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Legal Struggles and Political Mobilization around Gender Quotas

This paper is part of a case study series stemming from a project, "Gender quotas in Europe: Towards European Parity Citizenship?" funded by the European University Institute Research Council and Jean Monnet Life Long Learning Programme under the scientific coordination of Professors Ruth Rubio-Marín and Eléonore Lépinard. Gender quotas are part of a global trend to improve women's representation in decision-making bodies. In the past decade they have often been extended in terms of the numbers to be reached (40 or 50% instead of 30%), and in terms of the social field they should apply to (from politics to the economy to the administration). The aim of the project is to assess and analyse this global trend in the European context, comparing the adoption (or resistance to) gender quotas in 13 European countries in the fields of electoral politics, corporate boards and public bodies.

The case-studies in this series consider the legal struggles and political mobilization around Gender Quotas in Austria, Belgium, Denmark, France, Germany, Italy, Norway, Poland, Portugal, Slovenia, Spain, Sweden, and the U.K. They were presented and discussed in earlier versions at a workshop held in September 2014 at the EUI. Based on the workshop method, all working papers have reflected on similar aspects raised by their country case, concerning: 1) domestic/national preconditions and processes of adoption of gender quotas; 2) transnational factors; 3) legal and constitutional challenges raised by gender quotas in both the political and economic spheres; and 4) new frontiers in the field.

The working papers will be also made available on the blog of the workshop, where additional information on the experts and country information sheets can be found, and new developments can be shared. https://blogs.eui.eu/genderquotas.

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Abstract

This contribution brings together the more partial analyses of the panoply of Belgian gender quotas. By putting the different gender quotas in a comparative perspective, we hope to contribute to a better understanding of eventual broader patterns underlying the Belgian gender-quotas landscape. More precisely, this contribution focuses on: i) a comparative analysis of the quota rules set for the different sectors; ii) the domestic factors playing a role in the putting on the agenda and adoption of gender quotas; and iii) inter-, supra-, and transnational factors and the interplay of different political levels in the adoption of gender quotas. The analysis shows that Belgium, a traditional laggard when it comes to gender equality, imposes gender quotas by law on a broad range of sectors (elected political office, advisory committees, boards of listed and state-owned companies, and decision-making bodies in universities), turning Belgium into a world leader in gender quotas. This top-down process would not have been possible without the persistent agency of the women's movement, especially actors embedded within the women's branches of a certain number of political parties, and the underlying concept of citizenship – because it echoes it. While inter-, supra-, and transnational influences cannot be denied, it is mainly domestic factors that played a role in this success story – at least when compared to a number of other cases. The gender quotas for the various sectors tend to build on each other, clearly showing evidence of a contagion effect.

Keywords

Gender quotas, electoral politics, listed and state-owned companies, advisory committees, universities, Belgium

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Introduction

Belgium is known for being one of the first countries to have used legislation to adopt quotas meant to enhance the gender balance in electoral politics. More recently it also became known for having adopted gender-quota laws for a broad range of sectors and institutions, including, very recently, the major decision-making bodies of a number of universities (the University of Antwerp, the University of Ghent, and the University of Hasselt). With some irony one could say that Belgium has now become the kingdom of gender quotas. This originally came as a surprise to many, since Belgium was known for being a laggard in granting women political rights – women only obtained full suffrage after WWII (Woodward 1998). By now the panoply of gender quotas that have been adopted is no longer considered that surprising, even though not every gender-quota law passed equally smoothly.

A number of studies have analysed this phenomenon, mainly examining the processes leading to the adoption of gender quotas (Meier 2000, 2004b, 2005, 2012b), as well as the broadening of the spectrum of gender quotas over time (Meier 2013, 2014; Schandevyl et al. 2013); their interaction with the electoral system and their effect in raising the number of women elected (Celis, Erzeel and Meier 2013; Celis and Meier 2013; Meier 2004a; Meier and Verlet 2008; Sliwa, Meier and Thijssen 2011), including an intersectional perspective (Celis et al. 2013), and the way in which they affected the recruitment procedures of political parties (Erzeel and Meier 2011; Moor, Marien and Hooghe 2013; Wauters, Maddens and Put 2014); and, finally, the extent to which gender quotas are accepted and considered to be legitimate tools supporting a legitimate goal (Erzeel and Caluwaerts 2013; Meier 2008, 2012a).

This contribution seeks to bring parts of these previous analyses together to provide a more comprehensive overview of the Belgian gender-quota landscape. By looking at Belgium's different types of gender quotas from a comparative perspective, we hope to contribute to better understanding a number of issues, specifically the following three:

First it will unpack and thereby present the different quota rules in a comparative perspective. What sectors do they target? How are these gender quotas framed? How far-reaching are the gender quotas in the different sectors, in terms of quotas set, transition rules, and eventual sanctions in case of non-compliance. What – if any – was their evolution over time and across sectors?

