7 A useful tool?

Images of the Nordics in Swiss quota debates

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If the Nordic countries are imagined to be gender superpowers, Switzerland is perceived as a much more conservative country as far as women's rights are concerned. For instance, women got the right to vote and to be elected at the federal level only in 1971, 123 years after men and more than 50 years after the Nordic countries enfranchised women. As a consequence, women were largely excluded from all decision-making positions in the public sphere during a large part of the twentieth century. The situation improved after the 1970s in the political sphere, but women remained largely out of power positions in the business sphere. This led to increasing debate during the last 15 years within Swiss society, notably concerning the potential introduction of quotas to increase the number of women within the boardrooms of the larger corporations. In these debates, the Nordic examples were repeatedly used. But, why were they used, and to what effect?

The aim of this chapter is to analyse the debates that took place in Switzerland concerning female quotas for corporate boards, and to see what images and representations of the Nordic countries were invoked by both supporters and opponents of the quota system. Indeed, as Ann Towns (2009, 2010) has shown, the status of women in society is now used as an international standard among states, making it possible both to differentiate between them and to evaluate and rank them in a hierarchical manner. More specifically, the focus is on the issue of gender parity in corporate boardrooms, which has typically become since the beginning of the twenty-first century a benchmark used to distinguish between countries that are considered 'good' or 'bad' in terms of their performance.

Generally speaking, the Nordic countries performed ahead of the pack in terms of gender equality within corporate boards. Norway, which is considered 'the snowball that started the international avalanche in getting women on boards' (Goldeng and Huse, 2017), is often held up by advocates of a quota system as a model to be followed. Indeed, Norway was the first country to introduce legislated quotas for corporate boards, a fact that has been used by the Norwegian government to attract foreign attention and interest in Norway (Danielsen and Larsen, 2015). Still, the effect of individual Nordic countries' efforts to promote their gender-equality policies abroad

is not evident, because the uptake of Nordic gender-equality models abroad is always beyond the control of the Nordics themselves. Investigating how Nordic countries were used during the debate on gender quotas in the Swiss case therefore appears particularly interesting, notably with regard to Switzerland's conservative political culture, but also because the Nordic countries have pursued different policies on this matter. As we will see, highly different evaluations and interpretations of the Nordic gender-equality policies were given during the Swiss debates, following the political spectrum from right to the left. The issue of sanctions in particular gave rise to lively debate.

In the following, I conduct a systematic analysis of the discussions concerning the presence of women within corporations that took place in the Swiss parliament since the start of the debate in 2003. In addition, I investigate all relevant documentation on female quotas in Swiss firms produced by the Federal Commission for Women's Issues, which is the extra-parliamentary permanent commission established to examine all issues that affect the situation of women in Switzerland and equality between the sexes. The analysis also includes the main public declarations by the Swiss Employers Confederation on this issue, both because of its weight in the business sphere as an umbrella organization and because it has been a major opponent to the introduction of quotas. All of the sources used in this chapter are accessible on the websites of the Swiss parliament and the Swiss Employers Confederation.

The analysis covers the 15 years during which the debates on women's quotas took place. In June 2018, Switzerland's National Council – the lower house of the Parliament, representing the people – finally, by an extremely narrow margin, ratified the draft revision of the law on public limited companies proposed by the Federal Council, which aimed to increase the presence of women on the boards of directors of such companies to a level of 30%, and on their executive boards to 20%. The Council of States – the upper house of the Federal Assembly, representing the cantons – also approved the revision the following year, which meant that the proposition of the Federal Council was accepted, despite strong opposition from the parliamentary right and business circles.

The rise of gender quotas in business

The progressive political empowerment of women during the twentieth century represented a major paradigm shift. Indeed, women had been excluded from the rise of democracy in Western societies during the nineteenth century, as they were notably explicitly prohibited from voting (Fraisie and Perrot, 2002; Towns, 2009, 2010). The presence of women in economic decision-making positions, however, remained a neglected issue until the mid-2000s (Lépinard and Rubio-Marín, 2018: 3–6). At that time, the persistent gender inequality on corporate boards, at both the strategic and the

executive levels, finally began to receive increasing attention from academic researchers (see, for example, Singh and Vinnicombe, 2004; Vinnicombe et al., 2008; Adams and Ferreira, 2009; Post and Byron, 2015), nongovernmental organizations¹ and the media. In this context, the presence of women on corporate boards became one of the benchmarks that made it possible to rank the performance of states in relation to equality. For example, Egon Zehnder, a privately owned consulting firm advising senior executives and boards around the world, began to track and analyse gender diversity in the boardroom from 2004. Its published reports distinguish between ‘Champions’, ‘Slow Movers’ and ‘Underachievers’ (Egon Zehnder, 2018: 7). According to its latest report (Egon Zehnder, 2018: 11), the Nordic countries of Finland, Norway and Sweden are performing ahead of the pack, along with several others (Australia, Belgium, France and Italy), with an average of over 30% of the directors on their largest corporate boards being female.

