criticism inside political parties (usually reluctant to quotas), yet how they formulated the quotas includes no guarantees for a viable 2016 change. MPs have just begun to pave the road for fair political representation of women. It is an important step within a sequence as it fosters debates, and forces political parties to choose sides and arguments and, in fact, somehow, challenges them to frame political representation. I shall give an example to
clarify my remarks. Imagine political parties will put an emphasis on women’s lack of qualifications or on citizens’ who just refuse to vote women\(^1\). If so, I believe political parties will just try to move the focus from their responsibility during the recruitment process and some careful analysis of former parliamentary elections will deconstruct the arguments of political parties. Improving descriptive representation depend on political parties to make sex another legitimate criterion when selecting their candidates.

**Why.** We also notice a common ground in terms of reasons to support descriptive representation: juridical input generously presented by MPs as we notice in the Table above, the justice argument- more adequately shaped by NGOs in terms of fairness- and the European representation index with Romania at its bottom. While NGOs take European Union as main referent, MPs arguments also appeal to international ones, like UN Millennium Development Goals and Convention for the Elimination of All Forms of Discrimination against Women (ratified my Romania). It is the case that international actors have been an important incentive for legislative changes in Romania. Mihaela Miroiu calls this top-down emancipation, room service- feminism (Miroiu, 2004). Yet, it is not the case to consider this action room-service again as there is no mandatory request for descriptive representation coming from any international actor, be it EU or UN and, this time there is indeed organized local demand for more women in politics coming from the Gender Equality Coalition.

**Specificity axis**

**What.** The what-question reveals clear cut preferences. If MPs put an emphasis on gender quotas, the Call to Action has larger demands varying from descriptive and substantive to electoral campaign practices and additional strategies parties may use to support women’s political representation. We see that MPs have one target only- a legislative one, while the aims of NGOs are more extensive in their demands for policy change and campaigning practices. It is understandable as I compare one legislative proposal with a position paper document on political representation elaborated by The Gender Equality Coalition. Until the present, NGOs in Romania have organized and

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mobilized their resources to support substantive representation. I am not aware of any other previous Coalition striving for an increase of women’s number in politics, only for solitary interventions of NGOs\(^1\). Yet, in Romania, human rights and feminist NGOs joined efforts to support substantive representation of women in regards to violence against women/domestic violence, sexual and reproductive rights.

**Why.** We notice abundant arguments supporting the parliamentary initiative raging from old European rhetoric, contextual and more mundane (expectations and requests coming of society), economic mantra (value human resources), mirroring European institutions or national Cabinet, also insertion of puzzling and slightly incomprehensible ideas since the number of women citizens is larger than 30% (family values and gender balance within society as incentives for a real symmetrical representation within democratic institutions). The *alignment rhetoric* has been a rather powerful one during Romania’s integration into the European Union and it should not be abandoned, nevertheless it should not be considered a cornerstone as well\(^2\). Today, the alignment rhetoric was transformed from European Union’s rules into a shameful position within a worldwide index of political representation of women.

The Call to Action does not provide substantially different arguments to support its cause. As an important part of the document focuses on substantive political representation, we notice that NGOs do provide particular arguments depending on the identified problem/specific women’s issues, for example when they demand political parties to include the issue of poor access to contraceptives and reproductive health services in the electoral programs, the Coalition explains it in terms of “Romania has the highest underage birth rate in the European Union, 3 out of 10 women do not use contraception and only 51% use modern contraception”\(^3\). The topic of multiple discrimination (Roma, disabled, women with other sexual orientation than majority, and others) is largely acknowledged by the Coalition and we also notice the democracy or inclusion argument.

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\(^1\) Pro Democrația NGO, for example.

\(^2\) See Elena Brodeală’s paper who explains the correlation between Euopenization and women’s political representation- *Women and politics: the impact of the European integration process on women’s political representation in Romania.*

How close to the normative or contextual arguments supporting women in office?

When we compare the arguments of MPs and of the Gender Equality Coalition, we notice the latter is much closer to the normative arguments provided by scholarly feminist literature on representation. One reason for this “normative closeness” is the educational background of its members. In Romania, academic feminism and activist feminism remain closely connected (despite diversification of its discourses and strategies) as teaching, researching and advocating for women’s rights is one particular feature embedded in Romanian feminism (Iancu, Băluță, 2012, p. 211). Obviously, I do not expect MPs to be political theorists or philosophers, but I cannot help noticing their market-oriented argument of human resources.

Striving for more political representation is not the same as striving to have more women occupying decision making positions in companies. I understand the focus on human resources as an analogy to the marketplace. Women should not be absorbed into politics as they should be absorbed by the market. Representation means much more than qualified individuals having a four years job. It is not as if when entering an electoral competition, you have to present your PhD diploma to legitimate yourself as a valid “human resource”. I should remind that the argument of MPs is the following: gender quotas would integrate all human resources to address the political crisis and the division between political class and citizens. This political crisis - translating in protests and wide criticism of politicians (MPs particularly) - has to do a lot with political values and transparent recruitment practices, with representatives acting for citizens’ interests.

At the same time, the analogy representation-marketplace may open wide doors for the topic of merits. When it comes to gender quotas, the issue of merits does pop-in debates and I expect it to be raised again next year. Why give unnecessary munitions, though? Those opposing selection by gender, argue it opposes selection by merit and abandoning meritocratic principles poses a certain danger. Such arguments were fought back either by gathering empirical data on availability of qualified women or by criticizing the assumption that existing incumbents were chosen my merits only.

To briefly conclude, there are more arguments to appeal to in the future as the debate has just been announced. The process has only begun and there may be a long road ahead.
Conclusion – reflecting further on descriptive and substantive preferences as a framework of probabilities

Can MPs and NGOs joi hands on quotas in spite of their differences of emphasis? Obviously dialogue is possible. If the above commonalities and demarcations are not convincing enough, I may add another argument lying in a former legislative attempt to introduce gender quotas. In 2011, a liberal woman MP placed the topic of representation and quotas on the political agenda. However, when transposing the topic on the public agenda, she organized one round table at the Parliament on the 31st of March 2011, where she invited only men to discuss the quotas for women1 (in fact the title of the debate). This inadequate communication strategy severed dialogue with NGOs from the start. Three reasons were mentioned in the invitation sent to NGOs, in favor of such a male-centered discussion: 1. The power to decide a mandatory quota for women belongs to men, 2. Debates on women’s political representation are usually initiated by women and have women as participants, 3. The topic of women’s representation has been attached to a group of women’s rights activists, a fact that raises men’s reticence to act and further causes women’s reticence as well. Paradoxically or not, what has functioned in 2011 as arguments for a male-centered discussion just turns out to be political practice or empirical truth in 2015: gender quotas initiated mostly by women MPs, with women’s and feminist NGOs supporting the initiative. If one compares the two liberal initiatives of 2011 and 2015 and MPs’ strategies, one can clearly see how dialogue is possible this time.

I did mention that the legislative proposal as such is one crucial moment out of a series of such moments. Establishing underrepresentation of women as one legitimate issue to be placed under political and public scrutiny is a political struggle in itself. Acknowledging this poses less comfort (at least I feel less calm) as it seems I may be talking about one quarter of a century of political loneliness for women. I am rather reluctant to embrace the idea that the statistics of women in local and national politics tell a scary story that is regarded as a problem by political parties or broadly by active NGOs striving to achieve some sort of political reform2. Constructing under-representation of women as a problem is good in itself, though far from satisfying.

2 See Politica fără bariere Campaign. Their goals are legitimate and open more electoral opportunities, yet I cannot help noticing it is not a gender electoral reform, too. I do not criticize their approach, I just notice some facts and also add that I support their struggle. At the same time, I do see political reform as a gendered one, too.
Achieving the goal of having more women into politics seems satisfying. But satisfaction is achieved by understanding that fair representation is a **process** and it cannot be achieved in one moment, not matter how crucial it might be. This process needs a constant relationship between representatives and represented, between MPs (or broadly said, politicians) and all parties interested with advancing women’s interests, needs.

There is one **puzzling question**, as when specificity may turn into something that separates MPs and the Coalition. In my opinion, it is the expectation or argument of the Coalition that women’s underrepresentation affects substantial representation and more women into politics means more substantive representation. As far as we notice, there is deep silence coming from MPs on this question. Staying silent on women’s issues and gender neutral language may be perceived as irritating when energies are mobilized into action. Whereas the NGOs support descriptive representation in order to advance substantial representation of women, the legislative proposals of MPs only try to create electoral opportunities for women and align Romania to some minimal liberal democratic standards. The two approaches reveal different significance attached to gender quotas.

I have important **reservations towards the discourse of descriptive representation understood as a tool for more substantive representation of women**. This argument has been largely criticized and according to Sarah Childs it is “the most contested argument for women’s political presence” (Childs, 2008, p. 100). Some theorists criticize this argument of acting for women once in politics as “it seems to be both reductive (reducing women representatives’ attitudes and behavior back to their bodies) and essentialist (presuming that women are a category who share a set of essential attributes)” (Childs, 2008, p, 100).

My objections are rather different and I shall explain them. My argument lies both in Dovi’s (2010) **mutual recognition** and in a different historical development of feminism in Romania. I shall briefly explain the two. In **Preferable descriptive representatives: will just any woman, black or Latino do?**, Suzanne Dovi discussed about mutual recognition and she explains that:

“Mutuality requires an interactive relationship between representatives and citizens. Mutual relationships require a historically disadvantage group to recognize its descriptive representatives in a particular way as well as a descriptive representative to
recognize that group in a particular way. Such reciprocal recognition is necessary for descriptive representatives and their groups to coordinate consciously chosen political activities” (Dovi, 2010, p. 217-218).

If women MPs do not recognize the topic of substantial interests of women citizens, there may be an important flaw in the expectations the feminist NGOs have, expectations transposed as: more women into politics means women’s interests will be better represented, that is the political agenda will include more gender sensitive issues that affect women’s lives. In my opinion, this belief carries with it one intrinsic inner flaw as Romania did not have a second feminist wave with masses of women becoming conscious of their rights and then mobilizing to advance them. There was no such broad awareness raising. This does not mean that in all the countries where second feminist wave developed, women politicians act for women, but this different development of feminism does add one more cautionary stance to the whole debate.

At the same time, I consider that when assuming descriptive representation influences substantive one, feminist NGOs presume women MPs will advance interests or needs of women citizens in a feminist stance. And we know this is not the case. Even if hard to admit, I can provide at least one counter example that generated turmoil and protests of women’s rights and human rights and feminist NGOs. In 2010, one legislative proposal introducing mandatory psychological counseling before abortion had a women MP as the co-initiator. Despite relevant differences within Romanian feminism, one can hardly argue that a feminist group might support such an initiative. And feminist groups did not support it. Religious conservatives did offer support. I admit the example is delicate, but it just explains that when it comes to women’s interests or issues, one should not neglect feminist men MPs. Considering the above, the gently shaped discourse of the Gender Equality Coalition relying on more women acting for women might backfire.

Their argument becomes further complicated if we consider political parties and party discipline. We can hardly argue that MPs have a mandate of autonomy. Party obedience is one hard nut to crack, but one to honestly consider especially when political parties are the main vehicle for legislative recruitment.

1 For an interesting analysis of representation of conservative women see Celis, Karen; Childs, Sarah (eds.), Gender, Conservatism and Political Representation, 2014, ECPT Press.
Addressing the Call to action to political parties as well, and to both female and male candidates, might temper the expectation and the burden attached to the relationship between descriptive and substantive representation. Such demands for gender friendly electoral programs ought thus to be addressed to political parties and candidates no matter their gender as men can be allies and supportive of gender equality1. Such a broader call to action also diminishes the moral weight put on women politicians – to represent women’s interests-. In support for “no matter their gender” comes the constituency argument, too. Elections are organized by geographical constituencies which do no coincide with concentrations of men or women. If we assume individuals, men and women, have political interests and they do differ sometimes, then men MPs should also represent those interests usually correlated to women. Otherwise the process of representation will be affected. I shall give an example. Domestic violence is widespread and is affecting women not matter the geographical constituency. When an MP opposes legislative instruments that help victims, I have a strong inclination to consider that the MP fails to represent women’s interests. Alongside constituency argument, comes the strategic argument: more men are elected officials so, from a substantive point of view, valuable “human resources” ought not to be neglected.

One more contingent argument that may favor the action of MPs and NGOs is the previous mobilization for electoral reform. In 2014, a coalition of 17 organizations mobilized and launched Politica fără bariere Campaign (Politics with no barriers) asking for electoral reform2. Even if the Campaign is gender blind, the topic of electoral reform placed on the public and political agenda as coming from NGOs and their emphasis on equality of opportunities may be turned into an asset by the Gender Equality Coalition and MPs. The point I am making is electoral reform also means gender electoral reform, thus the Gender Equality Coalition and MPs may argue there is growing demand for

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1 I want to add that politics may have a formative character for both women and men, and this formative aspect is less acknowledged when it comes to descriptive and substantive political representation. I do not fully embrace Phillips’s remark, but I do carefully consider it as well as it helps diminishing romanticized views on women and politics: “I incline to the view that politics is more formative than sex, and that the contrast between those who get involved in politics and those who do not is deeper than any gender difference between those who are elected” (Phillips, 1995, p. 75).

2 They aimed to eradicate specific administrative obstacles for parties that are new-comers on the political scene and support equality of opportunities among large and small parties, or new-comers and independent candidates during electoral competition. For more information, see https://politicafarabariere.wordpress.com/2015/01/11/amendamente-legislative-pentru-o-politica-fara-bariere/
substantial change coming from civil society. At the same time, I do think additional supporters for gender quotas might do no harm; on the contrary, I believe.

A greater presence of women in politics is no guarantee that women-friendly policies will be supported or enacted. At the same time, it is highly unlikely that representative assemblies that lack women will be disposed to support the substantive representation of women. It will be undemocratic to underplay this correlation and doing so mean we might just take a quick time lap where it was believed women were pretty well represented by men.

Coming back to the idea that changing the gender composition is one enabling condition, I want to add that I have started to favor some measures\(^1\) that may bind politicians tightly to their electoral promises, but not turn them into messengers only. In my view, more attention should be guided towards keeping politicians more accountable to the programs on which they were elected in office.