Secondly, this contribution will seek to understand the importance of domestic factors in both the putting on the agenda and the adoption of the panoply of gender quotas. Which domestic factors, including actors, played a role in the adoption of gender quotas? Who and/what played a role? Where are the pockets of resistance? Which form do they take? What are the enabling factors making the legislation pass?

Thirdly, this contribution looks into inter-, supra-, and transnational factors, and the interplay of different political levels in the debates on, and adoption of, gender quotas. Which transnational factors played a role and did they do so in all cases? To what extent did the presence of different political levels play a role? What – if any – are the differences between the gender quotas for the different sectors?

Putting the different gender quotas in a comparative perspective will help reveal any broader patterns underlying the Belgian gender quotas landscape.

Gender-quota laws and decrees targeting four sectors of society

In order to be able to address these issues, it is necessary to provide a brief overview of the gender quotas that so far have been adopted through law in Belgium. They mainly target three spheres: committees advising state authorities in particular fields and matters, lists of candidates for elected

political office, and the boards of state-owned and listed companies. Aside from such general laws targeting entire sectors, a couple of gender-quota laws have been adopted that focus on specific institutions and bodies, which often have unique statutes or a unique position. One of them is the national railway company. Though it remains a state-owned company, it required particular legal tools to impose a gender quota on them. It should also be noted that gender-quota laws have initially been adopted by the federal government. Over the years, the different regions and communities, the sub-state level within the Belgian federation, have also adopted gender-quota laws, such as those regulating the local and provincial elections or the composition of decision-making bodies of a number of universities.

The first general gender-quota law targeting a sector was the one imposing a gender quota on advisory committees. It was adopted in 1990[1] and required that for each mandate in an advisory committee, all nominating bodies would present a male and a female candidate. The rule had to be applied from the next renewal of the board onwards. No sanctions were stipulated. Six years later, the issue reappeared on the political agenda as the previous law had had no impact. There was no increase in the number of women on advisory committees, and even the nomination of women candidates was not taken seriously in all cases. For example, male candidates were deliberately nominated next to less qualified women. In 1997, a new gender-quota law was adopted.[2] It called for both a maximum of 67% of members of the same sex on federal advisory committees and for sanctions should that maximum be exceeded. Mandates would remain vacant until they were filled by candidates of the required sex and advice would lack binding force until the quota was met.

By 1997, Belgium was a full-fledged federal state and the advisory committees of the sub-state level no longer fell under the remit of the 1997 gender-quota law. Since then, the various constituting entities of the Belgian federation have adopted similar rules for their advisory committees by decree. The Flemish authorities (Flemish Region and Community) adopted a first decree in 1997, which was fine-tuned in 2003 and again in 2007. The Brussels Capital Region followed in 2001, the Federation Wallonia-Brussels (French Community) in 2002, and the Walloon Region in 2003. All of them also adopted a similar quota as the one that had been adopted at the federal level, although the last Flemish government raised the minimum to 40%, consequently lowering the maximum to 60%. The German Community is the only sub-state within the Belgian federation which has not adopted any gender quota for advisory committees.

A second sector targeted by a general gender-quota law was that of elected political office. Gender quotas targeting elected political office were first applied on the occasion of the 1994 European and local elections.[3][4] The law stipulated that electoral lists must not comprise more than 67% of candidates of the same sex (actually 75%, a temporary quota set for the first elections after the adoption of the law). In the event of non-compliance, the authorities would not accept the list, de facto excluding that party from the elections. This law applied to elections for political office at all levels, from the federal down to the local one. From the beginning, this law was criticized because it did not insist on an equal number of women and men or impose a placement mandate to guarantee women were given eligible positions on the parties' electoral lists. This criticism led to the 2002 gender-quota laws[5], compelling parties to put forward an equal number of female and male candidates, including for the top two positions of each list (and at least one woman in the top three in the first election after the law came

[1] Belgisch Staatsblad, 9 October 1990.

[2] Belgisch Staatsblad, 31 July 1997.

[3] Belgisch Staatsblad, 1 July 1994.

[4] The act applied to the 1994 elections and to all elections taking place from 1996 onwards (the 1995 federal and regional elections were deliberately exempted from the quota rules).

[5] Belgisch Staatsblad, 28 August 2002; Belgisch Staatsblad, 13 September 2002; Belgisch Staatsblad, 10 January 2003.

into force). Non-compliance again would result in the list being rejected and excluded from partaking in the elections.

Since by 2002 the organisation of local and provincial elections fell under the remit of the regions (Flemish Region, Walloon Region, and Region of Brussels Capital City), all adopted similar measures, both when it came to the quota set and to the sanctions in case of non-compliance.

While not called a quota, there is also the parity clause enshrined in the Constitution, which targets the executive branch of government. Article 11bis of the Constitution stipulates that no executive shall comprise but members of one sex, which actually comes down to a gender quota for each executive. It imposes that an executive be composed of at least one member of each sex. This constitutional provision applies to all political levels in Belgium (from the local to the federal level).

