

Globalization and the Diffusion of Gender Policy Reforms in Latin America

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Declaration

I hereby certify that this material, which I now submit for assessment on the program of study leading to the award of Doctor of Philosophy, is entirely my own work and has not been taken from the work of others save and to the extent that such work has been cited and acknowledged within the text of my work.

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A handwritten signature in black ink, appearing to read 'C. Gernet', written in a cursive style.

Abstract

In the 1990s, Latin American countries introduced similar national gender equality policy reforms. The key policy areas in which this convergence took place were the criminalization of domestic violence, the introduction of state agencies for women, and the incorporation into law of candidate gender quotas for national parliamentary elections. This thesis evaluates the explanations offered in the existing literature, including both national and international level analyses that could explain this process of policy convergence.

The thesis uses a combination of methodological approaches drawn from the policy diffusion and policy transfer literatures. Drawing on the existing literature a number of hypotheses are constructed which could explain the observed pattern of policy change. These include: the number of women in parliament; the level of democracy; the level of economic development; measures of women's education; fertility rates; the strength of the national women's movement; the existence of relevant international norms; the state's involvement in transnational networks; the state's record of similar policy reform; and the degree of geographical proximity to earlier adopters of reforms. The macro study operationalises the external and internal independent variables that emerge from the hypotheses to facilitate an event history analysis. Drawing on the findings of the macro study a case study analysis was carried out on the reform of domestic violence legislation, and the failure to introduce candidate gender quotas in Chile.

The macro study confirms the importance of international norms and transnational networks as significant factors in the policy diffusion across the region, and confirms that international norms were mediated by domestic factors, including the strength of the local women's movement, domestic political culture and institutional structures. Surprisingly, in contrast to dominant views in the literature, the macro study indicated that the level of economic development, the level of democracy or the status of women were not significant factors in explaining the adoption of reforms. In fact, the criminalisation of domestic violence was negatively correlated to women's status. The case studies confirmed the findings of the macro study at the micro level, in an analysis of Chile's adoption of laws criminalising domestic violence, and its rejection of gender quotas.

The wave of gender equality policy reform in Latin America coincided with an increased global interest in women's rights, and the emergence of a global gender equality regime. The thesis demonstrates that the global diffusion of gender equality ideas is a feature of the conditions of national policy-making in a globalizing world.

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1 Introduction

1.1 Research Aims and Contribution

The point of departure of the thesis is the observation that, in the 1990s, Latin American countries introduced a range of similar national gender policy reforms. Amongst the most significant were the introduction of state agencies for women, the incorporation of candidate gender quotas for national elections and reforms that resulted in the region-wide criminalization of domestic violence.

The majority of Latin American national women's agencies in place today were set up in the 1990s. Three Latin American countries -namely the Dominican Republic, Guatemala and Nicaragua -had already established a women's agency in the 1980s. Chile did so in 1991, followed by Argentina, Venezuela and Paraguay in 1992. The rest of the region introduced women's agencies between 1994 and 1999. In a similar fashion, all Latin American countries adopted legislation outlawing violence against women. Peru, as a regional leader, outlawed this form of violence in 1993, followed by Chile and Argentina in 1994. The rest of the region introduced similar legislation between 1995 and 2000. In the same manner, Latin American women made significant gains in relation to participation in political decision-making during the 1990s. In 1991 Argentina was the first country not only in Latin America, but in the

world, to adopt a legislative gender quota for national elections. Between 1996 and 2000, twelve other Latin American countries followed, adopting quota laws in a cluster. These laws established a minimum level -ranging from 20 to 40 percent -for women's participation as candidates in national elections. In these policy areas what appears to have happened in Latin America is a process of policy convergence.

This clustered introduction of gender policy reforms prompts an interesting question: Why did Latin American countries, not previously particularly known for gender equality, and despite their domestic differences, adopt similar gender policy reforms in a relatively short period of time? In a region that was not up to then known for having a strong human-rights tradition, significant representation of women in politics or gender equality legislation, why did governments suddenly introduce measures to affirm women's rights? The aim of the thesis is to explain the processes and factors that produced this apparent policy convergence in Latin America in the 1990s, resulting in the adoption of similar policies on domestic violence, the introduction of candidate gender quotas and the establishment of national women's agencies.

The existing literature offers a wide range of explanations for the introduction of gender policies in various countries and contexts. A first set of explanations focuses on national-level factors, drawing empirically on data from individual or small N country studies. According to these accounts, the reason for the spread of gender policies would be similar processes of national developments having the same effect. Domestic-level explanations for the introduction of gender policies include the campaigning of women's organizations ¹, support of the political elites ², improved socio-economic conditions for women ³, cultural changes ⁴, or an increasing number of women involved in decision making ⁵. In the case of Latin America in

¹See: Jaquette (1994); Jaquette & Wolchik (1998); Gelb & Palley (1996); Katzenstein & Mueller (1987); Krook (2006)

²Blondet (2002)

³See: Htun & Jones (2002) p. 4; Pearson (1998) p. 178; Inglehart & Norris (2003)

⁴See: Blondet (2002); Inglehart & Norris (2003); Htun & Jones (2002)

⁵See: Htun & Jones (2002); Acker (1990)

particular, the opening domestic political opportunity structure as a side-effect of the recent wave of democratization is regarded as the major reason for the diffusion of gender policies across the region⁶. This body of research would predict that parallel domestic pressures potentially led to the convergence of gender policies in Latin America.

An academic discussion of globalization calls into question domestic level explanations for policy convergence and emphasizes the importance of international-level factors in this context. The gender equality policy reform wave in Latin America coincided with an increased global interest in gender equality and women's rights and with the emergence of a global gender-equality regime. The global diffusion of gender equality ideas can be traced to the conditions of national policy making in a globalizing world. This thesis argues that the period of change labeled globalization that is being experienced by the international system has an impact on the process of policy convergence. This is because the current era of globalization is characterized by increasing internationalization and the interconnectedness of state actors on an economic, cultural, technical and political level. In this context, policy convergence is increasing because of a new reality of state policy making, which is marked by a "deterritorialisation" of politics that results from the integration of the national and international levels of policy making, and by an emergence of global politics that transcends borders (Scholte (2000), Held et al. (1999)).

Building on this, there is a more recent set of explanations that re-conceptualizes the diffusion of gender policies as a global phenomenon. These accounts see the reason for the diffusion of gender equality reforms in the existence of respective international norms and international networks. Such explanations empirically build on large N country studies (See, for example: Krook (2006); Htun & Jones (2002); True & Mintrom (2001); Franceschet (2005a); Hawkins & Humes (2002); Wedel (2004); Chan-Tiberghien (2004)). Examining the

⁶See: Jaquette (1994); Jaquette & Wolchik (1998); Waylen (1998)

Latin America-wide spread of gender equality reforms, the thesis builds on this literature and argues that in a globalizing world, national policy making is increasingly interlinked to the international. In order to identify the cause for the spread of gender policies in Latin America, the thesis will test different domestic and international-level explanations.

The contributions of the thesis are twofold. Empirically, the thesis contributes to the existing scholarship on gender policies. It aims to extend the existing body of knowledge dealing with the impact of national and international forces on the diffusion of gender equality policies. Scholarship in this area has advanced significantly in the past decade, and there is a growing body of research that examines the diffusion of gender policies from a global perspective. However, most existing studies focus on a “single basket” of policy issues. Research on the diffusion of gender policies must not only take a global perspective but should also tackle a range of gender-related policies. Comparing different policy areas will help to gain a deeper understanding of the mechanisms of policy convergence and the relationship between the national and international. Looking at different policy areas will allow the detailing out of factors that are important to policy diffusion in general and are common mechanisms of convergence versus context-specific ones. The thesis compares the introduction of three policy types, taking into account national and international level factors, thus empirically contributing to the existing body of knowledge on the diffusion of gender policy strategies.

The second contribution of the thesis is methodological. Comparatively examining the introduction of candidate gender quotas, the establishment of national women’s agencies and policies on violence against women in Latin America, the thesis develops a novel methodological framework. Traditionally, studies researching the convergence of national policies have either followed the concept of policy diffusion, which is based on large N studies and uses quantitative research methods, or have taken the route of policy transfer studies, which empirically focus on small N country studies employing qualitative research methods. The thesis

develops an integrated framework combining both research traditions, thereby presenting a superior tool for investigating converging policy outcomes. This methodological framework can be used for the study of policy convergence in all policy areas. The thesis thus contributes to the scholarship on converging policy outcomes in general.

1.2 Research Design and Execution

Mechanisms that lead to policy convergence have been studied using two partially overlapping concepts, namely policy diffusion and policy transfer. Policy diffusion studies focus on macro-processes of diffusion across different countries, the velocity and intensity of these processes and the causal factors shaping policy diffusion outcomes. Typically, policy diffusion research focuses on structure and is based on large N-studies and employs quantitative methods. Policy diffusion models have the advantage of being very flexible, allowing for generalization and for the incorporation of national-level, as well as of international-level factors. On the other hand, they do not look at policy content, policy characteristics or actors contributing to the dissemination of policies. Diffusion studies reveal which factors contribute to the diffusion of policies, but they do not examine the exact dynamics of interaction behind each adoption.

The thesis is concerned with the dynamic behind policy diffusion, and its relationship to policy implementation. These issues cannot be covered by policy diffusion studies, but they are central to policy transfer studies. Policy transfer studies focus on actors involved in policy transfer, micro-level processes and mechanisms that influence the adoption of a particular policy reform in specific countries. Policy transfer research relies on small N-studies and typically uses qualitative methods of analysis. The major disadvantage of policy transfer studies is the lack of generalization.

Policy diffusion and transfer models have long been treated as separate. The thesis combines the two perspectives, establishing an integrated theoretical framework in order to examine the convergence of gender policies in Latin America in the 1990s, and blends the methods of policy diffusion and policy transfer studies. This offers a more inclusive perspective for the analysis of policy convergence and allows for a more rigorous examination of the dissemination of similar policy reforms. It facilitates investigation of the broader process of diffusion of gender policies in Latin America, taking into account international-level dynamics, while allowing the unwrapping of domestic micro-level dynamics of policy convergence.

Following the presentation of this integrated framework, the empirical aspect of the thesis is outlined in two parts. Firstly, a macro-study of Latin America examines the spread of gender equality policies from a regional perspective, and looks at the dissemination of gender policies in the region in the 1990s from a policy diffusion perspective. It focuses on three policy areas related to women's rights -legislation outlawing violence against women, the introduction of legislative gender quotas and the introduction of national women's agencies, all clear examples of Latin American policy convergence. However, each of the policy areas has a different dynamic. Domestic violence is a role-based human-rights reform of social policy; national women's agencies are a form of institutional gender mainstreaming; and quotas are a form of affirmative action. These three policy areas have been prominent in international policy discourses since the early 1990s, and respective international norms were emerging at the time the first Latin American state adopted policy reform associated with these issues. Following the macro-study, the thesis presents a micro-study based on two policy case studies, to examine policy convergence using methods of policy transfer research.

The empirical part of the thesis employs a mixed methodology, utilizing quantitative, qualitative and comparative methods. A quantitative approach is applied in the macro study on the diffusion of gender equality policies in Latin America. More specifically, the macro study

examines the impact of different national and international factors on the adoption of gender equality policies, using Event History Analysis (EHA). The quantitative methodology employed in the macro-study will be discussed in more detail in chapter five. The thesis undertakes two case studies selected from the macro-study of Latin America, to investigate the micro-level policy transfer and implementation process. Scholars examining the transfer of ideas and policies as explanatory factors for political outcomes have traditionally used qualitative research designs.

Domestic violence laws and candidate gender-quota related legislation in Chile are chosen as the cases. These case studies have been selected based on the Policy Sector Approach (PSA) and the method of the “most different”. The PSA compares different policy reforms in the same country; this contrasts with the National Pattern Approach (NPA), which compares the same policy reform, but across different countries. While the macro study undertaken in this thesis is based on the NPA, the cases studies are based on the PSA. This approach allows both dimensions to be explored and facilitates a cross-country and cross-policy sector comparison.

More specifically, the case study selection was based on the “method of difference”. The implementation of candidate gender quotas versus domestic violence laws in Chile were chosen as cases. These represent “most different” cases, in that Chile was one of the first countries in the region to introduce a domestic violence law, while it did not adopt a candidate gender quota. Chile is therefore an interesting country-case, as it represents a puzzle: it was an early adopter of domestic violence legislation but did not adopt candidate quotas.

1.3 Structure of the Thesis

The thesis is divided into seven chapters. Chapter two examines the implications of globalization for state policy-making in general, and for the convergence of national policies in particular. It argues that globalization has resulted in a new reality for state policy making and has increased the level and speed of cross-national policy convergence. It then examines the different policy areas that make up the global gender regime focusing particularly on candidate gender quotas, legislation on violence against women and the introduction of national women's agencies and discusses the factors that have been used to explain policy convergence in these cases.

Chapter three introduces the theoretical framework upon which the thesis is based. It reviews studies on policy diffusion and transfer. Arguing that each approach in isolation is not capable of thoroughly accounting for policy convergence, the chapter builds an integrated framework on which the empirical analysis is undertaken. Chapter four describes the timing of the diffusion of candidate gender quotas, domestic violence laws, and national women's agencies across Latin America. Reviewing domestic-level as well as international-level theories of policy change, it also identifies potential causal factors that led to the convergence of gender policy reforms in Latin America. The chapter concludes by formulating the hypotheses that are tested in the empirical chapters.

Chapter five empirically examines the spread of gender policy reforms in Latin America in the 1990s from a macro-perspective. It uses a policy diffusion framework and focuses on three kinds of policy reforms: namely the region-wide introduction of candidate gender quotas, domestic violence law and national women's agencies. It uses Event History Analysis to uncover national and international factors that led to the convergence across Latin America of policies in these areas. Chapter six examines two case studies using a policy transfer framework. The

chapter explores policy transfer from the perspective of the nation-state and also considers the role of domestic actors. The chapter is particularly concerned with the link between state actors and international norms. Chapter seven concludes the thesis.

2 Gender Equality in a Globalizing World

2.1 Introduction

The gender equality policy reform wave in Latin America during the 1990s coincided with an increased global interest in gender equality and women's rights, and with the emergence of global gender policies that have developed in the past three decades. On an international level, organizations have incorporated gender equality in their policy agendas and a global gender policy regime has developed, consisting of a series of policies, norms, laws and mechanisms to ensure gender equality on a global scale. On a national level, governments worldwide have introduced gender policy reforms as part of their national agendas. These reforms relate to a wide spectrum of policy areas, including blueprint policies, policies on political representation, equal employment strategies, reconciliation policies, family law, reproductive rights, policies on sexuality and violence, and on public service delivery.

The emergence of a global gender equality regime and the diffusion of similar gender equality policy reforms worldwide can be linked to globalization and its impact on national policy making. UN Secretary-General Kofi Anan said at the UN Millennium Summit that "globaliza-

tion is the single most important factor defining the quality of human existence". Globalization has become associated with a number of economic, cultural, technological and political changes, most of which have developed since World War II and have led to an increasing global interconnectedness, which grants unprecedented opportunities for policy convergence and the diffusion of global ideas.

The academic scholarship on globalization argues that nation-states are transformed by globalization, and that the reality of state policy-making is changing due to increasing interconnectedness between states and the emergence of global politics. Diffusion of ideas and policies is increasing in speed and broadening in scope. The likelihood of policy convergence is increasing in a context of globalization. In this light, purely domestic-level explanations for policy convergence seem to be insufficient. The existing body of knowledge on globalization points to an increasing influence of international dynamics.

One area in which global policy convergence is evident is gender policies. The purpose of this chapter is to link the globalization of gender policy reforms in general, and the diffusion of these measures in Latin America in particular, to the new reality of national policy making in a globalizing world. The chapter discusses globalization related factors that increase the likelihood of policy convergence and places the diffusion of gender policy reforms in a framework of globalization. While the past decades have witnessed the advent of reforms in a very wide spectrum of policy areas, the thesis focuses on three gender policies: candidate gender quotas, national women's agencies and domestic violence laws. Policies in these areas have been selected because they present the most important and profound areas of gender equality policy change in Latin America. At the same time, these policy issues belong to different policy areas, which make cross-policy-sector comparison possible. Looking at different policy areas will facilitate the detailing out of factors that are important to policy diffusion in general, as well as common mechanisms of convergence versus context-specific ones.

2.2 The Convergence of National Policies in a Globalizing World

In International Relations, particularly in the literature on globalization, the investigation of the relationship between domestic politics and international forces has a long tradition, and the phenomenon of converging policy outputs of states has been on the research agenda for quite a while. Drawing on the existing scholarship on globalization, this section shows that policy convergence has become a more intense and influential process in the context of globalization. Four sets of explanations for this are discussed, focusing on four different mechanisms triggering policy convergence.

Globalization is an umbrella term for a complex series of economic, social, technological and political changes, which are manifested as increasing interdependence and interaction between people, states and companies in disparate locations. Globalization theorists cite as examples innovations in communications- and transport-technology, the unification and increasing autonomy of the global economy, the enhanced significance of transnational corporations and the financial sector, the reconfiguration of state capacities and the proliferation of supra-state political institutions and trans-state movements; and the homogenization, fragmentation and interpenetration of cultural forms (Eschle 2000, p. 2).

In the academic globalization literature some recurring themes have emerged. The first is that of social interrelatedness, which refers to both the stretching of social relations- because events, decisions and activities in one part of the world can have immediate significance for individuals in some quite distant parts of the global system -and an intensification in the level and impact of relations spanning borders (McGrew 1992, p. 68). A second recurring topic in the literature about globalization is the so-called time and space compression, where the development of transport and communication systems play a decisive role. It is suggested

that social interconnectedness is growing, whereby distances are being drastically compressed by the advances in transport and communications technology. Locations and social relations that were previously geographically separated have been brought into new proximity and a “supraterritorial” realm has emerged. This is characterized by distance-less and instantaneous interactions ¹. The processes of economic integration and developments in communication technology are thought by many to give rise to increasing interconnectedness and homogenization worldwide (Randall & Theobald 1998). A third theme evident in the literature is the intensification of “consciousness of the world as a whole” (Robertson 1992, p. 8), interpreted as both a product of globalization and a contributor to it. According to Scholte (2002), “today globality is part of everyday awareness for hundreds of millions of people across the planet” (Scholte 2000, p. 17). Regardless of the academic discipline, there is a general acknowledgment that globalization leads to increasing global interconnectedness (Scholte 2000).

The literature has paid considerable attention to the relationship between globalization and national policy-making. One set of studies talks about the crisis of the nation-state and proceeds as if globalization were undermining nation-states’ sovereignty, while others counter that globalization does not have this effect. In the International Relations literature, Cox, for example, argues that globalization causes problems in terms of international governance and that it reduces the regulatory power of states (Cox 1997, p. 26-27). Kobrin states that globalization challenges the autonomy of the state and its ability for independent decision-making, and “raises questions about the meaning of sovereignty in its external sense of a system ordered in terms of mutually exclusive territoriality” (Kobrin 1997, p. 157-159). The sociologist Waters predicts an “actuation of the state”, this is because, in the era of globalization, the influence of international organizations, the interdependence between states and the awareness of dependency is on the rise, thus establishing a trend toward more fluid international relations (Waters 1995, p. 96-123). Generally speaking, globalists argue that the growth of international

¹See, for example: Giddens (1990) p. 284-307; Waters (1995) p. 62-63; Scholte (2000) p. 45-49

and transnational organizations, such as the United Nations, and their opening up of specialized agencies to international pressure groups, has changed the interaction dynamics of state and civil society. As a result, the autonomy of states has been compromised, and the state has become a fragmented policy-making arena, permeated by transnational networks (governmental and non-governmental) as well as by domestic agencies and forces. Likewise, the extensive penetration of civil society by transnational forces has altered its form and dynamics (Held & McGrew 2002, p. 17).

There has also been a change in the area of international law, which used to concern itself with state-external and interstate affairs, such as the law governing war. In the twentieth century the scope of international law expanded beyond purely interstate affairs. It also came to include more domestic matters, such as environmental issues, human rights and gender rights; issues that formerly were only subject to national law (Held & McGrew 2002, p. 18). The scope of international law is constantly increasing, and, according to the globalist account, undermining state autonomy. Another trend pointed out by globalists is the growing presence of international-level regulatory agencies that establish global rules and codes. "Global public policy networks involving public and private actors are reshaping the basis on which national and international rules are made and regulatory systems operate...There is no longer a strict separation between public and private, domestic and international legal procedures and mechanisms; models of law-making and enforcement no longer simply fit in the logic of the state systems" (Held & McGrew 2002, p. 18).

From an economic perspective, Evans (1999) holds that globalization is undermining state sovereignty because it is associated with the diffusion of neoliberal policies, but not because of globalization itself. He argues that the neoliberal ideology is against the state. Increased capital mobility caused by the liberalization of financial markets pushes power from the state to the market. It pressurizes the former to develop market-friendly policies, such as labor-

market deregulation and low tax levels (Evans & Davies 1999). Private sector stakeholders might threaten to move their capital out of the country if the state does not conform. As a result, the ability of the state to make independent decisions has been compromised. Evans further holds that the state might re-establish its autonomy and independent decision-making power if there is a “return of the ideological pendulum”, a transformation of the state, or new developments in terms of state-society synergy (Evans & Davies 1999). Overall, according to globalists, many of the traditional domestic domains of state activity are no longer subject only to state-level decisions, because the state is increasingly embedded in webs of international and transnational organizations and private sector stakeholders. It is therefore unable to determine its “own fate” (Held & McGrew 2002, p. 23). Globalization, it is argued, challenges state sovereignty as well as its legitimacy, as it increasingly embeds nation-states in international power systems. “Globalization, conclude the globalists, is eroding the capacity of nation states to act independently in the articulation and pursuit of domestic and international policy objectives...political power is being reconfigured” (Held & McGrew 2002, p. 23).

On the other hand, there are those scholars who argue that state agency has not been compromised by globalization. Mann argues that the rise of the nation-state has not been challenged by globalization (Mann 1997). Hirst and Thompson (1996) claim that the process of globalization is nothing new, and that the role of the nation-state is not changing (Hirst & Thompson 1996). Moreover, International Relations scholars have dealt with this issue and have pointed out that globalization has changed the nature of the state without necessarily debilitating or minimizing it. The neorealist school of thought, for instance, holds “that globalization reinforces the importance of domestic policies, as states jockey for their position in the global economy and seek to advance the interests of their firms, resulting in a mixed system, increasingly globalized and at the same time fragmented..After all, today’s globalization is authored by states and is primarily about reorganizing rather than bypassing them” (Panitch 1996, p. 84-86).

More complex accounts have argued that rather than the nation-state being undermined or diminished by globalization, it is being restructured and transformed (Held et al. 1999). Globalization induces a transformation of the state, not necessarily its diminution (Cox 1997). While state autonomy may have been weakened, states still remain important players, and as states are adapting to globalization, they are being transformed and restructured. Globalization is a multilayered process that entails both material and ideational forces. As a result of this process, the role of the nation-state is being modified, and new forms of governance are emerging. In this context it has been suggested that, due to increasing political interconnectedness and a new reality of state policy-making, which is determined by the international and national context, globalization increases the likelihood of policy convergence.