Since the start of the twenty-first century, the increasing debate on the question of gender parity for corporate boards has led to a related debate on whether gender quotas should be used to promote equality. Although several countries, such as Norway, France, Denmark, Finland, and Germany, have gradually opted for such an approach, it remains highly controversial, and many countries have shown considerable reluctance to adopt such measures. In debates on the subject, Norway is often promoted as a forerunner in relation to both gender equality within corporations and the use of gender quotas. Norway’s Gender Equality Act entered into force in 1979. Gender quotas were adopted on a voluntary basis by a majority of the political parties as early as the 1970s and were formally imposed by the state in 1981 for public commissions to begin with (Teigen, 2018). The debate that emerged later, from the mid-1990s onwards, regarding gender parity on corporate boards ‘hit Norway particularly hard, as it interfered with a national self-image of being particularly successful in affairs of gender equality’ (Teigen, 2018: 353). In the business sphere, women actually remained largely excluded from the boards of large corporations, accounting for barely 5% of the members between 1990 and 2002 (Huse, 2012: 14). In 2003, in order to address this situation, the Norwegian parliament passed legislation mandating gender quotas for corporate boards, according to which both men and women should hold at least 40% of board positions in all firms. The legislation was initially formulated as a threat to encourage business leaders to voluntarily increase the presence of women. If companies did not meet this target by July 2005, the legislation would be effected. The proportion of women did indeed improve, but failed to meet the 40% target. As a result, the government enacted the legislation, which included tough sanctions in the event of non-compliance that could go as far as the dissolution of the firm (Teigen, 2018: 347–348; see also Hoel, 2008). This led to a dramatic increase in the presence of women on the boards of Norwegian firms – from 6% in 2002 to 40% in 2008 (Huse, 2012: 14). The adoption of quotas for corporate boards simultaneously represented both a continuation of the

institutionalization of Norwegian gender-equality policy and a break from the state's previous policy of not intervening in the economy (Teigen, 2018).

After Norway, the implementation of female quotas for corporate boards occurred for most countries in the aftermath of the 2007–2008 financial crisis (Teigen, 2018: 341). Indeed, that crisis was largely perceived as the consequence of a toxic 'business masculinity', as Erlingsdóttir describes in Chapter 5 of this volume. An infamous claim was that the crisis would not have occurred 'if Lehman Brothers had been Lehmann Sisters' (Prügl, 2012; Roberts, 2012). As a result, the debate around female board quotas intensified within the European Union from 2008, and in 2012 the European Commission's Vice-President Viviane Reding announced the possibility of imposing gender quotas on the corporate boards of the largest listed companies in the European Union to include at least 40% of the under-represented gender by 2020 (Singh et al., 2015: 552; Lépinard and Rubio-Marín, 2018). European norms and incentives that favoured gender equality influenced national debates concerning the adoption of female quotas for corporate boards, among both supporters and opponents alike, with the latter calling for national prerogatives (Lépinard and Rubio-Marín, 2018). Moreover, there was a clear process of policy transfer and transnational diffusion, and the adoption of quotas in Norway had an effect on the EU's member-states (Lépinard and Rubio-Marín, 2018: 32). In France, for instance, Norway's example was 'praised' during the discussion preceding the introduction in 2011 of the Copé-Zimmerman Law, a quota legislation that aimed to increase women's representation on supervisory boards to at least 20% by 2014, and to 40% by 2017 (Singh et al., 2015: 552–553).