In 2011, the spectrum of general gender-quota laws was broadened again with the adoption of a law applying gender quotas to listed and state-owned companies, including the national lottery.[6] The boards of these companies now needed to be comprised of at least 33% women members, formulated as being of a sex other than that of the serving members. Companies received a transition period in order to comply with the law depending on their size and status. Large listed companies are entitled to a period of five years from the date of adoption of the law, smaller ones eight. State-owned companies have to apply the gender quota without delay, given their 'role model' function. Companies not complying with the law are required to appoint only women until they meet the gender quota. Otherwise, serving board members lose any financial or other advantages resulting from their mandate. In cases where the gender quota is not achieved a year from the date of application, the general assembly appoints a new board.

Other laws focus on particular institutions and bodies, mainly because these institutions are regulated by particular laws that needed to be changed in order to introduce a gender quota. Examples of such cases are the national railway company and its different branches (33% quota of women) or the board of the Belgian agency for development cooperation (33% quota of women). Other institutions particularly targeted are the High Council of Justice (33% quota of women magistrates and at least four women among the non magistrates) and the Constitutional Court (minimum of one woman).

As mentioned earlier, the regional authorities also adopted gender-quota decrees over the years. In some cases, they kind of copied the federal legislation for institutions no longer under the remit of the federal authorities and therefore no longer covered by the federal legislation. This is the case of the gender-quota decrees for elected political office at the local and regional levels, and for sub-state advisory committees. In other cases, the regions or communities adopted decrees for institutions exclusively under the remit of the regions or communities, sectors in which the federal state has no say. The most notorious of these cases is academia. The Flemish government adopted a 33% quota of women for all major decision-making bodies of the three Flemish universities where it could intervene in these matters (the University of Antwerp[7], the University of Ghent,[8] and the University of Hasselt[9]) and for the selection committees of the Flemish Research Council. The decrees stipulate that a maximum of 67% of the members of all decision-making bodies can be of the same sex. The case of the Flemish Research Council is a particular one in that it actually also falls under the scope of the Flemish decree for advisory boards. When the Flemish authorities adopted the first gender-quota decree for advisory committees in 1997, the Flemish Research Council asked for an exception, invoking the argument that scientific committees should not be submitted to gender quotas given their exclusive focus on quality, which was supposed to be a gender-neutral criterion. The more concrete

[6] Belgisch Staatsblad, 14 September 2011.

[7] Decreet van 13 juli 2012, Belgisch Staatsblad, 8 August 2012.

[8] Decreet van 13 juli 2012, Belgisch Staatsblad, 17 September 2012.

[9] Decreet van 13 juli 2012, Belgisch Staatsblad, 8 August 2012.

argument was a lack of qualified (women) candidates (Cromboom, Samzelius and Woodward 2001). The fine-tuned 2007 successor to the 1997 decree closed the door to such an exception for the Flemish Research Council, and led, among other things, to the adoption of new statutes, including the statutory obligation of a 67% quota for all its scientific committees, as well as a new selection procedure for its scientific committees and new selection criteria for the members of such committees. Members are recruited through a procedure of an open vacancy, first on their merit, taking gender into account in a final round (Schandevyl et al. 2013). Due to its particular statutes and contrary to its Flemish counterpart, the French Research Council does not fall under the remit of the Federation Wallonia-Brussels' 2002 decree on advisory committees.

The case of the academic world is an interesting one. As the various Belgian universities have historically developed very different statutes, they cannot by addressed through any general gender-quota legislation, yet public authorities try to impose gender quota more and more, even if they have to do so case by case. In this respect it can be said that the academic world is a fourth sector where gender quotas are being imposed by law. On the Flemish side, only two universities do not fall under a gender-quota decree at this point. And the Federation Wallonia-Brussels is also trying to find ways to impose such measures. It can thus be argued that the Belgian gender-quota acts actually target four sectors. Aside from to the three sectors discussed in the literature, elected political office, advisory committees, and listed and or state-owned companies in the economic sphere (Holli 2011), Belgian gender-quota acts also target academia. In that respect Belgium is probably one of the countries with the broadest range of sectors targeted by gender quotas imposed by law (federal level) or decree (sub-state level).

Also interesting is the fact that the different gender-quota rules resemble each other across the various sectors and political levels within the Belgian federation, with the exception of the quota for elected political office, which is set at 50%. Otherwise gender quotas tend to impose a minimum of 33% members of the under-represented sex and they all, again with the exception of gender quotas for elected political office, target the composition of the body concerned (advisory committee, board, decision-making committee), not the mere number of candidates, imposing a sanction in case of non-compliance (with the exception of the gender-quota rules applying to the decision-making bodies within universities). At least, this has been the case for all gender quotas since the unsuccessful first gender-quota law of 1990. In this respect one can argue that gender-quota rules became stricter – and more efficient – over time. This reflects a shift from permissive legislation to legislation that is meant to trigger change. The exception of gender quotas for elected political office, targeting only the candidates and not the actual composition of the elected representative body itself, can be explained by the fact that Belgium does not reserve parliamentary (or lower political-level) seats for members of either sex. Not going that far, the only option is focusing on candidates for elected office. Having said that, the fact that the gender quota is set at 50% and that it targets the top positions of each candidate list, in combination with efficient sanctions, means that the gender-quota rules have been defined in a way that goes beyond simply listing candidates of both sexes to ensure a certain impact on the composition of the actual elected representative body.