Convergence can be defined as the “tendency of policies to grow more alike, in the form of increasing similarity in structures, processes and performance” (Drezner 2001, p. 53). While researchers broadly agree on this general definition of policy convergence, there is disagreement regarding the empirical and theoretical assessment of policy convergence. The debate about whether certain societies are converging or not has a long tradition. Scholars had studied policy convergence before the recent wave of globalization literature. The notion of policy convergence first emerged in the field of modernization theory. Convergence was postulated to occur through homogenization based on industrialization and modernization forces (Montanari 2001, p. 469-470). Convergence hypotheses hold that convergence between countries is a result of a modernization process: policy transfer is directed from more modern countries to less developed ones, causing policy convergence (Abramowitz 1986, Gerschenkron 1962). This process was detailed in Walt W. Rostow’s “Stages of Economic Growth” in 1960. According to this model, countries evolve from undeveloped to developed via five stages—traditional society, preconditions for takeoff, takeoff, maturity, and high mass-consumption (Rostow 1960). In this process of social evolution, each stage is a prerequisite for the next, because new political, economic and social institutions make possible ever more economi-

cally advanced and differentiated activities over time. As a result, the spread of markets and technology is predicted to cause societies to converge from their preindustrial past. Political scientists refined the argument when asserting that the primary engine of change was a gradual shift from traditional to modern values, that is a transformation of authority structures, a perspective also embraced by many sociologists (Wotipka & Ramirez 2001, p. 18). All in all, modernization can be regarded as a staged development process, at the end of which a society arrives at a state of modernity. The modernization approach to economic development regards globalization as a civilizing force.

Modernization theory holds that “universal exigencies and economic rationality” lead to similar institutional structures of modern societies (Montanari 2001, p. 470). Modernization approaches focus on the socio-economic attributes of nation states. They follow a logic of development and emancipation from tradition (Wotipka & Ramirez 2001, p. 18). In terms of gender equality and women’s rights this theory would predict that states converge on a certain level of gender policies as a result of a natural modernization process. In other words, the degree of a country’s modernity, as in economic status, would influence the status of women’s rights. Policy convergence is here portrayed as a necessary result of economic, political and cultural development and as a natural and unproblematic process. As an explanation for convergence, the modernization approach focuses on internal structures of the nation-state as determining factors, and regards globalization as a civilizing force in that it makes states move toward economic development.

As the question of policy convergence and divergence has again gained popularity, the analytical framework has shifted from industrialization to modernization to globalization (Berger & Dore 1996, Cerny 1996). The way in which ideas spread across borders had been discussed prior to the recent globalization literature, but the technological advances in telecommunications and transportation associated with globalization have made it easier for ideas to travel.

In the current era of globalization, state policy-making is marked by closer interconnectedness between states and high levels of internationalization, which leads to an increasing number of cases of policy convergence. There is a substantial body of literature dealing with globalization and policy convergence.

Structural approaches hold that pressures that trigger policy convergence are external to the state. External pressures limit a state's choice and lead to a homogenization of national policies. Structural-approach base explanations for policy convergence on state-external forces. Structural approaches have, however, been criticized for being too one-sided, as they explain convergence solely as a response to changes in external structures and neglect the influence of individuals, as well as the choices and initiatives of political actors, as underlying causes for political convergence (Drezner 2001, p. 58).

Agency-based theories, on the other hand, hold that political processes, elite interests, initiatives and choices account for policy change; and they focus on political actors. They argue that the state is not so constrained by external forces as structuralism holds, but that states can choose from different policies that are sustainable over time. This view holds that domestic actors play a predominant role regarding changes in national policies. It emphasizes the primacy of politics over international or local structural factors. A focus on individual agents produces a contingent model of change, in which the outcomes of political conflicts are not predetermined by the weight of structural preconditions. Agency centered approaches, as outlined by many writers, have several strengths. They provide an analytical framework, which takes into account internal dynamics. They argue that political leaders react to initiatives taken by opponents, and that political change is often an unintended consequence of unplanned chains of events. Taking this perspective, policy changes depend less on the constraining conditions inherited from the past than on skills and actions of political leaders. Making room for political agency, the contingency approach prevents the analyst from becoming too reliant on the

determinism inherent in inquires that begin with pre-existing structures.

Structural approaches have been criticized for failing to analyze complexities of change. On the other hand, actor-orientated strategies fail to see that actors may be constrained by structure. Therefore, an agency-centered approach can only gain analytical credibility when used in combination with a structural framework, which points to the necessity of taking into consideration structural factors as well as an actor-oriented perspective when examining policy diffusion in Latin America.

One body of literature holds that the main causes for policy convergence are material and economic pressure. This so-called rationalist perspective holds that the world is restricted by material objects (Schimmelpfennig 2000a, p. 112-113). According to this theory, actors behave in a rational way that causes them to aim at utility maximization. Decision-making is undertaken by rational actors maximizing expected utility. The policy choices of states are hence dictated by impersonal market-forces. According to the rationalist literature, the belief-system of the individual decision-maker plays no role; decision-making is merely based on material values and utility maximization (Drezner 2001, p. 59). It is assumed that actors have stable and consistently ordered, exogenously given preferences over outcomes, and that decision makers are able to compute which outcome will be optimal. Policy convergence, according to the rationalist point of view, would, for example, be based on policy harmonization based on fear of the ability of mobile capital to exit and on economic sanctions and advantages.

Others have criticized rationalist or interest-based theories of politics that focus on material forces for neglecting how ideas- such as norms, identities, values, culture, world views -and other beliefs affect policy-making (Campbell 2004, p. 90). They hold that what actors believe is just as important as what they want, and that ideas constitute interests. The preferences on which people act politically are contingent on their beliefs about the consequences of their actions (Campbell 2004, p. 90). Hence, policy-making is based on ideas. Thereby states'

policies are said to converge due to the presence of common, dominant ideas. There is a growing body of literature in politics and international relations looking at the role of ideas in explaining policy-making ².

According to Radaelli and Schmidt (2004), ideas-based approaches can be situated on a continuum between positivist and constructivist approaches. The scholarly literature on discourse as a set of ideas contains a wide array of approaches, some of which lean more toward the positivist end of the continuum, others toward the more constructivist end (Schmidt & Radaelli 2004). The more positivist approaches see ideas as representing the necessary conditions for collective action, by serving to redefine economic interest and to reconfigure interest-based political coalitions ³. The more constructivist approaches instead see ideas as constituting policy narratives, discourses and frames of reference, which serve to (re)construct actors' understandings of interests, and to redirect their action within institutions.⁴ For yet others, however, whether situated more toward the positivist or constructivist end of the continuum, ideas reflect the national identities, values, norms and collective memories that serve to shape the incentive-based push of interests or the path-dependent pull of institutions (Schmidt & Radaelli 2004, p. 195). These two dimensions- structural versus agency based and ideational versus rationalist -underpin theories of globalization and policy convergence. They can be applied to the study of the convergence of gender policy in the same way that they are used to study other areas of policy convergence.

The race-to-the-bottom (RTB) hypothesis, which assumes that material/structural forces lead to policy convergence on the basis of regulatory competition is frequently cited as a theory that explains policy convergence in the context of globalization (Knill 2003, p. 6). The RTB theory focuses on the economic aspects of globalization. It postulates that states

²See, for example: Meyer et al. (1997); Wotipka & Ramirez (2001); Blyth (1997); Finnemore & Sikkink (1998); Haas (1992); Hall & Taylor (1998); Katzenstein & Mueller (1987); Young (1996)

³See: Hall (1989), Hall & Taylor (1998); Blyth (1997)

⁴See: Schmidt & Radaelli (2004); Doty (1993); Milliken (1999)

converge in terms of their national policies due to the increasing global mobility of capital (Drezner 2001, p. 57). If a country imposes a regulation that diminishes the return on capital, that will cause the capital to exit. As result, states will lower regulations in this area and adjust public policies so that they fit with the new economic reality to retain mobile capital. Hence, a 'race to the bottom' begins, and states will ultimately converge on the lowest regulatory level. In this view, economic openness in the form of growing cross-border trade and capital flows forces the adoption of common policies. Governments that do not participate in the race to the bottom risk isolation on a high-cost mountaintop, thereby eroding the competitiveness of their economies. According to this line of thought, convergence would occur at a low level of regulatory policies. Overall, according to the RTB approach, national policies do not converge due to conscious policy coordination, but due to economic pressures. Thereby market forces also impact on policies outside the economic space. It has been argued that global capital is more likely to be attracted by states having progressive policies, and is thus causing convergence throughout the entire spectrum of policy areas, including social and gender policies.

Neoliberal theories of convergence and dependency-theories differ from the RTB approach as they focus less on structural forces. States, according to the neoliberal approach, are not entirely governed by structural forces, rather their agency in terms of decision-making is important. In terms of economic globalization, state agency lies in the state's market power. The neoliberal approach holds that states have market power regarding mobile capital. Even if they raise regulatory standards, capital might decide to stay given the potential benefit to serve a big market. According to the neoliberal school of thought, states converge in terms of national policies as a result of conscious policy coordination factoring in various issues that contribute to cooperative outcomes. It is assumed that states are acting as independent agents rather than purely reacting to structural forces (Drezner 2001, p. 60). Further, neoliberals argue that policy coordination and convergence is more likely to occur if international organizations support that process, and if there are only a few actors involved in a negotiation. Therefore

according to this perspective, policy convergence is more likely to happen under the rubric of international organizations, which are becoming increasingly more important in the light of globalization.

Neoliberals further accept the neorealist assumption that powerful states are more likely to promote their preferences than are less powerful states. Therefore, weaker states potentially adapt their policy-making to the standards of more powerful states, which leads to convergence around policy choices of powerful states (Drezner 2001, p. 61). The underlying force here is not competition between states, but a need for coordination between states and pressure toward conformity that pushes jurisdictions to have compatible standards and policies (Lazar 2006, p. 460). It is argued that it is beneficial to have compatible standards, and that “there will be network externalities with respect to standards- the benefit of adhering to a particular standard will increase monotonically with the number of other jurisdictions already adhering to it...it would not be tenable for small jurisdictions to have standards that are not compatible with anyone else” (Lazar 2006, p. 462). It is argued that wealthier nations will have greater market power, and overall that should lead to the global system tilting toward their (especially the US and EU) standards. Hence, a global standard would reflect the policy preferences of the politics of powerful markets.

The world society approach postulates another theory of convergence. It focuses on the spread of ideas instead of being concerned with material aspects of globalization. It is not concerned with economic sanctions but with the need for nation states to conform on dominant ideas. This approach claims the existence of worldwide models or norms. These global norms are based on a dominant idea and include subject areas ranging from economic policies to human rights. Once a dominant idea emerges, alternative policies lose their validity (Meyer et al. 1997, p. 145). Thereby, laggard states emulate the policies and ideas of global leader states, which causes policy convergence. The world society approach is a structural approach.

As opposed to the RTB theory, ideas are here the driving force and not the global economy (Drezner 2001, p. 61).

The world society approach holds that globally established models or norms shape the policies of nation-states, as they legitimate local actions and policy choices. States are part of a world society, which constructs and legitimates their existence. According to Meyer *et al.*, there are three core assumptions underlying the world society approach (Meyer *et al.* 1997, p. 148). The first assumption is that “nation states are not bounded autonomous functioning systems” (Wotipka & Ramirez 2001, p. 13). Nation-states are, on the contrary, influenced by global universal scripts and models of progress (Meyer *et al.* 1997, p. 145). These global norms and standards of appropriate behavior impact on nation-states, and nation-states are converging toward these standards. Nation-states are constructed actors that organize and legitimate themselves in terms of world models and norms. The common influence leads to a convergence of national policies around global standards and models. According to Wotipka and Ramirez, the diffusion of similar policies can be the result of a straight-forward learning process or can involve emulative mechanisms (Wotipka & Ramirez 2001, p. 13). Furthermore, they contend that “collective progress and societal justice requires the development and activity of individual persons” (Wotipka & Ramirez 2001, p. 14). They also argue that world models rest on the claims of universal world applicability.

According to Wotipka and Ramirez, there are three main channels that facilitate the influencing of nation-states by exogenous or global forces (Wotipka & Ramirez 2001, p. 14). First, international conferences and meetings serve as forums for the establishment and communication of world standards and global norms. “These conferences serve as opportunity structures for the professional delineation of these standards and their policy ramifications by diverse epistemic communities. These conferences also serve as moral revitalization sites for international norm entrepreneurs” (Wotipka & Ramirez 2001, p. 16). Overall, world con-

ferences and international organizations influence states to adopt world standards. A second mechanism through which nation-states are influenced by exogenous forces is norm cascades or bandwagon effects. The underlying assumption here is that the behavior of nation-states is heavily influenced by the behavior of other nation states (Finnemore & Sikkink 1998).

Third, a nation-state's embedding in the international community affects the influence of world standards. The more a nation-state has access to world norms and is linked to world society, the greater the possibility to tune policies according to global standards. "The more nation-states are embedded in the broader world the more they will learn how to talk the talk and maybe even how to walk the walk." (Wotipka & Ramirez 2001, p. 17). International embedding is determined by a state's memberships in international organizations (Berkovitch 1999, Boli & Thomas 1997) and by its ratification of relevant international treaties (Wotipka & Ramirez 2001, p. 14).

The epistemic community or elite consensus approach also stresses the importance of ideational factors, but is, as opposed to the world-society approach, agency-centered (Drezner 2001, p. 63). It ascribes an important role to state actors and to the action of individuals. It strongly emphasizes the role of so-called epistemic communities in promoting policy convergence. According to Haas, an epistemic community can be defined as "a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue area" (Haas 1992, p. 3). "Members of transnational epistemic communities can influence state-interests either by directly identifying them for decision makers or by illuminating salient dimensions of an issue, from which decision makers may then deduce their interests. The decision-maker in one state may in turn influence the interests and the behavior of others, thereby increasing the likelihood of convergent state behavior and international policy coordination, informed by the causal beliefs and policy preferences of an epistemic community" (Haas 1992, p. 4). An epistemic com-

munity's authority to claim policy-relevant knowledge in a particular domain is based on the community's expertise in that domain, which distinguishes it from other groups potentially influencing policy convergence (Haas 1992, p. 15).

Epistemic communities might become transnational over time as a result of the diffusion of their ideas through conferences and journals, etc (Haas 1992, p. 16). A transnational community's ideas might take root in international organizations or various state bodies. After that, they are diffused to other states via decision-makers who have been influenced by the ideas (Haas 1992, p. 17). Transnational epistemic communities are said to have a stronger influence than national ones. Epistemic communities are particularly important when state leaders are uncertain about different policy options, and when they are facing interdependence. When a decision is being taken under conditions of great uncertainty, because a decision-maker lacks sufficient information, that decision-maker might turn to epistemic communities for advice. Transnational policy expert networks assist a state in the decision-taking process and thus shape its preferences.

According to Haas, epistemic communities influence state interests by "elucidating the cause and effect relationships, and providing advice about the likely results of various courses of actions following a shock or crisis"; by "shedding light on the nature of the complex interlinkages between issues and on the chain of events that might proceed either from failure to take action or from instituting a particular policy"; by "helping to define the self-interests of a state or factions within it"; and by "helping to formulate policies through framing of alternatives, implications of possible actions" (Haas 1992, p. 17). Epistemic communities have become increasingly important in the era of globalization, where uncertainty is increasing due to an information overload.

Convergence in this sense results from the development of shared ideas and beliefs amongst a relatively coherent and enduring network of elites engaging in regular interaction at the

transnational level (Bennett 1991*b*, p. 224). In this context, the existence of common educational and normative backgrounds facilitates the spread of similar practices and policy concepts (Guler et al. 2002, p. 214). Moreover, it is emphasized that international institutions play an important role in forging and promulgating transnational epistemic communities (Simmons & Elkins 2003). In addition, and thus contrasting with the world-society approach, the development of common problem-solving activities in transnational elite networks requires the existence of interdependencies, i.e. states must recognize the need for policy coordination (Drezner 2001, p. 63).

Assuming that many states are in similar situations, it is said that epistemic communities lead to a “harmonization of policies” (Drezner 2001, p. 63). The underlying causal mechanism for policy convergence is very similar to the one in the world-society approach. As with the world-society approach, the development of communities that set global standards is leading to state- and elite-consensus. Also, and similarly to the world-society approach, the epistemic-community approach stresses the importance of international organizations in promoting epistemic communities. Contrasting with the world-society approach, the development of common problem-solving activities in transnational elite networks requires the existence of interdependencies. States must recognize the need for policy-coordination (Drezner 2001, p. 63).

Comparing the above outlined theories of globalization and policy convergence, some parallels are revealing. Except for the RTB approach, all the theories outlined stress the importance of international organizations (IOs) in facilitating policy convergence. In the neoliberal model, IOs reduce transaction costs of bargaining and enforcement, and in the epistemic-community approach as well as the world-society approach, IOs are given a key-role in terms of setting out the global standards, norms and discourses according to which national policies are said to converge and harmonize. These discourses also stress the growing influence of IOs in the

light of globalization.

From a policy-making perspective, globalization leads to increasing interdependence between states and an awareness of dependency. The contemporary era is marked by a deterritorialisation of politics, by an integration of the national- and international-level of policy-making, and by an emergence of global politics, which transcends the borders of national and international, of internal and external. In line with Held (1999), it has been argued in this section that the nation-state is being transformed and restructured, due to increasing political interconnectedness. The section demonstrated that with increasing globalization, many issues, including gender policy-making, can no longer be viewed only within national borders. Hence, global non-state actors operate on a global scale as agents capable of influencing states. The linkage of the national and international makes it impossible for governments to act on their own and to control information within their own borders. Domestic policy-making takes place in a world system as well as within national political systems. From a national policy-making perspective, this means that national policy-making is being transformed as it is more influenced by the international and by policy coordination between states. Due to this new reality of state policy-making, the likelihood of policy convergence is increasing.

Overall, it makes sense to view the spread of policies across states in the broader framework of globalization, because growing political interconnectedness can be seen as a facilitator for a process of policy diffusion. Policy convergence is, in a certain way, an implication of globalization related processes and forces. While it might not be unique, globalization in its current manifestation is happening with unprecedented speed and depth. Under these circumstances the process of policy convergence appears to be fast as globalization creates a new reality in which policy-making takes place.

2.3 The Emergence of a Global Gender Regime

One area in which this phenomenon can be observed is the area of gender policies. In the past few decades the issue of gender equality has become an issue of global concern. National governments worldwide have incorporated gender equality strategies into their policy programs, and gender equality has become an important item on the agendas of international organizations. This has led to the emergence of what Kardam (2005) has called the global gender equality regime, a series of policies, norms, laws and mechanisms to ensure gender equality and women's rights on a global scale Kardam (2005). While gender policies have long been viewed as demands of a marginalized group, they are now central to most government policies. Most states have accepted gender equality as a valid political agenda (Rai 2003, p. 22).

The literature mentions several reasons for this global trend. Causal accounts for the global convergence of gender policies can be linked to the four sets of explanations for policy convergence in a globalizing world outlined in the previous section. There is a body of literature that deals with the economic or material impact of globalization on gender equality policies; and another, more recent, set of studies looks at globalization from an ideational perspective and focuses on the establishment and diffusion of global ideas and norms regarding gender equality⁵.

The World Society approach argues that international norms are key to policy-making in a globalized world. National policies are seen as being transformed through an interactive process of norm creation and diffusion via international conferences, treaties and the empowerment of domestic actors by transnational organizations. It has been suggested that states' interests are formed by an international society or world system⁶. Through their participa-

⁵For a similar approach see Gray et al. (2006)

⁶See, for example: True & Mintrom (2001); Berger & Dore (1996); Meyer et al. (1997)

tion in international organization states are assumed to be socialized in norms that prescribe a certain form of appropriate behavior (Finnemore 1996, Finnemore & Sikkink 1998).

This approach maintains that states become embedded in a regime of global norms that shape their domestic conduct, thus limiting their sovereignty (Checkel 1999, Florini 1996). Today, there is not a single issue-area in international affairs that is not regulated by at least some international regulations and norms (Risse 2004, p. 1). Normative standards on environmental issues and human rights (gender and social rights) of concern at the nation-state level also take center-stage in this process. With globalization, states are collectively creating an alternate edifice of international norms and regulations through international bodies. Those norms are embodied in treaties, declarations and recommendations of IOs (True & Mintrom 2001, p. 40). Globalization has led to a dramatic expansion in terms of the creation and diffusion of international norms and standards, which influence actors at the national level. Scholars have long recognized the influence of international norms on domestic policy-making, and international norm building is also recognized as a means to improve women's status (See, for example: (Finnemore & Sikkink 1998, Gray et al. 2006, Hawkins & Humes 2002, Kardam 2005). In particular, the gender equality and status of women have become central subjects for international norm-setting processes over the past two decades. The 1990s witnessed the advent of a wide range of international resolutions, declarations and treaties that incorporate norms regulating state behavior with respect to women's rights and gender equality issues. It has been suggested that globalization promotes the diffusion of ideas and norms on gender equality. Kardam (2005) speaks of the existence of a "Global Gender Equality Regime" that has emerged, and is "identifiable by its norms, principles, legal instruments and compliance mechanisms".

In this context, the UN system is said to have provided the most important forum for establishing a global gender policy regime through meetings, conferences committees and reports

on women's issues (True & Mintrom 2001, Kardam 2005, Hawkins & Humes 2002). The UN declared the "UN Decade for Women" in the years 1976 to 1985, and in the years 1975 to 1995 there have been four UN World Conferences dedicated to women's issues: 1975 in Mexico City, 1980 in Copenhagen, 1985 in Nairobi and 1995 in Beijing (True & Mintrom 2001, p. 38). These conferences focused on women's concerns, such as violence against women, women's health issues, reproductive rights, employment, property rights, gender parity in political representation, educational standards, economic development and poverty (Gray et al. 2006, p. 10). They set out policy recommendations regarding these issues, and formulated respective treaties and recommendations. Important UN milestones on gender equality include the "Convention on the Elimination of All Forms of Discrimination Against Women" (CEDAW), which asks states to incorporate policies that support women; and the Platform for Action and the Beijing Declaration, which set gender equality as a goal. There is empirical evidence that these recommendations have helped to improve women's rights and gender equality nationally (Hawkins & Humes 2002). According to this causal account, the global diffusion of gender policies is a result of the emergence of global gender equality norms.

The Epistemic-Community approach holds the increasing influence of IOs responsible for the diffusion of global ideas and the convergence of national gender policies worldwide. Kardam identifies the global women's movement and IOs such as the UN as key actors addressing women's rights and the diffusion of gender equality norms globally (Kardam 2005, p. 92-93). It has been suggested that the global women's movement has significantly shaped the global gender equality regime through policy advocacy work. "There has been empirical evidence that global women's networks indeed collected information to make their cases, lobbied state delegations and influenced the wording of global documents to shape the international gender equality regime"(Kardam 2005, p. 94).

In this context, the global women's movement has focused on linking women's concerns to

“broader social interests” of development, human rights, population control and the protection of the environment (Kardam 2005, p. 94 - 95). Haas (1980) refers to this “issue linkage”. The idea behind it is to elicit collaboration from other actors by creating consensus through linking issues to common social goals that have already been agreed upon (Kardam 2005, p. 94). A window of opportunity was created by the collapse of the Soviet Union: when the world was focusing on democratization and human rights issues, this allowed the establishment of a gender equality regime (Kardam 2005, p. 94). Gender equality concerns were systematically linked to human-rights and democratization issues in international forums, such as UN global conferences (Chan-Tiberghien 2004). In addition to this, the globalization of human rights provided a new political discourse for redressing gender inequalities.

It is argued that IOs, such as the UN, also played a very important role in the development of a gender regime (Kardam 2005, p. 95). There is a growing body of research suggesting a key role of IOs regarding the diffusion of gender policies (Finnemore & Sikkink 1998). Many IOs- the UN, the World Bank, the OAS, the ILO, the WHO- have incorporated gender issues into their agendas, and have set -up sub-agencies and programs dedicated to women’s issues. Examples include the *ILO Bureau for Gender Equality*, the *United Nations Division for the Advancement of Women*, the *United Nations International Research and Training Institute for the Advancement of Women (INSTRAW)*, the *United Nations Development Fund for Women (UNIFEM)* and the *World Bank Gender and Women Section*. These bodies have contributed to the development of a gender equality regime.