Although the Nordic countries are globally perceived as being equally gender-progressive, they differ on the issue of female quotas in business (Agustín et al., 2018). Freidenvall (2018) has discussed how Sweden, unlike Norway, never enacted mandatory gender quotas. The resistance in Sweden to such a move was very strong because such measures were regarded as discriminatory and contrary to the principle of meritocracy. Political parties in Sweden therefore opted for voluntary party quotas in elected bodies, which have proven quite effective, and business actors implemented voluntary codes of conduct. In 1999, a regulation that sought to bring about increased gender balance on the boards of Swedish state-owned companies was adopted. Despite the absence of sanctions in the event of non-compliance, the objective of reaching a level of 40% for women by 2003 was achieved (Freidenvall, 2018: 383). In order to avoid legislated quotas, business elites established corporate governance codes, which were adopted as part of the Swedish Code of Corporate Governance in 2005. These applied to all large companies listed on the Stockholm stock exchange and included a stipulation of gender-balanced boards – though again excluding sanctions in the event of non-compliance. In 2014, the self-proclaimed 'first feminist government in the world' launched a bill on mandatory quotas for corporate boards that aimed at a level of representation of at least 40% for each

gender on the boards of public limited companies and publicly owned firms, which was never enacted owing to strong opposition within the parliament (Freidenvall, 2018: 390). Legislated quotas have continually been perceived as undesirable interference by the state in the business sector.

In Denmark, gender quotas have also been very controversial and, unlike in Norway and Sweden, there are no gender quotas for political parties (Agustín et al., 2018). Despite this lack of incentive, Denmark's political elites have been characterized by a high representation of women since 1998 in comparison to other European countries (Agustín et al., 2018: 402). In relation to the private sector, where women's representation was less advanced, the use of quotas to improve the presence of women on corporate boards has faced strong opposition from the Liberal Party and private corporations. Different strategies have thus been adopted instead, including voluntary quotas and the adoption in 2012 of a law compelling the largest public and private firms to set goals for gender equality on their boards, an approach that has been labelled the 'Danish model' (Agustín et al., 2018: 414).

Lagging behind the Nordic countries

According to the above-mentioned report by Egon Zehnder (2018: 11), Switzerland was clearly lagging behind most European countries – and especially the Nordic countries – in relation to female membership on corporate boards. In 2018, only 22.3% of the members of the boards of the country's largest public companies were women. In comparison, France was in the lead with 42.1%, followed by Norway and Sweden with 36.7% each. With 33.3% of board seats held by women, Finland was also above the Western European average of 29.0%, while Denmark was the only Nordic country below that average, with 25.8%.

Switzerland's backwardness can be explained by several factors. First, Switzerland remains a very conservative country when it comes to women's rights and can be considered something of an anti-model in comparison with the Nordic countries. For instance, all the Nordic countries introduced full political rights for women around the time of World War I, whereas Switzerland first did so in 1971 (Sineau, 2002: 634; Studer, 1996). In 1981, the principle of equality between women and men was enshrined in the Federal Constitution. However, the 1912 marriage law, which allowed a husband to forbid his wife to work outside the home if her doing so was considered a threat to their marriage, remained unchanged until 1987 (Schulz, 1994: 132). In addition, Swiss legislation was particularly underdeveloped in relation to childcare. For instance, maternity leave was only introduced in 2005, after a ten-year debate, and paternity leave is only about to be adopted in 2021. These examples illustrate the strong persistence of the male-breadwinner model in Switzerland, in contrast to, for example, the Swedish dual-income earner model (Freidenvall, 2018).

Switzerland's conservatism was favoured by a political context marked by the dominant position of the country's major right-wing parties since the second half of the nineteenth century. The 'bourgeois bloc', a term that refers to the alliance between the country's right-wing parties and its most powerful business interest associations, has remained particularly stable across time, although its cohesion has been challenged since the beginning of the twenty-first century (see Mach et al., 2021).

Towards the end of the 1990s, two initiatives calling for the introduction of female quotas to ensure adequate or equal representation of women at the political level were overturned by rulings of the Federal Supreme Court (Kägi-Diener, 2014: 27). The presence of women among political elites has however increased steadily since they obtained the right to vote and to be elected at the federal level in 1971. In relation to corporate boards, several factors have contributed to slowing down a similar increase (see Ginalski, 2020). State-owned companies, which have often been the first to introduce female quotas (see, for example, Heemskerk and Fennema, 2014, on the Dutch case), are few in number. The importance of a military career for accessing board appointments has been an indirect obstacle for women, as the army is compulsory for men only. Another factor is the absence of the right of employees to be represented on company boards, which typically played a key role in the adoption of corporate board quotas in Norway when a parallel was drawn between employee representation and gender representation (Teigen, 2018). As a consequence, women comprised only 7.7% of the members of the boards of directors of the 110 largest Swiss firms in 2000, and only 9.7% ten years later (Ginalski, 2020).

