

Dear Mr. Barroso,

As the head of the European Commission you are expected to guide your Commissioners. As Article 217 of the Amsterdam Treaty states: The Commission shall work under the political guidance of its President. It is with respect to this function that we address this letter to you and it is exactly this function which makes us wonder how you could remain on the sidelines and watch the bullying tactics deployed by your Vice-President, Viviane Reding, by the use of which she wants to press European companies into compliance with at first a 'voluntary', then mandatory quota for women in boards. Although this project seems to face stiff resistance in some countries, we deem it necessary to quash any further attempt of Mrs. Reding's to pursue it. To us this is a question of whether it will be possible to take the European Commission seriously and it's also a question of acceptance: whether the European Commission will be accepted as a competent body in the future.

Mrs. Reding has been campaigning heavily for an increase in the number of women in boardrooms for years, although she is supposed to represent the 'Justice' department within the European Commission. As head of this department, she should be able to differentiate between equity and equality, between equality and justice. However, she acts as if she does not know this difference and advocates a measure for equality in a field that requires equity. Usually positions in companies are assigned by merit, this may not be the case for all European Commissioners, but it certainly is the case in private companies. Filling vacancies by applying a quota is a gross violation of the concept of equity. There is no point in denying that. If the best candidate gets the job, which is supposed to be the case under the regime of merit, the best candidate will get the job *irrespective of gender*. If, however, a claim is being made that women slam their heads against a glass ceiling and men pass through undisturbed and if this claim is further augmented by the claim that women who fail to get through the glass ceiling are more suited for a job on a board than men who pass through, this would be a gross violation of the principle of merit. But, is this likely? Let us point out that there is not a shred of evidence to support the idea of a glass ceiling. However, there is a lot of common sense that can be held against this claim. How is it that politicians and Commissioners of the European Community never fail to point out that competition is fierce and on a global scale, that companies need do their best to be excellent, yet are utterly ignorant to the fact of competitive markets when it comes to the question of women's quotas? How likely is it that a company which is engaged in fierce competition can afford to overlook candidates (because

of their gender) for its boardroom when those candidates are supposedly better skilled? Such a company would fail in the end and because of that, common sense argues against the existence of glass ceilings.

There is another argument against the forced introduction of women's quota for equality's sake: not even equality will result from this kind of affirmative action. To see this, it is only necessary to ask: who will benefit from a women's quota? Will it be working class women? No. Will it be upper class women? Most likely not. So it will be middle class women, middle class women such as Viviane Reding who fight for equality, but only to improve their personal standing. Middle class women will benefit from a quota and working class women will fail to do so. And because of that the whole talk about putting women on equal footing with men is wrong. It is not 'women', but middle class women for whom a quota will provide an equal footing. Hence the new line of discrimination will be drawn separating middle class men and middle class women and their exclusive access from the rest of society. This is hardly a policy for equality. It is simply a policy of partisan interest that allows particular groups of society to benefit at the expense of the remaining groups of society. Certainly a commissioner of Justice should be aware of that. But, Viviane Reding is not aware of it and, we suppose, this is the case because she has her own agenda, an agenda which includes misinformation and manipulation of data, an agenda entirely unsuitable for a Commissioner of Justice of the European Community.

This seems to be a stark claim, however, we can back it up.

Take for instance the following quote taken from a speech delivered by Viviane Reding in July 2012 in Munich: "Studies carried out by 'non-feministic' organisations suggest that companies with more women in management positions perform better financially. For example, an analysis by Ernst & Young reviewing the 290 largest listed companies (including German ones) found that sales and earnings in companies with at least one woman in the board are significantly higher than in companies that have no female members on the board".

Even if it were true that studies show that there is a correlation between women in boards and firm performance, it would not mean that women in boards are *causal* for a better firm performance. Not a single study exists that proves this. In fact, Mike Buchanan, the Chief Executive of the Campaign for Merit in Business has challenged over 100 proponents

(organisations and individuals) for more women on boards to provide evidence for the supposed causal link between more women and more profit. Not one of the proponents was able to provide evidence, which is hardly surprising given the fact that no evidence exists. However, Mrs. Reding wants us to believe that there is evidence of a causal link. Is this the kind of spreading of misinformation, which should be expected from a European Commissioner? Is there someone, besides Mrs. Reding, who believes that a board that usually consists of about 3 to 21 people will indeed perform better when there is at least ONE woman? What kind of a mystical belief in female abilities is that? Anyway, if one is to take the argument put forward by Mrs. Reding seriously it's an argument against a quota because one woman would suffice to reap the benefit of that 'mystical female' ability. We strongly suggest that you take action to prevent the European Community from becoming the laughing stock of Europe by making absurd arguments and worshipping the powers of the supernatural.

While the former quote is wrong and ridiculous, the following quote is wrong and misleading: "The economic performance of Norwegian companies after the introduction of mandatory quotas is another telling example. Studies point to either no difference or an improvement in the companies' performance. And this is in spite of a short implementation period for an ambitious quota of 40%". In fact, the most sound study conducted so far, that uses the Norwegian setting as a natural experiment and controls for exogenous effects came to the conclusion that Norwegian companies forced to introduce a quota suffered heavily: their book value deteriorated due to poor decision by the boards, their market value slumped as a reflection of these poor decisions and liabilities increased. In other words: shareholder value has been erased. The study, conducted by Kenneth Ahern and Amy Dittmar is freely available on the internet, hence, even Mrs. Reding could download it.