According to True and Mintrom (2001), the UN women’s conferences were “lightening rods that have helped to channel the collective buzz of ideas and energy emanating from the global women’s movement into prescriptions for and commitment to policy action at the level of nation states” (True & Mintrom 2001, p. 48-49). UN conferences also promoted the growth of the global women’s movement. This movement made sure that gender issues were also

incorporated in the agenda of other UN conferences, such as the 1993 *World Conference on Human Rights*, the 1994 *Earth Summit in Rio de Janeiro*, the 1995 *International Conference on Population and Development* and the 1995 *World Summit for Social Development* (Gray et al. 2006, p. 11). Taking this perspective, globalization presents a window of opportunity for the diffusion gender policy reforms, as it triggers policy convergence due to the increasing importance of IOs and global forums.

Another body of arguments focuses on material aspects of globalization and links back to the RTB and Dependency-Theory related explanations for policy convergence. Proponents of neo-classical economic theory hold that economic globalization accelerates economic development, and thereby positive spill-over effects will improve women's agency. Neoclassical theory holds that the elimination of barriers to trade and capital stimulates competition and economic growth, and enhances the life of all citizens by raising income standards as well as by improving educational opportunities for all members of society (Richards et al. 2001, p. 2). There is some empirical evidence for the assertion that the implementation of free-market policies is strongly associated with economic growth and a reduction in income inequality. There is further empirical evidence supporting the argument that globalization, by promoting economic development, offers many ways in which women can exercise and improve their agency⁷. For example, economic growth should help facilitate higher government expenditure on programs and measures supporting women's rights (Richards et al. 2001, p. 5). In addition, it has been argued that globalization "has helped to chisel away sexist structures, processes, and attitudes leading to an erosion of the sexual division of labor replaced with a more equitable allocation of resources and power within the household" (Richards et al. 2001, p. 5). The basic idea underlying this argument is that if women were afforded the opportunity to earn a living wage, then their dependence on men is lessened, and their bargaining power within the household is increased. A woman's right to work, the nature of her work, the

⁷See, for example: Clark (1991); Poe et al. (1997); Apodaca (1998); Dollar & Gatti (1999)

amount of her wages, and conditions under which she works are increasingly determined by international forces; and access to paid employment through participation in the formal sector and control over income in large part determines women's empowerment (Apodaca 1998, p. 165). Gray *et al.* (2006) showed in an empirical study of 180 countries between 1975 and 2000 that globalization has enhanced gender equality through offering women new opportunities for income-generating work (Gray *et al.* 2006, p. 44). Taking that perspective, the spread of neoliberal policies, as a result of economic globalization, helped women entering the work-force and facilitated changes regarding traditional gender roles. This supported women in bringing gender equality onto the political agendas worldwide.

Dependency-theory related approaches to globalization and policy convergence see pressures by economically and politically more powerful states as causes of policy convergence. It is argued that wealthier nations will have greater market power, and, overall, that should cause the global system to tilt toward their (especially US and EU) standards. Hence, a global standard would reflect the policy preferences of the politics of powerful markets. According to this strand of theory, gender equality strategies are diffusing from the West to developing countries.

Overall, the new reality of national policy making in a globalizing world has helped to make gender equality a global trend. The possible dynamics underlying the global convergence of gender policies can be linked to the four theories of globalization and policy convergence: namely the RTB approach, Dependency-Theory related approaches, the Epistemic Community and the World Society approach. States may converge on national gender policies as result of new market pressures, increasing interdependencies with other states or the increasing influence of international organizations and international norms.

2.4 Global Gender Policies: Candidate Gender Quotas, Women's Agencies and Domestic Violence Laws

Gender equality can be defined as “an ideal condition in which all men and all women have similar opportunities to participate in politics, the economy, and social activities; their roles and status are equally valued; neither suffers from gender-based disadvantage or discrimination; and both are considered free and autonomous beings with dignity and rights” (Htun & Weldon 2007, p. 2). Gender policies are measures through which governments move toward the ideal of gender equality. Gender equality policies are rooted in many policy areas, including family law and social welfare policy. Mazur defines gender policies to include eight sub sectors: blueprint policies, political representation, equal employment, reconciliation, family law, reproductive rights, sexuality and violence and public service delivery (Mazur (2002)). Blueprint policies consist of “constitutional provisions, legislation equality plans, reports and policy machineries governments use to establish general principles or a blueprint for feminist state action at the national and sub-national level” (Mazur 2002, p. 47). Policies regarding political representation aim to establish gender parity in political decision-making. Equal employment policies are concerned with gender balance in the workforce. Reconciliation policies aim to resolve gender issue during war and in a post-conflict context. Gender policy reforms of family law establish equality between men and women regarding family issues. Reproductive rights and policies on sexuality and violence focus on the bodily integrity of women. Policies targeting public service delivery tackle gender imparity regarding social services. Some of these policies are aimed at all women or all citizens, whereby others primarily target marginalized or under-privileged sub-groups (Htun & Weldon 2007, p.2).

While we can observe global reforms in all of these policy areas, the thesis focuses on three

gender policies: namely candidate gender quotas, national women's agencies and domestic violence laws. Candidate gender quotas are a strategy to establish gender parity regarding political representation, national women's agencies are a blueprint policy and domestic violence laws are a strategy to curb violence against women. These three policies have been selected because they represent areas of clear convergence in Latin America. At the same time they all belong to different policy areas, which makes cross-policy area comparisons possible. Comparing different policy areas will help to gain a deeper understanding of the mechanisms of policy convergence. Looking at different policy areas will permit the detailing out of factors that are important to policy diffusion in general and are common mechanisms of convergence versus context specific ones. At the same time, all three types belong to the same generation of policies. They have been prominent in international policy discourses since the early 1990s, and respective international norms were emerging at the time the first state adopted the policy reform. This allows to comparatively looking at the relationship of international norms and policy convergence.

Other essential women's rights policy areas have also been considered. Reproductive rights, although it is an area of ongoing concern for women's activism, has not found its way into the legislation of Latin American states, nor has it been the subject of international norm generation. Employment equality legislation belongs to an earlier period of norm generation and was not considered relevant to an exploration of the relationship between international norms and the enactment of domestic policy. There was no clear policy convergence in the area of reconciliation and public service delivery policies.

2.4.1 Candidate Gender Quotas

On a global scale, women are severely underrepresented as members in national parliaments in comparison to men, constituting only 18 percent of the members of parliaments around the world (IPU). Although the overall percentage of women in parliaments worldwide has increased from 11 percent in 1997 to 18 percent in 2008, the correction of gender imparity in political decision-making remains a “work in progress” (Lovenduski 2005, p.45).

The underrepresentation of women in national decision-making bodies has become an issue of global concern. In the past three decades a wide range of countries have adopted candidate gender quotas globally as a means to promote gender parity in political decision making, and candidate gender quotas have been called a “new global trend” (Dahlerup 2006, p.3). About 40 countries have introduced candidate gender quotas for elections to national parliaments, by implementing legislative quotas or a respective amendment to their constitution. In more than 50 countries parties have adopted quotas on a voluntary basis (Dahlerup 2006, p.3).

Candidate gender quotas are a mechanism to promote gender parity in political decision-making. Such quotas are regulations whereby a certain number or proportion of women, or either sex, must be present in representative elections or fora (Lovenduski 2005, p. 93). Quotas can constitute the candidates or pool of candidates for public election or take the form of reserved seats (Dahlerup 2006, p.19). Some quota systems apply explicitly to women, whereas others are constructed as gender-neutral, aiming to prevent the under-representation of both women and men. Quotas may state a minimum representation for women, for instance 20, 30 or 40 percent, or they set up a minimum-maximum representation for both sexes, for example no more than 60 percent and no less than 40 percent (Dahlerup 2006, p.19).

Three types of quota mechanisms can be distinguished- constitutional, legislative and party quotas. Constitutional/legislative quotas are enshrined in the constitution or established by

law. Party quotas are voluntarily adopted by political parties in their procedures for selecting internal posts ((Peschard 2003, p.2); (Dahlerup 2006, p.21)). Party quotas have been adopted as of the 1980s, whereas constitutional and legislative quotas represent a more recent phenomenon. Legislative and constitutional quotas have been introduced world-wide since the 1990s. These types of quotas have been the most popular strategy in new democracies, whereas they are less popular in the “old” democracies of the West. The adoption of legislative and constitutional quotas seems to be correlated with democratic transition processes. According to Matland (2006), semi-democratic countries have the highest level of legal quota adoption (Matland 2006, p.275). He argues that semi-democratic countries are more inclined to adopt legal quotas, because of the need to project a democratic image internationally. “The greater popularity of legal quotas among semi-democratic states is consistent with the suggestion...that these states find legal quotas attractive because they perceive them as conferring legitimacy. These states believe they are seen as more democratic if they adopt quotas” (Matland 2006, p.277). Furthermore, it is easier for a government to introduce candidate gender quotas in a semi-democratic setting, as it will face less effective resistance from opposition political parties or other groups in society (Matland 2006, p.277).

Almost all Latin American countries adopted legislative quotas. One Latin American country, Argentina, adopted constitutional quotas and in several Latin American countries party quotas are in place (see chapter four). Voluntary party quotas are the preferred option in Europe, North America, New Zealand and Africa (Krook et al. 2006, Tripp & D. Konate 2006). Reserved seats are the most popular measure in the Arab world and South Asia (Rai et al. 2006, Abou-Zeid 2006).

In comparison to other strategies aiming to facilitate gender parity in political decision-making, candidate gender quotas are the most efficient measure (Dahlerup 2006, p.6). Gender quotas are rooted in the liberal notion of equality, but they are based on a different perspective

of equality from that used in classical liberal theory. They are rooted in a strand of liberalism called welfare liberalism (Crocker 2005, p. 50-51). The classical theory of liberalism, as established by John Locke's Natural Rights Theory, suggests that in a *pre-political* state of nature all human beings were equal and free. Inequalities were only created when private property and civil society were established (Crocker 2005, p. 49). To remove inequalities, a commitment of the state to provide equal opportunities would be sufficient (Crocker 2005, p. 49). For liberalism overall, removing the formal barriers to equality- for example by granting women the right to vote- would be sufficient to lead to an egalitarian society. It would then be up to the women to take advantage of equal opportunities granted by the state (Arneil 1999, p. 123). Gender equality strategies building on this notion are called "Equal opportunity strategies". Equal opportunity strategies represent the first generation of national and international gender equality policies (Dahlerup 2006, p.9).

Gender quotas, on the other hand, are based on a different notion of equality, one rooted in the theory of welfare liberalism. They belong to a second-generation of gender equality policies, labeled affirmative action measures (Dahlerup 2006, p.9). While the classical liberal theory advocates equality of opportunities or competitive equality, gender quotas are based on the "equality of results or outcome" (Arneil 1999, p. 125). The theory of welfare liberalism advocates a proactive state that should not only grant equality of opportunities, but should also be concerned with promoting the welfare of all citizens, especially of those who are in inferior conditions. This theory suggests that to appear more just, states must introduce policies of compensatory discrimination, including representational rights (Rawls 2001, p. 57). Historically marginalized individuals and groups should be treated according to their specific social, cultural and economic contexts, and the state should employ measures to ensure such special treatment until the concept of equal opportunities can be applied (Arneil 1999, p. 138).

The existing literature offers four main causal accounts explaining the introduction of can-

didate gender quotas: namely the mobilization of the women, the support of the political elite in recognizing strategic advantages for introducing quotas, the connection between gender quotas and emerging notions of equality and domestic structural changes, and international norms and epistemic communities. The first three sets of explanations focus on domestic-level explanations and empirically build on (earlier) single or small N country studies.

Many studies hold that the mobilization of women in favour of the adoption of candidate gender quotas is responsible for convincing governments to adopt national gender quotas. Here it is argued that the mobilization of women always precedes the introduction of measures to improve women's political representation (Krook 2006, p. 307). The spectrum of groups demanding the introduction of candidate gender quotas ranges from national and international non-governmental organizations (Abou-Zeid 2006, Baldez 2001, Antic & Lokar 2006, Tripp & D. Konate 2006), to women inside political parties and within the government (Araujo & Garcia 2006, Costa-Benavides 2003, Quesada 2003, Lubertino 2003).

Another set of explanations holds that the support of political elites is the key factor to success in the adoption of gender quotas. Political elites may support candidate gender quotas, as they see strategic advantages- such as winning votes- for doing so. For new democracies another strategic advantage might be, as noted above, to gain legitimacy in the international community by showing modern democratic thinking (Matland 2006, p. 277). In Latin America, in the case of Peru and Argentina, for example, although the issue of candidate gender quotas was brought to the political agenda by women's activists, the support of the president was ultimately decisive for the successful implementation of this strategy (Lubertino 2003, Blondet 2002).

A third set of explanations traces the adoption of candidate gender quotas back to existing notions of representation and equality. In terms of party quotas, it is suggested that left-wing parties in particular adopt these measure as it corresponds with their ideas of social equality,

or equal representation; while others associate the adoption of candidate gender quotas with ideas of democratic innovation emerging during democratic transitions (Krook 2006, p. 308). A fourth set of explanations holds that domestic structural changes are important for the introduction of candidate gender quotas, which can take different forms in different countries. In the case of Latin America, for example, the opening of opportunity structures resulting from the transition to democracy was an important factor for the adoption of gender equality measures such as candidate gender quotas (Lubertino 2003, Araujo & Garcia 2006). Other studies emphasize the importance of economic, institutional and cultural changes in general (Acker 1990, Blondet 2002, Htun & Jones 2002).

The final explanation, which traces the adoption of candidate quotas back to the existence of global norms and epistemic communities, is a more recent one. This explanation has particularly gained prominence in the first years of the 21st century. It empirically builds on region-wide and global studies and views candidate quotas as a global phenomenon (see, for example: (Krook 2006, Htun & Jones 2002). This body of literature holds that the globalization of national policy-making and the globalization-related dynamics of policy convergence, taking the form of international norms and an epistemic community, facilitated and helped speed up the global diffusion of candidate gender quotas.

Overall, studies on the introduction of candidate gender quotas reveal that a combination of national- and international-level factors are responsible for the diffusion of these policies. Besides domestic structures and actors, epistemic communities and the international networking of women's rights organizations, as well as international norms, are identified, particularly in recent studies particularly in recent studies, as important reasons for the introduction of candidate gender quotas in countries worldwide. In researching the diffusion of candidate gender quotas, it is important to take an integrated approach that looks at national and international factors and the interplay between these two dimensions.

2.4.2 National Women's Agencies

The past three decades have witnessed the introduction of government bodies specializing in gender equality policies- so-called national women's agencies- in countries worldwide. By 2001 about 157 governments had set up a national women's agency (True & Mintrom (2001)). National agencies for women emerged as an instrument for advancing women's interests after the World Conference and the International Women's Year in Mexico (1975), and they were particularly strengthened through the 1995 Beijing Platform for Action (Rai 2003, p. 17). National women's agencies can be defined as "[t]he central policy-coordinating unit inside the government. Their main task is to support government-wide gender mainstreaming of a gender equality perspective in all policy areas. National machineries are thus catalysts for promoting gender equality and justice" (Rai 2003, p. 17). Generally speaking, the creation of these national bodies is linked with the need of states to reform the government machinery in order to develop policies that promote gender balance. Behind this lies the idea of the state as an important agent for the establishment and maintenance of an equitable gender order (Binstock (1998)). The functions of national women's agencies include coordinating, monitoring, advising on, and implementing public policies regarding gender equality. Similarly to candidate gender quotas, national women's agencies are a measure to improve gender equality in the political sphere, but they target state bureaucracies rather than political parties or national parliaments.

The emergence of women's agencies marks the advent of state feminism and an active engagement of feminists with the state, which is related to two shifts in the feminist debate (Rai 2003, p.20). First, in the 1970s feminists began to engage with theories of the state, as opposed to theorizing politics. Second, "[w]ithin the women's movements there was a significant shift in the 1980s toward engaging positively with the state as a strategy to further women's interests" (Rai 2003, p.21).

National women's agencies can take different forms, ranging from ministries, to departments, directorates and stand-alone units (Kardam 2005, p. 96). Four elements are critical to their power and influence- location, clarity of mandate, links to civil society and human and financial resources (Rai 2003, p.26). Location refers to the level of government at which they are located. They can be located at different levels, including the Presidential and Prime Ministerial office, state ministries or local administration. Clarity of mandate refers to the formal roles of a national women's agency. They can range from being advocacy or advisory units through monitoring to implementation units (Goetz 1997, p. 72). The link with civil society refers to the relationship of the agency to civil society groups. Human and financial resources depend on the governmental budget allocated. An influential and successful agency will have good funding, be well staffed, be placed at a high level in government and enjoy high credibility (Rai 2003, p.26).

There has been a lot of criticism that national women's agencies, generally speaking, have little influence and are not always an efficient tool by which to increase gender balance and represent women's demands. National women's agencies are often only adopted as a symbolic measure for good governance and are set up in a way that does not allow them to have significant influence. Lack of funding and resources, as well as a weak position, often compromise their influence (Rai 2003, p.32). The gap between civil society and the state is another problem. National women's agencies are often seen as "the arm of the state" and as not representing the real interests of women (Kardam 2005, p. 101). Political instability may also weaken the influence of a national women's agency (Kardam 2005, p. 102).

Why did states adopt national women's agencies? In addition to domestic structural factors, four dominant causal explanations can be found in the literature, and these are similar to the explanations identified for candidate gender quotas: campaigning by the women's movement, support of the political elite, emerging notions of equality and domestic structural changes,

and international norms and epistemic communities.

One important causal mechanism for the introduction of national women's agencies is the mobilization of the women's movement, which tended to bring the demand for a national women's agency to the political agenda first. In the Latin American case, the women's movement was a key factor in the return to democracy (Jaquette 1994, Waylen 1998). The demands for the introduction of national women's agencies were a component of the women's movement's broader demand for democracy (Franceschet 2005a, p. 6). Another set of explanations regards the support of political elites, in an effort to gain female votes, responsible for the introduction of national women's agencies (Jaquette 1994, Waylen 1998).

Domestic structural changes are also identified as an important factor for the introduction of a national women's agency. In the Latin American case, the transition to democracy as providing a window of opportunity for gender equality demands is considered as important factor in facilitating the creation of national women's agencies (Friedmann 2003, p. 6). Therefore national women's agencies in Latin America tended to be created after the return to democracy (Franceschet 2005a, p. 6).

The final set of explanation focuses on international-level factors being responsible for the diffusion of national women's agencies. Such explanations identify the existence of a respective international norm and international networks as a key factor facilitating the spread of national women's agencies. True and Mintrom (2001) found in their empirical study on the global diffusion of women's agencies that international networks have been the most important factor for the dissemination of the policy measure. Franceschet found that the same was true for Latin America (Franceschet 2005a, p. 6).

Existing research on the dissemination of national women's agencies indicates that a combination of national- and international-level factors is responsible for the diffusion of these

policies. In addition to domestic structures and actors, epistemic communities and the international networking of women's rights organizations, as well as international norms, have been identified, particularly in recent studies, as important reasons for the introduction of national women's agencies worldwide.

2.4.3 Policies on Violence against Women

The United Nations Declaration on the Elimination of Violence Against Women defines such violence as "...any form of gender based violence, that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life." This encompasses, inter alia, "[p]hysical, sexual, or psychological violence occurring in the family and in the general community, including battering, sexual abuse of children, dowry-related violence, rape, female genital mutilation and other traditional practices harmful to women, nonspousal violence, violence related to exploitation, sexual harassment, and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced prostitution, and violence perpetrated or condoned by the state."

This definition connects violence with gender inequity, as it assumes that women suffer because of their subordinate social status in relation to men (Velzeboer 2003, p. 4). It assumes that the roots of violence against women are located in historical unequal power relations between men and women. The difference between this kind of violence and other forms of aggression and coercion is that the risk or vulnerability factor is simply being female. Thus, laws dealing with violence against women can be regarded as gender equality laws. The issue of violence against women includes, generally speaking, aggression and rape, sexual harassment at work, abuse of women belonging to ethnic minorities, trafficking of women,

prostitution, pornography, violence in the media, and physical, sexual and psychological abuse in the home by partners or spouses (Larraín 1999, p. 104).

The literature identifies several factors, acting at four different levels, that promote violence against women: the cultural, economic, legal and political context (Leye et al. (1999)). Gender-specific socialisation and cultural norms, including values that give men proprietary rights over women, notions of the family as private and under male control, customs of marriage and the acceptance and glorification of violence as a means to resolve conflicts, make violence against women culturally acceptable. Women's economic dependence on men, due to women's limited access to employment, cash and credit, and because of discriminatory laws regarding inheritance and property rights, is another factor promoting violence against women (Panda 2003, p. 30). Legal discrimination against women, for example regarding divorce, child custody, maintenance and inheritance, as well as legal definitions of rape and domestic abuse, increase the likelihood of violence against women (Leye et al. 1999, p. 5). In a political context, the under-representation of women in power, limited organization of women as a political force (e.g. through autonomous women's organizations) and the limited participation of women in formal political systems further promote violence against women.

Violence against women has long been treated as a matter of the private sphere. Some governments started tackling the issue of domestic violence in the 1970s and 1980s. In the 1990s strategies to address violence against women were incorporated into national policy agendas on a wide scale globally, and most democratic governments adopted national policies to address the issue of violence against women (Weldon 2002, p. 19). These include nations from different regions all over the world.

National policies to combat violence against women include government sponsored support programs for victims of violence, which provide training and professional counseling, shelters and emergency housing for battered women, crisis centers, public education initiatives and

national laws (Weldon 2002, p. 197). In Latin America, national laws are the most common measure adopted by governments to curb violence against women. Most of these laws tackle the issue of domestic violence and frame the issue as a family issue. This point is further discussed in chapter four.

Why do governments adopt policies to combat violence against women and what accounts for cross-country variations regarding the adoption of policies on violence against women? There is a substantive body of literature dealing with these questions. Most of these studies are single or small N country studies (see, for example: (Wedel 2004, Chan-Tiberghien 2004, Ellsberg et al. 1997). A smaller number of comparatively large N country studies examine cross-country variations in the adoption of policies on violence against women. Weldon (2002) compares policies curbing domestic violence in 36 democratic countries located in all regions of the globe. Hawkins and Humes (2002) examine the adoption of domestic violence laws in North and Latin America.

The existing literature identifies domestic structures and actors as reason for the introduction of national policies to combat domestic violence and as an explanation for cross-country differences, including the domestic women's movement (Weldon 2002, Elam 2006, Wedel 2004, Franceschet 2005a); social and economic rights (Call et al., 1991; Overbye, 1994); cultural differences (Heise et al. 1994, Leye et al. 1999)); and political institutions (Weldon 2002, p. 163) . These explanations are usually based on empirical evidence from single or small N country studies.