The backwardness of Switzerland in comparison with other Western countries led to growing debates within Swiss society from the beginning of the twenty-first century, which have crystallized around the issue of quotas. In November 2013, the Federal Council, which is the highest executive authority in the country, announced that women should make up 30% of the board members of corporations owned by the state or with close ties to the Confederation by 2020. Two years later, it proposed a project to reform the country's company law. One of the key elements of this proposal was the introduction of gender quotas for public limited companies according to which women should constitute at least 30% of the members of their boards of directors and 20% of their executive boards by 2020. Although the project was formulated as a mere recommendation and no sanctions were planned, it provoked significant opposition from the right-wing majority in the parliament as well as within the private sector.

The next sections will analyse the most salient aspects of the debate on gender equity within corporate boards since the first discussions in the Swiss parliament in 2003. The analysis will include the questions, postulates, interpellations and motions addressed by parliamentarians to the Federal Council, the parliamentary initiatives proposed, and the different answers and declarations made by the Federal Council.²

More specifically, the analysis focuses on the different interventions that mentioned, in one way or another, the Nordic countries. Three main phases can be distinguished in the discussion concerning the introduction of female quotas in Swiss firms. The first began in 2003 and lasted until the financial crisis of 2007–2008, when the initial discussions on gender equity within corporate boards took place in the Swiss parliament. Women belonging to the Swiss Socialist Party and the Green Party carried out different actions in favour of quotas, which did not lead to the introduction of concrete measures. They frequently invoked Norway as a model and a forerunner in order to plead their case. The second phase began with the financial crisis in 2007, which contributed to the creation of a less radical image of the Norwegian model. The last phase started with the 2013 decision of the Swiss Federal Council to increase the presence of women on the boards of directors of large firms with close ties to the Confederation, and subsequently on the boards of public limited companies.

‘Progressive Norway’: debating female business quotas in the Swiss parliament

The debate started with a parliamentary initiative entitled ‘Mehr Frauen in die Leitungen von Aktiengesellschaften’, meaning ‘More Women in the Management of Public Limited Companies’. This was launched on March 2003 by Franziska Teuscher, a member of the National Council, representing the Green Party. Teuscher’s aim was to increase the percentage of women in the boardrooms of public limited companies listed on the stock exchange to at least 40%. Moreover, she suggested that these companies should document on an annual basis the measures they had adopted to implement real equality between women and men, notably in terms of salary. On 7 October 2004, during the debate on her initiative in the National Council, she made explicit references to the Norwegian model:

If you follow my parliamentary initiative, that would not make Switzerland a special case. Similar laws have been proposed by the governments in Norway and Sweden and are in preparation. Norway is the country where this implementation is most advanced. The Norwegian government – *nota bene* a bourgeois government – is proposing to increase the proportion of women in state enterprises and public limited companies in this area to at least 40%. If a company does not comply with this requirement, it will be refused entry in the commercial register. I do not go that far with my parliamentary initiative. The Norwegian government introduces this law, even though women are already much better represented on management committees and boards of directors there than in Switzerland.

(National Council, 2004)³

In her declaration, Teuscher thus invoked Norway as the most gender-progressive country and a forerunner in terms of equality in the private sector on the basis of the initiative to introduce female quotas for corporate boards that was currently underway there. Interestingly, she pointed out that Norway had a 'bourgeois government', like Switzerland, but that at the same time it was performing better in this area than Switzerland, as though she was anticipating opposition from the country's right-wing parties. However, as the quote shows, she also made clear that she did not want to go as far as the Norwegian government in relation to sanctions – that is, forced dissolution of companies that did not comply with the law. Even if the aim of these comments was essentially to convince and reassure the right-wing majority, her remarks implicitly presented Norway as being too progressive. The majority of the National Council's Committee on Legal Affairs, which was responsible for examining Franziska Teuscher's initiative, agreed that women were under-represented in public limited companies but claimed that quotas were not an appropriate means of achieving gender equality in the business realm and refused to adopt legal provisions restricting the sphere of autonomy of companies. The National Council followed the Committee's recommendations and refused to act on Teuscher's initiative by a large majority.

In June 2003, a few months after Teuscher's first initiative, Barbara Haering launched a similar, though more modest, parliamentary initiative calling for an increase in the proportion of women on the boards of state-owned firms through an amendment to the existing law on public limited companies included in the Swiss Code of Obligations. Representing the Socialist Party, Haering argued that women were still under-represented in the management of these companies, and that the state had a duty to encourage the presence of women at least in the boards of corporations in which it was itself a shareholder. Haering argued that Norway offered 'a good example' of 'an appropriate quota' to achieve this goal, although she proposed a quota of 30% instead of 40% (Parliament of Switzerland, 2003). In this sense, the early proponents of a measure to increase female board membership were imaging Norway as a country that was very progressive, but perhaps overly so, and thus an example that could only be followed to a certain extent. For instance, during the parliamentary debate on Haering's proposition, Susanne Leutenegger Oberholzer, a Socialist member of the National Council, defended Haering's initiative by arguing that it was very 'moderate' in comparison to measures taken by other countries that had gone much further, such as Norway, whose legislation had stipulated a higher quota for women and included private companies (National Council, 2005). By a very small majority, the National Council decided on March 2005 to proceed with the initiative, and a subcommittee was instructed to draw up a preliminary legislative draft.