Supporting a greater presence of women in politics is worthwhile for two reasons: because doing so will attack long-standing gender biases in the processes of political recruitment, and because it will make it more likely that women’s interests, needs, and demands will be heard in the highest provinces of government. The arguments for more women into politics are complex, and some of them may pose risks. But all politics involves risks. And, it is a fact that when it comes to effects, to how women in politics might make a difference, there is surprise waiting for us around the corner. It is not as if women have been in politics worldwide for too long and in too great numbers to almost mathematically acknowledge their contribution. One can hardly rely on the contribution of women during communism despite their impressive presence\(^2\) as politics was void of meaning and power was heavily centralized.

It is important for supporters of the Call to Action to work with supportive MP’s, both female and male, to promote gender-based legislative quotas. It is also important for these groups to be honest about their differences. A political alliance is not a marriage for life. But it is a commitment to work together for a common good, and also to be open to the possibility of disagreements and of honest and respectful divorces in the future\(^3\).

\(^1\) It is not the place to develop more on binding measures, yet I want to add that we may elaborate on some arguments starting from the concept of active citizenship.

\(^2\) In 1989, there were more than 30% in Marea Adunare Națională (The Great National Assembly).

\(^3\) I one more express my gratitude to Jeffrey Isaac for sharpening my conclusive remarks that brought more clarity into my arguments.
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A feminist perspective on political sortition

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Abstract: In this paper, I will try to analyze the extent in which feminists might take part in the political comeback of sortition. In the first section I will discuss the political implication of this mechanism and the arguments raised by those in favor of a political lottery. In the second section there will be an emphasis on the importance of descriptive representation in general, focusing on the feminist perspective, while talking about the idea of implementing gender quotas. Also, I will put forward a discussion surrounding various empirical studies that revealed the effects of gender quotas. At last, in the third section, I will try to point out the negative effects of gender quotas and the manner in which these can be avoided by using sortition, by referencing the basic principles of this random mechanism which can be used in association with the feminist principles.

Keywords: sortition • descriptive representation • gender quotas • political efficacy • substantive representation

First Section – A new perspective on an ancient idea

The emergence of the idea of a representative republic has determined the method of political selection by lot to become obsolete. First and foremost, the partisans of representation have systematically eluded any coherent reason for this mechanism to be further perpetuated due to the fact that they were not able to perceive the probabilistic potential of creating a descriptive representation (Sintomer 2012), which is the idea of creating a group which presents all the primary characteristics of the population. Despite this academic vacuum, lately, the subject of random selection in the political sphere is starting to take a new shape. Thus, a rather large group of political scientists and researchers in political philosophy or theories (Goodwin 1992, Dowlen 2008, Delannoi 2010, Stone 2011) have addressed this issue in a rigorous fashion bringing forth new grounds of justification on which sortition would have a real political
potential. Looking beyond political theory, we see this mechanism being used for the common law jury selection process and also in the selection process of a citizen’s assembly that discuss and recommend solutions concerning problems that are usually reserved to experts and politicians – Iceland and British Columbia cases.

Regarding the exclusion of random selection from the political level\(^1\), Sintomer (2012)\(^2\) explains this phenomenon using two arguments that have originally been stated by Bernard Manin (1997) and often utilized by the kleroterians\(^3\), namely that: (1) despite the fact that there was a strong correlation between direct democracy and selection by lot\(^4\), those who have outlined the representative government have separated from the importance of the direct participation of citizens and opted for a selection method considered to be aristocratic\(^5\), (2) another aspect refers to the consent theory which spread a particular kind of thinking, the political legitimacy (legitimate political authority) that needs to be formally approved by the Citizen. According to Sintomer, (2012) these arguments are incomplete because they do not question the reason why the idea of descriptive representation ensured by random selection was not discussed in that time\(^6\). Manin (1997) explains that those in favor of descriptive representation (anti-federalists) have utilized concepts like “resemblance”, “closeness”, “in a social sense”, "likeness” (1997:111), arguing that once the political power is centralized in the hand of few, the diversity of the citizens becomes irrelevant and the political sphere will have oligarchical tendencies (Manin 1997:112). Even if the anti-federalists have tried to argue the importance of the resemblance between the representative and the represented (Manin 1997:109), they did not stress the fact that random selection may be the key to ensuring this type of representation.

In order to comprehend this aspect, an analysis of the political thought of the time is needed, especially focusing on how it manifested in governance techniques, instruments and mechanisms. In fact, no association between drawing lots and descriptive

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\(^1\) This moment coincides with the period after The Modern Revolutions


\(^3\) In Ancient Athens, the lottery machine was named „the kleroteria”

\(^4\) This connection is found in the works of Plato or Aristotle

\(^5\) Chosing by vote may seem aristocratic as compared to sortition (Schmitt in Manin, 1997:150; Aristotel in Manin 1997:27)

representation was made because the idea of *representative sampling* was not theorized until the late 21st century. Specifically, the key to explaining why sortition in the political process “seemed useless in modern democracies” is the lack of *representative sampling* as a statistical concept, as it was argued that the size of the modern state makes it impossible for a self-governance similar to ancient democracies (Sintomer 2012).

Presently, the mechanism of political lottery managed to survive in the social environment only through the process in which the jurors are elected in the common-law system. With the exception of certain proposals and localized experiments, this idea was removed from the political sphere following the fall of the Second Florentine Republic in 1530 (Dowlen 2010:4). Faced with a significant discontinuity in using political lottery, contemporary theorists (Stone, Dowlean, Godwin, etc.) had to evaluate the mechanism of the random using historical evidence (Dowlen 2010a:3-4). In order to utilize this evidence, researchers needed to take into account all the significant differences between the old political sphere (in which the lottery was present) and the political sphere today. The most important element is proving the benefits of implementing random selection in modern society, *a priori*, in theory (Dowlen 2010:3-4). Therefore, the analysis of this topic should focus on the process itself, implicitly on its complexity, given the development of political theory and the scientific approaches that have determined changes since the last time political lottery was an integral part of the political process (Dowlen 2010b: 55-56).

Following an increased interest in this theory, a new theoretical sphere of political science began developing, resulting in political philosophy and democratic theory works, among which we can distinguish: the field of decision theory discussing “*the second order rationality of the lot*” (Elster 1989, Duxbury 1999, Engelstad 1989)1, the field of political philosophy focusing on “*the fairness of the distribution of goods and offices via lotteries*” (Sher 1980, Broome 1984, Goodwin 2005, Stone 2007)2, as well as a proclivity towards “*the history of political ideas*” (Manin 1997, Dowlen 2008; Hubertus and Hein 2010: 123)3. In recent years, researchers in the field of democratic theory (Fishkin) have tried to explain how random selection could be used in politics4 (Hubertus and Hein 2010:124).

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1 In Hubertus and Hein 2010:123
2 idem
3 idem
4 The attention focusses on deliberative polls
Equality and its implications

In the absence of research from the time in which this selection mechanism was first used, while lacking interpretation of works written in that period, the idea that this mechanism has religious roots appeared (Manin 1997:26). However, as Delannoi (2010) points out, random selection has its roots in the founding principle of democracy, namely equality (2010:14). The author argues that universal suffrage and sortition provide different types of equality: the first method of selection implies that equality is generated by voting privileges and the formal right to be part of elections, while the second method of selection provides equality in both procedure and results (Delannoi 2010:14). Simple citizenship provides the real opportunity of taking part in the election and of being selected for office (Delannoi 2010:14). From a procedural perspective, compared to sortition, the referendum or the elective procedure are closer to what is called direct democracy. This is the reason why random selection seems an intermediate mechanism between direct democracy and representative governance (Delannoi 2010:15). Delannoi (2010) argues that “equality among citizens is restricted and ephemeral”, seeing how people in representative democracies can manifest their sovereignty only when voting for a candidate. On the other hand, the random mechanism is inferior to any other procedure of direct democracy in which “all citizens are equals, all act at the same time when they form the body politic (…)” (2010:16).

In random selection, we are dealing with a specific “equality” which is based on “the practical involvement of all citizens” in the process, guarantying everyone has a real equal chance of being chosen (Delannoi 2010:16). Also, in order to understand the equality within the procedure we must have in mind three forms of equality: “equality at the source of the procedure, equality in its mechanism and equality in its effect” (Delannoi 2010:27).

Regarding the third form of equality, equality in its effect, we must remember that every democracy aims to protect the worth of individual citizens, therefore, any allocative structure must respect this principle (Greely 2011: 66). “Satisficing criteria and allocation by merit which attempt to rank applicants can effectively coerce the conduct of potential recipients who seek to meet or avoid the classification” (Greely 2011: 66). The most concerning effect of allocative method by merit derives from the fact that
it aims to distribute both a benefit and a burden\(^1\) (Greely 2011: 67). The advantage of random selection is evident in that behavior change cannot guarantee the result:

“Where equality of results is impossible (...) equality of opportunity is the next best goal because is parcels out equal chances to receive the good. Random selection is the only allocative method which honestly can claim the objective equality of opportunity from which the satisfaction of equality of expectation springs. It is the allocative method which maximizes the goal of equality” (Greely 2011: 67).

It is clear that equality is present in the lottery system per se, into the structure of the process, even if the result of any such mechanism is unequal. The best example is of a lottery in which each participant has a single ticket, the randomness ensuring everyone an equal chance to win. Despite the fact that only one person will win, participating gives all the same rights / same claim on the prize (Goodwin 1992: 116). Broome (2011) stresses that equality in its effect is replaced with the “satisfaction requirement” in terms of opportunity (2011:226).

When asked “what is the point of the concept of equality when used in connection with sortition?” Dowlen’s (2008)\(^2\) answer is related to the selection procedure (2008:11). Thus, in terms of mechanical process, balls or tickets are created in identical form, in order to guarantee equal opportunity to be chosen (Dowlen 2008:20). The author argues that whether we consider a mechanical lottery or a lottery that is assisted by human intervention, the agent will choose between options without discrimination, regardless of qualities the candidates may possess (Dowlen 2008:20). Thus, a choice made by drawing lots is an “e – quality” choice “because it denies the rational human tendency to discriminate or to choose according to quality” (Dowlen 2008:20); we perceive equal opportunity as a result of the “a-rational essence” that it is specific to lottery (Dowlen, 2008:20). The essence of Dowlen’s argument when talking about “the blind break” is that the equality ensured by sortition is closely related to the fact that in the selection process per se, all differences which may generate any form of discrimination between participants are eliminated.

“The strongest normative argument in favor of sortition is linked to the idea of social equality and individual welfare. In an unweighted lottery, everyone has an equal chance of being chosen” (Engelstad 2011:181). However, de jure, the same may be said about

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1 University admission vs. the incorporation into armed forces (Greely 2011:66)
2 Chapter One, The Blind Break and Its Implications
modern day elections: modern democracies assume that all citizens have the right to be elected into office, but their real chances are closely related to a multitude of other factors: social resources, oratorical skills, funds for the election campaign etc. That is why drawing lots has the ability to overcome these “informal differences and thus prevents the formation of political elites” (Engelstad 2011:181).

Ensuring descriptive representation by using random selection

As I mentioned before, the current discussions surrounding sortition often mention the fact that this mechanism creates a group that is strongly similar with the population from which the selection was made. It is essential to mention, however, that there are various factors that influence the relationship between resemblance and random selection like: sampling errors, eligibility and bias, factors that must be taken into account (Parker 2011:163). Thus, the decision to incorporate random elements in the selection process must be governed by context and priorities (Parker 2011:163).

Fishkin (1995) discusses the way in which random selection is effective for the deliberative poll because of the ability to formulate counterfactual opinions that can be genuine for the entire population (Sintomer 2010:43-44). The random selected assembly mirrors the citizens’ diversity and creates a micro cosmos, this being the perspective of understanding random selection today (Sintomer 2010:42).

A good example that supports the idea of descriptive representation ensured by sortition is the use of this mechanism for surveys: random selection is used to provide a sample of the population and the decision is based on statistical principles (Delannoi 2010:19). The advantage is that this type of survey can be applied to a number accessible enough to be relevant for an entire population.

Delannoi points out that:

“a sample numbering no more than an ancient demos not only provides a decision-making tool (...) but also reduces distortions in the representation of different groupings such as, the sexes, different professions, social classes” (Delannoi 2010:19).

Despite the fact that there is an undeniable connection between implementing the lottery mechanism and insuring descriptive representation at the political level, a discussion regarding the relationship between the descriptive and the substantive

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1 Fishkin cites in Sintomer 2010: 43-44
representation of citizens is needed. Political theory revolves around the idea often argued by Pitkin (1967), namely that “a man can only be held to account for what he has done and not for what he is” (89), thus there is not a clear connection between descriptive and substantive representation. This is a particular issue that I shall revisit in the second section when I discuss the reluctance of many researchers (Childs 2004, Lovenduski 2005, Reingold 2000, Swers 2002, Beckwith 2007) towards the way Pitkin removes the importance of descriptive representation and their attempts to theorize and study the relationship between descriptive and substantive representation empirically (Celis, Childs 2014:3).

I would like to point out that, in this article, I will not focus on the connection between descriptive and substantive representation, considering that I’m focusing on how the theorists of descriptive political representation of women may join the kleroterians, emphasizing this relationship first and foremost.

**The political legitimacy of representation by lot**

In order to analyze the reasons why the voting system has totally eclipsed sortition, we should focus on the reasons for supporting and arguing in favor of the electoral preference, as well as the beliefs and values of those involved. The political culture of that period could guide us towards the underlying facts of this almost unanimous decision in favor of electoral preference. A first principle is closely linked to the legitimate authority that originated in the consent of the citizens. Individuals are coerced only by what they agreed upon beforehand.

The principle that consent is a source of legitimacy of political authority was shared by the natural law theorists (Manin 1997:84). As long as the source of power and foundation of political obligation emerge from the consent of the governed, sortition and elections appear in a new perspective (Manin 1997:85). Random selection seemed to be perceived outside the consent perspective (Manin 1997:85). But we should mention that in his writings Rousseau emphasized that without active involvement of the citizens in the political process and decision, unspoken consent cannot be the only source of

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1 Cited in Gender, Conservatism and Political Representation ed. by K. Celis and S. Childs
2 This subject has generated a series of talks in the feminist theory field
3 Grotius, Rousseau, Hobbes, Pufendorf, Locke
4 Consent could be found only at the moment when citizens had decided their method of leadership selection, yet the legitimacy of consent would be indirect (Manin 1997: 85)
legitimacy for political decisions. Thus, legitimacy can be viewed from a different perspective, namely, the fairness of the decision-making process\(^1\). Yet, during the period when representation was established, political equality was associated with the equality of citizens in their ability to give consent and not in their arithmetic\(^2\) equality of being elected into office. This is the moment when the notion of citizen changes. Citizens are viewed as the primary source of political legitimacy, and not as an able part of governance (Manin, 1997:85).