Domestic factors playing a role in the putting on the agenda and adoption of gender quotas

Having described the landscape of Belgian gender-quota imposed by law or decree, this contribution now seeks to understand the importance of domestic factors in the putting on the agenda and the adoption of these measures, including the pockets of resistance and the enabling factors that help the legislation pass.

Women's position in politics first became an issue in 1973 when the two women Secretary of State of that time did not survive a government reshuffle. Shortly thereafter, the women's movement and later also the state agency in charge of promoting gender equality tried to mobilise both public opinion and

decision makers on the issue of having more women in politics. From the 1980s onwards, gender quotas were discussed as a means to further the position of women in electoral politics. Gender quotas for elected political office were not only the first one to be discussed, they also fuelled some public debate and mobilised the largest amount of actors, be they in favour or against gender quotas. On the whole, however, it needs to be underlined that gender quotas never kindled much debate or action in the public. Gender quotas for sectors other than elected political office did not stimulate any public debate let alone action. Mainly, gender quotas were promoted through the women's movement and femocrats, in some cases leading to a number of articles in the press, but mainly when the final act was already debated in parliament and about to be voted on. It should be noted though, that the latest gender-quota law, the one imposing gender quotas on boards of listed and state-owned companies, was more extensively reported on in the press than earlier rules on similar matters.

While the second feminist wave did claim women's participation in politics, and issues such as achieving a gender balance in different sectors were mentioned in memoranda submitted to new governments by different umbrella organisations of the women's movement, most of the struggle for quota was in the hands of the political women's organisations, i.e. the women's branches of political parties, or even parties as such. This is different from a couple of the earlier struggles for women's rights, such as reproductive rights, which were put forward by a larger segment of the women's movement and led to important action in the streets.

The main player in matters of gender quota was – and still is – the women's organisation of the Flemish Christian Democrats, traditionally one of the strongest political women's organisations, and one of the most active ones (Van Molle and Gubin 1998). With the exception perhaps of gender quotas in the academic world, they have always made a point of gender quotas, including gender quotas in the judiciary, an issue they have been arguing and lobbying for the last couple of years. The Christian Democrats were especially active in trying to put gender quota on the agenda in the beginning. For instance, all the early attempts at gender quotas were undertaken by Christian Democrats, and one of the two Ministers initiating the 1994 gender-quota law was a Christian Democrat. The gender-quota laws of 1990 and 1997 on gender quotas for advisory committees were also pushed by a Christian Democrat, the Minister on gender equality (originally this portfolio was handled by a Secretary of State) at that time.

This proactive attitude on gender quota does not fit with general findings, which claim left-wing parties are more open to gender quota than other parties (Kittilson 2006). The explanation for this atypical pattern resides in the fact that the women's branch of the Flemish Christian Democrats is a well-organised movement, strongly integrated within the party's organisational structures. The lobbying in favour of different types of gender quota thus both took place within the party, so as to convince the party hierarchy to support gender quotas, as well as outside of it, eventually even against the official line defended by the party. The women's branch of the Flemish Christian Democrats always tries to find a balance in this lobbying, not opposing the party line too much, but also not neglecting its own agenda or priorities. No other Belgian political party has such a strong women's branch, lobbying extensively for women's issues, both within the party and beyond it. This explains the Belgian exception to the rule that left-wing parties are more open to gender quota, but it also shows that parties are not monolithic blocs. The women's branch of the Francophone Christian-Democrats pursues a similar strategy of trying to balance between defending its agenda and cooperating with the party, but it is less strong than its Flemish counterpart; it disposes of fewer resources and has less of a strong voice in public debates. The Social Democrats' women's branch is also strongly organised, both the Flemish and the Francophone branches, but they have less of a voice in the party organisation and structure. The women's branches of the Flemish and Francophone Liberal party, the last of the three traditional parties, are more loosely organised and less developed as institutions within the party. While the women's branches of the Social Democrats are also strongly in favour of gender quotas, similar to the women's branch of the Christian Democrats, they make less of an issue of the topic, and the women's branches of the Liberal parties are less outspoken on gender

quotas. More than a line defended by the parties themselves, it is mainly individual women within those parties who argue in favour of gender quotas. When it comes to the Flemish and Francophone Green parties, it is the parties themselves who support gender quotas, traditionally making an issue of presenting a balanced number of men and women candidates – and also supporting gender quotas beyond the political sphere. Therefore, the women's branches of these parties, often defending a broader set of interests and not only those of women, needed to be less outspoken on gender quotas themselves. Finally, the parties on the right side of the political spectrum, both the Flemish Nationalists and the Flemish Radical Right (there being no real Francophone counterpart when it comes to these parties) have no women's branches.