A few years later, in June 2007, Teuscher re-entered the dispute with a question addressed to the Federal Council about the presence of women

in corporate boardrooms. She claimed that Switzerland was still ‘lagging behind’ Norway, Sweden and ‘even’ Great Britain. In the following extract, the ‘Nordic exceptionalism’ with regard to policy innovation in the field of gender equality is clearly invoked, along with the specific position of Norway, which is described as being the most advanced country in this area:

Several studies have assessed the place of women in the world of work. The conclusions are disappointing: with the exception of the Nordic countries, which have put in place targeted measures to support women’s career prospects, the number of women on boards of directors seems destined to remain modest. Committed to improving diversity and promoting equal opportunities, Norway – which ranks first in terms of the proportion of women in the economy – has taken a further step by introducing quotas for the boards of directors of the 650 largest publicly traded companies.

(Federal Council, 2007)⁴

In June 2008, the preliminary legislative draft initiated by the National Council in 2005 was narrowly rejected by the same National Council, which followed the recommendation made by the National Council’s Committee on Legal Affairs on Haering’s proposition. The main arguments against the draft were as follows: choices regarding the members of a board of directors should be made in complete independence and should solely be based on the company’s requirements; the proposed quotas represented excessive state interference in the economy; quotas would put public-sector companies at a disadvantage compared to the private sector; and quotas entailed the risk that a woman might be appointed because of her gender rather than because of her competencies. Finally, a majority of the Committee’s members were opposed to the idea of using legislation as a tool to pursue an ‘ideological project’ and claimed that gender quotas were not an appropriate means of achieving gender equality (Committee on Legal Affairs, 2008). Thus, during the first debates in the Swiss parliament, proponents of the quota system – mostly women – were repeatedly using the Nordic countries, and Norway in particular, to call into question the Swiss system, which was described in comparison as being much more ‘traditional’, and by implication more conservative.⁵ They failed, however, to convince their opponents, who mainly denounced quotas as an undesirable state intervention in the economy.

The financial crisis as a turning point

The 2007–2008 financial crisis gave a new impulse to the debate on female business quotas in Switzerland and led to a shift in how the Norwegian model was perceived by the proponents of a quota system. After the failure of the two parliamentary initiatives proposed by Franziska Teuscher and Barbara Haering, Maria Roth-Bernasconi, a Socialist member of the

National Council, took advantage of the crisis to submit in December 2008 a new initiative to introduce gender quotas of 30% for each gender in both state-owned firms and public limited companies. Unlike her predecessors, Roth-Bernasconi did not mention the Nordic countries. Her argument was to denounce predominantly male corporate boards, which, according to her, 'drove the companies into bankruptcy because they were only concerned about their own profits' (Parliament of Switzerland, 2008). However, during the parliamentary session of September 2009, a proponent of the Roth-Bernasconi initiative, who was also member of the Socialist Party, again mentioned Norway as an example to be followed. Once more, the initiative met with strong opposition from the right-wing majority in the parliament, who largely rejected it. Two new arguments were put forward against quotas by Oskar Freysinger, a member of the National Council from the Swiss People's Party, the right-wing populist party that was the largest party in the Federal Assembly at the time. Freysinger claimed that many women were not interested in sitting on corporate boards and should not be forced to fill quotas. Moreover, according to him, a quota system would put Swiss firms in unfair competition with foreign companies listed on the Swiss stock exchange and not subject to a similar regulation (National Council, 2009b). He thus denounced quotas as a measure that not only went against the principles of economic freedom and free competition, but also went against the interests of women themselves, insinuating that they would be forced to sit on boards of directors against their will – a type of rhetoric similar to that used by his party a few decades earlier to argue against women's suffrage, suggesting that such a stance was allegedly for their own good (see Studer, 1996: 372–374).