Rehfeld (2005) points out that in order for the representatives to be legitimate, they must follow the same goals and interests as the represented (Rehfeld, 2005: 187). But as most kleroterians consider that representative democracy has the great disadvantage of becoming a sort of oligarchy, in which the interests of the representatives are moving away from the represented, the source of this type of legitimacy is eluded (Manin, 1997: 27). Rehfeld (2005) mentions that Manin believes that one of the reasons that random selection was not considered legitimate is that the theory of consent has resulted in the mechanism of election which legitimizes the leaders chose by citizens (2005:131).

At the moment, trying to justify why a random selected group would have legitimacy, the partisans of sortition formulate two types of arguments. Thus, from the papers I had access to, the authors that stood aside in writing about this topic are Sintomer (2010) and Parker (2011), which outlined two ways to challenge and solve this problem: (1) by referencing five types of legitimacy specific to random selection (Sintomer 2010) or (2) through the way assemblies with randomly selected members create a micro cosmos and improves the responsiveness and the resemblance norms (Parker 2011).

Sintomer (2010) points out that both the principle of self-government during Classical Athens, as well as the consent principle specific to representative democracies “rely strongly on the legitimacy of number, and especially on the majority principle” (Sintomer, 2010:47). To argue in favor of certain types of legitimacy specific to randomly selected groups, the author makes a connection with expert groups who have legitimacy that is related to knowledge, their expertise helps them to better deliberate, legitimacy of number becoming non-essential (Sintomer 2010:47).

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\(^2\) The difference between the arithmetic and geometric equality in the writings of Plato and Aristotle
An Assembly comprised by randomly selected citizens has no power of decision because its legitimacy cannot be based neither on the majority, nor on the basis of their knowledge (Sintomer, 2010:47). Sintomer (2010) argues that “they have their own kind of legitimacy” and this legitimacy is based on the assumption that the group of experts has a tendency to depart from the common interests of society becoming a class with private interests (2010:48).

As a result, the author argues not in favor of a political assembly comprised of randomly selected citizens, but in favor of devices based on random selection:

1. “the contrafactual opinion tends to be more reasonable than the wider public debate” (Sintomer 2010:48);
2. “good deliberation needs to include various points of view, so that the range of arguments can be enlarged, and the reasons better balanced” (Sintomer 2010:48);
3. participatory devices are instruments that promote better communication between the political class and the citizenry” (Sintomer 2010:48);
4. since the best democratic system is real self-government; and because self-government is impossible...the second best solution is actually to let the counterfactual citizenry selected by lot decide” (Sintomer 2010:49) and
5. the impartiality of a participatory device selected by lot (Sintomer 2010:49).

Answering to “what are the mechanisms by which the <<random>> contributes to legitimize representation?” Parker (2011:163) argues that a legitimate representation will be ensured through a unique bonding of the current system with the system of sortition (2011:160). His analysis is based on two types of democratic representation norms: “resemblance” and “responsiveness” (Parker 2011:156), while considering how randomness contributes for each one in particular. The responsiveness of representatives is crucial for the legitimacy of democratic representation, and presently it is not clear whether elections have this kind of effect1 (Parker 2011: 176). In his analysis, Parker (2011) doesn’t try to counter the political legitimacy brought by representative democracy, but clearly states his intention to avoid re-theorizing the concept of legitimacy (161), his process being closely related to the way randomness contributes differently to the two democratic norms: “resemblance” and “responsiveness” (Parker, 2011:162). While explaining how resemblance norms help to better legitimate representation, the author brings forth two new concepts: trust and capacity (167) Parker (2011) talks about trust that emanates from the resemblance between

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1 Ferejohn and Rosenbluth 2009, 273 in Parker 2011: 176
representatives and the represented, using a theoretical basis often used in articles which center on the relationship between descriptive and substantive representation. The author emphasizes that the random mechanism can ensure a greater resemblance compared to other selection methods, which creates a strong diversity within the selected group (Parker 2011:171). His main argument is although no individual can hold exactly the same combination of characteristics as any other individual. But collectively, and on average, a randomly selected group will come closer to approximating the objectives held across the source pool than can a group chosen by any other method” (Parker, 2011:172).

Another argument in favor of the idea that citizens would have greater trust in a political assembly that respects the resemblance norm and is selected by draw is closely related to the fact that those selected do not stay in office for very long¹, returning to simple citizens in a short time (Parker 2011:173). Without the opportunity to take part in another selection, the citizen will not be motivated to maximize his chances of being reelected² (Parker, 2011:174).

Regarding the responsiveness norm, Parker (2011) starts with the observations made by Forejohn and Rosenbluth (2009:273)³ according to whom the elective mechanism is not as effective in establishing a relationship between citizens and representatives (Parker, 2011:176). Thus, Parker’s argument states that in a society in which the random system is adopted, the citizens will be more involved in the political process as they themselves have a chance of being elected. However, this type of reasoning is related to the concept of “accountability” which is often ensured by selecting regular citizens in political assemblies such as juries, electoral committees etc. (Parker 2011:184). Sintomer (2010) believes that randomly selected assemblies cannot have a valid point of view in political issues that affect all citizens (2010:50). The counterfactual opinion may vary so as a result, Sintomer proposes two alternatives: (1) these randomly selected groups can deliberate and propose solutions, yet the decision should be made by representatives (Sintomer 2010:50) or (2) resorting to counterfactual deliberation as well as participative mechanisms (Sintomer 2010:50). A good example is the case of British Columbia, where the solutions resulted from

¹ Over time, the random selection principle was coupled with a rotation mechanism in order to prevent citizens from staying too long in office
² Mayhew 1974 cited in Parker 2011:174
³ Cited in Parker 2011:176
deliberation were subjected to a referendum (Sintomer 2010:50). As far as adopting the random mechanism by constitutional means, the decision should be subject of a referendum, thus, we may consider that the initial decision of integrating randomness in the selection process explicitly constitutes a means of approval in the same sense that the decision of electing leaders through vote was made (Goodwin 1992, 36, 38; Zakaras 2010, 464).1

Second section – Descriptive representation and gender quotas

Throughout the first section of this paper I tried to present the mechanism of selection by lot in order to highlight its political potential. Besides the fact that this selection process has the great advantage of successfully circumventing the corruption tendencies of politics (Sintomer 2010:44), it also possess the key to fighting against women discrimination2, especially against obstacles that women encounter in the political participation. It’s agreed that despite the struggle for gender equality, there is still a considerable gap between the access of men and women into office. Although women constitute approximately half of the human population, only two countries have a rate of over 50% parliamentary seats occupied by women (Rwanda and Andorra)3 the overall average being 19.3% (Lawless and Fox 2012:2); this situation raises a number of issues related to the fair representation of women’s issues and concerns. In this section I will discuss the idea of representation, particularly the descriptive representations and the debate about its connection with the substantive representation of women. Furthermore, I will address the issue regarding gender quotas and their implication.

Although it is a strongly debated subject in the feminist political theory field4, for the main argument of a paper discussing the relationship between the descriptive and substantive representation it is marginal. In my opinion, this being a first attempt to correlate the random mechanism with feminist theory, a first step would be to show that the random selection can be useful for the descriptive representation of women.5 In my view, some of the criticisms regarding the idea that women’s presence at the political level can also lead to a better representation of their interests could be eliminated by

1 Cited in Parker 2011:179
2 I will not be referencing the cultural discrimination of women, but the procedural obstacles women face in the process of election
4 See Pitkin, Childs, etc
5 Many thanks to Oana Băluță who helped me bring better coherence to the main argument.
changing the selection mechanism, namely transitioning from an elective system to a random system.

For example, statements like “associating the characteristics of individuals with the way they act may be evidence of essentialism” (Pitkin apud Parker 2011:170) can no longer be argued. The idea I want to emphasize is that in an electoral system the theorizing of political representation of women was in close correlation with theorizing women’s interests (in order to support the necessity of the presence of women at the political level, the existence of a specific group interest was mentioned) (Băluță 2008: 18). Furthermore, the debates linked to the introduction of gender quotas “are based on a notion of representation organized around group interest” (Diaz 2005:19). However, in the case of a randomly selected assembly, the descriptive feature is provided by the process itself and further explanations linked to the necessity of a quota of 50% women members become obsolete: the main goal is to achieve a micro cosmos that will ensure a more accurate representation of all the citizens characteristics’. In other words, as long as no group will be under-represented, there is no need for any justification to support the implementation of affirmative action.

In her oft-cited work "The Concept of Representation", Pitkin (1967) distinguishes four types of representation: formalistic representation (regarding the institutional arrangements that precede and initiate representation) (1967:97), descriptive representation (the extent to which representatives are similar to those who elected them, „look like the public”), substantive representation (“acting in the interests of the represented in a manner responsive to them”) (1967:209) and symbolic representation.

Assuming that democracy implies an appropriate pursuance of the needs and concerns of the citizens I will try to observe to what extent an increased descriptive representation leads to a better representation of their needs and concerns. In doing so, it is necessary to keep in mind the concept of “political efficacy” which has a dual perspective: “internal efficacy” (referring to the individual’s competence to understand and efficiently participate into the political process) and “external efficacy” (referring to a belief that government and institutions are responsive to the needs of citizens) (Niemi, Craig and Mattei 1991:1407 – 1408).

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1 Legislators should represent a miniature portrait of the population – they should think, feel and act in consequence
In conjunction with the “external efficacy”, a first advantage of descriptive representation is related to the growth of a positive consideration towards the political system - following a number of surveys, Fowler, Merolla and Sellers (2012:25) argued that there is an undeniable relationship between descriptive representation and the behavior among citizens: citizens become more engaged into the political process, they have a greater commitment towards their own representatives and they believe more strongly that their representatives try to pursue their interests. At the same time, the researchers observed an increase in the level of political knowledge which is an extremely important aspect for any state that considers itself democratic (Fowler, Merolla and Sellers 2012:4).

In order to observe the extent to which there is a connection between descriptive and substantive representation, Kernell (2012) focuses on specific women’s issues. As a result of a survey of the Comparative Study of Electoral Systems (CSES), the author revealed that “female policymakers hold positions that are more in line with those of voters” (Kernell 2012:18) in a far greater extent than their male colleagues and more importantly, descriptive representation does not stagnate at proposing ideas but has real effects which can be seen in the political outcomes (Kernel 2012:10-15). Among female – citizens, a behavioural change is noticed: they become more willing to participate in political debates because they are in a position to identify with their representatives and they have a much more positive opinion of democracy (Kernell 2012:2).

Even though there is no certain guarantee that a descriptive representation clearly results in an increase of the substantive representation, there is sufficient evidence to believe that it is improving it (Kernell 2012:2). First, several current empirical research papers (Hien 2014, Curtin 2014, Guerrina 2014, Campbell and Childs 2014 etc.) showed that women politicians are paying more attention to the public policies directly affecting women. Secondly, by means of using their own experience, women are able to address the process of creating public policy in an innovative way.

Anne Phillips (1995) discussed four different types of arguments supporting the necessity of descriptive representation (what Phillip calls the politics of presence): (1)

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1 This refers rather to ethnic and racial minorities (afro-americans etc.)
2 In Gender, Conservatism and Political Representation ed. K.Celis and S. Childs
3 In Dahlerup 2002:4
the first argument regards “the role model argument” and claims that members of an historically disadvantaged group change their perspective when noticing that individuals like them have reached position of power; the existence of women in positions of power leads to an increase in self-esteem of other women. (2) The second argument (the justice argument) is built rather from an affirmative action perspective: Phillips (1995) explains that descriptive representation is necessary to compensate for past injustices. (3) The third argument is related to the substantive representation of disadvantaged groups (“overlooked interests”) and the (4) fourth argument (“revitalized democracy”) raises the question of the legitimacy of democratic institutions, legitimacy that is questionable when a number of citizens do not actively participate into the political process (Dahlerup 2002:4). Yet, her theory is not based solely on these four arguments and in debates regarding political parity, Phillips (2008) introduces the argument of political interests of women, while accepting the idea that inside a group of women there are differences (Băluță 2013:47).

As a conclusion, the descriptive representation theory is a means to increased: (a) responsiveness, (b) political efficacy, (c) assessment of representatives (citizens are becoming more interested in the political activity of representatives and they are more active at the political level and (d) positive effects on how citizens evaluate government institutions.

In the first part of the second section I tried to summarize the arguments in favor of descriptive representations. Although in theory this kind of representation appears closer to democratic principles, in reality there are a number of factors that can easily lead to the stagnation of increasing descriptive representation such as electoral rules, parties not actively recruiting women etc. But this reality contradicts the majority of studies indicating quite eloquently that women who find their way to run for various political positions can be just as capable as their male counter-candidates, there are no noticeable differences into terms of fundraising power, total number of votes or electoral success (Dolan 2006:3, Lawless and Fox 2012:2). Regarding the low representation of women in political institutions, Lawless and Fox (2012) discuss about the psychological implications namely, the motivations for women in not participating in the elections and their political ambitions. The authors points out that there is a considerable difference between the political ambition of women and men (men had the time to perpetuate it over time). These differences are supported by the application of
1,925 men and 1,843 women 4,000 surveys¹ to a sample of potential candidates (Lawless and Fox 2012:3).

Following the application of the surveys², seven factors are identified that seem to have contributed to the difference between women’s and men’s perception on the possibility of occupying a political positions: (1) women tend to perceive the electoral environment as more competitive for them and biased towards the male candidates; (Lawless and Fox, 2012:7) (2) examples of women candidates like Hillary Clinton, Sarah Palin etc. emphasized the perceived gender bias into the electoral space (Lawless and Fox, 2012:7-8), (3) women consider themselves to be less qualified to occupy political positions than men (Lawless and Fox, 2012:9), (4) are less competitive and are against carrying the risk (Lawless and Fox, 2012:10), (5) “women react more negatively than men to many aspects of modern campaigns” (Lawless and Fox, 2012:11), (6) “women are less likely than men to receive the suggestion to run for office – from anyone” (Lawless and Fox 2012:11-13) and (7) they remain the only ones responsible for the burden of housework (Lawless and Fox 2012:13-15).

Other factors that hinder women’s participation in the political sphere are highlighted by Shvedova (1997) who identifies and analyzes the types of obstacles that arise in three areas: political obstacles (masculine model of politics, lack of party support, cooperation with Women’s Organizations, education and training, electoral systems), Socio – Economic Obstacles (the feminization of poverty and unemployment, the dual burden) and Ideological and Psychological Hindrances (traditional roles, lack of confidence, the perception of politics as ‘dirty’, the role of mass media) (Shvedova 1997:19-40).