The women's branches lobbying for gender quotas played an important role in putting these measures on the political agenda. They did so more broadly speaking by lobbying for gender quotas in their programmes and memoranda. They also did so in trying to concretely get gender quotas on the parliamentary agenda through individual MPs, often prominent members of the women's branch of their party, submitting bills intended to regulate gender quotas to parliament. Such an actor submitting a bill can even be a member of government. When it comes to the gender quotas for advisory committees and for elected political office, and on the Flemish side those imposing gender quotas to the important decision-making bodies of a number of universities, these were formally put on the parliamentary agenda through a bill prepared by the government itself. At the federal level, the Minister in charge of gender equality was always involved in these matters. In the case of the gender quotas for elected political office, individual MPs – often women and members of their political women's organisation – had already attempted to submit similar bills earlier on, but without success. The first bill on gender quotas for elected political office actually goes back as far as 1980. In January 1980, Paula D'Hondt, a Christian Democrat Senator, introduced a parliamentary bill stipulating that no more than 75% of the candidates on local lists should be of the same sex,[10] but the bill was rejected, as was the case with all other attempts in these matters until the government itself presented a bill in 1992, leading to the first gender-quota law for elected political office in 1994. Similarly, it was the government, more precisely, the Minister (in some cases she only had the title of a Secretary of State) in charge of gender equality, who put the decisive bills on the parliamentary agenda when it came to gender quotas for advisory committees. In these cases it can be argued that there is a certain pattern in how the topic of gender quotas was dealt with, and the position of the actor putting the issue on the agenda usually already indicates the extent to which it was accepted. Except in the case of the advisory committees, MPs put were the first to put the issue on the agenda, but these attempts were rejected or minimised. However, as soon as the Secretary of State or Minister for Gender Equality put the issue on the agenda it led to a formal measure. The point is that by the time the Secretary of State or Minister for Gender Equality defends an issue, it disposes of the necessary support within the coalition to be accepted by a majority within parliament. For instance, in the case of the gender quotas for elected political office, several male MPs of the majority openly admitted that they voted for the bill only because it emanated from the majority and not because they supported gender quotas, to the contrary. And once the government had agreed on the modalities of a gender quota for electoral lists at the beginning of the 1990s and submitted a bill to parliament, it was accepted by the majority for similar reasons. The other gender quotas, those for boards of listed and state-owned companies, as well as those targeting particular institutions, were submitted by a coalition of individual MPs, generally from different parties and both language groups. In the case of gender quotas for boards of listed and stat- owned companies this was probably due to the fact that there was less of a consensus within the government on such a measure. In the other cases the rules made less of a difference, in that they mainly regulated a situation for a particular institution that had already been accepted for other similar institutions.

When it comes to voting on the bills in parliament, these votes follow the traditional line of majority versus opposition. This was especially easy for those parties strictly against gender quotas, the Flemish

[10] Senate, Parliamentary Documents 370/1 (1979-1980).

Nationalists and the Flemish Radical Right. The latter have always been excluded from government, the former have not been a member of any governing coalition under which a gender-quota law or decree has been voted on. As for the other parties, while the Greens are outspokenly in favour of gender quotas, the three traditional parties take a more mixed stance, depending on the sector for which gender quotas are discussed and the presence of critical actors within that party. This can lead to interesting cases such as the first gender-quota law for elected political office in 1994. The Greens, traditionally in favour of gender quotas, voted against the bill supported by a Christian Democratic and Social Democratic coalition. The main argument for that opposition they invoked was the fact that the law did not go far enough. In 2002, the Greens voted in favour of the successor of this rule. The party was a member of the governing majority at that time, but to be fair it should also be said that the bill came closer to the type of gender quotas the Greens favoured. The 2011 bill on the gender quotas for listed and state-owned companies presents another interesting case. The issue was initially mainly defended by members of the Social Democrats, but some other parties, especially the Greens and the Christian Democrats, did so too. On the whole, however, it was the type of gender quota most strongly defended by the Social Democrats, more than in all the other cases where they had also been part of the majority. It was also the case that presented the greatest problem to the Liberals, now in the majority. While the party as such was strongly against gender quotas, a prominent woman member of that party, now the president of the Flemish Liberals, was openly in favour. In the end, the Flemish Liberals voted in favour of the law, the Francophone Liberals abstained from voting.