Finally, and more seriously, Mrs. Reding gives false account of data, sampled in the context of the Eurobarometer. We (see Klein, 2012) have not only shown comprehensively, how the Eurobarometer has been used to tailor results, we have also shown how, despite the tailoring, Europeans did not answer as expected. Hence they had to be tricked into giving the answers, Mrs. Reding was obviously hoping for. Despite all the manipulation apparent in Eurobarometer 376 that was paid for by Mrs. Reding's department it was necessary for Mrs. Reding to suppress results. We have shown that the Commissioner of Justice not only merges

data, but also chooses to suppress data. We will now show you how this works in some detail:

Eurobarometer 376 includes the following questions:

[QE4.1] ‘What is, in your view, the best way to achieve a more balanced representation of men and women on company boards: (1) Voluntary measures such as non-binding Corporate Governance Codes and Charters; (2) Self-regulation by companies setting their own targets; (3) Binding legal measures; (4) There is no need to achieve a more balanced representation of men and women on company boards.’

Following this question is this one:

[QE5] ‘Some European countries (e.g. France, Spain, the Netherlands, Italy, Belgium and Norway) have already taken legal measures to ensure a more balanced representation of men and women on company boards. Are you in favour or opposed to legislation on this matter under the condition that qualification is taken into account without automatically favouring one of either gender?’

[QE4.1] produces the following results: 26% of interviewees agree to ‘binding legal measures’, 51% favour one of the two voluntary measures, while 8% see no reason to do anything about the topic, and 15% don’t know what to say. In other words, in [QE4.1] about 59% (74% if those who don’t know are included) don’t see any necessity to put legally binding measures into place. This, obviously, is not the answer Viviane Reding was hoping for. But there is still question [QE5]. Question [QE5] is not a question for which interviewees are prompted to agree or disagree, they’re prompted to tell whether they are totally or somewhat in favour, or totally or somewhat opposed. This time 37% of interviewees say that they are totally in favour of legal binding measures, while 38% state that they are somewhat in favour. Now, if you would want to claim that Europeans are in favour of legally binding measures to force women quotas upon publicly-listed companies, the results of which one of the two questions would you report, and which one would you omit? Certainly, you will choose results to question [QE5], and that is exactly what Viviane Reding did. Moreover she claimed that 75% of Europeans are in favour of legally-binding measures to enforce women

quotas in the boardroom. To gain 75% she simply added those 'somewhat' in favour to those 'totally' in favour. Who cares for the 'slight' difference between 'totally' and 'somewhat'? If you want to bend reality so that you can claim public opinion on your side, you can't afford to be choosy, can you?

We have shown that the Commissioner for Justice, Viviane Reding, cannot or is not willing or able to distinguish between equality, equity and justice. We have shown that she backs her claims with false evidence and adheres to forces of the supernatural. And we have shown that the Commissioner of Justice, Viviane Reding, uses misinformation and manipulation to force her point. We do not think this appropriate behaviour for a Commissioner of Justice and we therefore urge you to use your guiding powers to (1) end this damaging crusade for mandatory women quotas and to (2) remind Mrs. Reding that her task as a member of the European Commission is not to mislead and manipulate the public, but to serve the public, although she is not elected and (3) to ask Mrs. Reding to publicly apologize for misleading and manipulating the public.

Mr. Barroso, we see these measures as a necessity that cannot be avoided if you will want to restore credibility and acceptance of the European Commission and prevent it from becoming the laughing stock of Europe.

We look forward to your taking action on this matter and await your answer:

Michael Klein, United Kingdom, <http://sciencefiles.org>;
mklein65@btinternet.com

Dr. habil. Heike Diefenbach, United Kingdom, <http://sciencefiles.org>

Mike Buchanan, United Kingdom, Campaign for Merit in Business,
<http://c4mb.wordpress.com/>; mikebuchanan@hotmail.co.uk

Dr. Eckhardt Kuhla, Germany, [agens e.V.](http://www.agensev.de), <http://www.agensev.de>

Prof. Dr. Gerhard Amendt, Germany

Dr. Bruno Köhler, MANNdat e.V., Germany; <http://www.manndat.de>

References

Ahern, Kenneth & Dittmar, Amy (2011). The Changing of the Boards: The Impact on Firm Valuation of Mandated Female Board Representation.

<http://webuser.bus.umich.edu/adittmar/NBD.SSRN.2011.05.20.pdf>

Klein, Michael (2012). Faking Public Opinion. How Viviane Reding abuses public opinion polls for her own purpose.

<http://c4mb.wordpress.com/2012/05/26/faking-public-opinion-how-viviane-reding-abuses-opinion-polls-for-her-own-purpose/>

Viviane Reding:

<http://www.spiegel.de/wirtschaft/soziales/vorschlag-von-viviane-reding-eu-kommissarin-favorisiert-frauenquote-fuer-europa-a-819239.html>

<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/12/547&type=HTML>

<http://www.spiegel.de/wirtschaft/soziales/vorschlag-von-viviane-reding-eu-kommissarin-favorisiert-frauenquote-fuer-europa-a-819239.html>