In order to remove some of these factors and to minimize the gap between women and men candidates, the recruitment problem needs to be addressed. The recruitment problem brings to the forefront the idea of implementing gender quotas. Despite the fact that introducing gender quotas was a much disputed topic, many countries have resorted to this mechanism (Argentina, France, South Africa, Sweden, Uganda etc.). But the decision to require a minimum of 30% of each gender on the electoral lists (candidate quotas) does not automatically mean that women will occupy 30% of seats (Dahlerup 2002:6). Before a detailed analysis of this system, we need to categorize the gender quotas. We can distinguish three forms in which the gender quotas may appear.

¹ Gender Gap in Political Ambition
² Gender Gap in Political Ambition
at the political level: **voluntary party quotas** (voluntary measures adopted by political parties to increase the number of women candidates, parties commit themselves that they will nominate a certain percentage of women on election lists), **candidate quotas** (all parties are required to nominate a minimum percentage of candidate) and **reserved seats** (a number of seats only for women). Out of the states that currently impose gender quotas, 61% have voluntary party quotas, 38% have legislated candidate quotas and 20% have reserved seats (Pande and Ford 2011:8).

The general argument of those supporting the introduction of quotas is a consequentialist one: their aim is to increase women's descriptive representation, this leads to an improved representation of women's interests and a reduction of gender discrimination in the long term (Franceschet and Piscopo 2008:394). Although we start from the assumption that there is a link between descriptive and substantive representation, the achievement of descriptive representation through gender quotas can have a number of implications that reflect on the substantive representation (Franceschet and Piscopo 2008:393). To see the effects related to substantive representation we can utilize two new concepts proposed by Franceschet and Piscopo (2008) in their research about the Argentine Congress: substantive representation as an outcome: “outcome-oriented” (where female legislators succeed in passing women's rights laws) and substantive representation as a process:” process oriented” (where women change the legislative agenda) (Franceschet and Piscopo 2008:397).

The main problem appears when gender quotas for women generate mandates in order to represent their rights and interests while at the same time reviving several negative stereotypes about women's capacity as politicians. Being elected under a quota system has perpetuated the idea that women are less independent and several stereotypes appear among their male colleagues (Franceschet and Piscopo 2008:401-402). Franceschet and Piscopo (2008) analyse the effect of introducing gender quotas bringing into attention the fact that women that end up in political positions due to gender quotas are subject to certain varieties of negative “labels” (Franceschet, Priscopo 2008:418). At the same time, the authors emphasize another important aspect: party leaders meet quota requirements by nominating women to whom they are related to
(wives for example)\(^1\), the purpose being to further control the political process (Franceschet, Priscopo 2008: 418).

Unfortunately, the quota mechanism can be easily manipulated so as to inhibit the growth of descriptive representation at the political level. The case of Spain is highly relevant in this regard. Despite the fact that in 2007 a proportional representation system was adopted, requiring a minimum of 40% for both sexes on candidate lists, women filled an average of 33% of the seats in parliament. This was caused by the fact that parties placed female candidates in less favorable positions and districts (Pande and Ford 2007:14).

Another issue is raised by the fact that women have multiple identities; not only do they have gender but also ethnicity, class, sexual orientation. We cannot debate on terms of universal issues of women without being accused of essentialism (Celis si Childs 2014:4). Although the gender quota mechanism is implemented in the spirit of equality, not all women will have real access to office, the women who do will be those proposed by party leaders in order to be manipulated or would be part of the elite.

The proposal of introducing gender quotas can be argued from an affirmative action perspective, under this temporary mechanism, equal opportunities of achieving political positions are ensured. From this perspective, it appears that women are part of a disadvantaged group. The justification for affirmative action is based on the assumption that members of a group were discriminated against in the past (Miroiu 2009:202-204). For its implementation it is essential to establish: the method of discrimination (Miroiu 2009:202). (in this case, just a restricted suffrage to men, the prohibition of women to hold political offices) and to identify the group - highlighting the specific features (Miroiu 2009:202). Establishing the second point may raise a number of issues: is it sufficient to regard only the gender component? As I previously mentioned, identity is formed using several factors, regardless of the biological sex, social classes, ethnicity etc. must be taken into account.

**Third Section – The mechanism of selection by lot: an alternative to remove the negative effects of gender quotas**

In the first two sections I discussed the implications of the random mechanism at the political level and the importance of the descriptive representation in terms of pursuing

\(^1\) Argentina case study
the interests of women in the public sphere. Considering that this work constitutes an attempt to find a link between the feminist perspective and sortition, I chose to highlight the less positive effects of the introduction of gender quotas in order to argue that these obstacles can be removed by using the random process.

Thus, I formulated my thesis based on the idea that the political environment is rather corrupt and the citizen’s real access to political office is difficult to achieve. But if this reality is reflected among men who do not belong to interests groups, the same reality is far more overwhelming for women which in such conditions have minimum opportunities to transcend into the political sphere.

The great advantage of political sortition is that it has the undeniable capacity of creating an assembly in which the descriptive representation is very close to an ideal-type, therefore creating a micro-cosmos in which all the significant features of a citizen’s identity can be found (sex, age, social class, ethnicity) (Sintomer 2010:42). Although imposing gender quotas represents a beneficial change I consider that it is not a sufficiently satisfying solution. In "Critical mass theory" it is argued that a percentage of 30% within parliament is sufficient to enact a series of changes \(^1\) (Franceschet and Priscopo 2008: 398). We must keep in mind that women currently represent more than half of the global population and resorting to such a low limit represents, nevertheless, a compromise. And this compromise has repercussions in several respects: firstly, a number so low can be more easily manipulated by man – politicians; as I mentioned previously, party leaders tend to nominate women who they can influence into the political process (Franceschet and Priscopo 2008). Secondly, gender quotas determine a discrimination within an already disadvantaged group (the targeting of the elites). The higher the number of representatives, the closest to reality the descriptive representation will be, comprised of women form all classes, not just the elite.

On the other hand, the introduction of gender quotas (candidate quotas) becomes useless in a political environment where electoral rules can easily impede their *de facto* access in office (Dahlerup 2002:6). In this particular respect, a random selection mechanism has obvious merits.

Another important aspect is linked to the psychological level, more specifically to women’s aversion to compete that can limit their access towards an electoral

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competition (Lawless and Fox, 2012). Selection by lot is able to remove these negative psychological effects: citizens will participate in the "lottery" without the fear of a biased environment. Even if they lose, it does not denote that they are weaker than other participants. The laboratory studies revealed that this perpetual aversion of losing against men, makes women less successful in a direct electoral competition (Pande and Ford 2011:7).

The Blind Break\(^1\) and the sanitizing effect\(^2\) (purification of misogyny)

In order to assess the extent to which the mechanism of selection by lot might be beneficial to circumvent any obstacle for women to reach leadership positions I will consider the three moments of the process distinguished by Kornhauser and Sager (2011):

**The invocation moment.** Decisions before the sortition involve clarification of certain aspects: pool size, who is eligible to take part in the selection (stratification criteria) and the decisions related to the result. The invocation moment can be one of the most important moments in forming a descriptive representation closer to reality. Thus, when the group size is determined, several proportionality criteria related to gender, age etc. are added. Yet the greatest advantage compared to gender quotas is that this mechanism does not solely regard the elite group of women, neither can it be maneuvered so that political positions are taken by easily manipulated women. According to the fairness argument, the random selection is desirable when there is no "bad reason" involved (Stone 2011:36-37). The first step is actually the more relevant because once the list is done, the process continues automatically (Kornhauser and Sager 2011:159).

**The equiprobability moment** (Kornhauser and Sager 2011:137) is addressed by Dowlean (2008) through the impact of what the author calls "the blind break"(11-30). The blind break is the center of the lottery in which any rational activity is deliberately excluded. Therefore, this moment is characterized as "a-rational" in order to distinguish it from rational or irrational processes (Dowlean 2008: 8 – 15). The sanitizing effect (meaning that the mechanism cannot be corrupted) is closely related to the space of irrationality. As a method of decision making, random selection is not affected by

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\(^1\) Dowlen 2008

\(^2\) Stone 2011
rationality: it is useful as a tool every time it is important that the decision not to be influenced by a negative of reasoning (Stone 2011:36).

**The vesting moment** – “after which no intervening circumstance can change the outcome of the lottery” (Kornhauser and Sager, 2011:137)

**Instead of a conclusion**

This paper tries to analyze the extent in which a connection could be established between the mechanism of selection by lot - a mechanism which, while obsolete, is beginning to take shape within the field of theoretical political philosophy – and the feminist perspective on women’s representation at the political level. Despite the fact that in the last 15 years a variety of works on the subject of political lottery have been published, up to this moment there has been no attempt to bind this theory with the feminist political theory; which is why I recognize the fact that this approach can have a variety of shortcomings. Despite this, based on the information that I previously discussed, it is my opinion that certain ideas can be formulated. In the following paragraphs I will emphasize the general potential benefits of political lottery, from a feminist perspective. I will consider six points also mentioned by the Stone, Delannoi and Dowlen (2013) that are often evoked by the supporters of sortition:

1. **Descriptive representation.** The random selection can ensure that every feature present in the population will appear in the same proportions in the randomly selected body. Two rules need to be respected for this to be true: first of all, the body should be sufficiently large and secondly, additional selection criteria are required (Stone, Dowlen, Delannoi 2013:14) (Engelstad 2011:185). By comparison to the introduction of gender quotas, this mechanism has the capacity to provide descriptive representation of women at a superior level. The 30% limit that often is used will not exist and other criteria shall be taken into account in order to combat the discrimination within the group such as: socio-economic status, age, sexual orientation etc.

2. **Prevention of corruption and/or political monopoly** - formal resources that are often needed to occupy various public offices become irrelevant in a random selection. Also sortition can avoid the formation of illegitimate coalitions or prevent potentially social conflicts (Stone, Dowlen, Delannoi 2013:15). Frequently, election campaigns have the effect of producing a totally unnecessary
polarization regarding the candidates’ agenda. These social costs disappear when the choice is made through a neutral mechanism that is not likely to be influenced. Therefore we can say that one of its roles has prohibitive meaning: it excludes the external influences, notably corruption and the lobbying (Gohler 2010: 98). Considering the fact that there is a tendency of corrupting the gender quotas in the sense that party leaders either propose women-candidates that can be manipulated or rank them last on election lists, I believe that the random mechanism could exclude these effects par excellence.

(3) Control of political outliers: “Small groups with outlier preferences may be highly motivated to suborn the political process” (Stone, Dowlen, Delannoi 2013:16), while a good deliberation involves a large variety of viewpoints. A participatory mechanism based on random selection will be more productive because it will provide a variety of options (Sintomer 2010:48). As noted previously, the specific concerns of women cannot be represented successfully by men. We must accept the fact that there are some experiences specific to women only.

(4) Participation (Stone, Dowlen, Delannoi 2013:17) – Ensuring the opportunity for citizen participation in the political process is an important aspect of democracy. Although the primary purpose of gender quotas is to remedy this shortcoming, in reality, there are several elements that stand in the way of achieving this ideal.

(5) Distributive justice (Stone, Dowlen, Delannoi 2013:16) - The distributional effects of sortition may also influence the social integration; the citizens’ support for political institutions will increase as there is a possibility that they may be chosen to be a part of these institutions (Gohler 2010: 99). In connection with this point, I must reiterate that women are more interested in the political sphere when they are represented by women.

(6) Psychological benefits (Stone, Dowlen, Delannoi 2013:18) – the existence of a random selection process would eliminate the women’s fear of competition and biased political sphere and it will also contribute to removing

1 Stone, Delannoi and Dowlen 2013:16
2 See Shvedova 1997
negative labels. Women will, therefore, be elected into office not just because men are enforced to accept them in the political sphere. As a result of sortition, no person is advantaged, and every person has an equal chance of occupying public office.

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Women in national parliaments

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The mobilisation of women in Central and Eastern European countries: how contextual elements shaped women’s NGOs from Romania and Poland

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Abstract: In this article I approach the mobilization of women outside the realm of politics and inside NGOs in Romania and Poland, by analyzing some of the most important contextual elements that shaped their activities, interests or causes. In this manner, I present both similarities and differences between the communist legacies in the two countries, the effects of democratization and economic change, the civil society development and Western funding, elements of national culture, as well as transnational and EU actors. Issues such as interactions with the political sphere, network building and alliances, as well as differences between Western and Eastern countries are described throughout this endeavor. Conclusions are then drawn to stress out how different contextual elements have impacted women’s movements in the Central and Eastern European (CEE) countries.

Key words: women’s mobilization • Central and Eastern Europe • NGOs in comparative perspective • Romania • Poland

Introduction
The cultural and religious frameworks, varieties of economic transition, political contexts and organizational cultures represent some of the elements that shaped women’s NGOs as we know them today. In this article, I systematize some of these contextual elements by addressing both similarities and differences that Central and Eastern (CEE) countries and women’s movements from this region share, specifically in Romania and Poland. My intention is to highlight some of the essential pressures that these NGOs had to encounter in changing mentalities, attitudes and legislations in regard to gender issues and social justice. In the years that passed since the fall of communism, both countries have benefited from many improvements in regard to the status of
women. Second wave feminism in these countries was born in a very atypical relation to feminism from the Western countries, and rather had a similar fate with the first wave feminism, in regard to civil and political rights (Popescu, 2004; Miroiu 2015) but also being a ‘fast-line’ feminism, in which generations, ideologies and institutions that have been developed for long periods of time in the West had to be fast-forwarded in post-socialism (Grabowska 2009, 10).

Therefore, the article is structured in the following manner so the shed light on the development of women’s mobilization in a comparative perspective. Firstly, I address how the communist regime affected women’s movements in the two countries from the perspective of women and the Solidarity movement in Poland and a ‘private’ solidarity in Romania. Then, I present how the patterns of formation and the effects of democratization and economic changes have affected the newly women’s NGOs. Thirdly, I emphasize the ways in which these organizations learned to play ‘the funding game’, due to the presence of external funding actors, that proved to be the allies of these NGOs in a conservative and traditionalist social and political environment. In this approach I then present the role of transnational and EU actors. Throughout the article I also address some issues that are connected to the particularities of the CEE countries, how networks and alliances have played an important role at the national and international level and how, in some manners, some hierarchies of power are present between Western and Eastern actors. Conclusions are then drawn on the basis of the comparative analysis, by briefly presenting the similarities and differences encountered in the two countries.