Notwithstanding the fact that resistance against gender quotas can be found in several parties, they do not necessarily constitute the main pockets of resistance against such measures. In each case it was the sector in question that showed the greatest resistance towards gender quotas, eventually backed up by some political parties. In the case of gender quotas for advisory committees, the resistance became very apparent in the non- or unserious application of the first gender-quota law of 1990. Even the second gender-quota law did not get implemented very well early on, and the same can be said of the decrees applying to advisory committees at the level of the regions and communities. Within parliament, however, there was not much opposition against these measures. And over time, the gender quotas were more seriously implemented. In the other cases, resistance was stronger in parliament, either when the particular gender quotas were being debated or even in the run up to such debates. The first gender quotas to be applied to candidate lists for elected political office were based on a compromise negotiated by the party presidents of the coalition partners at that time, given the fact that no compromise on these matters had been reached within the government when they were preparing the bill. Such a partitocratic initiative was no longer necessary when it came to the 2002 successor of that 1994 gender-quota law, but the debates in parliament still were among the most intense parliamentary debates on gender quotas – notwithstanding the fact that by that time three gender-quota laws had already been passed in the federal parliament and a number of sub-state level decrees had also been adopted. Both in the case of gender quotas for listed and state-owned companies, and for the important decision-making bodies within universities, a kind of a corporatist reflex of self-regulation was put forward in an attempt to avoid gender quotas, a reaction that has also recently reared up also be found in the judiciary whenever the issue of gender quotas is put on the table (Schandevyl et al. 2013). The underlying idea is that the state should not intervene in the composition of such institutions, which should be composed solely on the basis of expertise and thus merit. The parliamentary debates on gender quotas to be applied to listed and state-owned companies were also very intense, and together with those on the 2002 gender-quota law for elected political office, were the most agitated ones, which is easily understandable if one considers that they are among the most far-reaching ones.

Interestingly, over the years there has only been one case in which gender quotas were rejected on legal grounds. This was back in 1980, when parliament was presented with the first bill on gender quotas, which attempted to impose a maximum of 75% of local-list candidates of the same sex. The Council of State rejected this bill on the grounds that gender quota would violate the constitutional principles of equality and of non-discrimination, which put an end to the first attempt to introduce

gender quotas. In the run up to the 1994 gender-quota law for elected office, the advice of the Council of State was asked for again. At this point it no longer condemned the principle underlying gender quota but simply argued that the sanctions suggested were disproportionate.[11] In 2002, the Council of State was again asked for advice during the preparations for the successor of the 1994 gender-quota law for elected political office. As in the earlier case, the Council of State no longer rejected the principle of gender quota. Neither did it criticize the sanctions – which were the same as in the final version of the law that had been voted on in 1994. Now, the Council of State simply pled for a legal basis to such measures.[12] The latter point is very interesting, since it actually paved the way for the adoption of a parity clause within the Constitution, and, in its wake, of the constitutional requirement to have all executives contain members of both sexes. In this respect Belgium is an interesting case. Not only was there little resistance to gender quotas from the judiciary and have gender quotas measures traditionally never been taken to court, it actually also was the judiciary that paved the way for more explicitly enshrining the legal ground for gender quota in the constitution (Meier 2012b).

The apparent shift in the position of the Council of State and the ease with which gender quotas got introduced in the Belgian legal corpus, especially compared to other European countries such as France, Italy or Portugal, are not that surprising if one considers the Belgian concept of citizenship. The literature on the adoption of gender quota underlines the importance of reconciling gender quota with normative cornerstones of the specific political system, pointing mainly at equality and citizenship models. Gender quotas tend to get adopted in countries characterized by egalitarian political cultures (Lovenduski and Norris 1993) and/or consociational or corporatist notions of group representation, especially where such measures exist for other groups (Dahlerup 2006; Krook 2007; Leyenaar 2004; Meier 2000). The Belgian concept of citizenship is connected to the specific history of the Belgian state and actually illustrates this literature very well.

Belgium is a consensus democracy à la Lijphart that integrates (the elites of) social groups into processes of decision-making. Important public bodies, be they elected or not, should include members of the salient social groups, although not necessarily in proportional terms. Whereas the segmentation of political and civil society is decreasing, the balanced representation of key social groups continues to be seen as an essential legitimising feature of the political system (Paye 1997). The Belgian political landscape is therefore characterised by a segmented pluralism reflecting the basic social cleavages. Although both the country's economic and religious cleavages have led to forms of descriptive representation, it was above all the increasingly salient linguistic cleavage that led to a redefinition of the institutions of political representation and to the assured representation of these groups. The federalisation of the Belgian state (1960-1993) led to an institutionalisation of representation guarantees for the main language groups in the European Parliament, in the federal Senate, and in the Parliament of the Brussels Capital Region. Similar arrangements were made for the federal government and for the government of the Brussels Capital Region. The representation of linguistic groups is also required when it comes to public administration, advisory committees, and public boards (Uyttendaele and Sohier 1995). Similarly, for decades now political parties have made sure that their main intermediary organisations get positions on candidate lists (De Winter 1988). Since the 1980s, but especially from the second half of the 1990s onwards, political parties have also started paying attention to migrants, women, and young candidates (Martiniello 1998; Meier 2004b; Van de Putte 1997). In sum, facilitating or guaranteeing presence is a common feature of the Belgian political system. This kind of logic is also applied to other sectors. In the Belgian neo-corporatist system many balances are respected when it comes to the composition of decision-making bodies, as different sectors, different groups, etc. need to be represented. The neo-corporatist tripartite encounters between employers, trade unions, and the state are the most typical example, but this logic is more widespread. The Constitutional Court, for instance, is made up of both judges and politicians, each of them politically nominated.