A more recent body of literature highlights the importance of epistemic communities and the world society in promoting national policies on violence against women, building empirically on evidence from single country studies, as well as from regional or global research. These studies trace the introduction of national policies on violence against women back to the existence of international norms and international networks. Heidi Wedel holds in her study on

domestic violence reforms in Turkey, that as well as changing domestic structures, a strategic alliance of national- and international-level NGOs was responsible for promoting policies on violence against women. Chan Tiberghien (2004) finds that international norms and international networks facilitated legal reforms regarding violence against women in Japan. Hawkins and Humes (2002) find in their study of the diffusion of domestic violence laws in North and Latin America, that a mixture of international norms and the campaigning of the national women's movement were responsible for the diffusion of respective laws in the Americas in the 1990s. Overall, the literature on violence against women points out that a combination of national- and international-level factors are responsible for the diffusion of policies on this issue. In particular, epistemic communities and the international networking of women's rights organizations, as well as international norms, are identified as important reasons for the national introduction of measures on violence against women.

Candidate gender quotas, national women's agencies and policies on violence against women are key policies in the global gender policy regime. Current research on the diffusion of these policies suggests that in addition to domestic-level explanations, international-level mechanisms accounted for gender policy convergence. More specifically, there is evidence that international norms, as outlined in the World Society approach, and epistemic communities were responsible for the diffusion of these policies worldwide. Reviewing existing studies on causal accounts for the diffusion of candidate gender quotas, policies on violence against women and national women's agencies, it is also evident that as well as common trends, different combinations of causal factors appear to be at work in producing the policy outcomes in different policy areas.

2.5 Conclusion

The academic literature on globalization points out that political, cultural and social interconnectedness is increasing world-wide, which leads to a new reality of national policy-making. From a policy-making perspective, the literature indicates that globalization leads to increasing interdependence between states and an awareness of dependency. The contemporary era is marked by a deterritorialisation of politics, by an integration of the national and international level of policy-making and by an emergence of global politics, which transcends the pre-existing borders between the national and international, and the internal and external. As Held (1999) argues, the nation-state is being transformed and restructured, due to increasing international political interconnectedness.

In the context of globalization, international non-state actors and structures such as multinational corporations, international NGOs, international law and global policy fora, as well as other states, help shape national policy-making. As a result, the borders between national and international are blurring and state agency is being transformed. The linkage of the national and international makes it difficult for governments to act on their own and to control information within their own borders. Domestic policy-making takes place in a world system as well as in national political systems. In this context policy convergence is broadening and increasing in speed.

Gender policies are an area in which policy convergence is evident, and the past three decades have witnessed the advent of a global gender policy regime, where similar policies diffused globally. The existing literature suggests that gender policies diffused globally because of a new economic context, which demanded an increased inclusion of women in the work-force, as well as because of increasing dependencies between states and the emergence of international norms and international networks concerned with gender equality.

There are a growing number of studies that take a global perspective and compare the diffusion of a particular gender policy strategy across countries, incorporating international-level as well as national-level explanations (see, for example: (Krook et al. 2006, Hawkins & Humes 2002, True & Mintrom 2001). This is true for the policy areas for candidate gender quotas, policies on domestic violence and national women's agencies, on which this thesis focuses.

Literature on these three policies revealed that in addition to domestic-level accounts, international level factors-such as international norms and networks-are seen as possible explanations for the diffusion of gender policies. Apart from that, the existing research shows that different causal mechanisms appear to be at work in producing the policy outcomes in different policy areas. However, there are very few studies comparing different gender policy sectors across different countries; and providing explanations for why the causal mechanisms are different across gender policy sectors is an uncharted theoretical territory (Htun, 2007). Comparing different policy areas will help to gain a deeper understanding of how policy convergence works, and to find general factors for policy convergence as well as context specific ones. The next chapter looks at the mechanism of policy convergence in more detail and establishes a framework that allows for cross-nation, cross-policy area comparisons. Drawing on the findings of this chapter, it is evident that a framework is needed that links the national and international and can account for global dynamics as well as for the domestic contexts of different countries across different policy areas. The following chapter attempts to construct such a framework.

3 Explaining Cross-national Policy Convergence

3.1 Introduction

As part of the ongoing process of globalization, a “global gender equality regime” has emerged, that manifests itself in the existence of global gender norms that are diffused by transnational actors and foster the adoption of national gender policy reforms (Kardam 2005). With heightening globalization, many issues, including gender policy-making, can no longer be viewed within national borders only, as global non-state actors operate on a global scale as agents capable of influencing states. The linkage of the national and international makes it impossible for governments to act on their own, with domestic policy making taking place in a world system as well as in national political systems (Dolowitz & Marsh 2000, p. 6). In this way, national and international structures, agents, and ideas are expected to impact on national policy making. Chapter 2 suggested that policy convergence is increasing as a result of interrelated forces of internationalization and their impact on national policy-making. This chapter examines explanations of this process in more detail and suggests a theoretical framework that will be used to analyse the process of policy convergence in Latin America.

Policy convergence has been defined as “tendency of policies to grow more alike in the form of increasing similarity in structures, processes, and performance” (Drezner 2001, p. 55). While researchers broadly agree on this general definition of policy convergence, there is disagreement regarding the empirical and theoretical assessment of policy convergence. This is a significant concern for this thesis, which is concerned with the underlying causal mechanism of the convergence of gender equality policy reforms in Latin America. Mechanisms that lead to policy convergence have been studied using different, but overlapping approaches including policy diffusion ¹, policy transfer ², policy learning ³, lesson drawing ⁴, policy-band wagoning ⁵, policy-shopping ⁶ and policy borrowing ⁷. Policy learning, lesson drawing, policy-band-wagoning, policy-shopping, and policy borrowing policy can be subsumed under the broader concepts of policy diffusion, and policy transfer.

Unlike policy convergence studies, policy diffusion and transfer studies are more concerned with processes than with outcomes. Both describe a development that might, but will not necessarily lead to policy convergence. Policy diffusion studies examine typically how policies spread from one institution or state to another, potentially leading to increasing policy similarities across countries, described as policy convergence. ⁸ Policy diffusion studies generally base their analyses on large N studies. On the other hand, policy transfer studies focus on cases in which one nation or government imports contents and knowledge of policies that exist external to the state. Such studies look at the individual characteristics and implementation of a policy, and tend to be based on individual case studies ⁹.

¹See, for example: Walker (1969); Gray (1973); Berry & Berry (1990); Rogers (1962); Aiken & Alford (1970); Crain et al. (1969); Midlarsky (1978)

²See, for example: Dolowitz & Marsh (1996); Dolowitz & Marsh (2000); Evans & Davies (1999)

³See, for example: Haas (1992); Bennett & Howlett (1992); Sabatier & Jenkins-Smith (1999)

⁴See, for example: Rose (1991); Rose (1993)

⁵See, for example: Ikenberry (1990)

⁶See, for example: Freeman & Tester (1996)

⁷See, for example: Stoker & Mossberger (1994)

⁸See, for example: Walker (1969); Gray (1973); Berry & Berry (1990); Rogers (1962); Aiken & Alford (1970); Crain et al. (1969); Midlarsky (1978)

⁹See, for example: Rose (1991); Bennett (1991a); Bennett (1991b); Dolowitz & Marsh (1996); Dolowitz &

A significant gap exists in the respective policy transfer and diffusion literatures in acknowledging the utility of each other (Newmark 2002, p. 160). Policy diffusion studies concentrate on the macro-process of diffusion. They do not examine the content of the policies and their implementation. Policy transfer studies, on the other hand, look at the implementation and the content of a policy examining individual policy transfer, but they do not tend to consider the macro process of diffusion and do not generalize from individual cases. While the two concepts have long been used separately to each other, recently the need of integration has been acknowledged, and there have been attempts of a theoretical combination of the two concepts¹⁰. The aim of this chapter is to bring the two approaches together and to discuss how gender equality policies converge in Latin America.

3.2 The Concept of Policy Diffusion

In its most basic definition diffusion refers to the spread of something across a system. The concept of diffusion has a long tradition in a very diverse range of academic disciplines, such as communication research¹¹, sociology¹², marketing¹³ and epidemiology/ medicine¹⁴. Except for epidemiological research, those studies focus on the diffusion of something that is communicated in order to spread across the members of a social system. The central mechanism of diffusion is communication, i.e. new ideas or policies have to be communicated in order to diffuse (Tews 2002, p. 8). There are a number of attempts in the literature to define the concept of policy diffusion. Rogers, for example, defines diffusion as a “process by which an innovation is communicated through certain channels over time among members of

Marsh (2000); Evans & Davies (1999)

¹⁰See, for example: Newmark (2002); Bekkers (2004)

¹¹See, for example: Rogers (1962); Rogers & Shoemaker (1971)

¹²See, for example: Ryan & Gross (2007)

¹³See, for example: Frank (1969)

¹⁴See, for example: (Coleman et al. 1966)

a social system, whereby an innovation may be an idea, practice or a policy” (Rogers 1962, p. 5). Another definition is offered by Leichter (1983), who labels policy diffusion as “the process by which ideas, practices and material objects spread across specified units of analysis” (Leichter 1983, p. 225). Policy diffusion studies focus on the propagation of innovations over time. They aim to explain the velocity and intensity of this process and the underlying reasons, whereby it is assumed that the innovation developed outside the state.

The concept of diffusion was adopted by political scientists in the 1960s. For example, in his seminal article the American political scientist Walker (1969) examined the diffusion of policy innovations across a wide range of policy areas in US States, a political innovation being a policy new to the state adopting it (Walker 1969, p. 881). It is noteworthy, that policy innovations stand in contrast to policy inventions as far as they also include policy reforms that had been in place elsewhere (Berry & Berry 1990, p. 169). This idea gained popularity and was further developed in the 1960s and 1970s by scholars investigating how states develop new policy programs and how those policy innovations are diffused across countries ¹⁵. Other studies focused on the policymaking and diffusion within the United-States ¹⁶. Looking at research on the adoption of political innovations by states in general in the 1970s, models of diffusion had been used in contrast to so called internal determinant models, which hold that factors leading to the introduction of a policy innovation are exclusively internal to the state, and include changing political, economic and social structures. Diffusion studies in turn were inherently intergovernmental viewing state adoption policies as emulation of previous adoptions of other states (Berry & Berry 1990, p. 170). All empirical research on state policy innovations conducted up until the 1990s focused either on one process or the other (Berry & Berry 1990, p. 170), and these single explanation models used highly advanced quantitative methods for their empirical analyses.

¹⁵Brown & Cox (1971), Collier & Messick (1975)

¹⁶Aiken & Alford (1970), Crain et al. (1969)

More recently diffusion research takes a broader approach, and models of the 1990s incorporate domestic variables and the international context ¹⁷, which makes this approach very suitable for this research problem. Diffusion describes a trend of successive or sequential adoption of policy initiatives. The concept has also been used to identify “the patterns according to which policies spread and the geographic and structural characteristics which might explain them” (Bekkers 2004, p. 3). Rogers (1995) developed four characteristics according to which diffusion can be assessed and separated from other constructs. The first is the notion of innovation. The second component is the communication channels that involve the creation and exchanging of information so that the innovation adopters are connected with potential later adopters (Rogers 1962). Studies suggest that policy innovations were communicated via the media, conferences, and international meetings (Newmark 2002, p. 157). Policy entrepreneurs or policy brokers (Sabatier & Jenkins-Smith 1999) are also considered as being a channel of communication. Such individuals invest “their resources, time, energy, reputation, and sometimes money in the hope of future returns” (Kingdon 1995, p. 122), and they can help to put a certain issue on the national or international agenda (Mintrom 1997). The third component is the social system in which innovations spread, and the fourth component is the time required for the innovation to diffuse (Rogers, 1995). Typically in a diffusion process when the distribution of adopters are graphed against time a bell-shaped curve is the result (Berry & Berry 1992, 1990, Rogers 1962). The bell-shape curve illustrates the typical patterns of diffusion of an innovation, whereby adopters of a new idea could be grouped into five categories composed of a certain percentage of the overall population, namely innovators (approx. 2.5 percent), early adopters (approx. 13.5 percent), early majority (approx. 34 percent), late majority (approx. 34 percent) and laggard (approx. 16 percent), based on a Bell curve mathematic division (Rogers 1962). Each adopter’s willingness and ability to adopt an innovation would depend on their awareness of, their interest in, and their evaluation of the innovation as well as on the degree of adoption of other individuals. That is the case in this

¹⁷See, for example: (Berry & Berry 1990)

research, as it will be further outlined in chapter 4.

Broadly speaking, there are four types of models mapping the spread of policy diffusion, (1) organizational diffusion models, (2) geographic or regional diffusion models, (3) leader and laggard models, and (4) internal determinant models, which incorporate a mixture of factors. Organizational diffusion models assume the existence of a communication model among state officials regarding public policy programs, in which officials inform their peers in other states. It is further suggested that state officials that have already adopted a certain policy interact freely with officials from states that have not adopted it yet (Berry & Berry 1999, Gray 1973). In the early models of this kind it was predicted that the probability that a state will adopt a certain policy is proportional to the number of interactions with government officials from those state that already introduced that policy (Gray 1973, Feller & Menzel 1978, Mintrom & Vergari 1998). Those models were based on the basic learning model developed by communication theorists. Thereby the probability that a state would adopt a particular policy is determined by the number of cases that have already adopted the innovation. Walker finds certain interstate organizations improve the communication between states (Walker 1969). The model was, however, later refined incorporating country specifics and not assuming a uniform or proportional change in the likelihood of adoption (Berry & Berry 1999).

A number of interesting points can be derived from organization analyzes in respect to the diffusion of policies. Larger organizations with better skilled personal tend to be more innovative due to greater resources (Scott 1995, Rogers 1962). In addition to that, policies that have been adopted by a number of organizations are more likely to become institutionalized (Scott 1995). The regional diffusion models, also called neighbor models, posit that states are primarily influenced by those states that are geographically proximate (Berry & Berry 1990). Thereby, the underlying reason for emulation can be learning, also competition and public pressure. The key point, however, is that the diffusion channel is regional, which means that

states are assumed to more likely learn from neighbor states than from those far away.

Internal Determinant Models examine political, economic, and social characteristics in order to predict a state's likelihood of adopting a policy innovation¹⁸. According to Newmark, innovators tend to enjoy greater wealth, such as a higher GDP per capita, more urbanization, greater mobility and higher education levels (Newmark 2002, p. 158). So called Leader- Laggards Models assume that certain states are pioneers regarding the adoption of a certain policy reform, whereas other states emulate these leaders (Newmark 2002, p. 158). They assume that some state-personnel is more highly regarded by their peers than the personnel of other states. Thus, states are more likely to turn to them in the search of policy cues. Walker (1969) categorized states according to the time they need for adoption as leaders, those who first adopt the policy, and laggards, those who adopt later. He also developed a so-called innovation score by comparing adopters on the time passing between the adoption by the first and last adopters.

In more recent studies it has been recognized that the diffusion of policies is influenced by processes of interdependence and globalization (see chapter 2). In this context, Starr (1991) suggests that diffusion models can serve as a general framework, "where there are linkages between some state's policy and other, previously occurring factors which are external to the state" (Starr 1991, p. 367). Policy diffusion is taking place in an era of heightening globalization, and recent innovations in communications and transport technology and the existence of global communication systems increase the speed of information flow, which in turn supports processes of diffusion. As discussed earlier, globalization can be viewed as a higher level of internationalization, whereby national borders are increasingly becoming blurred. As a result of that, in an era of heightening globalization the state has more international linkages and is embedded in a global society, which again contributes to processes of policy diffusion. More recent studies of policy diffusion have emphasized the influence that the international

¹⁸See: Walker (1969); Berry & Berry (1999); Gray et al. (2006); Newmark (2002)

environment plays in the development and diffusion of new policy ideas.

It has been suggested that the policy diffusion approach is the most useful framework to examine policy change in this context (Crocker 2005, p. 39), and contemporary policy diffusion studies have attempted to factor in both, international and national level forces. As Starr puts it, "in the contemporary world we must understand not only the internal context, but the external as well, and move onto the complex linkages between national and international system" (Starr 1991, p. 377), and this "is more relevant today than two decades ago because we live in an interdependent era" (Starr 1991, p. 377). Policy diffusion can be regarded "both as an international process, where external factors affect the internal units or states, but also as on subfield of linkage politics, where both internal politics or processes within a state and external factor interact" (Starr 1991, p. 378). In a similar fashion, Berry and Berry (1990) argue that in order to study the diffusion of policies, one has to incorporate both, factors that are internal and external to the state. On the one hand, studies that only focus on internal dynamics fail to account for international dynamics influencing policy change. On the other hand, they call approaches that merely rely on external factor unrealistic, as it is unlikely "that a state blindly emulates its neighbors' policies without its public officials being influenced by the political and economic environment of their own state" (Berry & Berry 1990, p. 397). Also True and Mintrom (2001) come to a similar conclusion, and call for an incorporation of both national and international factors analyzing the global spread of gender-mainstreaming. The policy diffusion approach is a useful tool that allows us to include national and international explanations and variables in our analysis (Berry & Berry 1990, Mintrom & Vergari 1998, True & Mintrom 2001). Thus, it bridges the national and international in this research.

An advantage of the conception of policy diffusion is its openness, which allows it to link with other concepts, both within and beyond policy analysis, for example with policy transfer/implementation, international norms, globalization, and policy networks (Freeman &

Tester 1996, p. 19). Using the concept of policy diffusion makes it possible to move beyond the actual decision-making process adding the origin of the policy. In other words to connect international policy making with national policy making. As it will be outlined in the next section, a policy might have its origin at the international level. Overall, policy diffusion models are concerned with the process of diffusion across different units of analysis, the velocity and intensity of this process, and the characteristics of adopter countries. However, such models do not look at the policy content, at its characteristics, nor at its implementation. In diffusion studies we can see which factors contributed to the diffusion of policies, but it does not examine the exact dynamics of interactions behind each adoption.

As Stone (2000) puts it “diffusion approaches exhibit a fascination with the process and the conditions for transfer rather than the content of the new policies” (Stone 2000, p. 4). The interest of the thesis also lies in the dynamic behind policy diffusion, its effects and its relationship to policy implementation. This aspect has been neglected in diffusion studies, as they only focus on the process of diffusion itself. Who adopted first and who followed is only one issue of inquiry in the thesis, which will be empirically dealt with in the first part of the macro-study. Thus, the concept of policy diffusion can be used as a starting point for the analytical framework.

3.3 Policy Transfer Studies

Policy transfer studies are a branch of research that enjoys particularly popularity in Europe. Policy transfer has been defined as “a process in which knowledge about policies, administrative arrangements and institutions in one time or place is used in the development of policies, administrative arrangements, and institutions in another time or place” (Dolowitz & Marsh 1996, p. 144). Most policy research is based on the understanding of the process by

which policies move from an exporting institution to an importer state. Empirically, most policy transfer studies have been conducted in the UK and continental Europe (Bennett 1991*a*, Dolowitz & Marsh 1996).

Those who adopt the policy transfer framework for their studies focus on micro-level processes that lead to the adoption and transfer of a policy (Stone 2000, p. 8). Much of the impetus in this strand of thinking has come from David Dolowitz and David Marsh (2000), who draw on the work by Rose and Bennett, and have sought to categorize and evaluate the process. They treat transfer as the dependent variable, that is as something to be explained. According to Bennett, “there is a natural tendency to look abroad to see how other states have responded to similar pressures, to share ideas, to draw lessons, and to bring foreign evidence to bear within domestic policy-making processes” (Bennett 1991*b*, p. 22).

Policy transfer can involve a number of processes. The objects of transfer can include policies, institutions, ideologies or justifications, attitudes and ideas, and negative lessons (Dolowitz 1997). Transfer can take place across time, within countries, across countries, and also across policy fields. In addition to the transfer of policies, there are also a number of other areas such as institutions, ideas, norms, attitudes and ideologies which can be covered by policy transfer studies (Dolowitz 1998, Stone 2000). In contrast to the policy diffusion literature, which focuses on patterns of the spread of political innovations, the central issues in policy transfer studies are agents of transfer. Policy transfer stresses intentionality. Policy transfer is not considered as autonomous process, which is the case with diffusion studies, but rather the result of conscious, intended actions of transfer agents on cognitive processes regarding the selection and usage of policy relevant knowledge (Evans & Davies 1999, p. 376). Policy transfer studies look further at the consequences of the adoption of a policy, at their implementation, and whether their introduction led to a real convergence. Diffusion studies stop at the adoption of a policy and do not look at its implementation.

The focus of policy transfer studies is to examine how policy transfer accounts for policy convergence. Policy convergence is a very general term, and denotes the growing similarity of policies across different nation states (Bennett 1991*b*, p. 216). This also encompasses the convergence in policy goals, content, instruments, outcomes, and style (Bennett 1991*b*, p. 218). Bennett (1991*b*) distilled the four most common processes associated with the findings of policy convergence from the comparative policy literature. These include emulation, elite networking and policy community, harmonization and penetration. In the emulation of a policy “the policy of another country is employed as an exemplar or model which is then adapted and improved on. The other country’s policy serves as a blueprint that pushes a general idea on the political agenda” (Bennett 1991*b*, p. 221). Bennett argues that emulation has to be separated from the notion of diffusion, which means simply that the policy has spread internationally (Bennett 1991*b*, p. 216).

The second process of convergence results “from the existence of shared ideas amongst a relatively coherent and enduring network of elites engaging in regular interaction at the transnational level” (Bennett 1991*b*, p. 224). Unlike emulation the notion of policy community includes a shared experience of learning about the problem (Bennett 1991*b*, p. 224). Convergence through harmonization suggest the existence of international regimes as a determinant of policy convergence, an international regime being “sets of implicit and explicit principles, norms, rules and decision-making procedures around which actors expectations converge” (Krasner 1983, p. 3). Thereby the transmission works by networking between elites. In contrast to harmonization, penetration encompasses cases where states are forced to conform to actions taken elsewhere (Bennett 1991*b*, p. 227).

Another important research issue in the policy transfer literature is to examine to what extent a transfer was voluntary or coercive (Dolowitz & Marsh 1996). According to Eyestone “diffusion patterns reflect either the spread of necessity or the emulation of virtue” (Eyestone 1977,

p. 441). As opposed to lesson drawing approaches, the policy transfer framework also incorporates policy changes that were not entirely voluntarily introduced by policy makers. Voluntary transfer occurs when dissatisfaction with existing practices is experienced (Dolowitz & Marsh 1996, Rose 1991). Countries undergoing voluntary policy transfer are, according to Dolowitz and Marsh (1997), mostly countries that act rationally (Dolowitz 1997).

On the other end of the continuum are countries transferring coercively. It is further distinguished between direct and indirect coercive policy transfer. Direct coercive policy transfer occurs, when countries are forced to adopt certain policies as good practices, for example, in order to receive a grant or loan. An example for this is the International Monetary Fund (IMF) and the World Bank forcing ex-communist countries to adopt neo-liberal economic reforms in the 1980s and 1990s (Newmark 2002, Dolowitz 1998). Indirect coercive transfer is a middle ground between voluntary and coercive policy transfer (Hoberg 2001, Dolowitz 1998, Dolowitz & Marsh 1996). It refers to cases where a country adopts a policy in order to not fall behind the international communities and nations that have already adopted the same, or when a nation does so in order to be accepted by the international community (Dolowitz 1997, p. 27).

A typical component of policy transfer research involves the spread of knowledge, whereby the knowledge of policy innovations is borrowed from other entities (Newmark 2002, p. 154). A number of researchers have pointed out cases of policy transfer, where solutions were found reviewing what had been done by other states (Bennett 1997, Dolowitz 1998, Rose 1991). Factors facilitating the exchange of information across governments were found to be common media sources, a common language, similar ideologies, and relationships amongst personnel, think-thanks, and policy entrepreneurs (Dolowitz et al. 1999). Policy transfer does not necessarily entail the copying of policy contents, but there are certain degrees of transfer. Rose (1991) developed a classification of the degree to which a certain policy has been imported.