Communism in Romania and Poland: two faces of solidarity

In both Romania and Poland, the communist regime represented the standpoint for the path-dependency process that shaped the future gender policies and women based organizations. State socialism did not “emancipate women, it did not improve their personal autonomy or their social status” (Vincze 2006, 26), but rather instrumentalized them as „tools of the party” making them „heroic workers” in the public sphere, or „mothers of the nation” through pro-natalist policies, subordinating them as objects of the ethnic nation, be it Romanian or Polish (Vincze 2006, 26). Although the formal
welfare policies existed\(^1\), state socialism did not question the labor division in the private space (Bucur 2008, 1379), a practice that was further transported into the future legislation and approach to gender equality. Because gender-based constraints were perceived as neither legitimate nor as a primary concern in their lives, no serious political or intellectual movement could be mobilized around “women’s oppression” during communism (Siklova 1993; Grünberg 2000, 313). Therefore, in both countries during communism and the transition period, gender issues were marginalized and absent, both in the public sphere and in the family sphere. In Romania, the few isolated women activists could not make up for a whole movement\(^2\), especially under such an authoritarian regime. Therefore, even before they were actually established, women based NGOs were already marginalized\(^3\) and isolated from the public sphere.

Nonetheless, there were some women’s organizations established during the communist regime, but they were party controlled (Women’s League\(^4\)) and set out without the actual involvement of women themselves (Fuszara 2005, 1063). The ‘pseudo-feminist’ organizations that existed in both Romania and Poland were established so to prevent women from organizing collectively outside the state and further translated into a “preconditions for women’s hesitation over feminist mobilization in the present” (Grabowska 2009, 48). Moreover, the “double burden” experienced by women in the private sphere of their homes and families, highly neglected by the official policies, also caused many women to decline the Party membership or get involved in other formal organizations, from which they could get some economic or social benefits (Penn and Massiono 2009, 5) that would help them develop during transition.

Yet, the differences between the two countries also affected the role of women’s NGOs. Women’s role inside Solidarity was surely a decisive one since they were very much active in the underground structures (Penn, 1994). The 1980’s are considered the years in which women’s movement in Poland started to emerge and materialize. In 1983 the first feminist sociology seminar at the Institute of Sociology at Warsaw University was opened and in 1984 several women who attended the seminars started to meet in

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1 Full-time paid employment, paid maternity leave, annual paid leave to care for sick children and subsidized child care are some of these policies (Bretherton 2002, 6; Fuchs and Payer 2007, 164).
2 As noted by some authors (Klingman 1998; Miroiu 2004) Romania rather experienced a “private “solidarity
3 By marginalization, I understand the exclusion of women’s NGOs when it comes to every-day cooperation, consultations, and access to funding (Korolczuk 2014, 959).
4 See Baldez 2003.
Warsaw and Krakow and they organized the Women's Cinema Festival and the first March Feminist Session in Krakow, in 1987 (Grabowska 2013, 3). Also, due to the martial law introduced in Poland in the 1980’s and the many arrests that occurred after its implementation, women took over the leadership positions in the Solidarity movement, which perhaps shaped the first glimpses of the future feminist movement in Poland. Unlike Poland, Romania did not have a dissident movement¹, due to the repressive secret police. The few dissidents were either isolated and had no ties one with another, or were part of larger labor movements with clear agendas, such as the miners’ strike in 1977 (FDSC 2005, 17). The country rather experience a “private” solidarity network (Klingman 1998), in which the forms of resistance were made in small, yet powerful manners, such as support in regard to abortion issues, redistributing food, clothes, books and other improvised mechanisms of survival (Miroiu 2004, 200).

The private solidarity was also an effect of the reproducing policies in Romania, through the 770 Decree from 1966, in which abortion was banned. After the fall of communism Romania immediately abolished the Decree, while in Poland the opposite direction was taking place: abortion was legal during communism, but in 1993 the reproductive rights have been restricted². Reproductive rights have raised a lot of protests and grass-roots groups that materialized in gathering over one million signatures for a motion for a referendum to be held in this matter; a motion that was though rejected by the authorities (Fuszara 2010, 90). The abortion law passed, due to the important impact of the Catholic Church inside Solidarity movement, the medical industry, state officials and women religious groups (Grabowska and Regulska 2011, 134).

Therefore, the two aspects regarding the proto-civil society and the reproduction policies further shaped the newly emerged women NGOs in the two countries. In Poland, the underground actions transformed after the fall of communism, into cooperation between women and their struggle to push for the law regarding abortion not to pass. In Romania, due to the historic events, the private solidarity transposed into the creation of several women NGOs as well, but in scattered manner (Miroiu 2015). The newly created women based NGOs were therefore scattered yet based on a group solidarity that

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¹ Regarding the workers’ strike from Brasov in 1987, that had a profound anti-communist stance, see Kuran (1991), Keil (2002) and Cesereanu (2009).

² Abortion was legal only „if the pregnancy constitutes a threat to the life and health of the mother; if the pre-natal examination or other medical reasons point to a high probability of severe and irreversible damage to the foetus or on an incurable life-threatening disease of the child; if there is a confirmed suspicion that the pregnancy is a result of a criminal act“ (Article 4a in Szelewa 2011, 7).
occurred communism. Their development as formal organizations was based on the encountering with Western feminist literature, through academia.

**Surviving the economic and democratic transition**

How can these aspects of the communist legacy impact women organization as we know them? The neglecting of the pre-communist feminist traditions translated into the total distancing from the past and adoption of a new culture, washed out of ideology or any past traditions that could be interpreted, as the communist propaganda has made many times. Nevertheless, as remarked by one of the Polish feminists (Graff 20081) in both countries, during transition, it was “too late and too early for feminism2”, and the weak feminist agenda that had been developed in some NGOs was rather civic-cultural, connecting women NGOs with the academia rather than with the political environment (Miroiu 2004, 243; see also Borza 2008; 2010). The liberal ideology of feminism in both Romania and Poland was a “response to the growing conservatism of state institutions” (Grabowska and Regulska 2011, 145), although in Poland right wing discourses had become more prominent than in Romania.

The transition3 period, although different in many aspects in the two countries, has impacted women based NGOs in some similar manners. For example, as concerning the political and economic measures, women were rather objects than subjects of change (Brunnbauer 2002, 154). Moreover, as noted before by many transition scholars, the economic, social and political transition created disparities between women and men, which were highly endorsed by the end of the affirmation politics and the quota system (Saxonberg and Sloat 2004), the higher rates of unemployment and low-paid and low-status positions in the labor market (Klingman 1994, Pascall and Kwak 2005). With some few exceptions of urban based upper-middle class women, in terms of social and economic status and political representation and due to the neoliberal economy and the neo-traditional ideologies that arose in the CEE countries “that went hand in hand with the market images of sexy” (Johnson and Robinson 2004 in Miroiu 2004, 219), women experienced the “domestication” of their issues (Brunnbauer 2002, 154). In Poland, the

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2 I refer to feminism as encompassing all types of ideas, theories and policies that promote and lead to the exercise of women’s rights and autonomy, affirmation and increasing the public power of women; as an emancipatory strategy (Miroiu 2004, 251).
3 Transition is regarded as economic and political, with the liberalization of markets and civil societies, but social in relation to welfare structures, households and of gender relations and assumptions within both (Pascall, Kwak 2005, 1).
trend of gender re-traditionalization occurred due to the influence of the Catholic Church and the Solidarity Party, “seeing the traditional family as a way to assert Polish national identity after Russian and soviet domination” (Fuszara 2000; 2005; 2008; 2010; LaFont 2001; Pascall and Kwak 2005, 7). As Tarta notes (2015, 33) European social funds and God were the means of compensating the post-communist economic dismay in the two countries. In Romania, the moral and cultural landmark of the Orthodox Church¹, which is a “patriarchal model in itself” (Miroiu 2004, 215) and the left-conservatist ideology (Miroiu 1999), created the framework of a “show room democracy²”. The untouched private domain as a legacy of the communist regime did not change during the transition period (Braunbauer 2002, 152) rather it perpetuated the traditional values and attitudes towards women (Regulska 1998, 52) in both countries.

Moreover, women were low represented in the elected bodies and in both Romania and Poland the idea of introducing quotas resembled the communist past rather too much. Yet Poland didn’t adopt a formal quota system under communism, women were formally elected inside the public bodies. However, some parliamentarians and members of women’s non-governmental organizations began to work on a law to grant men and women equal status in society in Poland (Siemienska 2004, 2). In this sense, being pressured from female party members, “three political parties agreed to introduce a 30 percent quota: the two coalition partners – the Alliance of Democratic Left (SLD) and the Labour Union (UP), and also the centrist Union of Freedom. Fifty organizations joined the Pre-Electoral Coalition of Women—an open agreement between women’s organizations and groups entered into a few months before the 2001 elections. (...) Women parliamentarians from all parties organized an action entitled ‘Women run, women vote’ to convince voters to support women candidates” (Siemienska 2004, 3-4). In 2007, Women’s Party was founded to run for the 2007 elections and its principle issues conveyed child birth, child care, and equal pay (Fuszara 2011, Freidenval et. al 2012, 19³). The electoral quota system was finally embraced by the Polish Parliament

¹ As in the early 1990’s until nowadays, in Romania „in poll after poll, the army and the church – institutions that represent authority and stability –have the highest credibility” (Grüneberg 2000, 310).
² A ‘show-room democracy ‘ is considered to have the traits of a real democracy, yet only in a superficial manner, like “the objects from a showcase are most often genuine, but not used – just exposed (...) civil society has little government influence (...) women, minorities and the poor are absent or excluded from the public life (Pasti, Miroiu, Codita 1996, 127).
and in 2011 Poland adopted the electoral gender quota system for parliamentary and local elections and for the elections in the European Parliament, “with the candidate lists inclusion of 25% of the representatives of one gender” (Szelawa 2011, 7). This was proposed at the initiative of the umbrella NGO, “Congress of Women” (Kongres Kobiet). Therefore, Poland experienced the implication of women on behalf of civil society and political parties for the improving of their representation.

In Romania, the quota system existed during the communist regime, but with two aspects that generally hindered women from real political power: the Communist party and its men were “wielding the real power” and “many women were promoted before they were experienced enough to do well in their posts” (Fisher and Harsanyi 1994, 204; 207). Women had access to power, in a time where power was meaningless (Miroiu 2004). On top of that, the Elena Ceausescu personality cult and her role in the political sphere had been used as an argument against the involvement of women in politics, to which several political figures had been further added to develop sexist arguments for the elimination of women and their access to power (Miroiu 2004, 201-2). This deeply affected the role of women in politics and the culpability role that has been further attributed on this basis. Some parties, such as the Social Democratic Party of Romania announced that it would introduce a 25% quota for women on its electoral lists in 2001 and the Democratic Party announced a 30% quota, but the measures have not been adopted; in 2004 a similar measure has been announced, and finally enforced. However, an electoral quota system at the national level has not been embraced. This issue translates in different way in which women are closer to political power, the way in which NGOs could cooperate with legislators and their political effect of their work. Moreover, political representation and civil awareness in regard to women since to be missing from the women based NGOs agenda in Romania, whereas in Poland, women NGOs struggle to influence the way women are represented and measures have been taken in this direction.

**Women’s mobilization in civil society organizations**

In Poland women founded NGOs around the ban on abortion, the transformation of the living conditions, education, work and other gendered-oriented issues (Fuchs and

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Payer 2007, 169; Grabowska and Regulska 2011, 139). It is considered that the first bottom-up or grassroots women groups emerged in the early years of the Solidarity in 1980-81, with the clear aim of gaining independence (Fuszara 2005, 1064), yet after 1989, the abortion act that passed the Sejm lead to the creation if women’s organization ‘from below’, with almost 300 newly based organizations and initiatives (Kurczewski et al. 2003 apud Fuszara 2005, 1065). „Though it ended up being a lost cause, the abortion debate paradoxically authorized the existence of feminism in the Polish public sphere”, according to Grabowska and Regulska (2011, 139). The Romanian feminism and development of women’s NGOs was created when the majority of women have “met” with the feminist theories, have internalized them and became feminists especially in the educational and academic field; a feminism that will diversify itself in the future years (Molocea 2015), developed locally, out of a need of having an agenda. The Romanian feminism could be described as “a mind without a body” (Miroiu 2015, 202) having a low power in influencing policymakers (Grünberg 2000), but a strong force in transforming the political culture. Moreover, a distinctive feature of the Romanian women’s movement is its lack of a clearly defined objective or set of priorities (Grünberg 2000, 319). The feminist agenda was rather civic-cultural; the connections between the academia and the women NGOs were rather closer than the ones between the political environments (Miroiu 2004, 243).

The national legal and institutional framework also encountered changes in Romania and in Poland, since many of the old formal laws have been changed, while others have been introduced, such as the percentage law in 2003 in Romania and Poland (Glinski

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1 In countries like Romania or Bulgaria, it is hard to differentiate between what was the imposed feminism and the local one, partly because in the first years they were closely connected (Ghodsee 2004), considering that “in our histories and in our literature in general, there are few or no examples of significant protest activities, or even assertive behavior, on the part of Romanian women” (Miroiu and Popescu 2004, 300).

2 Law no. 339 of 17 July 2006, for the amendment and completion of the Law of Volunteerism no.195/2001, available at http://www.cdep.ro/pls/legis/legis_pck.hptp_act_text?idt=74382, laws that regulate fiscal aspects, such as the Law 571/2003 regarding the Fiscal Code and various laws on social contributions, as well as the overall legislation: Ordinance 26/2000 regarding associations and foundations, Ordinance 37/2003 amending and supplementing Ordinance 26/2000, Law no. 123/2005 regarding the rejection of the Ordinance 37/2000 and the Law 246/18th July 2005 for the approval of the Ordinance 26/2000 regarding associations and foundations. In this regard, an organization or foundation that is non-governmental and non-profit has actions that aim to perform activities of general interest or in the interest of communities, or as appropriate, for their founder’s non-patrimonial interest. Available at http://www.lumeaong.org/legislatie-ong.html; accessed 08.08.2014.


4 http://static.anaf.ro/static/10/Anaf/Legislatie_R/Cod_fiscal_norme_2015.htm; accessed 08.08.2014.