In March 2009, Katharina Prelicz-Huber, a member of the National Council representing the Green Party, once again raised the issue of the insufficient presence of women on the boards of directors of Swiss firms through a motion addressed to the Federal Council that argued in favour of a legal solution based on the Norwegian model. Prelicz-Huber declared that 'Norway is setting an example here; in particular, it has a system of sanctions for non-compliance with these requirements' (National Council, 2009a).⁶ Two years later, in March 2011, she made the following statement about the adoption of quotas in Norway during the parliamentary session discussing her motion:

The model country of Norway proves that it works. The claim in Norway did not come from a leftist woman, but from a bourgeois man. He made the move for economic reasons, because there was a need for well-educated women, and otherwise it would take too long.

(National Council, 2011)⁷

Prelicz-Huber did not specify in her speech which 'bourgeois man' she was referring to. The important point here is that her argument generally echoed

the discourse of a rising liberal feminism that, in the wake of the 2007–2008 financial crisis, increasingly claimed that women represented ‘untapped resources’ for business (Roberts, 2012). Susanne Leutenegger Oberholzer went a step further in September 2012 when she proposed two parliamentary initiatives to increase the membership of women on the boards of corporations listed on the Swiss stock exchange or with close ties to the Confederation to at least 40%.⁸ The proposals also included a stipulation that if corporations failed to comply with the initiative, they would have to withdraw from the stock exchange. Her proposals were thus clearly inspired by the Norwegian system of sanctions. In her initiative covering corporations listed on the Swiss stock exchange, Leutenegger Oberholzer quoted a study made by the previously mentioned consulting firm Egon Zehnder that showed that the ‘Nordic countries’ – namely, Norway, Finland and Sweden – were above the European mean in relation to female membership of corporate boards, while other countries such as Italy, Austria, Luxembourg and Portugal were lagging behind (Parliament of Switzerland, 2012). In so doing, she was using the status of women to evaluate and rank the performances of states on equality in a hierarchical manner (see Towns, 2009, 2010). During the parliamentary debate on Leutenegger Oberholzer’s initiative in December 2013, Mathias Reynard, also a Socialist member of the National Council, claimed that Norway, a ‘pioneer country in this field’, had made ‘impressive’ progress thanks to the introduction of quotas, and that France, a neighbouring country of Switzerland, had also just adopted a similar system (National Council, 2013b).

As these different examples show, the financial crisis thus contributed to a change in the use of Norway’s image by the advocates of a quota system. Indeed, as we have seen, the first interventions by the Greens and the Socialists invoked Norway as a forerunner and an example to be followed, but only partially. They thus created, in the end, an image of a Norway that was almost too progressive, even if such a judgement was never stated explicitly. After the financial crisis, the promoters of a quota system, who were still drawn from the Green and Socialist parties, increasingly created the image of an ‘exemplary Norway’ in the sense that the latter was portrayed as a forerunner and a reasonably progressive country. Once more, however, the different initiatives were rejected by a large majority in the National Council.

Sweden as alternative

For the first ten years, the debate on gender inequality in corporate boards took place mainly in the arenas of the Federal Assembly and was marked by the repeated failures of the various quota initiatives. The next phase began with the decision of the Swiss Federal Council in November 2013 to increase the presence of women on the boards of directors of the large firms with close ties to the Confederation (Federal Council, 2013). The aim was to set

a target quota of 30% of each gender by 2020. Such a proposal had been first put forward during the parliamentary debates on Susanne Leutenegger Oberholzer's initiatives (see above) without arousing any particular opposition. In December 2013, the Liberal–Green parliamentary group submitted a motion at the National Council through the intervention of Kathrin Bertschy, asking the Federal Council to ‘impos[e] the “apply or explain” principle to combat sex discrimination in employment’ in companies listed on the Swiss stock exchange (National Council, 2013a). By adopting such an approach, the Liberal–Green group was proposing a measure that was in fact softer than that of quotas and followed the Swedish model:

While in Switzerland fixed quotas are seen as an excessive infringement of economic freedom and are therefore unlikely to be adopted, the fact remains that the previously favoured voluntary measures have hardly moved the lines. We therefore call for companies listed on the stock exchange to be obliged to comply with a model based on the principle of ‘apply or explain’, in order to gradually eliminate the gender discrimination that still prevails in the labour market, as Sweden has done, not without success.