He names five categories, namely inspiration, synthesis, hybridization, emulation, and copying (Rose 1991). Copying stands for the adoption of an existing policy without any changes. It may involve using the exact same wording of certain legislation, and assumes similar institutional and contextual structures (Newmark 2002, p. 156). Emulation includes cases, which copied a standard basis of a certain policy as a starting point, while adjustments were made in order to take in account the adopters' special needs. Hybridization integrated two policies from different sources. Synthesis is the same as hybridization, but it merges elements from three different policy sources. Stimulation assumes that the initiative for a policy was stimulated from a different source after examining problems in a different setting or context (Newmark 2002, p. 156).

All in all, the policy transfer literature focuses on how nations import and translate policies from external sources. They help us to look beyond policy diffusion and adoption. In contrast to policy diffusion studies, they focus on the actors of transfer and examine how policies are implemented. Policy transfer studies move beyond the process of adoption to a process of adaptation, in a sense of a qualified policy transfer. In order to develop an integrated framework for the study of the spreading of political innovations, the next section reviews differences and communalities as well as advantages and disadvantages of policy diffusion and transfer studies.

3.4 Integrating Policy Diffusion and Policy Transfer and Policy Convergence

Policy Diffusion and policy transfer models have long been treated as separate. One reason for the gap between policy diffusion and transfer studies can be attributed to differences in

the research traditions. Yet we believe that neither of these approaches is superior. Recently the need for the integration of those two approaches has been acknowledged¹⁹. In this section, it will be shown that the two models can be combined, and that an integrated approach offers a better framework for examining the spread of policies. Both models can compliment each other. In the following section the main differences between, as well as strengths and weaknesses of, both models will be outlined. It will be shown that considering the spread of policies solely and separately only through the lenses of one, does not provide an inclusive picture. Hence, an integrated framework for the examination of the spread of gender equality policies in Latin America is presented, which contains both elements of policy diffusion and transfer. Hence, a policy diffusion and transfer approach is concerned with the process of diffusion, and does not necessarily reflect the fact that policies are growing more alike. I go a step further and link it to policy convergence in the last section of this chapter.

Methodologically speaking, the main difference between policy diffusion studies and policy transfer studies is that, while diffusion studies are examining the spread of political ideas from a macro-perspective, policy transfer studies are looking at individual transfers (see table 3.1). They focus on the causes, influences and characteristics of the import or export of concrete policy contents. The concept of policy transfer “operates at the micro-level, below more general studies of convergence and diffusion, but above more special treatments of local applications of ideas and instruments” (Freeman & Tester 1996, p. 3). This distinction between the macro and the micro-level poses the inevitable question of structure and agency. Diffusion studies are tendentiously criticized for not taking into account political actors and only focusing on structures of the diffusion process, and for “technocratic determinism” (Rose 1991, p. 9). However, more recent diffusion studies took this criticism into account, and also incorporated political actors promoting the diffusion process into their analysis.²⁰

¹⁹See, for example: Bekkers (2004); Newmark (2002)

²⁰See, for example: Tews (2002); True & Mintrom (2001); Mintrom (1997)

Table 3.1: Comparison Diffusion and Policy Transfer Studies

| | Policy Transfer Studies (Micro-Study) | Policy Diffusion Studies (Macro Study) |
|------------------|--|--|
| Perspective | Micro-Level | Macro-Level |
| Thematic focus | Content of Policy-import, Implementation | Factors leading to adoption, characteristics of adopters |
| Structure/Agency | Emphasis on agency | Emphasis on structure |
| Cases | Few Cases | Many Cases |
| Methodology | Qualitative | Quantitative |
| Generalization | Low | High |
| Modeling | Little | Complex |
| Prediction | None | High |

Policy transfer studies focus on agency. Diffusion research, on the other hand, examines a large number of cases using quantitative techniques and very complex mathematical modeling. Its strength lies in the high generalization and prediction of the models. Critics hold that diffusion research focuses too much on adopters, whereby characteristics of policy, their adaptation to the domestic context, and the implementation process are not taken into account. Policy transfer studies normally examine a small number of cases. Researchers conduct a very detailed analysis. Research focuses on the question of who was involved in the transfer and how it occurred. They look at the individual transfer of certain policies. Those studies build mainly on qualitative analysis.

The main criticism of policy transfer studies is a lack of generalization. As opposed to diffusion studies, it is very hard to determine to what extent a given policy may transfer elsewhere. There is little modeling used in policy transfer studies. Hence, the predictability is very low. Another weakness of policy transfer studies is, according to Bennett (1997), that they are overly theoretic. In addition to that, this branch of research in most instances fail to prove that external knowledge is employed for the development of domestic policies, although some authors have tried to determine the degree to which certain policies were transferred (see, for example: Rose, 1991), these conceptions are rather problematic (Newmark 2002, p. 160).

Whereas most studies on policy transfer focus on policies that have already been implemented successfully in another setting, the scope of diffusion studies is wider, as it also includes the introduction of new policy initiatives, so-called policy-innovations.

Both approaches are multidimensional in the sense that they can be used to examine the global, international, domestic, and inter-organizational level. Both bodies of literature recognize the multitudinousness of states and actors involved in the spreading of policies (Newmark 2002, p. 160). Thereby, policies can travel both vertically and horizontally. Indirectly, both concepts refer to the same actors and structures accounting for the spread of policies, although they put primacy on different aspects of the diffusion process. Nevertheless, both concepts look at the same phenomenon, only from different perspectives.

The majority of diffusion studies focus on the central question of what drives policy diffusion from a macro-level perspective. This is due to the definition of diffusion, which only becomes visible through sequences of individual cases of policy transfer (Tews 2005, p. 74). The diffusion framework, however, is very open, which allows to pay attention to the macro-structures of the international system, and to incorporate international norms as a manifestation of transnational social relations and the international social structure into the analysis. Diffusion studies in comparative politics typically examine patterns and sequences of policy adoptions. The major disadvantage of the macro-level approach of diffusion studies is that it neglects politics (Tews 2005, p. 74). It does not look at how policy contents from abroad are filtered by various actors putting up with various structures and ideas in national-policy making processes (Tews 2005, p. 74). In addition, a policy adoption approach alone does not tell us whether the imported policy has an impact, and if it is intended to have an impact. Examples for this are cases where the implementation of gender policies involved empty gestures and presented an easy way of showing interests in gender rights (Krook 2004).

Policy transfer and policy diffusion differ from the concept of policy convergence in impor-

tant ways. First, transfer and diffusion reflect processes, which under certain circumstances might result in policy convergence. This does not necessarily imply that the empirical observation of converging policies must necessarily be the result of transfer or diffusion processes (Drezner 2001). It is also possible that policy convergence is the result of similar, domestic events having the same impact across countries. Second, the central analytical focus of policy convergence is on the development of cross-national policy similarity over time. The comparative reference point is not another country, but a condition of divergence or variability from some former stage (Bennett 1991*b*, p. 219). Convergence means that policies move toward some common point. To know that countries are alike tells us nothing about convergence.

To obtain a whole picture one has to include micro- and meso-level perspectives. Despite their conceptual differences, studies of policy diffusion and policy transfer can be combined, as they examine the same issue, only from different perspectives, as outlined above. Thus, policy transfer studies complement the disadvantages of diffusion studies with respect to the analytical level. A macro-study will quantitatively analyze patterns, sequences, and reasons for gender equality policy adoptions in all Latin America. Then two case studies will examine qualitatively the processes of policy transfer (see next section). The case-study method has been criticized for being unable to make generalizations. However, according to Robert K. Yin, case studies can generalize theoretical propositions, but not empirical entities. Often case studies try to illuminate a decision or set of decisions. Why they were taken, how they were implemented, and with what result (Yin 1984, p. 21-23). The case-studies perfectly complement the macro-study. Their aim is to reconfirm the results of the macro-study and further examine points that were unclear in the macro-study.

Blyth (2002) argues that “in understanding the role of ideas in institutional change, the sequence is everything”. Thus, it is necessary to explore the chain of events and their significance for the interpretation of specific policy outcomes (Blyth 2002). The thesis will also look

at processes that caused policy convergence from a micro-perspective. The chain of events in the policy-making process is explored by dividing it into smaller steps looking for observable evidence of each step (King et al. 1994, p. 226). The empirical sources of the case-studies consists of primary and secondary document analysis and expert interviews. To identify causal dynamics underlying policy convergence methods of policy diffusion and policy transfer studies can be deployed.

3.5 Methodology

To examine the convergence of women's rights in Latin America in the 1990s this thesis blends methods of policy diffusion, transfer, and convergence studies. It first conducts a macro-study analyzing the spread of gender policies in Latin America from a policy diffusion perspective. The second part the thesis will focuses two case study countries from the countries examined in the macro-study. The case-studies will analyze policy transfer and implementation processes using comparative methods at a micro-level. The case studies also serve to back up claims from the macro-study and to further examine points that were unclear.

The research uses methodological triangulation as it employs both quantitative and qualitative methods. Quantitative methods are used in the macro-study and qualitative methods in the case-study. Triangulation is the application and combination of several research methodologies in the study of the same phenomenon. The goal of doing so is to improve validity and increasing the reliability of the result, by combining various techniques in one study and cross-checking one result against another. Quantitative and qualitative research methods are combined to provide a more complete set of findings than could be arrived at through the administration of only one of the methods.

3.5.1 Macro Study

In a macro-study of Latin America the thesis analyzes the region-wide introduction of domestic violence laws, gender quotas and national women's agencies from a diffusion perspective. It will empirically examine the scope and timing of the diffusion of gender equality reforms in the region. It deals with the question why some countries have adopted certain policy reforms while others have refrained from doing so. It examines the effect of the most compelling causal accounts for the diffusion of gender policy reforms in Latin America found in the literature.

The macro-study section of the thesis employs a quantitative methodology and uses Event History Analysis (EHA) as a statistical tool. EHA analysis is a statistical tool that is used to examine the timing and occurrence of events, and to relate it to causal factors ²¹. EHA is the most popular quantitative method used in diffusion studies due to the nature and structure of the data. Generally speaking, the starting point for this kind of analysis will be the observation that the distribution of adoptions follows a bell-shaped curve, and that the cumulative distribution of policy adoptions describes an S-shape curve. This characterizes, as outlined above, a diffusion process (Rogers 1962). As it will be outlined in chapter 4 this is the case in our research. EHA tries to uncover the determinants for this adoption pattern. It examines which causal factors contribute to a country adopting a certain policy reform. Several researchers have used EHA for the study of policy diffusion in general and for the diffusion of gender equality reforms in particular ²².

²¹See, for example: Allison (1984); Yamaguchi (1991)

²²See, for example: True & Mintrom (2001) ; Crocker (2005)

3.5.2 Case Studies

Further, the thesis uses a country case study located in the macro-study of Latin America to investigate the micro-level of policy transfer and implementation process. Scholars examining the transfer of ideas and policies as explanatory factors for political outcomes have traditionally used qualitative research designs (Newmark 2002). The most common methodological tools in new institutionalist and comparative literature on ideas and policy change have been comparative case studies and process tracing. The comparative method between cases and process tracing within cases is deployed in this thesis. In terms of the selection of cases, comparative case studies have employed the “method of difference” in order to demonstrate the need for an ideational account of the adoption of similar policies across structurally similar cases or the “method of agreement”, where actors in structurally similar cases adopted different strategies, whereby a combination of these methods particularly produces strong evidence (Leiteritz 2003, p. 25).

The case studies have been chosen based on the Policy Sector Approach (PSA). The PSA compares different policy reforms in the same country as opposed to the National Pattern Approach (NPA) which compares the same policy reform but chooses different countries as cases (Jancint & Levi-Faur 2003). NPA is used in the macro-study. The diffusion of candidate gender quotas versus domestic violence laws in Chile are chosen as cases. These present “most different” cases. In the case of domestic violence laws the policy was successfully transferred to the Chilean national context, as opposed to candidate gender quotas, which led to policy failure in Chile. Chile outlawed domestic violence as one of the first countries in Latin America, whereas it did not adopt candidate gender quotas.

3.6 Causal mechanisms of policy convergence in the policy diffusion and transfer literature

The literature mentions a wide range of sources, causes, and mechanisms of triggering policy convergence. Some of them have been already mentioned in chapter 2. In an article reviewing causes of policy convergence Bennett (1991) identifies emulation, elite networking, harmonization, and penetration as possible mechanisms underlying policy convergence. According to DiMaggio and Powell's (1991), growing institutional similarity can be a result of coercion, mimetic processes, and normative pressures (DiMaggio & Powell 1991). Simmons and Elkins (2003) name three mechanisms, namely direct economic competition, informational networks, and social emulation (Simmons & Elkins 2003). Hoberg (2001) lists parallel domestic problem pressures, emulation, international legal constraints, and international economic integration as potential factors behind convergence (Hoberg 2001).

In the following section, I review potential causes mechanisms underlying policy convergence as they are discussed in the literature in more detail. This literature review has one main purpose. While most of the literature relies on a small number of causal mechanisms, the thesis intends to provide an inclusive list of all relevant sources and mechanisms of policy transfer, diffusion, and convergence, which have been proposed so far. The goal is to take all of them into consideration for the analysis of the convergence of gender policies in Latin America. I do not have the ambition to classify them according to certain criteria. I group them based on five analytically distinct sources of policy convergence, namely parallel problem pressure, transnational communication, political pressure, international norms, and economic integration. Similar mechanisms, such as emulation and lesson drawing, are subsumed under these groups (see table 3.2).

Parallel Domestic Problem Pressure

Table 3.2: Sources and Mechanisms of Policy Convergence

| Source of Convergence | Relevant Mechanisms |
|------------------------------|--|
| Parallel Problem Pressure | Independent Responses |
| Transnational Communication | Emulation, Learning, Transnational Problem-solving, Promotion of Policy Models |
| Political Pressure | Imposition, Conditionality |
| International Law | Legal Obligation |
| Economic Integration | Regulatory Competition |

Many authors observe that convergence of policies between several countries can be the result of similar, but independent responses to similar domestic pressures. As Simmons and Elkins put it: “Just as individuals open their umbrellas simultaneously during a rainstorm, governments may decide to change their policies in recession, in the presence of capital flight, or in the presence of high world interest rates” (Simmons & Elkins 2003, p. 275). Synonyms in the literature for this causal mechanism include functional, technocratic or technological determinism (Rose 1991, p. 9), clustering (Simmons & Elkins 2003), spurious diffusion (Gilardi 2002, p. 2), or parallel domestic pressures (Hoberg 2001). Policy convergence based on parallel domestic pressures implies that there is one best solution to a problem that is independently preferred and adopted by all countries.

It is important not to confuse policy convergence based on parallel domestic pressures with policy diffusion or policy transfer. As Simmons and Elkins (2003) emphasize, similar responses to parallel problem pressure are not the same as policy transfer or diffusion. This mode of convergence is rather coincidental. One has to keep in mind that under this mechanism “actors do not behave in response to each others action” (Gilardi 2002, p. 15). However, it is a mechanism that may lead to the convergence of policies, and has to be considered as an alternative. As Bennett notes, the analyst of policy convergence “must avoid the pitfall of inferring from transnational similarity of public policy that a transnational explanation must be at work” (Bennett 1991*b*, p. 231). So, parallel domestic pressures should be considered as an alternative explanation in all transfer and diffusion studies.

Taking this perspective, the diffusion of gender policy reforms in Latin America could have been the consequence of similar domestic pressures having a similar effect. Hence, I will take the possibility of domestic level factors triggering policy convergence in Latin America into account. The existing literature offers a wide range of domestic level explanations for the introduction of gender equality policies in various countries and contexts. Causal accounts include the campaigning of women's organizations²³, strategies and changing attitudes of the political elites²⁴, improved socio-economic conditions for women²⁵, cultural changes²⁶, or an increasing number of women involved in decision making²⁷. I will specify these potential domestic factors in the next chapter and later incorporate them in the macro-study.

Transnational Communication

There is a substantial body of literature centered on the exchange of information in transnational communication networks as a source of policy convergence. Those theories suggest an informational interdependence between states. Mechanisms of policy convergence proposed in this body of literature include simple emulation of other countries' policies, learning from the experiences of other countries, problem-solving within transnational networks, and transnational promotion of policy models.

Emulation of Policies: Emulation refers to a country copying policies that have been introduced elsewhere. Emulation has also been discussed in the literature under the key-words imitation, mimicry, policy borrowing, and band-wagoning (Ikenberry 1990). In emulation theories the fact that other countries adopted a certain policy is decisive. There are various theories of policy emulation proposing different underlying rationales. In herding theories policy emulation is a function of the number of countries, which have already adopted a cer-

²³See: Gelb & Palley (1996); Jaquette & Wolchik (1998); Jaquette (1994); Katzenstein & Mueller (1987)

²⁴A prominent example is Fujimori in Peru, see (Blondet 2002)

²⁵See: Htun & Jones (2002); Pearson (1998)

²⁶See: Htun & Jones (2002)

²⁷See: Htun & Jones (2002); Acker (1990)

tain policy (Knill 2003, p. 10).

The underlying reason for this is that it can be optimal for a country to follow the behavior of others even without using further information than the number of followers. The underlying reason for this is the theory of informational cascade. States are uncertain regarding the value and accuracy of their own information. The sheer fact that many others apply a certain policy serves here as a justification that this might be the best way (Levi-Faur 2005, Gilardi 2002, Bikhchandani et al. 1998). In sociological theories emulation takes place as a result of the socially embedded behavior of actors (Baum & Oliver 1992, Meyer & Rowan 1977). The most widespread solution to a problem becomes the obvious way of dealing with it, whereas other possible solutions are no longer considered (Gilardi 2002). Although both theories are built on a different rationale, they are similar in that it is the number of others which persuades actors to emulate.

Policy convergence may also result in the striving of organizations to increase their social legitimacy by embracing forms and practices that are valued within the broader social and institutional environment (DiMaggio & W. Powell 1991, p. 70). States might sometimes copy mimetically the policies of other states simply to legitimate conclusions already reached (Bennett 1991b, p. 223). Kuran's theory of reputational cascades points to an adjustment that individuals make to protect their reputations (Kuran 1998, p. 628). Unlike informational cascades, which are driven by uncertainty as to the value of one's information, reputational cascades are driven by the eagerness of the players to please others, to maximize their social acceptance, and to legitimate their power position.

Another reason for emulation is the desire of actors "not to be left behind", a mechanism that has been transferred to the behavior of state actors within the international system (Meyer et al. 1997, Schimmelpfennig 2000b, Tews 2002). In the theory of DiMaggio and Powell *mimetic isomorphism* occurs especially when an innovation is poorly understood and when its

consequences are still unclear (DiMaggio & W. Powell 1991, Guler et al. 2002). The fear of being left behind might be a result of uncertainty, but might also be a motive in itself. There are rational motivations as well. Bennett observes that emulation might be a consequence of time pressures: “the more urgency that is perceived, the more likely will be the imitation of solutions without lengthy analysis and investigation” (Bennett 1991*b*, p. 223).

Finally, the cost of information gathering also plays a role. According to Conlisk emulating others’ policy choices allows an actor to “drift along, doing what is conventional, making mistakes, but avoiding the costs of avoiding mistakes” (Conlisk 1980, p. 275). Tews emphasizes that emulation is different from problem-oriented learning (Tews 2002, p. 180). Emulation and learning will lead to different degrees of policy transfer. Similarly, emulation can only lead to the convergence of goals, contents, or instruments, not to the convergence of outcomes or policy styles (Bennett 1991*b*, p. 221).

Learning: Another underlying mechanism for policy convergence is learning. Learning includes all mechanisms of bilateral policy transfer, which are based on the rational utilization of available experience elsewhere. The concept of learning implies that there may be considerable deviation from the models found elsewhere. Two concepts of rational learning have generally been proposed and applied in the literature on policy transfer and convergence, lesson-drawing (Rose 1991) and Bayesian learning (Yebra 2003). The concept of lesson-drawing has been introduced by Rose (1991). Lesson-drawing is a voluntaristic process whereby government A learns from government B’s solution to a common problem what to do (positive lessons) or what not to do (negative lessons). The government is modeled as a rational actor, who poses the question: “Under what circumstances and to what extent would a program now in effect elsewhere also work here?” (Rose 1991, p. 4).

A lesson is “defined as an action-oriented conclusion about a program or program in operation elsewhere, the setting can be another city, another state, another nation or an organiza-

tion's own past ... it also implies a judgment about doing the same" (Rose 1991, p. 7). The creation of new programs can take five forms, copying, emulation, hybridization, synthesis, and inspiration (Rose 1991, p. 22). Rose also emphasizes that drawing a lesson does not require policy change. A program elsewhere may be evaluated negatively or there may be no way to transfer it (Rose 1991, p. 7). Therefore, lesson drawing is not the same as policy convergence.

Meseguer Yebra (2003) applies the concept of Bayesian learning to policy learning. Bayesian learning is a mode of rational, experience-based learning. Governments are modeled here as perfectly rational learners. They update their beliefs on the consequences of policies with all available information about policy outcomes in the past and elsewhere. They choose the policy, which is expected to yield the best results (Yebra 2003, p. 3). Bayesian learning is a formal mechanism, but the notion of learning behind it is very similar to lesson-drawing. However, in Meseguer Yebra's approach, governments will converge in their policy choices if they are exposed to the same information. This implies that there is a best solution given a certain state of information. If governments are not perfectly rational and do not collect all available information, divergence may occur.

Problem-solving in Transnational Networks: The emergence of common problem perceptions and solutions within transnational elite networks or epistemic communities constitutes a further mechanism associated with transnational communication. Epistemic communities are defined as networks of policy experts who share common principled beliefs over ends, causal beliefs over means, and common standards of accruing and testing new knowledge (Haas 1992, p. 3). These actors play an important role in issue areas, where political leaders are uncertain about the consequences of different policy options and where interdependencies demand international coordination (Drezner 2001, p. 63).

Convergence in this sense results from the development of shared ideas and beliefs amongst

a relatively coherent and enduring network of elites engaging in regular interaction at the transnational level (Bennett 1991*b*, p. 224). In this context, the existence of common educational and normative backgrounds facilitates the spread of similar practices and policy concepts. Moreover, it is emphasized that international institutions play an important role in forging and promulgating transnational epistemic communities (Simmons & Elkins 2003). In addition to and contrasting with lesson-drawing, the development of common problem-solving activities in transnational elite networks requires the existence of interdependencies, i.e. states must recognize the need for policy coordination (Drezner 2001, p. 63). These factors, however, only indicate potential convergence effects of transnational elite networks. Epistemic communities might contribute to policy convergence, but they are not a sufficient condition (Drezner 2001, p. 63). Rather, the extent to which converging patterns can actually be observed is strongly dependent on the ability of the actors transmitting the consensual transnational knowledge to gain and exercise bureaucratic power at the national level (Haas 1992).

Promotion of Policy Models: A fourth convergence mechanism, which can be linked to transnational communication, refers to the promotion of policy models by individual states or international institutions. In this context, three related patterns can be analytically distinguished. First, convergence can be the result of promotion strategies of individual states, which try to convince other countries to copy their policy models. This pattern of leaders is trying to drag along the laggards. The main reason for this strategy of leader countries is to minimize costs of institutional and economic adjustment to potentially diverging European policy requirements (Heritier et al. 1996, Andersen & Liefferink 1997). Laggard countries, by contrast may be overtaken by international pressure for action, risking rapid and potentially disruptive policy changes.