5 More information here: http://jedenprocent.pl/index.html. In Poland, the church is not a beneficiary of this law, except for the NGOs established by the church (Bullain 2004), unlike in Romania where the church is one of the main beneficiaries (FDSC 2010, 86).
2004; Wygnanski 2004). Yet, it is also important to note that the national legislation in both countries was contributing to the re-distribution of power and resources among NGOs through the fact that both countries inherited culture and leisure organizations from the communist period (as culture and recreation were among two fields of social activity tolerated and even encouraged by the Communist state) that held a privileged position and capital (Johnson and Young, 1997; Carothers 1999; Dakova et al. 2000, 13; Bunea 2007; Klon/Jawor 2004) and continued to receive favors, such as public money (Ekiert and Kubic 2014, 50); as well as the 1 % law in Poland and 2% law in Romania that seemed to have worked for some types of organizations, but not for others. In this manner, Western assistance had similar effects in both countries, supporting some NGOs over the others, in fields such as advocacy or human rights (Quigley 2000, 198). Some women based NGOs relabeled their activities so to qualify for funding programs regarding development and human rights, since this was the strategy that many funders adopted. The low resources and marginalization meant that women based NGOs could be prone to adapt to the ones who were offering them resources, financial and moral. Adaptation therefore took some similar forms in both Romania and Poland.

Thus, The Western assistance, as well as their urbanization\(^1\) brought a negative perception of NGOs, folding with low participation inside the civil society, and entangling with the idea of “forced “volunteerism” during the communist period and the rejection of previously forced group identities (Regulska and Grabowska 2012, 142). The mass-media (Gender Barometer, 2000; Rovenţa-Frumuşani 2002, 47-67) by perpetuating stereotypes, also “contributed to the public opinion’s reception of gender-related issues and feminine/masculine images in a confuse, hostile, and superficial horizon, delimited by the scarcity of information, the ignorance or minimization of gender relations, or their unconditional criticism and rejection” (Hurubean 2013, 7).

The role of EU and transnational actors on women’s NGOs

The Beijing Conference (1995), the EU accession (2004 in Poland, 2007 in Romania) and the gender institutionalization that occurred before and after the accession also influenced women based NGOs, as well as the equality agenda, which has been “strongly embedded in both the post-communist legacy as well as the process of EU accession”.

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\(^1\) Krakow, Poznan, Wroclaw, Legnica, Torun are some of the cities except Warsaw in which women NGOs are visible in Poland (McMahon 2002, 46), while Cluj, Timisoara, Iasi and Sibiu are some of the cities except Bucharest in which women and gender NGOs are visible in Romania.
but with variation to the patterns of institutionalizing and different engagements of intersectionality (Kriszan and Zentai 2012, 178). The Beijing Conference represented a place of networking and imitation as well as the emergence of many women NGOs in CEE countries (Fuchs and Payer 2007, 165). Women NGOs representatives met and discussed their future strategies and adopted a more transnational approach to gender policies, with the support of UN actors. At The Beijing Conference, I believe the relationships between West and East have been outlined, as to what was happening at the moment and what will occur in the future, in the funding scheme: the notion of ‘non-region’ that Eastern European women were experience became symbolic in the “Western-center” and “Western-morphic” context. Post-Beijing, the agenda of women’s organizations has shifted, a new process of NGO-ization and professionalization appeared as well as a new language of “gender equality” and new strategies such as the “gender mainstreaming” into state institutions (Verloo 2007, 152). Nevertheless, it also attracted critics, especially to the term ‘gender’ and its terminology that continues to shape many policies, projects and grants and which covers much of our vocabulary when referring to women or sexual minorities' aspects.

Nevertheless, the reluctance towards women issues became less problematic due to the EU accession process that imposed several general gender equality policies through legal frameworks (treaties, directives, and recommendations) and therefore women’s organizations became important actors in this process: “Women’s NGOs achieved the status of actors, often transnational. The action of the women’s transnational networks has had a great thrust in economic, political and transnational relations matters” (Ferreira, 2000, 27). Yet, the EU acquis has been regarded as a “human-face patriarchy” due to its feminist content in regard to anti-discrimination laws, equal opportunities, domestic violence and sensitivity towards sexual minorities (Miroiu 2004, 259), but

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1 At the Conference, CEE countries were not considered a region and had no space for discussions, as the other regions in Europe (Grabowska 2009, 81). This further transported in the focus of both Romanian and Polish officials on emphasizing the “Europeness” of these countries’ politics than its eastern European specificities. (Grabowska 2009, 82)

2 Ghodsee (2006, 47) addresses the issue of ‘gender experts’, who represent “a new a new class, that is outside the state and the market, but can easily adapt to any of its institutions”; either coming from Western countries into the CEE ones, or local based ones that give recommendation to governments, or write grants and participate in international conferences.

3 To name a few measures made at the European level in regard to gender equality: the adoption of the European Consensus on Development (2005) that recognizes gender equality as a goal in its own right and as one of the five common principles of EU development cooperation; as well as the Communication on Gender Equality and Women's Empowerment in Development Cooperation (2007), the subsequent Council Conclusions which translate into the gender inequalities within the new member states into the public arena (Staszewska, Esplen, Dion 2010, 10).
mostly these changes were taken in a top-down fashion, a Western-Eastern manner, paternalistic and less sensitive to local issues which needed also grass-roots feminism.

The EU accession, as feminist scholars\textsuperscript{1} have observed, brought contradictory results for women: they opened up new possibilities for mobilization and coalition building, facilitated access to specific resources (networking) and legitimized some claims, simultaneously limiting other possibilities and posing new constrains on women’s NGOs as well. This happened partly because of the initial weak position of women’s organizations, but also from the interplay between the local/ national and transnational level. At the discourse level, the gender ‘rhetoric’ was highly adopted within the EU standards of implementation and adoption, creating a “room-service feminism”, which represents the Romanian transition feminism, imposed by the EU than by the actions undertaken by women based NGOs (Miroiu 2004, 257).

The EU accession has also impacted women and gender NGOs in regard professionalization, a manner in which activists could also take part in international debates, conferences and networks and try to ameliorate some legal framework promoted at the EU level. The professionalization of NGOs\textsuperscript{2} in both countries had encountered yet struggling for human resources, “a professional base has developed, mostly with the assistance of foreign donors and good practices have been developed (FDSC 2005, 73). This process started once with the presence of Western funders and further developed after the EU accession. Transnational organizations represented the main types of institutions that were financing the NGOs in the CEE countries, such as the IMF, World Bank EBRD, PHARE Program; governmental agencies through US AID\textsuperscript{3} and private organizations such as Soros Foundation, Humboldt Foundation, Ford Foundation (Bunea 2007, 16) before the EU accession. These organizations managed to establish local organizations for the management of funds, to bring infrastructural support, develop trainings, seminars and workshops.

Yet, critics arose, saying that foreign assistance has fostered “small, formalized, bureaucratized, professionalized cadre-staff organizations that have learnt to play the

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\textsuperscript{1} More on how women perceive the changes inside the social, economic and political sphere in Romania see Baluta, Dragolea, Lancu (2007) or Neaşa (2013).

\textsuperscript{2} The reorientation due to the transition from traditional social movement to small-scale professionalized organizations of women can be seen in the structure, ideology, program and strategy of women based NGOs: “the transition from movement to NGO brought with it a structural emphasis on professionalized but decentralized small-scale organizations and a turn from anti-hierarchical to more-hierarchical structures” (Lang 1997, 102).

\textsuperscript{3} From 1990 to 1996, 2,7$ billion dollars were channelled by 15 CEE countries, initially as technical assistance and then through the provision of grants (Quigley 2000, 195).
“funding game” (Jacobsson and Saxonberg 2013, 6, in Vlad 2013, 63). The process of NGO-ization and professionalization also meant a growing dependence on EU funds and financial support from private donors that clearly affected Polish civil society: “NGOs gradually turn into bureaucratic and apolitical institutions, while the people engaged in the third sector are predominantly interested in the wellbeing and survival of their organizations rather than social change (Korolczuk 2014, 954-55). Nevertheless, it has also been argued that due to bureaucratization, people prefer to get involved in more informal actions, at the local level than work with documents inside the organizations’ offices (Korolczuk 2014, 955). This phenomenon started to occur in Romania and Poland by the new generation of feminists, that had embraced a more informal but confrontational stance than the early feminists of the transition period (Grabowska 2009, Vlad 2013, 2015).

In Romania “until 2010, mainstream feminist and women’s rights organizations were almost exclusively engaged in routine means of influencing politics (advocacy, open letters, petitions), while feminists involved in the left, more underground scene assumed a more confrontational stance, organizing and participating in protests” (Vlad 2013, 77). This occurred in both countries, making a clear delimitation between formal (liberal) women NGOs that have to access funds and informal (leftist) women organizations that stand inside the underground movement¹. Yet, This process of Europeanization had also created a new wave of feminist activism in Poland and Romania that managed to diversify the variety of the women members and incorporate an intersectional approach to its stance (Jewish and Catholic feminists in Poland, Roma feminists in Romania (see Oprea 2004; 2012), sexual minorities in both countries).

As far as the funding story goes, Poland, in the early years, obtained funds for civil society from private funders, especially German (Humboldt Foundation, Bosch Schtiftung), but also French (Foundation de Pologne) and of course Soros Foundation (Quigley 1997, 48; 244). On the other hand Romania was benefitting from public programs from the US or the EU, such as the National Endowment for Democracy, PHARE and of course US AID (Carothers 1996, 56). The EU funds were channeled through PHARE Civil Society Development Program, PHARE for Democracy, PHARE LIEN and the PHARE for Partnership (NGO-Stock Taking in Romania, 47). After the EU accession and the withdrawal of many private and American donors, two important

¹ On this topic see Vlad (2013) and Fuszara (2005, 2010).
funders have been developing programs and actions in both countries, such as the EEA Grants and Norway Grants\(^1\) (Iceland, Liechtenstein and Norway) and the Swiss Cooperation Programme\(^2\). Therefore, women based NGOs experienced similar funders, yet in different amount, channels and procedures.

Conclusions

Generally, in both countries, women, with less political and symbolic resources, organized themselves outside the political parties, in various NGOs, so to persuade politicians to vote for laws against discrimination, domestic violence and gender equality (see Miroiu 2004), and also to influence the equal opportunities policies and the democratization process. The communist legacy and the cultural aspects of these countries, even though different in many aspects, had lead organizations to adopt a certain kind of ideology (liberal), which was further stressed by the Western donors’ “modus operandi”. Moreover, the pressures of the neoliberal economic transition, as well as the communist legacy and limitation of the public domain in the public sphere have left women with poor political and symbolic resources. Within the transition or transformation period, women’s NGOs took different paths in Romania and in Poland, having developed from an academic standpoint in Romania and from grassroots movements in Poland, due to the abortion rights. Nevertheless, in both countries they developed in similar manners, as a response to the economic and political factors and the more traditional views regarding gender. In both countries there has been a “baby-boom” (Chimiak 2006) of NGOs, due to the newly adopted legislative frameworks that helped these organizations to develop and the presence of Western donors. International actors and donors have highly impacted these organizations by establishing new modes of working, through trainings, seminars and workshops and human resources. Despite the fact that women’s organizations were active in the international and national level, few of them managed to concentrate on the rural and regional level. In this regard, in both countries most of the women and gender NGOs became an urban phenomenon, being closer to the centers of power and finance. The


period in which they become important actors in both countries, after almost a decade of being highly biased due to the conservative political parties and the general public, was in the time of the EU accession. Yet, after the accession, numerous important donors have shifted from these countries, profoundly impacting the organizations that were highly dependent on external funding. The gender institutionalization had different ways of development in each country, yet this period is regarded as the professionalization or NGO-ization phase, in which the organizations that had access to European funds became more institutionalized. Despite the different context in which they emerged, the similarities between organizations have been highlighted, due to external pressures from governments and international actors, but also as forms of development from within.

In regard to the differences between the women and gender based NGOs in Romania and Poland, besides the interpretation of legal frameworks and coercive pressures, the size, age and members can shape organizations to take various organizational forms, the most important factors that affected women and gender NGOs are connected to institutional path dependencies, civil society mobilization, discursive opportunity structures and political opportunity structures and different trajectories of change. Therefore, even though in the Solidarity movement the gender issues were not encountered, the movement itself had an important role in the development of the civil society in Poland. Moreover, Poland experienced a grassroots feminist movement around the abortion law that was adopted in 1993, in which many women’s NGOs have been established. On the other hand, women and gender NGOs in Romania have developed around the academia, in a genuine manner, but rather one of a “collective privacy”, in places where women usually met and without significant public and political consequences, due to its private character (Miroiu 2015, 200).

Moreover, the transition period had different paths in the two countries, further affecting women NGOs: the organizations in Poland had different economic opportunities than the ones in Romania, and many organizations developed their activities around the labor market and entrepreneurial sector. The quota system introduced in Poland has helped NGOs to collaborate with the local authorities, having made these organizations to access national and regional grants. Romania could not adopt the quota system, due to its fragmentation inside the women’s NGOs and the lack of political support and therefore many organizations were highly dependent on foreign
funds. The EU accession, having two different time spans and the shift of funding also impacted these organizations differently, yet NGOs became important actors especially in the gender intersectionality of public policies, collaborating with the state and the international actors. In Poland membership fees were preeminent, while in Romania NGOs continued to rely on external funded projects. The mechanism of funding accession also differed, making this process easier for the organizations in Poland than those in Romania.

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Modern States, Legal Reforms and Feminism(s) in Muslim countries

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Abstract The translation of the Qur’anic precepts into concrete laws, meant to answer certain social necessities, was a complex and fallible process. During the past century, the general wave of reconceptualising the equality between women and men was countered in the Islamic space through the diverse reinterpretations of the sacred texts in order to propose alternative Islamic solutions to the traditional patriarchy. At the same time, the Family Code reform was marked by some specific tendencies, common to many Muslim-majority countries: the transition towards the nuclear family, an accent on the rights and the identity of the individual, the development of formal methods for solving conflicts, the codification of law, the advancement of written documentation and the protection of social justice and of women’s legal rights in marriage and in divorce. The first part of this article will be dedicated to a succinct presentation of the family code reformation that was generated by the formation of the modern states in the Middle East.

Recently, jurisprudential reforms based on Islamic feminist criticisms are in the centre of Islamic feminist debates, but practically improving the laws that regulate and/or affect Muslim women’s life is a strenuous, long-term process as it involves changing some deeply rooted patriarchal mentalities and challenging the „private”, unequal construction of the marital relations. The negotiation between these feminist groups and the local authorities responsible for the policy and law-making process is rarely a successful one. The new Iranian Civil Code proposed some of the most advanced family laws in the Middle East, classical legal prescriptions being reinterpreted from the current modern conditions perspective. The complex dynamic that generated some specific legal reforms that are beneficial to Muslim women were the result of the theoretical negotiations that involved not only the classical interpretations of Islamic law, the Islamic reformist contemporary theses, but also the recourse to knowledge based on modern sciences, especially on medicine. Iranian Muslim feminists had a significant role in the process of reformation and
this will be shortly analysed in the last part of the present article, beside some brief comparisons with the situations specific to other Arab countries.