(National Council 2013a)⁹

Sweden, which until then had been invoked far less frequently in the debates, thus appeared as an alternative to the Norwegian model, which was perceived as too restrictive by opponents of the quota system. The Federal Council proposed to reject the motion but pledged that it would reflect on the issue. Two years later, the Federal Council launched a project to reform the legislation on public limited companies. Among other things, the reforms would introduce gender quotas for these companies, aiming to ensure that women would constitute 30% of the membership of their boards of directors and 20% of their executive boards by 2020 (Federal Council, 2015). Although no sanctions were planned in the event of non-compliance, the issue remained highly sensitive and led to passionate debates both in and outside the parliament. Within the parliament, the project was mostly supported by the Greens and the Socialists – who had been in favour of some form of quota from the start – and opposed by members of the Radical-Liberal Party and the Swiss People's Party. Proponents of quotas continued to cite Norway as an example to be followed. For example, the Federal Commission for Women's Issues published in March 2014 a declaration in favour of gender quotas that would seek to bring about a level of 40% for women's membership of the boards of directors and 33% for the executive direction of state-owned companies, companies listed on the stock exchange and companies with more than 250 employees (Federal Commission for Women's Issues, 2014). Moreover, the Commission spoke in favour of sanctions should companies fail to respect these objectives. In the working document that led to this declaration, elaborated by Regula Kägi-Diener (2014: 3, 17), several

references were made to Norway, pointing out that the Norwegian example had led to discussions all over Europe about the relevance of legal requirements in efforts to improve the presence of women on corporate boards and declaring that Norway ‘was leading the world’ on these issues.

The Federal Council’s reform project provoked a general outcry among business circles, and notably the Swiss Employers Confederation. Already in December 2012, the latter had published in collaboration with *Economiesuisse*, the major Swiss business interest association, a report that argued in favour of more women among leading positions in Swiss firms, but against quotas (Swiss Employers Confederation and *Economiesuisse*, 2012). Interestingly, the report explicitly contrasted the Norwegian model with the Swedish one. It accused the former of having favoured the accumulation of mandates by a small number of women, which was viewed as contravening principles of good corporate governance. In raising this point, it echoed the criticism voiced by some Norwegian scholars who claimed that the introduction of quotas in Norway had led to the development of a female elite holding multiple board positions, dubbed the ‘golden skirts’ (see, for example, Huse, 2012: 17).¹⁰ Moreover, the report pointed to the fact that only 5% of the chairpersons of the boards of Norwegian corporations were women. In the end, the Swiss Employers Confederation and *Economiesuisse* thus depicted the Norwegian model as elitist, rather than progressive. By contrast, Sweden was presented as a successful model and an example of the efficiency of voluntary measures.

In 2018, the Swiss Employers Confederation repeated its attacks against the Norwegian system of sanctions. In addition to the above-mentioned arguments, it criticized the fact that the numbers of women within middle management had not increased, which was regarded as a failure of a quota system that favoured only a small elite circle:

The Swiss Employers Confederation is opposed to the inscription in the law of quotas for women in positions of responsibility... [Norwegian] quotas have not resulted in the expected results... [no] increase in the pool of potential candidates in the middle management population and [few] women [have] been allocated additional directorships.

(Swiss Employers Confederation, 2018)¹¹

This argument, however, showed either a misunderstanding or a wilful misrepresentation of the Norwegian measures and was therefore fallacious, as the latter were not intended to increase the share of women in business management – unlike the Federal Council’s plan, which aimed at 20% of women on executive boards. It is true, though, that Norwegian quotas for corporate boards did not lead to more gender equality in senior management positions (Teigen, 2018: 350–351). The denunciation of a ‘massive interference’ and the comparison with Norway was thus undoubtedly abusive, since, again, no sanctions were envisaged in the Federal Council’s project.

Norway was therefore mobilized above all as a symbol of an undesirable state intrusion into the economy and contrasted with the approach of a more liberal Sweden. In order to avoid such an intrusion, the Swiss Employers Confederation tried to instil fear in its audience, claiming that several Norwegian firms had withdrawn from the stock exchange in order to escape from the quotas.

In June 2018, despite the strong opposition from the private sector, the National Council finally ratified the Federal Council's proposal for a reform of the law on public limited companies by a narrow margin, with 95 votes in favour, 94 against, and 3 abstentions. A few days after the women's strike of 14 June 2019, which was itself a historical moment owing to its magnitude, the Council of States, in turn, ratified the project. The Federal Council's proposal has certainly benefited from the changing international context, marked by the gradual adoption of quotas in many Western countries, the financial crisis that – temporarily – called the capitalist system into question and the new rise of the women's movement. It should be remembered, however, that the measures proposed by the Federal Council remained very moderate in comparison with those adopted by Norway or France since they did not include any sanctions in the event of non-compliance.