Second, the promotion of policy models is not confined to unilateral action of individual

countries, but is also pursued by international institutions. As emphasized by Kern (2000), international institutions play an important role in accelerating and facilitating cross-national policy transfer (Kern et al. 2000, p. 144). They constitute important channels for multilateral communication and policy diffusion. Kern shows that - compared to policy exchange resting on bilateral and horizontal communication between countries - policy models spread much broader and faster, if these countries are members of the same international institution. However, international institutions offer not only an infrastructure for improved communication between their members. They might also play a more active role, promoting the spread of distinctive policy approaches they consider particularly promising. A third convergence pattern, which is analytically distinct from the proposition of innovative policy concepts, refers to "learning through performance comparisons" (Tews 2002, p. 174). Cross-national policy transfer is stimulated by international agreements on broad goals and standards that national policies should aim to achieve, institutionalized peer review, identification of best practice (benchmarking), and the construction of league tables ranking national policies in terms of performance to previously agreed criteria (Humphreys 2002, p. 54). International institutions, such as the EU, the OECD or the World Bank, and also NGOs and transnational interest organizations (Keck & Sikkink 1999) play a highly active role in this process. In constantly searching for new policy ideas, disseminating best practice, and evaluating domestic policy performance they function as mediators of cross-national policy transfer, forcing national governments to adopt successful policy models (Kern et al. 2000, p. 10). In relation to the diffusion of gender policy reforms various authors have pointed out the importance of this mechanism (True & Mintrom 2001, Chan-Tiberghien 2004).

Political Pressure:

Policy Convergence can also be created through a mechanism whereby one or many countries are forced to adopt a certain policy by a powerful external political actor. Again, this

mechanism is described in the literature under many names. For DiMaggio and Powell “coercive isomorphism results from both formal and informal pressures exerted on organizations by other organizations upon which they are dependent” (DiMaggio & W. Powell 1991, p. 67). Coercive isomorphism can take the form of force, persuasion, or invitations to join in collusion. What is crucial here is the element of dependence. A special kind of coercive isomorphism is resource dependence. Dependent organizations are likely to adopt patterns of behavior sanctioned by organizations that control critical resources (Guler et al. 2002, p. 212). Resources are used as an incentive or penalty. Similar to DiMaggio and Powell (1991), Guler, Guillén and Macpherson refer to organizations within the state rather than to states. Nevertheless, their definition of coercive isomorphism, as “homogeneity pressures stemming from political influence”, is closely related to our understanding of convergence through political pressure (Guler et al. 2002, p. 212).

Resource dependence also plays a role in the definition of *imposition* of policies by Meseguer Yebra (2003). Meseguer Yebra deals with stabilization policies and adjustments of economies, which many governments have introduced under the pressure of international financial institutions. “The mechanism of imposition is epitomized by conditionality. The latter implies exchanging policies for loans” (Yebra 2003, p. 20). A quantitative empirical analysis leads Meseguer Yebra to the conclusion that governments in fact switched to liberal trade regimes, as they felt pressure from international financial institutions.

Dolowitz and Marsh treat convergence through political pressure under the heading of “direct coercive transfer” (Dolowitz & Marsh 1996, p. 347). Two mechanisms are included which they call “direct imposition” and “conditionality” (Dolowitz & Marsh 2000, p. 9). They speak of direct imposition when one government forces another to adopt a policy. While direct imposition of policies on one country by another is rare, supranational institutions often play an important role in coercive policy transfer. They use the example of the spread of

Western monetary policies to Third World countries. This spread was driven by conditionality, which accompanied loans given by the World Bank or the International Monetary Fund. In these cases Dolowitz and Marsh (2000) speak of conditionality.

According to Bennett *convergence by penetration* arises when states are forced to conform to actions taken elsewhere by external actors (Bennett 1991*b*, p. 227). His main example concerns multi-national businesses who exert pressure on governments to harmonize policies concerning products (Bennett 1991*b*, p. 228). Another example concerns voluntary international agreements, for instance at the level of the OECD and the Council of Europe (Bennett 1991*b*, p. 228). Both examples fall under the mechanism of promotion of policy models by transnational communication rather than reflecting convergence through conditionality.

Tews identifies two conditions for forced policy transfer (Tews 2002, p. 5): first, the relations of the political units involved are characterized by structural asymmetry of power. Second, the new policy has been pushed through against the will of the legitimized politicians in the political unit forced to adopt the policy. The second condition seems to be overly restrictive. A policy imposed on a country by an international institution may be not on the top of the preference list of the national government, but it may nevertheless not be against its will; sometimes the imposition may even help a government to introduce a policy not favored by its citizens.

Convergence emerging from political pressure occurs whenever an external political actor forces a government to adopt a certain policy. This presupposes asymmetry of power. Often, there is an exchange of economic resources for the adoption of the policy. There are two typical cases, namely the unilateral imposition of a policy on a country by another country, and the imposition by an international institution (Knill 2003, p. 10). The first case might, for example, occur after a war. This situation is very rare and does not lead to far-reaching convergence as it will seldom involve many countries. The second case is more prevalent and

involves usually a greater number of countries. Moreover, the policies, which form the content of the conditionality, are usually already applied in wider parts of the international community (Knill 2003, p. 10). In terms of the diffusion of gender policies in Latin America, existing studies do not find empirical evidence for this mechanism. Overall, from an international perspective, Latin American countries have been early in adopting the gender policy reforms under study. They adopted the respective reforms at a point in time in which wider parts of the international community had not already done so. Thus, this mechanism will not be considered further on this research.

International Socialization

A further mechanism of cross-national policy convergence refers to obligations emerging from international laws, norms, and treaties. Contributors of the English school of international relations and institutionalists have suggested that state-interests in the era of globalization are becoming significantly shaped by global laws, norms, and institutions, which influence actors at the national level. It has been argued that states' interests are formed by an international society or world system (True & Mintrom 2001, Meyer et al. 1997, Berkovitch 1999). Through their participation in international organization states are assumed to be socialized in norms that prescribe a certain form of appropriate behavior (Finnemore 1996, Finnemore & Sikkink 1998). Increasingly it has been argued that states become embedded in a regime of global norms that shape their domestic conduct, thus, limiting their sovereignty (Checkel 1999, Florini 1996).

This form of policy convergence has been labeled *sozialization* (Dolowitz & Marsh 2000, p. 15) as *convergence through harmonization* (Bennett 1991b, p. 225) in the literature. Today, there is not a single issue-area in international affairs, that is not regulated by at least some international regulations and norms (Risse 2004, p. 1). Normative standards on environmental issues and human rights (gender and social rights) concerning the nation-state level also take

centre-stage in this process. With globalization, states are collectively creating an alternate edifice of international norms and regulations through international bodies (Risse 2004, p. 1). Those norms are embodied in treaties, declarations and recommendations of International Organizations (True & Mintrom 2001, p. 40).

This mechanism of convergence is generally traced to the existence of interdependencies or externalities, which push governments to resolve common problems through cooperation within international institutions, hence sacrificing some independence for the good of the community (Drezner 2001, p. 60). Once established, institutional arrangements will constrain and shape the domestic policy choices, even as they are constantly challenged and reformed by their member states. This way international institutions are not only the object of state choice, but are at the same time consequential for subsequent governmental activities (Martin & Simmons 1998, p. 753). From this perspective international institutions might drive cross-national policy convergence, primarily through treaties emerging from international cooperation rather than increased communication within transnational networks. However, member states voluntarily engage in international cooperation and actively influence corresponding decisions and arrangements. That is why the impact of international legal obligations on national policies does not constitute an hierarchical process, but can rather be interpreted as *negotiated transfer* (Dolowitz & Marsh 2000, p. 15).

Several studies have emphasized the strong institutionalized forces for harmonization at the community level, superseding national tendencies for divergence (Hurwitz 1983, Brickman et al. 1985). Klotz looks for transmission dynamics that link norm and policy choice (Klotz 1995, p. 27-28). According to Klotz, discourse and institutions are a guide to the motivational dimension of norms, linking identity and interests, on the one hand, and policy and behavior, on the other. Through international and domestic decision-making processes various avenues exist for norms, which are embodied in individuals' beliefs or embedded in social discourse,

to influence the determination of national interests and political goals. Among these transmission alternatives are multilateral institutional memberships, bilateral persuasion or learning, elite changes, domestic coalition building, and more dramatic domestic social transformation (Klotz 1995, p. 27-28). These international and domestic policy-making institutions may remain insulated from new norms. Hence, variation across decision-making institutions must be investigated individually. The redefinition of interests is not always the result of external threats or demands from domestic groups. Rather they are shaped by internationally shared norms and values that structure and give meaning to international political life. International Organizations, in the sense of sociological institutionalism, are the articulation of values and norms (Schimmelpfennig 2000*b*, p. 460). They are instances of international socialization in that they pronounce and define rules and definitions for appropriate conduct of their members. A state's intention to belong to the international community, which is constituted by norms and identities, can therefore motivate emulation of behavior and the adoption of norms (Strange & Meyer 1993). Taking this perspective, diffusion of policies could be considered a process of international socialization, expressed in the domestic internalization of global norms via the incorporation in the national legislation.

In this vein of research, one group of scholars argues that legal commitment is the underlying causal mechanism that binds states to global standards. They hold that by ratifying treaties, states voluntarily commit to the content and rules laid out by these treaties, and develop rule-conforming behavior as a result (Chayes & Chayes 1995, Franck 1995). According to this point of view, "what drives the adherence to treaty provisions is the act of commitment itself and the norms of legislation that are called into play" (Cherif 2005, p. 12). However, there is a growing body of research that shows that in some cases states may ratify a certain treaty without any intention of meeting normative standards set out in the same (Cherif 2005, p. 12). So ratifying a treaty does not necessarily mean that states will change their policies accordingly.

In contrast to legalization theories that stress the importance of legislative commitment, constructivist theories emphasize the importance of decentralized societal actors, such as non-governmental organization and international institutions as important factors in the promotion, internalization and enforcement of global normative standards (Risse et al. 1999, Keck & Sikkink 1999). International treaties serve in this process as a mechanism for articulating and promoting international norms. Societal actors can refer to international norms that are captured in international treaties as well as set out in international conferences and their outputs (declarations, recommendations etc.), in order to legitimize their claims (Cherif 2005, p. 14).

Gender equality has become a central subject to international norm-setting processes and part of the requirements for legitimate statehood. The 1990s have witnessed the advent of a wide range of international resolutions, declarations and treaties that incorporate norms regulating state behavior with respect to women's rights issues. Here it is argued that the development of those global norms is interlinked to the spread of gender equality policies in Latin-America.

Economic Pressure

Finally, international economic integration may lead to policy convergence through the mechanism of regulatory competition. With the increasing integration of global markets and the abolition of national trade barriers, the international mobility of goods, workers and capital puts pressure on the nation states to redesign domestic market regulations in order to avoid regulatory burdens restricting the competitiveness of domestic industries (Goodman & Pauly 1993, Keohane & Nye 2002). The pressure arises from (potential) threats to shift their activities elsewhere, inducing governments to lower their regulatory standards. In this way, regulatory competition among governments may lead to a race to the bottom in policy, implying policy convergence (Hoberg 2001, p. 127). This theory was outlined in chapter 2.

Regulatory competition as a source of policy convergence has often been neglected by the literature on policy transfer and diffusion. The concept is based on economic theories of systems competition or regulatory competition (Oates & Schwab 1988, VanLong & Siebert 1991, Sinn 1993, 1997). While the economic literature focuses on normative questions, such as the effect of systems competition on efficiency or democracy (Vanberg 2000), political science literature has concentrated on the question of whether regulatory competition actually works, and whether it induces races to the top or bottom. The empirical literature generally finds “lack of empirical support” for the hypothesis that regulatory competition necessarily leads to convergence at the bottom” (Drezner 2001, p. 75). There is evidence for both races to the top or to the bottom (Vogel 1995, Kern et al. 2000). Theoretical work suggests that there are a number of conditions, which may drive policy in both directions²⁸. These factors include, for example, the presence of economic competition in a field, the type of policy concerned, the relative market shares of the countries involved in competition, or the presence of other interests than business in national politics (Knill 2003, p. 12).

There is no empirical evidence for this mechanism of convergence in the literature on gender equality policies. This might have to do with the fact that gender rights can not be regarded as regulations and are not interlinked with economic pressures. Hence, I will exclude this mechanism from the analysis.

Having reviewed literature on policy convergence in order to identify potential mechanisms that led to the convergence of gender policy reforms in Latin America in the 1990s, I found that there are three sets of mechanisms that could be relevant.

(1) parallel domestic pressures

(2) transnational communications

²⁸See:(Vogel 1995); (Scharpf 1996); (Scharpf 1997); (Kern et al. 2000); (Drezner 2001)

(3) international socialization

Political and economic pressures have been excluded as possible causal accounts. I further expect that a combination of these mechanism might have triggered the convergence of gender policy reforms in Latin America in the 1990s. There is some evidence for this in the literature. Botcheva and Martin (2001), for instance, suggested that the effect of international norms on domestic policies is catalyzed by national level factors (Botcheva & Martin 2001, p. 13). They hold that the existence of domestic pressure groups which use international norms to pressurize their governments determine the effect of international norms. In countries with strong domestic pressure groups norms are more likely to be adopted in national policy-making.

3.7 Conclusion

Typically studies dealing with policy convergence can be divided into policy diffusion and transfer studies. Policy diffusion studies are concerned with the process of diffusion across different units of analysis, the velocity and intensity of this process, the characteristics of adopter countries. Typically diffusion studies are based on large N cases and rely on quantitative methods. An advantage of the conception of policy diffusion is its openness, which allows it to link with other concepts, both within and beyond policy analysis, for example with policy transfer and implementation, international norms, globalization and policy networks (see Freeman & Tester 1996, p. 19).

Using the concept of policy diffusion makes it possible to move beyond the actual decision-making process by adding the origin of the policy. In other words it connects international policy making with national policy making. However, such models do not look at the policy content, at its characteristics, nor at its implementation. In diffusion studies we can see which

factors contributed to the diffusion of policies, but it does not examine the exact dynamics interactions behind each adoption. The interest of the thesis also lies in the dynamic behind policy diffusion, its effects, and its relationship to policy implementation. This aspect has been neglected by diffusion studies as they only focus on the process of diffusion itself, but it is central to policy transfer studies.

In contrast to the policy diffusion literature, which focuses on patterns how political innovations spread, the central issues in policy transfer studies are agents of transfer and individual cases of policy processes from a micro-perspective. These studies are usually based on small N case studies and employ qualitative methods. The policy transfer literature focuses on how nations import and translate policies from outside. It helps to look beyond policy diffusion and adoption. In contrast to policy diffusion studies, they focus on the actors of transfer and examine how policies are implemented. The main criticism of policy transfer studies is a lack of generalization. As opposed to diffusion studies, it is very hard to determine as to what extent a given policy may transfer elsewhere. Policy diffusion and policy transfer models have long been treated as separate, and only recently the need for the integration of those two approaches has been acknowledged (Bekkers 2004, Newmark 2002).

The thesis integrates the two perspectives using a combined approach. Policy convergence can be based on parallel domestic pressures, which have the same effect on different countries. All other theoretical accounts related to policy convergence refer to international level factors. There are a number of theories holding transnational communication related processes responsible for cross-country policy convergence. Examples include epistemic communities, which communicate policy innovations across national borders as well as states learning from the experiences of other states, and states emulating each other. Another international level mechanism is international socialization, which socializes states into adopting international norms

Very generally speaking policy convergence theories can be broadly grouped into two major categories, one focusing on domestic level forces and another focusing on international influences. So called internal determinant approaches are concerned with national structures and actors that are expected to raise the likelihood of adoption of a policy innovation. Another perspective focuses on international level explanations and is concerned with international level factors that interlink domestic policy making with the international community. There is a middle-range approach which posits that policy change is a result of both, national and international level factors. Berry and Berry (1990) suggest that “a critical conceptual weakness in state innovation/ diffusion of policy is the segregation of those two types of explanations. Internal determinant models typically specify no role for international influences...while regional diffusion models generally assume that internal characteristics have no effect” (Berry & Berry 1990, p. 396). The following chapter will review potential national and international level forces in more detail. All factors reviewed fall into the three broad categories, parallel domestic pressures, international communication, and international socialization.

4 The Domestic and International Context of the Diffusion of Gender Equality Policies in Latin America

4.1 Introduction

The region of Latin America encompasses 20 culturally defined sovereign states, which have a dominant culture derived from Spain, Portugal, France, Britain and the Netherlands.¹ Latin America encompasses 8 million square miles, which is about one-fifth of the world's total area, and more than 518 million people (Crocker 2005, p. 172). By the mid 1970s, it appeared that there was no clear trend toward democracy in Latin America. Most countries in the region were under military or dictatorial rule, or under civilian regimes, that placed severe limits on political competition. Countries such as Costa Rica, where stable and competitive democratic regimes could be found, were highly exceptional. A general process of democratization, the so-called third wave, took off in late the 1970s, and by the mid 1990s most of Latin America

¹The thesis employs a “most similar” research design, and analyzes the diffusion of gender rights in Latin America focusing on the Spanish and Portuguese speaking countries, as these countries can be considered politically, culturally and religiously as one area. The former Dutch, British and French colonies are not considered. The analysis also excludes Cuba, as it is not comparable due to its political system.

was under democratic or partial democratic rule (Cammack 1996, p. 1152). The 1980s and early 1990s were a period of change for most of Latin America. Democratization opened the door to policy reforms and institutional restructuring on a state level.

Since the 1990s, Latin America has under-gone significant political changes associated with a process of democratization. During this period the region has also seen major changes in government policies relating to women's rights. This chapter focuses on three types of policy: legislation outlawing violence against women, the introduction of legislative gender quotas, and the introduction of national women's agencies. These policies have been selected for analysis because they have been adopted by all Latin American states, and also because they have been formalized as international norms. These three policy areas have been prominent in international policy discourses since the early 1990s, and respective international norms were emerging at the time the first state adopted the policy reform. An international norm regarding the issue of violence against women emerged between 1992 and 1994, a global norm regarding gender balance in political decision making developed between 1991 and 1993, and one regarding national women's agencies emerged in the late 1980s, early 1990s (see section 4.6.1). Other essential women's rights policy areas can also be considered, such as policies on reproductive rights and employment equality. The issue of reproductive rights, although it is an area of ongoing concern for women's activism, has not found its way into the legislation of Latin American states, nor has it been the subject of international norm generation. Employment equality legislation belongs to an earlier period of norm generation, and was not considered relevant to an exploration of the relationship between international norms and the enactment of domestic policy. This chapter therefore looks at the timing of the adoption of national domestic violence laws, candidate gender quotas, and national women's agencies. It will also examine the content of the respective policy in each country. The chapter draws on an analysis of primary sources, such as primary texts of respective laws, policies and treaties, as well as on existing literature dealing with these gender equality reforms.

The chapter also seeks to identify key factors that potentially led to the diffusion of gender policies in Latin America in the 1990s. To do so, it again builds on literature dealing with the adoption of gender quotas, domestic violence laws, national women's agencies and other pro-woman policies, as well as on the analysis of primary and secondary sources, such as the original text of treaties and reports by international organizations. The general mechanisms of convergence outlined in chapter 3- namely parallel domestic pressures, international socialization and international communication- are used and further operationalized based on the literature dealing with gender policy reforms in Latin America. Which causal factors leading to policy diffusion, discussed in the literature, explain the spread of gender equality policies in a Latin American context, most accurately? The chapter introduces and operationalizes factors that potentially account for policy adoption.

4.2 The Introduction of Domestic Violence Laws

In Latin America, domestic violence against women had long been treated as a matter of the private sphere. The 1990s, however, witnessed the region-wide adoption of new laws concerning violence against women. The majority of Latin American countries outlawed domestic violence, and some also took action against rape and sexual harassment. Violence against women is defined in Article 1 of the "Declaration on the Elimination of All Forms of Violence against Women" as:

"Any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life"².

²UN Declaration on the Elimination of Violence against Women, General Assembly Resolution, December 1993.

This definition connects violence with gender inequity, as it assumes that women suffer because of their subordinate social status in relation to men (Velzeboer 2003, p. 4). “Violence against women is a manifestation of historical unequal power relations between men and women, which have led to the discrimination against women by men and the prevention of the full advancement of women”³. The difference between this kind of violence and other forms of aggression and coercion is that the risk or vulnerability factor is simply being female. Thus, laws dealing with violence against women can be regarded as gender equality laws. The topic of violence against women includes, generally speaking, aggression and rape, sexual harassment at work, abuse of women belonging to ethnic minorities, trafficking of women, prostitution, pornography, violence in the media, and physical, sexual, and psychological abuse in the home by partners or spouses (Larraín 1999, p. 104). Latin American legislation in the 1990s focused on this last type of violence, which has also been labelled domestic violence.

Before the passage of special laws on domestic violence, most Latin American countries shared a similar approach to dealing with such violence. In criminal law, domestic violence was generally classified as physical injury, whether minor, intermediate or serious. Threats were classified as misdemeanor offenses. In civil law, physical or verbal abuse became grounds for divorce or separation (Larraín 1999, p. 105). Research on domestic violence and public awareness-raising around the issue started in Latin America only in the 1980s, one decade later than in Europe and North America. Early studies on domestic violence in Latin America were primarily conducted by NGOs. These studies were descriptive; based on qualitative methods, such as in-depth interviews, life histories and content analysis. They dealt with the nature and background of the problem with no reference to prevalence and extent. Prevalence studies using representative samples were conducted as of the 1990s (Larraín 1999, p. 110). They helped to further draw public attention to violence against women as

³UN Declaration on the Elimination of Violence against Women, General Assembly Resolution December 1993.

an omnipresent problem. These studies were a relevant contribution to the establishment of national public policies on domestic violence in the region.

In order to maintain a manageable scope, the thesis focuses on the introduction of national laws regarding domestic violence, as opposed to the examination of other state policy measures- such as the establishment of national telephone help-lines for victims of domestic violence, the introduction of women’s police-stations, or state level prevention and education programs, because legislation represents the strongest, most binding type of state policy reform. Furthermore, it is easier to compare such legislation in terms of content as well as across countries.

Peru, as regional leader, outlawed domestic violence as early as 1993; and it was followed by Argentina and Chile in 1994. Brazil, Panama, Ecuador, Uruguay, Bolivia, Columbia, Costa Rica, Mexico, Nicaragua, Venezuela and Paraguay adopted similar laws in cluster between 1995 and 2000 (see table 4.2) ⁴. These laws established procedures for reporting and prosecuting cases of domestic violence, precautionary measures, and, in some cases, stipulated activities to support work on assistance, prevention, rehabilitation of aggressors and conciliation or mediation. The primary focus of implementation has been identification of cases, crisis intervention, conciliation, referrals and justice-administration services. ⁵.