[11] House of Representatives, Parliamentary Documents 1316/1 (1993-1994).
[12] See, for instance Council of State L.29.910/2.

Phillips (1993) considers consociationalism to be one of the 'mainstream' traditions dealing with a form of identity politics, but she suggests that this model of democracy only takes into account groups or segments of society that are embodied by political parties. Others are neglected because consociationalism mainly accommodates political elites and not democracy itself. However, in the Belgian case, the consociational logic definitely helped the women's movement make its claim for gender quotas politically plausible, as has also been underlined by Krook, Lovenduski, and Squires (2006). Even though there still was opposition to such measures, there were simply no valid arguments against them within the Belgian context. The only possible argument – that sex does not matter – no longer politically held in the 1990s. Interestingly, the logic applied to gender quotas for elected political office and advisory committees was then broadened to the boards of listed and state-owned companies and also circulates for the academic world and the judiciary. While this might seem strange from the outset, it is plausible in Belgium, given the fact that many decision-making bodies in these sectors also have to respect balances between various other groups. In this respect the Belgian case is different from others, such as the French one. The Belgian debates on gender quotas did not reshape concepts such as citizenship, democracy, or equality, as was the case with the French parity debate. It was the conceptualisation of citizenship in Belgium that allowed for the adoption of gender quotas rather than that gender quotas profoundly reshuffled the meaning of citizenship.

While the – perseverant – agency of the women's movement, of political women's groups, and of individual femocrats was a crucial factor in putting and keeping the issue of gender quotas on the political agenda, the move by the Council of State and especially the logic underlying citizenship in Belgium also helped in getting gender quotas accepted.

Inter-, supra- and transnational influences

Aside from these domestic factors, which inter-, supra-, or transnational factors played a role, and did they do so in all cases? And to what extent did the presence of different political levels play a role? What – if any – are the differences between the gender quotas for the different sectors?

A first interesting finding is that notwithstanding the importance attached to the increased presence of women in political and public life by a number of international organisations and institutions (such as the European Union, the United Nations, and the Council of Europe), the Belgian struggle for, and debates on, gender quotas all in all made surprisingly little reference to these broader evolutions. Let alone that these dynamics were a direct leverage to get gender quotas adopted in Belgium. This puzzling finding may be partly explained by the fact that a couple of the Belgian gender quotas were among the worldwide forerunners in their sector (though they not necessarily could be labelled best practices). Though some examples for all the sectors on which gender quotas were adopted by law or decree already existed elsewhere, they were not necessarily referred to, at least not explicitly. When the first Belgian gender quotas were adopted, many feminists had already discussed them both within Europe and beyond, partly through conferences and meetings organised by the EU or the UN, and Belgian feminists had been present and active on these fora. It is therefore likely that at least some of the existing other gender-quota cases were known, while this was not necessarily mentioned in public debate on these matters.

Let's take the Belgian cases one by one. The gender quotas for advisory committees were the first to be adopted in Belgium. In the debates on these gender quotas no reference was made to international or supranational expectations, suggestions, and engagements, nor was reference made to other cases of similar gender quotas, such as the Norwegian Gender Equality Act of 1981, which introduced similar – and more far-reaching – gender quotas. The second sector for which gender quotas were adopted was elected political office.

The first gender-quota law for elected political office, voted on in 1994, was put on the political agenda in 1992. In 1993, the Argentinean *ley de cupos* was adopted, the first gender-quota law

applying to elected political office at the national level (Jones 1996). Though it contained similar rules, no mention was made of this law in Belgium. Neither was reference made to earlier French attempts to introduce gender quotas for elected political office, which might be explained by the failure to maintain these gender quotas in the French case (Opello 2006). Interestingly, there was more reference to transnational influences in the debates on the 2002 successor to the 1994 gender-quota law for elected political office. In that case, the debate was also fostered by international initiatives of the time, such as the Council of Europe's studies on parity democracy, the various EU Community action programmes on equal opportunities, the 1996 Council Recommendation on the balanced participation of women and men in the decision-making process, as well as the UN Beijing Platform for Action. The Belgian women's movement followed these initiatives with interest and adopted some of the recommendations and requests. Interestingly, little reference is made to France, where a parallel debate was held on the parity law at that time. The 1990s French debates on parity were mentioned in the margin when it came to the 2002 quotas acts for elected political office, and they were actually mentioned in all the following debates on gender quotas for other sectors. They were only extensively referred to when arguing for the reform of the constitution to enshrine the principle of parity as well as the measure that no executive at the local, provincial, regional or federal level may be only be composed of members of one sex. In this case, and similarly to the French debates on parity democracy, parity-democracy advocates saw it as a means to actually achieve equality by fundamentally redrawing the conceptual foundations of the social relations between men and women.