Conclusion

Since the Swiss debate on female business quotas began in the early 2000s, both supporters and opponents of the quota system have compared Switzerland with other European countries. Both frequently drew on the representation of the Nordic countries more than that of other countries, thus confirming the competing role of Norwegian and Swedish gender-quota policies in the Swiss debates on gender quotas. During the early phase of the debate, which began with the first discussions in parliament in 2003 and continued until the outbreak of the 2007–2008 financial crisis, the various parliamentarians – mainly women from the Green and the Socialist parties – who were arguing in favour of quotas made frequent references to Norway to plead their case. Interestingly, they depicted it as a progressive country and a forerunner, and thus as an example to be followed – but only to a certain extent, as they did not want to go as far as the Norwegian government in terms of sanctions or the quota level. Although this was probably essentially a strategy to persuade and reassure the right-wing majority, the early proponents of a quota system implicitly gave the impression that Norway was too progressive – at least compared to Switzerland. The financial crisis of 2007–2008 contributed to a shift in this perception, and the proponents of female quotas for board membership gradually aligned with the Norwegian system.

For ten years, the debates on the quota system remained essentially confined to the Swiss parliament, and Norway was clearly the country most mentioned by the proponents of such a system, along with Sweden to a lesser extent. France, for example, was also cited but less often, even after

the introduction of the Copé-Zimmermann Law in January 2011. The Nordic countries, and in particular Norway, thus served as the main reference points for policy innovation in the field of gender equality, in both the Swiss and French debates on quotas (for the French case, see Singh et al., 2015). All interventions in favour of some form of quota were blocked by the right-wing majority, which was strongly opposed to any state interference in the economy.

The November 2013 decision of the Swiss Federal Council to increase the presence of women on the boards of directors of large firms with close ties to the Confederation made the threat of such an intervention concrete and contributed to a transformation of the debate. It led major employers' organizations, such as Economiesuisse and the Swiss Employers Confederation, to take a stand against any non-voluntary measures, lining up with the right-wing parties. Switzerland's business circles launched repeated attacks against the Norwegian model, pointing to its failures. They claimed that the introduction of quotas had benefited only a small female elite holding multiple board positions – the 'golden skirts' – invoking the image of a country ultimately favouring an elitist rather than progressive system. In order to circumvent the threat of quotas, business organizations directed attention to Sweden's voluntary system, although there are considerable differences between Switzerland and Sweden in terms of measurements of gender equality. In both countries, however, the principle of self-regulation and non-interference of the state in the business sector prevailed over gender-equality values. In the end, analysis of the Swiss debate on female quotas for corporate boards shows that the Nordic countries have constantly remained a point of reference, whether presented as a model to be followed or one to be avoided. Whereas Norway at first was a model to imitate, right-wing politicians later mobilized it as a symbol of an undesirable state intrusion into the economy and contrasted it with the approach of a more liberal Sweden.

Notes

- 1 See, for example, the website of Catalyst at www.catalyst.org.
- 2 A question can be addressed by a member of parliament to the Federal Council in order to request information about important domestic or foreign affairs. The Federal Council must reply in writing by the next session. A postulate mandates the Federal Council to examine and report on whether to submit a bill to the Federal Assembly or to adopt a particular measure. It may be submitted by the majority of the members of a parliamentary committee, by a parliamentary group or by an individual member of parliament. The postulate is accepted as soon as it has been approved by one of the councils. A motion instructs the Federal Council to submit a bill to the Federal Assembly or to adopt a particular measure. As with the postulates, motions can be submitted by the majority of the members of a parliamentary committee, by a parliamentary group or by an individual member of parliament. Motions must be accepted by both councils. A council member, a parliamentary group or a parliamentary committee can use a parliamentary initiative to propose a draft version of new legislation or the terms of such legislation. A committee of the National Council or Council of

- States is given responsibility for the legislative work (definitions according to the online lexicon of parliamentary terms; see Parliament of Switzerland, n.d.).
- 3 Author's translation from the original German.
 - 4 Author's translation from the original French.
 - 5 The term was employed by Franziska Teuscher in her question (07.1072) addressed to the Federal Council on 21 June 2007.
 - 6 Author's translation from the original French.
 - 7 Author's translation from the original German.
 - 8 Already in March 2004, Susanne Leutenegger Oberholzer had deposited a parliamentary initiative (04.412) entitled 'Gender reporting pour les sociétés cotées en bourse', arguing in favour of gender reporting in listed companies, which was rejected by the National Council.
 - 9 Author's translation from the original French.
 - 10 Norwegian corporate boards do not set limits on the number of board seats an individual person can hold, unlike France, for example, where there is a limit of a maximum of five seats (Takagi and Gröschl, 2012: 4).
 - 11 Author's translation from the original French.

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