Table 4.1: **The Diffusion of National Violence Laws**

| Country | Name of Law | Year |
|------------------|---|-------------|
| Argentina | Law 24.417, Protection against Family Violence (Protección contra la Violencia Familiar (extended by Law 25.087 modifying the Penal Code in 1999) | 1994 |

⁴Almeras et al. (2002) p. 18

⁵Examples of this include the provision of a free lawyer in El Salvador, free medical tests in Peru, and psychological and medical tests in Chile and Costa Rica.

| | | |
|--------------------|--|------|
| Bolivia | Law 1674, Law against Domestic and Family Violence (Contra la Violencia en la Familia o Doméstica (extended by Law 1678 modifying the Penal Code concerning sexual offenses in 1997) | 1995 |
| Brazil | Legislative Decree 107 converting into law the Convention of Belm do Par/ Law on the special criminal courts, Law no. 9.099/95 | 1995 |
| Chile | Act No. 19.325, Establishing Standard Procedures and Penalties for Acts of Violence within the Family /extended by Law No. 19617 concerning Sexual Crimes 1999) | 1994 |
| Colombia | Law 294, to Prevent, Punish and Eradicate Domestic Violence (extended by Law 360 on Offenses against Sexual Liberty and Human Dignity in 1997 and by Law 575, which modifies parts of Law 294 in 2000) | 1996 |
| Costa Rica | Act 7586 Against Domestic Violence (Ley contra la Violencia Domestica) | 1996 |
| Dom. Rep. | Law against Domestic Violence, Law 24-97 | 1997 |
| El Salvador | Law 902 against Family Violence | 1996 |
| Ecuador | Law against Violence toward Women and the Family | 1995 |
| Guatemala | Law 97-96 to Prevent, Punish and Eradicate Family Violence | 1996 |
| Honduras | Law for the Prevention, Punishment and Eradication of Violence against Women-Decree No. 132-97 | 1997 |

| | | |
|------------------|---|------|
| Mexico | Law on Prevention of Family Violence and Provision of Related Assistance (extended by Decree to reform the Civil Code and Penal code in reference to Family Violence and Rape; laws on domestic violence have been adopted in eight States in 1997) | 1996 |
| Nicaragua | Law containing amendments and additions to the Penal Code/ Law on the Creation of the Special Police Office for Women and Children as expressed in the National Police Law/ Law 230 establishing protection for women who are victims of domestic violence | 1996 |
| Panama | Law 27 on Domestic Violence Offenses and Mistreatment of Minors (extended by Law 4, Equal Opportunities for Women, in 1999) | 1995 |
| Paraguay | Law 1600/00 against Domestic Violence | 2000 |
| Peru | Law 26260, establishing state policy on Domestic Violence (extended by Law 26770 reforming the Penal Code, establishing that marriage does not vitiate grounds for prosecution of crimes against sexual freedom and Law 26763 guaranteeing protection for domestic violence victims in 1997; by Law 27115 which establishes Public Penal Action for Offenses against Sexual Liberty in 1999 and by Law, which modifies Act 26260 in 2000) | 1993 |

| | | |
|------------------|---|------|
| Uruguay | Act No. 16707, Law on the Safety of Citizens, added to the Criminal Code Art. 321 defining domestic violence as a crime and stipulating punishment | 1995 |
| Venezuela | Law on Violence against Women and the Family Law 4635 concerning equal opportunities for women, specifically, Chapter 5 concerning rights in case of violence and abuse | 1998 |

In 1993, a law against domestic violence, Law 26260, was enacted in Peru, setting out the state's policy regarding this issue. The law was intended to ensure effective access to protection and justice for victims of domestic violence. In 1997, the law was strengthened by Law 26770, reforming the Penal Code and establishing that marriage does not vitiate grounds for prosecution of crimes against sexual freedom. It was further extended by Act 26763, guaranteeing protection for domestic violence victims. In 1999, it was further extended by Law 27115, which establishes public penal action for offenses against sexual liberty; and by Act 27306, which modifies Law 26260, in 2000 (Estremadoyro 2001, p. 4).

In 1994, Argentina outlawed violence within the family unit. The Argentinean legislature passed the family violence law, Law 24.417, in December that year, criminalizing physical or emotional abuse against spouses, children or live-in companions (Buvinic et al. 1999, p. 10). Those found guilty face a sentence of one month to one year of prison, or exclusion from the victim's home, workplace or school for a precautionary 48 hours. Additionally, dependents of a convicted abuser are eligible for financial support and counseling. Charges can be submitted orally or in writing. A hearing takes place within 48 hours at the Public Ministry, whereby all parties have to be present. In 1999, Law 25.087 was passed, modifying the Penal Code with respect to crimes against honesty or sexual integrity, extending the legislation regarding

violence against women by protecting women against sexual crimes (Buvinic et al. 1999, p. 10).

In Chile, legislation combating violence against women was introduced in the mid 1990s. A law against violence against women, Law 19.32, was implemented in 1994. It established norms of procedures and sanctions for acts of family violence. This law tackles any abuse that affects the physical or psychological health of any relative, spouse or cohabitant of the aggressor (Larraín 1999, p. 123). Anyone who carries out such actions, even if not living with the family group, will face punishment according to Article 4 of this law ⁶.

In Brazil, the struggle against domestic violence took a major step forward in 1985 with the creation of a special police unit designed to deal with cases of domestic abuse. In November 1985, the State of Rio de Janeiro created an agency within the civil police, where women could bring forward cases of physical violation and receive appropriate help (Buvinic et al. 1999, p. 13). The importance of these units is confirmed by data about their use. In Rio de Janeiro between 1991 and 1996 alone, for instance, 43,929 cases of abuse were reported to the five units then in existence. These cases accounted for 42 percent of all reported instances of physical aggression against women in Rio (104,182 cases) at this time (Buvinic et al. 1999, p. 13). In 1995, the state took legal action regarding the issue. Legislative Decree 107 converted into law the *Convention of Belém do Pará*⁷. A law on special criminal courts for violence against women, Law 9.099/95, was also introduced. Panama enacted national legislation tackling violence against women also in 1995, by adopting Law 27 on *Domestic Violence Offenses and Mistreatment of Minors*. This law was extended by Law 4, *Equal Opportunities for Women* in 1999.

⁶Sanctions include: Required attendance at counseling or family orientation programs for no more than six months; fine to the benefit of the community for the equivalent of one or 10 days of daily income; imprisonment at any level. The law also provides for the establishment of a special register, showing the action and punishment, of persons who have been convicted of family violence (Larraín 1999, p. 123).

⁷The Convention of Belém do Pará is the most important regional treaty regarding violence against women. See section 4.3.

Ecuador outlawed domestic violence in 1995. The National Office for Women and the Commission for Women, Children and the Family of the National Congress were fundamental in the formulation and passage of the relevant law. That law provides for protection of the physical and psychological integrity and sexual freedom of women, by means of preventing and penalizing intra-familial violence (Mehorta 2002, p. 16). The law takes into account the prevention of violence, rehabilitation of victims and reeducation of victimizers; and it also provides for the establishment of support services, such as shelter and counseling. In terms of sanctions, it provides for up to seven days of prison and compensation payment for damages (Mehorta 2002, p. 16). In terms of reporting arrangements, family judges, women or family police, service corps, national commissars and political lieutenants are identified as competent authorities to report domestic violence cases. They can receive information from the victim and from others who choose to report a case within 48 hours of becoming aware of it. Also, the competent authority has 48 hours to formalize the report for investigation purposes (Mehorta 2002, p. 16).

In Bolivia, the Congress approved a law against domestic and family violence in December 1995. Law 1674, the "Law Against Family or Domestic Violence", tackles violence in any formal or informal relationship⁸. The law grants jurisdiction to family judges in cases involving domestic violence. Among the protective measures that the judge can establish in favour of victims of domestic violence are: (1) prohibition or temporary restriction of the accused from entering the conjugal home, (2) an order restoring the victim to the home that he or she left due to violence, (3) authorization for the victim to leave the home and immediate restoration of his or her personal effects, (4) an inventory of the personal property and real estate that are community property, and (5) an order barring the accused from going to the victim's

⁸It establishes the following procedure: After a formal complaint has been submitted, in writing or orally, to the judicial authority, a hearing is scheduled within 24 hours. At the hearing, where all parties have to present their evidence, the judge may order precautionary measures and must issue a sentence, which can be appealed afterward. Sanctions include compensation for the victims for any injury, arrest of the perpetrator and community service (Larraín 1999, p. 126)

workplace (Velzeboer 2003, p. 12).

Uruguay enacted national legislation addressing domestic violence in 1995. In Columbia, domestic violence was outlawed in 1996. In addition to providing measures for a victim's and the family's protection and assistance, it establishes sanctions of one to two years of prison for intra-familial acts of violence (Larraín 1999, p. 123). In 1997, this law was extended by Law 360 on "*Offenses against Sexual Liberty and Human Dignity*", and in 2000 it was amended by Law 575, which modifies parts of Law 294. Also in 1996, El Salvador took action against violence against women by enacting Law 902 against Family Violence.

In Costa Rica, there was no legal measure explicitly dealing with violence against women until the 1990s. The only legal provision that could potentially serve as a protection against this form of violence was a section in the penal code setting out penalties for "injuries and disabilities inflicted by one person on another" (Villanueva 1999, p. 153). This legal provision did not prove itself to be very effective. In this period up to the 1990s: "attempts by women to seek protection from an abusive partner were frustrating. Often the police were reluctant to intervene because family conflicts were traditionally considered to be private affairs to be settled without outside intervention. In the unlikely event that a man was prosecuted and convicted for assaulting their partner, the fine imposed was usually small or the prison sentence generally short and suspended" (Villanueva 1999, p. 153).

In 1990, violence against women was mentioned for the first time explicitly in Costa Rica's legislature. That year, the Law to Promote the Social Equality of Women was introduced. Part of the law dealt with the issue of violence against women. Finally, the Costa Rican government introduced a law against domestic violence on 25 March 1996. Under this law, any kind of physical, psychological or sexual violence against a relative or partner can be avenged as follows: "The abuser may be ordered out of the common household and prohibited access to the household and to the victim's workplace. He may be prohibited temporarily from caring

for, raising and educating his minor children...He may be ordered to pay for the family's food, for the victim's medical care, and for any property damage that might have resulted from the incident" (Villanueva 1999, p. 154-155) ⁹.

In Mexico, national legislation regarding the issues of domestic violence was adopted in 1996 with the introduction of the Law of Assistance and Prevention of Family Violence of April 26. The law establishes that the objective is to eradicate violence among family members related through kinship or civil bonds of marriage, concubinage or common-law unions (Larraín 1999, p. 124). In Nicaragua, a national law combating violence against women was adopted in 1996. Law No. 230 modifies the Penal Code (October 9, 1996). It outlaws "acts of physical or psychological aggression committed against members of the family, considering these to be the spouse or companion in a stable union with children, the woman or man in his capacity as father or mother, alone or living together with the sons and daughters, and collateral relatives to the third degree of kinship or affinity" ¹⁰. Jurisdiction-wise it falls to the judge of the Criminal Court to adjudicate on this law. In terms of sanctions, no alternatives are presented to those of the criminal system.

In 1997, the Dominican Republic introduced a law against domestic violence, Law 24-97, framing domestic violence, sexual harassment and incest as crimes. In 1998, Venezuela enacted a national law dealing with violence against women, introducing Law 4635. In 1999, Guatemala also enacted respective national legislation. Paraguay, as the last country in the cluster, adopted legislation only in 2002, by enacting Law 1600/00 against domestic violence.

Overall, the entire region of Latin America has introduced national-level legislation regard-

⁹In addition to the adoption of a relevant law, Costa Rica has also introduced other policies regarding the issue of domestic violence. Sensitivity training programs and workshops focusing on the theory and dynamic of domestic violence for public defenders and social workers have been introduced on a broad scale. Another advance has been the adoption of a national plan for treating and preventing family violence in 1994. The plan is coordinated by the National Center for the Development of Women and the Family. It aims to prevent domestic violence by providing relevant services to victims and offenders (Villanueva 1999, p. 155)

¹⁰Art. 237 of the Penal Code, (Larraín 1999, p. 124).

ing violence against women. Despite some minor variations, most laws contain broadly the same features: defining domestic violence in broadly similar ways; authorizing judicial protection orders, such as prohibiting aggressors from the home; and providing compensation for victims (Hawkins & Humes 2002, p. 236). Looking at the timing of the adoption of national legislation, one can observe that national violence laws spread through Latin America in a cluster. The distribution of adopters of domestic violence laws over time follows a bell-shaped curve (see graph 4.1).

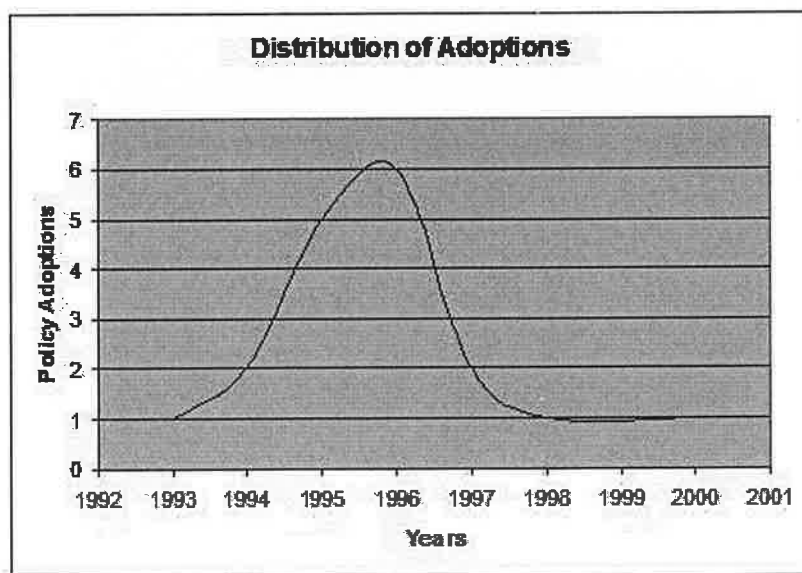


Figure 4.1: Adoption Curve of Domestic Violence Laws

The diffusion of domestic violence laws throughout Latin America followed the patterns of Rogers's "Diffusion of innovation" model (DOI). Rogers found in his research that adopters of any new idea could be grouped into five categories composed of a certain percentage of the overall population: namely innovators (approx. 2.5 percent), early adopters (approx. 13.5 percent), early majority (approx. 34 percent), late majority (approx. 34 percent) and laggards (approx. 16 percent), and following a bell-curve mathematical division. Adopters' willingness and ability to adopt an innovation would depend on their awareness of, their interest in and their evaluation of the innovation, as well as on the degree of adoption of other individuals.

When graphed against time, the rate of adoption underlying Rogers's DOI model describes an "s-shaped curve." The DOI graph essentially shows the cumulative percentage of adopters over time, which is low at the start, more rapid as adoption increases and then levels off until only a small percentage of laggards have not adopted (Rogers 1962).

4.3 The Adoption of Candidate Gender Quotas

In the 1990s, women also made significant gains concerning participation in political decision-making. Political rights for Latin American women took centre stage through the demand for and adoption of candidate gender quotas in national elections. Quotas are legal rules (constitutional/legislative quotas) or internal party regulations (party quotas) that establish a quantitative minimum of women or of either sex among the political parties' candidates for public elections (Dahlerup & Freidenvall 2003, p. 3). Gender quotas can be seen as institutional mechanisms established to provide women with a means to secure their participation in political public posts, where they have been traditionally underrepresented (Crocker 2005, p. 73). This measure is aimed at balancing out the severe under-representation of women at all levels of government, and at forcing their entry to decision-making positions in politics (Peschard 2003, p. 20). Gender quotas are based on the assumption that, even though national legislation and the constitution might include the principle of gender equality and equal opportunities for all citizens, equality between genders has not been achieved in practice (Crocker 2005, p. 47).

In Argentina, for example, Article 19 of the constitution establishes that all citizens are equal before the law. However, women comprised only about 4 percent of the Chamber of Deputies before a quota law was implemented in 1991. Their presence increased to 28 percent after a quota law was introduced (Crocker 2005, p. 47). Gender quotas are mandatory institutional procedures aiming to increase women's political representation effectively. Based

on the introduction of gender quotas, women must represent a given number or a certain proportion of the members of a body of a government or a party list representing candidates for popular elections (Crocker 2005, p. 47). Proponents of gender quotas assert that they comprise a useful measure to close the gender gap. FLACSO's study of the introduction of gender quotas in Latin America proves this point. The study demonstrates that in countries with such legislation, the presence of women in the legislature grew by 9.5 percent between 1995 and 2004, while in countries lacking this mechanism women's parliamentary participation grew by only 2.9 percent (Rios & Villar 2006).

Constitutional/legislative quotas are enshrined in the constitution or established by law, whereas party quotas are voluntarily adopted by political parties in their procedures for selecting internal posts (Peschard 2003, p. 2). Some argue that party quotas are more successful at increasing women's participation in politics, as they are voluntarily adopted by political parties, which is often to their electoral advantage. Others hold that legislative quotas are more effective, because they force all parties to promote female candidates. The present analysis will focus on legislative quotas, since those are a state-level mechanism whereas party quotas are not. All countries in the Latin American region have adopted legislative quotas except for Chile, El Salvador, Guatemala and Uruguay (see Table 4.3). Argentina's legislation even includes a stipulation that no future law can reduce the quota provision enshrined in its 1994 Constitution (Friedmann 2003, p. 7).

Thirteen Latin American countries have adopted national quota laws: namely Argentina, Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Panama, Paraguay, Peru, and Venezuela. In relation to legislative quotas, one must distinguish between indicative versus compulsory quotas. Indicative quotas establish quotas without specifying how they have to be met. Political parties are given a wide margin of freedom in terms of placing women candidates in any place on the list, they can even place them as alternates.

In Brazil, Panama, Peru and the Dominican Republic, the laws do not specify the precise placement of women on the list. Compulsory quotas prescribe how the percentage of female candidates established in the quota law must be allocated in the lists of both principal and alternate candidates, specifying alternation or sequencing.¹¹ Compulsory quota laws might also establish sanctions in the event that the positions are not covered. In Argentina, Bolivia and Paraguay, for example, lists that do not meet the quota are not registered (Alnevall & Ballington 2000).

Argentina was the first country not only in Latin America, but also in the world, to adopt a legislative gender quota for national elections, the “ley de cupos”, in 1991. Between 1996 and 2002, twelve other Latin American countries followed in a cluster-like way, adopting quota laws establishing a minimum level of 20 to 40 percent for women’s participation as candidates in national elections (see table 4.2)¹².

According to Crocker (2005), important legal precedents to the gender quota law adopted in Argentina and to those introduced in the rest of Latin America were the German and Spanish experiences (Crocker 2005, p. 66). However, as opposed to Germany and Spain, Latin American countries adopted legislative quotas at the national level rather than just introducing party quotas.

In Argentina’s political history, gender quotas already played an important role prior to 1991. During the era of the Peronist government in the 1950s, quotas were supported within the Argentinean government by Eva Peron, and they existed in practice in the form of a party quota within the Partido Justicialista (PJ). As a result of that, within the PJ the number of women in congress reached nearly 25 percent in the early 1950s (Waylen 1998, p. 776). In

¹¹For example, at least one of every three candidates must be a woman. The Argentinean quota law, for instance, states that the party list must include a minimum of 30 per cent female candidates in all electoral districts of the Chamber of Deputies, and that these women must be placed in electable positions on the party list and not only in ornamental positions.

¹²Source: IDEA Quota Database-<http://www.quotaproject.org/>-retrived 23 June 07

Table 4.2: The Diffusion of National Legislation on Electoral Gender Quotas

| Country | Legislation | Quota | Year |
|----------------|---|--------------|-------------|
| Argentina | Law 24,012 (Ley de Cupos), Amendment to Constitution (1994) | 30 percent | 1991 |
| Bolivia | Reform and Completion of the Electoral System Act | 30 percent | 1997 |
| Brazil | Law 9.504 (quota of 20 percent with the provision to increase to 30 percent in 2000) | 30 percent | 1997 |
| Chile | none | | |
| Colombia | Law 581 (was later overturned) | 30 percent | 2000 |
| Costa Rica | Law 7653 (quota for parties and Assembly delegations) | 40 percent | 1996 |
| Dom. Rep. | Electoral Law 275/97 | 25 percent | 1997 |
| Ecuador | Labour Protection Act | 20 percent | 1997 |
| El Salvador | none | | |
| Guatemala | none | | |
| Honduras | Ley de Igualdad de Oportunidades | 30 percent | 2000 |
| Mexico | Amendment to the Federal Code on Electoral Procedures and Institutions | 30 percent | 1996 |
| Nicaragua | none | | |
| Panama | Law No. 22 | 30 percent | 1997 |
| Paraguay | Law 834 Electoral Code | 20 percent | 1996 |
| Peru | Law No. 26859 Article 116 of the Constitutional Law on Elections; Law No. 26864 Article 10, subsection 2 of the Municipal Elections Law | 25 percent | 1997 |
| Uruguay | none | | |
| Venezuela | Suffrage and Political Participation Act (quota was later rescinded) | 20 percent | 1997 |

November 1989, two bills pushing for gender quotas were presented to the Senate. The first bill was introduced by Senator Margarita Malharro de Torres, who belonged to the Unión Civica Radical Party (UCR) representing the province of Mendoza. The bill requested that a minimum of 30 percent of legislative candidates for national elections should be comprised of women, and that these women should be placed in winnable positions (Waylen 1998, p. 776).

The other bill was brought forward on 16 November 1989 by the national UCR Deputy for the City of Buenos Aires, Norma Alegrone de Fonte, accompanied by deputies Florentina Gómez Miranda (UCR), Inés Botella (Justicialista), Matilde Fernández de Quaracino (Democracia Popular), Blanca Macedo de Gómez (UCR), and Ruth Monjardín (Federal Party). This bill demanded a gender-neutral quota law, according to which the lists could not include more than 70 percent of persons of the same sex, and required that for every two candidates of the same sex there should be at least one of the other sex, alternating from the first place in the list (Lubertino 2003, p. 3).

In September 1990, the bill introduced by Malharro de Torres was adopted, with only two senators opposing it (Crocker 2005, p. 67). In 1993, the 30 percent quota law was amended as an administrative regulation that required political party lists to include one women candidate for every two men, and to place women in less ambiguous positions (Crocker 2005, p. 68). At a subnational level, similar laws to the 1991 national law were introduced since 1992. By 2000, 22 of the 23 provinces and the federal district had adopted a quota law (Crocker 2005, p. 67). The Argentinian quota law requires that a minimum of 30 percent of women be on a party's list among their candidates for all national elections. This quota provision is compulsory, as women must be placed in eligible positions on the party list, and as it defines "a fixed a minimum number of seats that would have to be accorded to women: at least 1 post when 2-4 were available, at least 2 posts where 5-8 were available, at least 3 when 9-11 were available, at least 4 when 12-14 were available, at least 5 when 15-18 were available, and at

least 6 when 19-20 were available”¹³.

Between 1996 and 1997 the bulk of Latin American countries introduced similar laws. In 2000 two others followed. In 1996 Costa Rica became the second Latin American country to adopt a quota law for national elections. The Costa Rican quota law asks for a 40 percent gender quota. This law establishes a compulsory quota and includes placement guidelines¹⁴.

A quota law was adopted in Mexico in the same year. The Mexican quota law does not allow political parties to nominate more than 70 percent of the same gender. However, the Mexican law does not deal with candidate placement, as it does not prevent political parties placing women as back-up candidates only (Crocker 2005, p. 71).

In 1996 Paraguay adopted a 20 percent quota law, which also establishes a placement mandate of at least one woman in every five places. According to feminists in Paraguay, a network amongst women¹⁵ promoted the adoption of the law (Crocker 2005, p. 70). The quota provision is indicative, as it does not specify placement rules (Crocker 2005, p. 70).

In Bolivia the discussion about the introduction of a gender quota emerged around 1993. According to one of the most important feminists in Bolivia, Maria Loudres Zabala Caneo, the collaboration among the national women’s agency and the Latin American Parliament, led to a bill introducing a gender quota law for national elections (Costa-Benavides 2003, p. 2). This proposal was rejected in 1996 but then finally passed in 1997 (Costa-Benavides 2003, p. 2).

In 1997 Peru passed a quota law asking for a 25 percent candidate gender quota. This quota was expanded to 30 percent in 2001¹⁶. This provision does not contain any rank-order rules.