Key words: modern state • reform • Islamic jurisprudence • Islamic feminism • Iran

The Modern State and the Reform of the Family Code

Muslim women live in different socio-political contexts and adopt various beliefs and practices; the still popular orientalist paradigm of the oppressed, ignorant, passive Muslim "woman" is nowadays being contested for its unjustified homogenisation and generalization. Treating Muslim women as a unitary class that it is marked by certain negative characteristics was a rhetoric that functioned as an imperialist instrument of justifying the colonialist domination and politics, being often supported even by the missionary feminists. The generalization involved in the expression „the status of women” in Islam is meaningless as the status of Muslim women varies according to their class, ethnicity, age, geographical area, marital status, education, etc.¹ There is a complexity of various textual Islamic interpretations that were invoked in the regulation of women’s social and political roles and we cannot understand all the types of injustice that afflict Muslim women’s life if we do not take into consideration a series of socio-economic and political factors that defined – historically and culturally – different manifestations of gender inequity.²

During the last century, Muslim women themselves started to form organizations and groups pleading for extending Muslim women rights: their right to education, to vote, to be elected, to be equally involved in the social and political life, to work, to have fully legal recognition of their autonomy as human beings, etc. Some Muslim women imported the secular feminism instruments in order to achieve their goal, others tried to explore the classical Islamic tradition and rediscover principles and laws favourable to enhancing Muslim women rights, but remained tributary to the general androcentric suppositions that fundamented the dominant Islamic jurisprudence. Other Muslim feminists were more courageous and started to construct new hermeneutical instruments that could create a more feminine reading of the Qur’an. Recently, even

jurisprudential reforms based on Islamic feminist criticisms are in the centre of Islamic feminist debates, but practically improving the laws that regulate and/or affect Muslim women’s life is a strenuous, long-term process as it involves changing some deeply rooted patriarchal mentalities and challenging the „private”, unequal construction of the marital relations. In general, these different feminist approaches are nevertheless received with suspicion and hostility in the predominantly Muslim societies, being homogenously treated as a deceitful Western ideology meant to erode and destroy the local religious and social culture. The negotiation between these feminist groups and the local authorities responsible for the policy and law-making process is rarely a successful one.

The translation of Qur’anic precepts into concrete laws, meant to answer certain social needs, was a complex and fallible process\(^1\). Generally speaking, Muslim modernists considered that interpretations and classic juridical books have reflected the social system of Muslims from the Islamic jurisprudence formation period, but are completely inadequate and incapable to answer to current social needs.\(^2\) Responsibilities, rights and legal privileges attributed to men in the juridical field, as well as the domestic role, of a caretaker, and the dependence of women to men have reflected men’s superior social standing during the epoch, as well as the social roles attributed to women by tradition or by customs. During the past century, the general wave of reconceptualization of women’s equality to men was countered in the Islamic space through the diverse re-interpretations of the Islamic sacred text in order to suggest an alternative solution to the traditional patriarchy. Progressive authors therefore suggest that there are a series of discourses which (1) either obsessively draw on occidental values in an apologetic, polemical or offensive way (during the seventh decade of the past century, the emergence of Islamic fundamentalism is associated with the tendency to blame the process of westernisation and secularisation for the moral decay and the social decline of Muslims), (2) are built based on theses which are presumed to be exclusively Islamic (initially, some Muslim reformers from the past century have tried to establish in Islam certain modern concepts such as equality, human rights, democracy; and during the contemporary period, the ideal of some

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Muslims is a modernisation justified and based on the Islamic history, beliefs and values), (3) or aim towards a reconciliation of Islamic with Western principles.

Islamic juridical reform was initiated in the middle of the 19th century in the Ottoman Empire, majallah representing an attempted systematic codification of Islamic law according to the structure of the French Civil Code¹. The reform inherently spread into Egypt, an Ottoman province at the time, through the enactment of the new Penal and Commercial Codes; the Family Code, based on the old Islamic interpretations, remained unchanged in any significant way until 1920. During the first part of the 20th century, countries with Muslim populations are marked by the expansion of secular education and the separation of religion from politics; furthermore, the law becomes secularised, with a few exceptions, such as the Family Code – the most conservative juridical space, hostile to change, representing a hybrid of procedural reforms which did not affect the substance of classical law, but that had to reflect, in a certain way, new changes of the social dynamic. I refer here to the women’s massive entering the job market in some Muslim majority countries (Iraq, Syria, Egypt, etc) during the years 1950-1960. By this new social change the domestic partners’ responsibilities were equally shared, generating new problematizations of some patriarchal Islamic prescriptions.

The Family Code reform was marked by some specific trends, common to more countries with a Muslim population: the transition towards the nuclear family, an accent on the rights and the identity of the individual, the development of formal methods (through judges and official courts of law) for solving conflicts, the codification of law, the advancement of written documentation and the protection of social justice and of women's legal rights in marriage and in divorce. Some of the results generated by the legal reshuffling developed in the past century and beneficial to women are: the raise of the accepted minimum legal age for marriage, the official recording of marriages, the extension of accepted reasons for women to request divorce, the restriction of men's right to unilaterally divorce. The methodology used in reforming the Family Code from Egypt and Pakistan is however poor and unorganised (based on talfiq / pasting, takhayyur / selections etc), some legal corrections generating problems when reported to other laws².

Given the limits of this article, I will briefly mention the ways in which the more and more visible and significant presence of Muslim women in Muslim majority countries' societies is generally perceived and analysed and the strategies they used in the struggle of obtaining more political and social rights. From a sociological perspective, Fatima Mernissi\(^1\) argued that Muslim men perceive the extended participation and implication of women in the public sphere (education, work, health), corollary with the modernisation process, as a threat\(^2\) (insecurity, competition on the labour market) and as an aggression to which they can only react by retreating to the presumed patriarchal Islamic values, trying to exclude or to punish women for their intrusion through an intensified implementation of patriarchal norms in the private sphere\(^3\). All things considered, from a methodological perspective, splitting ideological analysis from material transformations and the analysis of social factors which affect women from social elements impacting men's life is unjustified.

Saba Mahmood suggests a much more complex and encompassing analysis of the reactions generated by the effects of the modernisation of Muslim majority countries. The assumption that masculine identity emerges in relation to patriarchal values (considered to be legitimated by Islam), and that female identity is built depending on socio-economic transformations (the changes of traditional roles) was deconstructed in detail by the author. The tendency to naturalise women's desire for liberty, ignoring the discursive forces that have modelled their value systems and their own social integration has determined the hegemonic imposition of a vision tributary to their own cultural evolution (in which deliverance from the structures of masculine domination cannot be told apart from the benefits of adopting the secular principles of modernity), excluding those desires and aspirations indifferent to the ideal of deliverance – or simply not impressed by it\(^4\). The hypothesis of women's institutional predisposition to oppose an unfair system (from a gender perspective) seems to actually conceal a solution put forward for a political project\(^5\). Mahmood emphasizes the need for

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\(^{1}\) Even if Fatima Mernissi is of Moroccan origin, her critique is based on the Western secularism suppositions.

\(^{2}\) Erotic and social.


\(^{5}\) See also other analyses contesting the victim status and the passivity of the Muslim women: Chandra Talpade Mohanty, *Under Western Eyes: Feminist Scholarship and colonial discourses*, in *Third world women and the politics of feminism*, Indiana University Press, Bloomington, 1991, pp. 51-80. Regarding the active, voluntary process of Muslim
developing a fitting analytical language, capable to integrate different types of values and personal and social adhesions that are not necessarily attached to a culture, but that depend on multiple types of discursive and political structures which are simultaneously present in a single cultural space.¹ This project would annihilate the tendencies to make culture essential, promoting the capture of the abundance of ideals, purposes, visions which coexist in Islamic (as well as Western) cultures², which cannot become comprehensible if they are reduced to a unique frame of analysis.³

From another perspective, jurists were isolated and lost contact with changing political realities, a fact that had a negative effect on women that could no longer negotiate access to legal justice, fiqh rules being directly applied through the apparatus of the modern nation-state. Therefore, fiqh – Islamic jurisprudence – became a closed system that could not be under critical examination and public debate. Later on, Muslim jurists were educated according to the civil legal system and often tried to search the Islamic legal tradition for systematic conceptual frameworks, “to re-construct and distill the amorphous Islamic legal tradition into a set of clear and precise rules quite similar to a civil law code”.⁴

On the other hand, Hashim Kamali argues that using certain rules and principles of traditional jurisprudence could be very efficient in the process of contemporary reform. Through an adequate judicial methodology which can enforce the takhayyur principle, choosing the ideas (from the Islamic juridical schools) which are most favourable to women, that of judicial preference, istihsan, as well as those specific to the maqasid al shari’ah vision, it is possible for a beneficial reform of the Islamic Family Code to take place, according to the Qur’anic ethical values of justice, moral excellence, equity, pity, moderation.⁵


² See the collection of articles regarding the actual status of Muslim women as it is configured in different socio-political contexts: Bodman, Herbert l. – Tohidi, Nayereh (eds.), Women in Muslim Societies. Diversity within Unity, Lynne Rienner Publishers, London, 1998.
³ Be it religious, economical, etc.
⁴ Abou El Fadl, Khaled, Speaking in God’s Name. Islamic Law, Authority and Women, Oneworld, Oxford, 2001, p. 5.
Example: Legal Reforms in Iran

Nowadays, in areas with a predominantly Muslim population, laws regarding abortion, rape, domestic violence, adultery, incest, etc have in common the fact that they result from systems which support male authority and their group identity, women’s body ownership and sexual rights being cancelled through the reification strongly connected to their vulnerability in the pre-Islamic system of honour. In the personal statute law, women are placed under man’s authority, and in the penal code, their bodies are governed by precepts that give priority to men’s interests, ensuring their lineage, laws being influenced by customs, tribal traditions and cultural practices. Unfortunately, penal codes that heavily discriminate women by specific practices such as lapidation, whipping, death penalty, despite the fact of having constitutionally declared – in most of the Middle East countries’ constitutions – the general equality of all human beings, are still present and have a major negative impact on Muslim women’s life.¹

Iran is an eloquent and interesting example regarding the complex dynamic that generated some legal reforms by the negotiations that involved not only the classical interpretations of Islamic law, the Islamic reformist contemporary thesis, but also the recourse to knowledge based on modern sciences, especially on medicine. During the secular reign of the Shah, according to the 1967 Family Protection Law, one of the most radical juridical reforms – that took place in the Muslim space – appeared, under the pretext of the Islamic introduction of the clause system in the marriage contract (without allowing to actually negotiate them: the clauses were automatically imposed on the husband), polygyny and temporary marriage were abolished, and also the divorce declared outside the court of law. Men and women were granted an equal right to divorce. The minimum age required for marriage was established to fifteen for girls and eighteen for boys, later being raised in 1975 to eighteen for girls and twenty for boys.

Seven months after the revolution, Khomeini returned to some stipulations from the old jurisprudence treaties through which girls’ puberty was defined – and implicitly became the acceptable minimum age for a marriage –, at nine years old, and respectively fifteen years old for boys, re-enforcing temporary marriage, the right to polygyny and unilateral divorce. However, following scientific and medical proof regarding the deleterious or even fatal dangers of intimate contact and pregnancy at such a young age,

¹ For a detailed analysis of these laws, see also Zuhur, Sherifa, Gender, Sexuality and the Criminal Laws in the Middle East and North Africa: A Comparative Study, WWHR – New WAYS, Istanbul, Turkey, 2005, pp. 14-64.
enumerated and insistently presented by women (Iranian feminists, but also feminists belonging to other categories), the law was rectified, the minimum age being established to fifteen years old for girls, as long as the girl had her first menstrual cycle before the marriage and, unlike other countries, no exceptions to the law being possible – these being subject to penal punishment.\(^1\) The law later met amendments, in 1982 the minimum age being changed to nine years old for girls; in 2002, again under pressure from feminists and human rights activists, the minimum age for marriage is established at thirteen years old for girls and fifteen years old for boys, although marriages under this age limit can be officiated with the agreement of the tutor and the approval of the court of justice\(^2\).

The new Iranian Civil Code has been one of the most advanced family laws in the Middle East, classical juridical precepts being reinterpreted from the current modern conditions perspective. All the marriage certificates issued after 1982 include a list of twelve negotiable clauses (for example, the spouse’s right to initiate divorce in certain conditions, the right to ban other marriages of the husband, the right to equally divide between the husband and spouse the wealth gained during marriage, in case of divorce) that must be individually signed by the both partners for them to be valid, these conditions being read to the couple in order to accept or to reject them. The wife’s right to insert new conditions along the standard ones is not excluded. Important and unique for the countries with a predominantly Muslim population, these clauses are officially included in the marriage certificate, this acting as a means to educate women in regard to their own rights and to provide them the adequate legal frame to implement these rights.

I will now shortly detail by giving a few examples of extending the reasons that can be conjured by the spouse to obtain the divorce, examples that represent legal successes gained due to local feminist analysis. Divorce can be obtained by the wife: if the husband does not provide for her or does not fulfil other mandatory duties for at least six months; if the husband is treating his spouse poorly, living with him thus becoming intolerable for her; if the husband suffers from an incurable disease which can endanger her health as well, or if he is insane; if the husband is unable to respect a legal order to abstain from

\(^1\) Esposito, John, *op.cit.*, p. 99.

engaging in an activity which is repugnant to the spouse or that is unfitting with her social status; if the husband is sent to jail for minimum five years; if the husband is dependent on something that hurts his marriage and marital life; if the husband abandons his wife for more than six months without a just cause; if the husband is sentenced to prison or receives a sentence which is repugnant to the family and compromises the spouse’s status; if the husband fails to impregnate his wife after five years of marriage; if the husband disappears and is not found for six months after the spouse notified the authorities; if the husband enters a polygamous marriage without the approval of the first spouse, or if he is not treating his spouses equally, or if the husband breaks any of the specific claims introduced by the wife in the marriage certificate.