The debates on the 2011 quotas law for boards of listed and state-owned companies most extensively referred to transnational evolutions. Repeated reference was made to the Norwegian law from 2006 imposing similar quotas. Reference was also made to the debates taking place at the European level and to Justice Commissioner Viviane Reding's open stance in favour of gender quotas and her attempts to introduce similar measures. Interestingly, extensive reference was also made to the gender quotas for elected political office, a phenomenon also observable in the case of gender quotas imposed on decision-making bodies in universities. While the sectors might have been steered by different incentives at their outset, advocates of gender quotas managed to draw a parallel with gender quotas for elected political office.

References to other examples of similar gender quotas and broader evolutions in the field thus are a more recent phenomenon, mainly occurring in the last two debates and as a supplementary source of legitimation for such measures. Contrary to other cases where trans-, supra-, or international actors played a direct role in the adoption of gender quotas, this was not the case in Belgium. That said, the overall limited reference to other cases and broader evolutions, as well as the absence of non-domestic actors in the debates do not mean that there was no influence from abroad. Especially during the 1990s, a number of prominent femocrats and other feminists were in constant contact with colleagues from abroad, especially from other EU member states and the European institutions themselves, partly within formalised networks such as the EU-sponsored Expert Network on Women in Decision-Making, which was initiated and coordinated by a feminist Senator from the Flemish Christian Democrats, Sabine de Bethune. Such formalised networks also gave direct access to the European Commission's DG in charge of gender equality and to key actors such as Odile Quentin, Agnès Hubert, or Maria Stratigaki. Another notable example is Eliane Vogel Polsky, a Belgian legal scholar from the ULB, who had close ties with French scholars and activists in the parity movement. While not necessarily referred to in debates, these networks were a rich source of inspiration and encouragement in the struggle for gender quotas.

More than influence coming from abroad, the Belgian case shows evidence of an effect located at an intra-country level, not at a cross-country level, and this regional effect can be labelled as a spill-over or contagion effect. This was partly due to a simple duplication of the existing gender-quota legislation, required by the federal structure of the Belgian state and the subsequent division of competences among the different state levels. For instance, the 1994 gender-quota law targeted all electoral levels, whereas in 2002 several laws were needed to cover all elections, due to the fact that

the organisation of local and provincial elections now fell under the remit of the regions. The federal structure, often seen as facilitating competing or copying behaviour (Vickers 2013), did actually not promote either behaviour. The copying to be found in the Belgian case is more a duplication mechanism than of real copying behaviour and there was no competing behaviour between state entities.

However, there is also a clear sequence that can discerned in the various measures that have been adopted over time. What initially started as voluntary party regulation in the 1980s (Meier 2004b) spilled over into gender quotas established by law, not only for parties but also for other decision-making bodies. Over time, the adopted measures where more far reaching, both in gender balance and sanctions imposed. This is a contagion effect. The adoption of gender quotas, this time for different types of decision-making bodies, was not simply an issue of gender quotas being duplicated. New gender quotas built on earlier ones and raised the standard to new levels. Once a gender-equality norm has been established, it is difficult to set a completely different one, even in another sector. If you have no good counterargument, there is no reason not to adopt quotas in other sectors than the originally targeted ones. Illustrative at this point is the reference made to gender quotas for elected political office when pleading for similar measures for boards of listed and state-owned companies. This contagion effect also shows in the fact that the gender quotas stand for similar issues in the different debates (Meier 2013, 2014; Schandevyl et al. 2013). The main argument in the debates on gender quotas for elected political office – constructing gender quota as symbolising the appreciation of representing diversity – can also be found in the debate on gender quotas for boards of listed and state-owned companies. When it comes to the opponents of gender quotas, the debates on quotas for elected political office and for boards of listed and state-owned companies actually show the highest degree of similarity.

A factor facilitating this spillover can certainly be found in the Belgian tradition of thinking in terms of social groups and their presence within important decision-making bodies, providing for fertile ground for all types of gender quotas. Another facilitating factor in these matters is the fact that the main actors involved are the same in all cases. Belgian politics is characterised by an absence of national parties and social movements. These organisations are all segmented along linguistic lines, with the same actors operating both at the federal level and at that of the regions and communities. This, in combination with the small scale of the country and the frequent level-hopping by individual actors during elections, allows for contagion effects.

Conclusion

The aim of this paper was to bring together the information on the panoply of gender quotas existing in Belgium so as to allow for a more comprehensive picture of these measures. All in all, the analysis shows that Belgium, a traditional laggard when it comes to gender equality, imposes gender quotas by law (or decree, in the cases of the regions and communities) to a broad range of sectors, helped by the underlying concept of citizenship – because it echoes them. This top-down process, which would not have been possible without the persistent agency of the women's movement (especially actors embedded within the women's branches of certain political parties), turned Belgium into a world-leader in gender quotas. While inter-, supra-, and transnational influences cannot be denied, domestic factors mainly played a role in this success story – at least compared to a number of other cases. Interestingly, the gender quotas for the various sectors do not tend to differ much from each other. On the contrary, they tend to build on each other, thereby reflecting a spillover or contagion effect. It is likely that further gender quotas will be adopted in the future, broadening the gamma of gender quotas applying to the academic world and introducing such measures to the judiciary on a broader scale.

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