Another example of introducing a law favourable to women: according to a law from December 1992, in case of divorce, the husband has to pay his spouse a compensation for the house work done by her during the marriage. Due to activism, constant social involvement, theological and legal analysis proposed by Iranian feminists who have insistently and creatively participated in the process of reinterpreting the Islamic law and of the building of the religious and civil society, several laws benefitting women were enforced; also, certain relevant institutions or official positions for women’s representation were established.¹

Even if Iranian feminists had to resort to some compromises – for example, the wearing of the Islamic veil that was imposed on them, veil whose functionality was eventually reinterpreted through the feminist lens –, by using the religious argumentation they succeeded in extending the education and job opportunities for women. After presenting thorough Islamic researches on different sensitive topics related to the distribution of gender roles and women’s rights and capabilities, due to tactful negotiation with the governmental authorities, Iranian women started to be elected in the Majlis or even be given high office position by the revolutionary government. Their rare political representation generated a limited but salutary change in the law reformation process.² However, Ziba Mir-Hosseini, in a comparative study on the juridical reforms from Iran and Morocco in 2007, appreciated the increased efficiency noticed in the Moroccan space. In Morocco, reforms were not mainly obtained due to legal arguments, but through the enforced authority of King Muhammad the Sixth,

¹ Esposito, John, op.cit., pp. 103-108.
who has legitimised an egalitarian reading of Islamic law. In Iran, despite the sophisticated arguments put forward by progressive jurists and the activity of the Parliament’s reformist research centre, changes were less striking.¹

In Lebanon, even if in the Constitution it is clearly stated the basic equality between women and men, patriarchal concepts, customs, laws regarding commerce, nationality, criminality – especially adultery and crimes of honour –, abolish the actual implementation of the constitutional principle of gender equality.² Lebanese women are economically very active and visible in the society; however, they did not really support the political representation of women, only a few of them being elected in the parliament.³ Lebanese women’s movements also proved to have a preference for the women’s rights discourses that were based on Islamic justifications or, in general, religious argumentation, avoiding the Western, secular types of feminism.

In Saudi Arabia, women were left with no other solution to pursue their social, economic, political rights except by invoking traditional Islamic values as Islam – especially, Islam filtered by the neotraditionalist Salafi interpretations – remains the only valid source of legitimising all social movements; they registered some notable achievements only in educational and health domains of activity. Till very recently – December 2015, when Saudi women finally gained few political rights (especially the right to vote and to participate in the municipal elections) –, even after a major wave of political reforms in 1992, Saudi women did not hold significant public or political positions and their role was confined at the private sphere despite the fact that large numbers of Saudi women are highly educated. A slight increase in employment was noticed, but Saudi women are still underrepresented and marginalized in the economy.⁴ Many Islamic feminist Saudi women share their opinions in the social media, but they are harshly criticised by the local scholars or governmental representatives; despite their very strict Islamic argumentation, many of them are accused of being contaminated by the Western feminist ideology that contradicts and undermines Islam. Liberal Saudi

feminists risk even tougher suppression by the state and many have left the country to avoid persecutions.

The Islamic jurisprudence reformation is essential in order to correct some grave gender inequities that are perpetuated in the Middle East based on unchanged traditional, medieval theological suppositions and perspectives on women. Many Muslim feminists had to adopt a pragmatic attitude and to plead for the improvement of the Muslim women’s socio-political status by resorting to an Islamic idiom, revisiting the traditional Islamic jurisprudence and exegesis in order to rediscover principles, laws and interpretations favourable for women. In some countries, as Iran, Muslim feminists were more successful in implementing new laws that have a positive impact on Muslim women’s life. In other Muslim-majority countries, the feminist struggle is intense and requires more diplomatic negotiations with the Islamic scholars and state authorities. Nevertheless, the representation and involvement of Muslim women in the process of reforming the local understanding of Islamic law and the promotion of some public policies that empower women became more efficient and visible.

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Today, descriptive representation of women is present among conservative parties in Europe, The United States, Argentina, New Zealand, Japan and Turkey. But can this concept lead to a substantive representation of women claims and issues?

In *Gender, Conservatism and Political Representation* by K. Celis and S. Childs, the authors significantly contribute to comprehending the way conservative women representatives act in their attempt for substantive representation of women. The subject by itself represents a challenge, seeing how the literature usually is inclined to take a critical approach to the conservative claims and actions regarding women. In their analysis, following a structure of 14 chapters, the volume contributes to the study of conservatory women presence in the political sphere by means of conceptual and empirical research which covers the literature’s void on this subject.

For a more comprehensive reading, a short analysis of the theoretical setting proposed by Celis and Childs is needed, this framework being a starting point for the case studies included in this volume. The authors redefine certain terms as “women’s interests”, “representative claims” and “women issues” in the attempt to avoid the essentialist trap – basically not to reject on unjustifiable grounds the way “conservative women are acting for women” (p. 4).

Throughout the gender studies field it has often been said that the conservative vision cannot be recognized as helpful in the public agenda-making process that is dedicated to a substantive representation of women. This has led to a focus on left-wing parties – considered to be closer to both descriptive and substantive representation of women. Authors have argued that a conflict exists between the substantive representation of women and the manner in which the conservative representatives act for women. The literature does not establish a distinction between the substantive representation of
women and the feminist perspective on substantive representation. According to this vision, only the gendered claims of conservative representatives which follow the feminist perspective should be analyzed and be considered “acting for women”. These are the claims that stray from the ideology of their own party and join the feminist perspective. But how do we consider the other claims made by conservative representatives, in the context of women representation? (Karen & Childs, 2012, 218).

In introduction, Celis and Childs put forward the idea that universalizing women’s problems is not the key, proposing that a new notion of substantive representation and its perception should be created. The authors emphasize on the fact that regarding substantive representation solely from a feminist point of view results in the creation of a theoretical framework, difficult for understanding the gender claims of conservative representatives. By rejecting the idea that substantive representation is by definition either feminist or left-wing, the authors propose a dual perspective on the representatives claims (1) type I claims which adhere to the feminist view and (2) type II claims which are gender claims that target a women’s perspective, yet in a distinct manner from the feminist view. Even if these claims support a more traditional view of women’s role, they can be considered to better women’s lives in traditional terms and not in feminist terms (p.11).

Given this theoretical framework, the authors generate a complex analysis of the empirical reality in which right-wing parties act for women. The conservative claims for women are therefore viewed as gendered representative claims, with regard to the fact that women’s interests vary and are not confined to the feminist interests. This perspective of the volume is particularly interesting and valuable as it reject all forms of essentialism and bias.

The first part of the volume focuses mainly on descriptive representation of women within the conservative parties, following the themes of election and participation in elections, emphasizing the historical, ideological and religious heritage of each party. The authors center on the ambition of conservative representatives to effect feminist/gender changes, while also stressing on their position within the parties: what are the means in which women in conservative parties gain influence? (p. 6) The case studies are extremely diverse both methodologically (historical analysis, discourse analysis, interviews, participatory observation) as well as geographically, covering conservative parties in Germany, Japan, Italy, Turkey and Bulgaria.
Relevant themes are covered in this section such as the supply of eligible candidates and demand factors, in the attempt to explain the difference of percentage, within similar conservative parties, in regard to the descriptive representation of women. The difference, the authors argue, is caused mainly by the electoral system, the threat of left-wing parties and the internal mechanisms of each party (pp. 33 – 34); another central theme is the manner in which the male breadwinner model first appeared in the Christian democratic parties as a legacy of Christian belief and the way in which it was abandoned regarding family policy (pp. 41 – 42). Also, the authors analyze women's concerns which are present within conservative party policy, but which do not reside on the feminist agenda (p. 63); moreover, they find that a reconciliation is needed between the traditional perspective of the party and the current shift in women's perspective on themselves and their political roles (p. 78); furthermore, the analysis centers on the active role that women play in Islamist conservative parties and their impact on enactment of laws regarding the empowerment of women (pp. 96 – 98); finally, one of the most valuable finds, in my opinion, constitutes the idea that the pattern observed in the West is not followed in post-communist states, as right-wing parties are more inclined to act for women compared to left-wing parties, the latter carrying the burden of their communist descent (pp. 115 -117).

The second part of the volume centers on the potential of conservative women to act for women (p. 4) and how gendered claims are categorized in the dual perspective on the representatives claims (type I and Type II). This is followed by a study of the connection between descriptive and substantive representation, while rejecting the assumption that substantive representation of women is equivalent to the substantive feminist representation of women. Most case studies contained in this part conclude that conservative representatives have clear claims for women and “act for women”, even if they stray from a left-wing perspective. In practice, substantive representation of women is not synonymous with the feminist substantive representation (p. 14). Throughout this part, the case studies portrait how conservative women who join electoral races are bound to challenge the traditional gender roles and are bound to settle in accepting the idea of motherhood, a key element for conservatives. The authors also approach the fact that conservative women are negotiating gender roles within their party. (p. 123). Moreover, this part of the volume is methodologically rich: the articles use qualitative comparative analysis methods in order to observe the following
indicators, within the representatives’ discourse of both conservative and liberal women: (a) identify as a women, (b) name women as subject and (c) advocate for women. (pp. 143 – 144).

The whole volume’s assertion is based on the importance of a conceptual distinction between the interests of women (which infer taking on a feminist perspective – type I claim) and the traditional perspective (type II claims). These two categories are part of women’s issues (p. 217). In my opinion, the essential conclusion of this part of the volume is that women originating from left-wing parties do not hold a monopoly on substantive representation of women, yet this assertion is only valid under the conceptual umbrella put forward by Childs and Celis.

In the third part of the volume, the case-studies focus on the relationship between the electors and their representatives, to better understand and explain the existence of a women citizen who is both conservative and feminist and to identify a series if issues this persons faces. This leads to a better understanding of the relationship between the women elector and those who are supposed to represent her, the conservative political parties. These chapters focus rather on the quality of representation during the relationship with electors and portraits the fact that conservationism and feminism are not mutually exclusive (p. 15).

The main argument that arises from each chapter of the volume is that conservative representatives matter in debates related to substantive representation of women and it is necessary to reject the assumption that only left-wing parties are capable of bringing women’s issues to the political agenda. The 14-chapter-volume represents a valuable contribution to the literature, both through methodological variety and the originality of their process, utilizing normative concepts in the case-studies.

As a conclusion, I wouldn’t recommend this volume only to students and academics interested specifically in conservative women representation, but also to those who desire a more comprehensive understanding of what substantive representation of women implies and how we can analyze it empirically.

**Bibliography**

Mobilizing for Policy Change. Women’s Movements in Central and Eastern European Domestic Violence Policy Struggles

Edited by: Andrea Krizsan
Published by Central European University in 2015

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The aim of the book edited by Andrea Krizsan with the help of Raluca Popa is the analysis of women’s movement for domestic violence policy changes in four Central and Eastern European countries: Bulgaria, Croatia, Poland and Romania. The purpose of the analysis is to demonstrate that women’s movements are the main actors in policy change mainly in anti-domestic violence policies.

Gender policies were adopted in all countries, though their implementation is still inadequately even today, several years after their adoption. The reasons for adopting such policies are diverse therefore it happened either on international pressure (outside influence) or because of the women’s movements voice (internal contribution), but the authors intend to demonstrate that the main actor in policy change is women’s movement.

Krizsan and Popa follow the policy output in four countries (Bulgaria, Croatia, Poland and Romania) evaluating several indicators like the adoption of laws and policies, the availability of shelters, raising awareness and organizing trainings. They observe that there are differences in linking domestic violence to gender equality and women’s rights. The gender equality component of policy output is very important as it has both substantive (referring to the content of laws and policies) and procedural elements (regarding procedures that represent women’s interest). For verifying this component, the authors look at policies framing as well as to the inclusiveness of women from agenda setting to implementation and evaluation of the policy.

Moreover, Krizsan and Popa explain the model that will be used in the following case studies of the four CEE countries: the critical institutionalization. For understanding the influence of women’s movements, we need to look at three factors: the movement’s
capacity of mobilizing and its resources, the strategies and alliances of women’s groups and the framing and voice of the issue. The authors offer this instrument as they consider that institutionalization of a movement does not exclude its autonomy.

During the whole volume, critical institutionalization is used by Marya P. Ivancheva, Sanja Kajinic, Dominika Gruziel and Raluca Popa as a method of describing the situation in their countries: Bulgaria, Croatia, Poland and Romania. There are similarities, but also differences between all these countries and the authors emphasize them. For example, Bulgaria, Croatia and Poland framed domestic violence as a matter of individual rights, while Romania considered it an issue regarding family protection at first and only later framed it in the manner of other countries. The framing of the implementation strategy was gender equality in Bulgaria and Croatia, gender neutral in Poland and individual and children rights for Romania with roles and funding given either to women’s organizations or to actors contesting gender equality. Even though the agenda setting stage included women in all cases, the process of policy adoption was gendered in some cases or it contained strong standing against gender equality.

Ivancheva’s argument is that even though Bulgarian movement was one of the most successful in term of lobby and legislation, it has impeded the development of a strong feminist movement since the movement has feminist points of view, but the frames that it uses are non-feminist.

Kajinic argues that changing in strategies and framing of violence against women happens when new recruits enter the field and the opportunities in politics are changed. The continuity of the movement in Croatia happened because of the commitment of long-term activists and that is the reason why she decided to have a generational approach that allows a continuous analysis.

Gruziel amends the critical institutionalization model. She considers that not only the movement’s voice is influenced by discourses that are already present in society, but also the organizational form and strategies are directed by a “collective social memory of successful strategies for addressing the state” (Grzuiel, 2015).

In the case of Romania, Popa discusses the structures that the movement wants to challenge for setting the scene for women activists. She argues that the changes in the periods that she treats in her analysis are due to the multi-level interactions between domestic, regional and international actors and factors.
At the end of the case studies, we discover that what these four countries have in common is that they crossed a more than 20 years period of transition at the end of which we can see more mature, more diverse and more or less aggregated women’s movement. Even though the international influence was prominent, the changes in these countries were carried on by domestic actors which were either feminists or non-feminists groups. These groups used diverse strategies from more institutionalized ones as lobby, litigation or consultancy, to more disruptive practices like protests, campaigning or petitioning.

The conclusion shows that patterns of women’s movement influence were diverse, even inside the countries, across time. Moreover, the volume aims to explain that certain patterns of movement are more favorable to progress than others and shows the risks of leaving apart critical action in the process of development towards a highly institutionalized state.

This book serves as an overview through the history of women’s organizations in the four CEE countries. In line with Raluca Popa, I consider the method of critical institutionalization to be rather analytical than explanatory as the understanding of how changes come requires examination of other factors also.

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