¹³IDEA Quota Database- <http://www.quotaproject.org/>-retrived 23 June 07

¹⁴IDEA Quota Database- <http://www.quotaproject.org/>-retrived 23 June 07

¹⁵Especially the Red de Mujeres Políticas and the Secretaría de la Mujer de la Presidencia de la República

¹⁶See IDEA Quota DB- <http://www.quotaproject.org/>-retrived 23 June 07

In the same year, the Dominican Republic adopted a similar law. Brazil adopted a quota law for its municipal elections in 1997. The law established a quota of 25 percent. In 1997 the law was amended to include reference to the country's electoral legislation, requiring that every party must nominate at least 25 percent women candidates for national elections.

In 1997 Panama also adopted a 30 percent quota law for national elections. In 2000 the law was extended and the quota provision increased to 33 percent. Rank-order rules and sanctions were also amended ¹⁷. Venezuela adopted a quota law in 1998, which was repealed in 2000 (Crocker 2005, p. 73). It set up a 30 percent quota for both the Chamber of Deputies and the Senate, not specifying where women should be placed on the list ¹⁸.

Honduras introduced a quota law in 2000. It established a 30 percent gender quota for national elections ¹⁹. Colombia also adopted mandatory quota legislation in 2000. The Colombian law establishes a 30 percent quota. However, the wording of the law is very ambiguous. The quota is applicable only for "high level government positions," but which positions exactly are included in the law is not determined (Crocker 2005, p. 73). The law was declared unconstitutional in 2001 ²⁰.

Other Latin American countries, such as Guatemala, Chile and Uruguay, attempted unsuccessfully to adopt mandatory national quota legislation. In Uruguay, for example, a network of female politicians proposed a quota law in the late 1980s, which did not pass. Another bill was brought forward in 1988, stipulating that no more than 75 percent of a party's candidates nominated should be from the same sex. This bill did not succeed either (Crocker 2005, p. 70). In Guatemala, the Guatemalan Women's Civic and Political Alliance and the National Office on Women proposed a quota bill that does not permit more than 44 percent of candidates from

¹⁷IDEA Quota Database- <http://www.quotaproject.org/>-retrived 23 June 07

¹⁸IDEA Quota Database- <http://www.quotaproject.org/>-retrived 23 June 07

¹⁹IDEA Quota Database- <http://www.quotaproject.org/>-retrived 23 June 07

²⁰IDEA Quota Database- <http://www.quotaproject.org/>-retrived 23 June 07

an electoral list to be of the same gender. This proposal was rejected (Crocker 2005, p. 74).

In Chile there have also been efforts by female politicians to introduce quota legislation. Chilean president Michelle Bachelet's current program of government includes a proposed quota law. But the proposal still faces criticisms, which has led the executive branch to consider alternatives, such as promoting a protocol by which political parties would commit themselves to include more female candidates. This will be further discussed in chapter 6²¹. Some Chilean parties, however, have voluntarily introduced party quotas for electoral candidates. The Partido por la Democracia (PPD) has a 20 percent quota for women on party lists since 1988. This regulation was changed recently to state that neither women nor men can have more than 60 percent of all candidatures. The Partido Socialista de Chile (PS) introduced a 20 percent quota; this was raised to 30 percent for the 1997 and 1998 elections. It then changed to a 40-60 percent quota for both sexes, beginning with elections in 1999. The Partido Demócrata Cristiano (PDC) has a 20 percent quota for women. These provisions, however, are only weakly enforced²². Also the Socialist Party of Uruguay (PS) adopted a quota for women in the 1980s²³.

All in all, almost the entire region of Latin America adopted national laws promoting women's political participation in the 1990s. These laws were very similar in terms of content across the region. They all set out quota provisions for national elections. These laws show only minor variations, for instance in terms of quota percentage and rank-order-rules. Countries that have not been successful in introducing candidate gender quotas continue with attempts to push for national quota laws. Argentina adopted a quota law as regional innovation leader in 1994. It was followed by cluster of Latin American countries adopting similar legislation between 1995 and 1997. Two late adopters did so in 2000. As with the diffusion

²¹ For further details see IPS news, at [http://www.peacewomen.org/news/International July06/LatinAm parity in politics.html](http://www.peacewomen.org/news/International%20July06/LatinAm%20parity%20in%20politics.html)- retrieved 23 June 07

²²IDEA Quota Database- <http://www.quotaproject.org/>-retrived 23 June 07

²³IDEA Quota Database- <http://www.quotaproject.org/>-retrived 23 June 07

of domestic violence laws, there was also policy-clustering in terms of the regional spreading of candidate gender quotas. Overall, the distribution of adopters of candidate gender quotas in Latin America describes a bell-shaped curve (see figure 4.2). Similarly to the patterns of the diffusion of domestic violence laws throughout Latin America, the region-wide diffusion of candidate gender quotas followed the patterns of Rogers's "Diffusion of innovation model" (DOI).

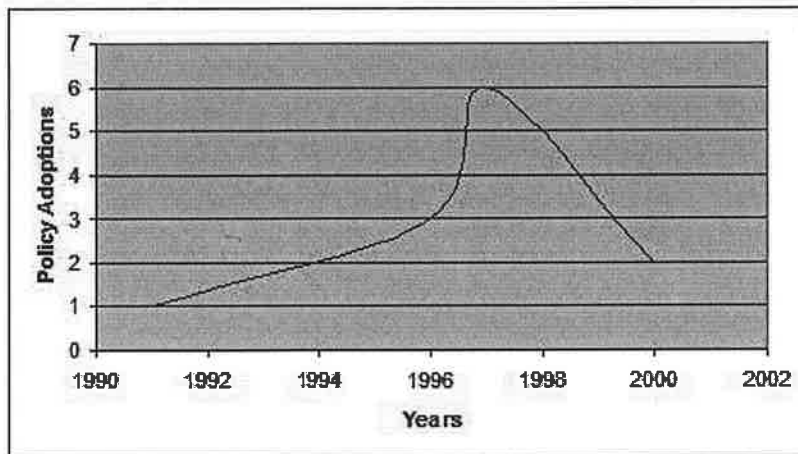


Figure 4.2: Adoption Curve of Candidate Gender Quotas

4.4 The Introduction of Women's State Agencies

Another very significant breakthrough in terms of gender rights in Latin America was the region-wide diffusion of government bodies specializing in the formulation of public policies for the advancement of women- so called women's agencies. The 1990s witnessed the establishment of state-level agencies for women's rights throughout Latin America (see table 4.3). Generally speaking, the creation of these national bodies is linked with the need of states to reform the government machinery in order to develop policies that promote gender balance. Behind this lies the idea of the state as an important agent for the establishment and

maintenance of an equitable gender order (Binstock 1998).

Functions of these national women's agencies include coordinating, monitoring, advising on and implementing public policies regarding gender equality. National women's agencies vary in Latin America in terms of their positioning within the state's organizational hierarchy and in terms of autonomy and decision-making power. The actual set-up and structure of national women's agencies, which varies across regions, determines their effectiveness. In four Latin American countries national women's agencies have the rank of ministry: namely in Costa Rica, the Dominican Republic, Peru and Paraguay (ECLAC 1999a, p. 51). In other countries, the agencies fall under the jurisdiction of other executive ministries, which means they have a lower status and less power among government agencies further up the hierarchy. Although some come under the direct control of the presidency, most report to ministries and sub-ministries (ECLAC 1999a, p. 51).

In most Latin American countries these bodies receive significant support from civil society, but they nonetheless must work with quite small budgets, suffer from institutional fragility and receive scant recognition from sectoral bodies or ministries. Furthermore, they continue to be distanced from economic and political affairs, and are increasingly associated with the sphere of social policy (ECLAC 1999a, p. 51). In many Latin American countries, women's agencies are facing problems with their own development. In most cases they have secured recognition, legitimacy and a mandate that gives them responsibility for policy implementation and coordination. In most of the countries of the region, however, this mandate and recognition have not translated into adequate budgets or sufficient political power. Consequently, virtually all Latin American countries have reported difficulties when attempting to institutionalize equality policies in specific sectors of social policy (ECLAC 1999a, p. 51).

Three Latin American countries- the Dominican Republic, Guatemala and Uruguay- had

Table 4.3: The Diffusion of National State Agencies for Women

| Country | Name of Institution | Year |
|----------------|--|-------------|
| Argentina | National Women's Council (Decree 1426/92 ; modified by Decree 291/95: | 1992 |
| Bolivia | Gender Issues Sub-secretary (Law 1493) | 1993 |
| Brazil | National Council of Women's Rights (Law 7353) | 1995 |
| Chile | National Women's Service (Law 19.023) | 1991 |
| Colombia | National Directorate of Equity for Women (Decree 1182) | 1999 |
| Costa Rica | National Institute for Women (Law 7801) | 1998 |
| Dom- Rep. | Directorate for the Promotion of Women | 1982 |
| Ecuador | National Women's Council (Decree 2722) | 1997 |
| El Salvador | Institute for the Development of Women (Decree 644) | 1997 |
| Guatemala | National Women's Office | 1981 |
| Honduras | Oficina Nacional de la Mujer Honduras | 1994 |
| Mexico | National Commission on Women (CONMUJER) | 1998 |
| Nicaragua | Nicaraguan Women's Institute | 1987 |
| Panama | National Directorate of Women's Affairs, Presidential Decree No. 77 | 1998 |
| Paraguay | Department of Women's Affairs, Law No. 34 | 1992 |
| Peru | Ministry for Women's Affairs and Human Development, Legislative Decree No. 866 | 1996 |
| Uruguay | National Institute for Family and Women's Affairs, Law 16,320 | 1992 |
| Venezuela | Instituto Nacional de la Mujer , Presidential Decree No. 2722 | 1992 |

already adopted a national women's agency in the 1980s (see table 4.3)²⁴. Guatemala introduced a National Office of Women's Affairs in 1981, followed by the Dominican Republic in 1982. Nicaragua established the Nicaraguan Women's Institute in 1987 by Decree No. 2 -93, which was published in the Official Gazette No. 277 of 29 December 1987. It was reformed by a new organic law, enacted in July 1993. "The Nicaraguan Women's Institute" is a decentralized body, which enjoys functional, technical and administrative autonomy, its own legal personality, its own property, and legal capacity in terms of competence. In accordance with Law 290 as from June 1998, it comes under the Ministry of the Family (ECLAC 1999a). The bulk of Latin American countries set-up national women's agencies in the 1990s. Chile did so in 1991 followed by Argentina, Venezuela and Paraguay in 1992. Another group of countries in the region introduced women's agencies between 1994 and 1999.

In Chile, a governmental agency for women was established in 1991 (Law 19.023). The creation of a women's office was one of the central demands that women's rights' activists expressed during the transition to democracy in Chile (Baldez 2001, p. 14). Following the first democratic elections after the Pinochet era in 1989, the ruling post-Pinochet party coalition, the Concertación for Democracy, developed a proposal that emerged from the women's movement to create a governmental agency on women with responsibility for equal-opportunity policy (Marques-Pereira 2006, p. 10). Two months after taking office, in May 1990, President Aylwin conditionally set up a National Women's Service (Servicio Nacional de la Mujer, or SERNAM), with the stipulation that the service had to be approved by congress.

Politicians from the two main right-wing parties- the National Renovation (RN) and the Independent Democratic Union (UDI)- opposed the establishment of SERNAM, condemning it as a "vehicle for feminist propaganda", "an unnecessary aggrandizement of government power" and an "unjust intrusion into the private sphere" (Baldez 2001, p. 14). In light of the

²⁴Source ECLAC 1999

opposition to the proposal, the government as well as the women's movement mobilized for the establishment of SERNAM, finally compromising with the opposition on establishing a women's agency. In 1991, Law 19.023, which established SERNAM with responsibility for formulating and coordinating policies to improve the situation of women, was passed (Baldez 2001, p. 14). The minister of SERNAM is member of the president's cabinet, but SERNAM belongs within the Ministry of Planning and Cooperation (Baldez 2001, p. 14).

SERNAM's immediate focus was to reduce discrimination against women in access to employment, housing, education and credit. Longer-term objectives were aimed at improving the position of women with respect to men. They included dismantling institutionally rooted gender inequalities that hindered equal rights for women, easing the responsibility of females for home and childcare and stopping the sexual division of labour by integrating women into the labour market. The agency is charged with working with the Executive branch on designing, developing and evaluating plans and measures to advance women's status in society, so that they enjoy equality of rights and opportunities with men in social, political, economic and cultural arenas of life (ECLAC (1999)). Its principal activities include the design of public policies for women; the coordination of national policies and actions with other ministries; and the undertaking and promoting of studies that evaluate current conditions of women and families (ibid.).

In Argentina, a national mechanism for the advancement of women was created in 1983, the *Directorate for Women*, which was located in the *Secretariat for Human Development and the Family of the Ministry of Health and Social Welfare*. With a change of administration in 1989 and a mandate for state reform, President Carlos Menem eliminated the *Directorate for Women*. It was replaced by another office, which the women's movement heavily criticized for its lack of initiatives. Feminists working within the Peronist party who wanted a more independent and influential women's agency began to build a program called *State and Woman*

inside the *Secretariat of Public Welfare* (Weathers 2004, p. 92). In 1992, the current National Women's Council (Consejo Nacional de la Mujer, CNM), which reports directly to the Office of the President was set up under Decrees 1426/92 and 718/92, and gained constitutional status in the 1994 Reform (Art. 75, clause 22) (ECLAC 1999).

In Uruguay, a government agency for women, the *National Institute for Family and Women's Affairs*, was established by presidential decree in May 1987. Its powers were amended and expanded by Law 16,116 of 23 October 1991 and Law 16,320 of 1 November 1992, promoting it to a national governing body (ECLAC 1999b). The national women's agency belongs within the Ministry of Culture and Education (Ministerio de Educación y Cultura).

In Paraguay, the Secretary of Women's Affairs (SM) was created in 1992, with the rank of a ministry. The SM is a government agency that came into being after many years of struggle by Paraguayan women from all over the country (Bank 2000, p. 15). Women activists and politicians lobbied for the creation of the SM. On 12 September 1992 the Poder Ejecutivo passed Law No. 34, which created the ministry with a mission to participate in the development and execution of public policies that will eliminate discrimination against women, and to promote equal opportunities that result in the further democratization of Paraguayan society (ECLAC 1999).

In Venezuela, since 1992 the *National Council of Women* (CONAMU), a dependency of the presidency, acts to coordinate and implement programs, projects and campaigns to raise social awareness of the diverse problems affecting women. The council was the first legal entity officially charged to plan for the advancement of women and respective legislative reforms (Rakowski 2003, p. 395). CONAMU is linked to the Ministry of Health and Social Development (ECLAC 1999).

In Bolivia, the *Directorate of Gender and Family Matters* (DGAG) was established in 1993,

as a sub-ministry of the *Vice Ministry of Gender, Generational and Family Matters* (ECLAC (1999)). In Brazil, the *National Council of Women's Rights* (CNDM), was established in 1995 under the Ministry of Justice. In Peru, a women's agency was established during the Alberto Fujimori regime in 1996. The *Ministry for the Promotion of Women and Human Development* (PROMUDEH) was established as the first of its kind in Peru. It was the first cabinet-level portfolio ministry on women in Latin America (Rousseau 2006, p. 124).

In Ecuador, a state agency focusing on women's issues and gender equality was first proposed on paper in 1970. Under pressure from the *Inter-American Women's Commission of the Organization of American States*, the government set-up the National Women's Department as part of what was then the *Ministry of Labour and Social Welfare* (Lind 1992, p. 140). In 1986, this organization became the *National Directorate for Women* (DINAMU). DINAMU was charged with linking the promotion of women and women's rights with the national political agenda. In late 1997, DINAMU was given higher institutional status and renamed the *National Women's Council* (CONAMU). CONAMU is housed within the Ministry of Social Welfare and has the status of an autonomous state women's agency. This change in the status of CONAMU reflected the changing national context in which "women's issues" had entered public discourse, particularly in discussions of women's political representation in electoral politics (Lind, 2003: 189). International and local autonomous women's groups were pushing for institutional reform, and Jaime Roldós was leading the country through a democratic transition. A visible women's movement emerged in Ecuador as women activists in leftist political parties, student and peasant movements and human-rights organizations became increasingly frustrated with their marginalized roles in male-dominated struggles and fought to create their own spaces and as international funding became increasingly available for state-led and NGO-led projects on women (ibid.). The stated mandate of CONAMU is to "mobilize resources and forces to overcome the limitations and obstacles which impede the full and equal participation of women in economic, political, social and cultural life-including participation in decision-

making and positions of power...” (Melzer, 2000: 77). One of CONAMU’S primary stated roles is the coordination of all national government policies, programs and projects to the benefit of women and gender equity, with civil society initiatives. The Directorate of CONAMU is composed of one representative from the office of the president, three representatives from other state ministries or departments, and three representatives from women’s organizations. El Salvador also introduced a national women’s agency in 1997.

The National Institute for Women (INAMU), which is Costa Rica’s national agency for women, was created in April 1998 under Law 7801. It is in charge of formulating and promoting national policies related to gender equity and equality, protecting women’s rights and promoting women’s social, cultural, political and economic participation, among other functions²⁵. The National Mechanism for women in Costa Rica dates back to 1974, when an executive decree in the Ministry of Culture, Youth, and Sports created the Office of Women and Family Programs within the framework of the United Nations’ International Women’s Year. Later, the office was promoted as it was incorporated into the Youth Directorate, and in 1976, by means of a Law of the Republic (No. 5988), it became the National Center for Women and Family Improvement (Garca et al. 2001). Because this law did not imply any budgetary endowment, in 1979 the status of the mechanism was enhanced to the National Center for Women and Family Development (CMF) by means of the budgetary law. However, these budgetary problems would only be solved ten years later, when the aforementioned law was modified in 1986 and, by Law 7026, the National Center for Women and Family Development (CMF) was created as the institution in charge of national policies regarding women. This institution has its own legal status and patrimony. The Law on the Promotion of Social Equality for Women of 1990 (No. 7142) granted the CMF competence to promote women’s rights and to promote gender equality. In April 1998, after two years of debate in the Legislative Assembly, CMF’s initiative to promote the National Mechanism to the status of an autonomous institution with a

²⁵INAMU official website: <http://www.inamu.go.cr>, retrieved 19 May 07

larger budget was approved, and its supervisory attributions were also reinforced (Garca et al. 2001, p. 46).

In Mexico, a state-level institution for women, the National Commission on Women was set up in 1998. In Panama a national women's office, called *Dirección Nacional de la Mujer* was created under the Ministry of Youth, Women, Children and Family. In Colombia, in 1999, the National Directorate of Equity for Women was created, via Decree 1182, to implement gender policy in the country.

All in all, in the course of the 1980s and 1990s, the entire region of Latin American introduced national women's agencies. Looking at the adoption pattern, one can observe a policy cluster in the 1990s consisting of two peaks. Chile, Argentina, Paraguay, Uruguay, Venezuela and Bolivia comprise the first bulk of countries introducing national women's agencies between 1991 and 1993. A second cluster of countries, Peru, Ecuador, Panama, Mexico, Costa Rica and Columbia, adopted national women's agencies between 1996 and 1999. From a graphic perspective, the distribution of adopters of national women's agencies over time follows two distinct bell-shaped curves (see graph 4.3). This is because there was a gap of a number of years when no state introduced a national women's agency. Thus, there are two bell-shaped curves, each describing a sub-cluster of policy diffusion. As with the patterns of the diffusion of domestic violence laws and candidate gender quotas throughout Latin America, the region-wide diffusion of national women's agencies also followed the patterns of Rogers's "Diffusion of innovation" model (DOI).

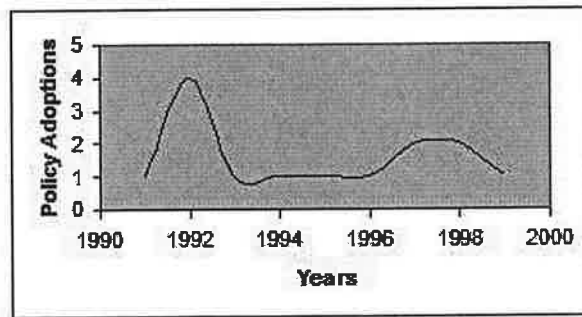


Figure 4.3: Adoption Curve of Women's Agency

4.5 Parallel Domestic Pressures

One of the key findings of the previous section was that in the 1990s, three types of gender equality policies: namely domestic violence legislation, candidate gender quotas and national women's agencies, diffused through Latin America, following very similar patterns. The aim of the following section is to identify key factors that potentially led to the diffusion of these gender policies in Latin America in the 1990s. According to the literature reviewed in chapter 3 there are, generally speaking, two sets of factors explaining the diffusion of policy reforms. One set of theories focuses on national-level factors as explaining policy change. According to those theories, the reasons for the adoption of gender policy reforms in Latin America were similar responses to parallel domestic pressures. A second set of theories focuses on international-level explanatory variables, which are external to the state. Yet, more current analysis employs a combination of internal and external variables to examine policy convergence. Berry and Berry (1990) observe that an exclusive incorporation of only one set of variables, either internal or external, will provide incomplete explanations for policy convergence. As outlined in chapter 3, an integrated approach to examining the diffusion of gender equality policies conforms with the transformalist view of globalization. According to Berry and Berry (1990), a combination of explanatory variables that describe both internal state actors and structures as well as international-level forces, should be assessed simultaneously (Berry & Berry 1990, p. 398). In an attempt to explain the diffusion of gender equality poli-

cies in Latin America, this study will hence include international level as well as national level variables ²⁶.

One possible explanation for the region-wide diffusion of gender equality policies in Latin America is parallel domestic pressures leading to similar responses in each country. This line of argumentation is related to theories of societal modernization. Classical modernization approaches, which were very popular in the 1960s and 1970s, such as Rostow's "Stages of Economic Growth" (1960), hold that economic growth is related to human development. Adhering to this line of thinking, it has been argued that gender equality is related to a country's overall development and wealth. More current accounts hold that pure economic growth does not necessarily lead to greater gender equality and that the impact of modernization is not purely linear (Inglehart & Norris 2003, p. 4). A recent line of argumentation holds that societal modernization is a multi-dimensional process that includes political and socio-economic dimensions, as well as cultural values (Inglehart & Norris 2003). It is assumed that societal modernization is a necessary but not sufficient condition for gender equality. It is further argued that women's rights are interconnected and that gender equality comes in a package, meaning that advancements in one area of gender equality is related to its betterment elsewhere (Pietila & Vickers 1996, Tomasevski 1993). The thesis will test these assumptions, examining the impact of gender equality indicators and indicators for general societal development on the diffusion of equality reforms in Latin America.

4.5.1 Political Representation

One potential national-level cause for the region-wide introduction of national domestic violence laws in Latin America is the increase of women's representation in political decision-

²⁶Most of the domestic level variables included in the study are adopted from True and Mintrom (2001), who examined the global diffusion of gender mainstreaming mechanisms.

making since the 1990s. From an average of 5.8 per cent in 1990, women's representation in the lower houses of congress had increased to 13.8 per cent by 2004 (see table 3.6). Women's share of places in the senate grew from an average of 5 per cent in 1990 to 14 per cent in 2004. And whereas women occupied 9 per cent of ministerial posts in 1990, by 2000 this had increased to an average of 13 per cent, and is now as high as 24 per cent in some Latin American countries (Htun 2002).

There is a significant body of literature suggesting a positive correlation between an increasing share of women in parliament and a state's propensity to introduce gender equality policy reforms. It has been argued that a critical mass of women in political decision-making could transform a previously male-dominated state apparatus, and make it receptive to gender equality policies²⁷. The more women are represented in policy-making bodies, the more likely their perspectives and experiences are to be taken into account, their concerns given higher priority and action becomes possible. Thus, with a growing number of women in parliament, more gender equality related issues are expected to be put on the political agenda, and consequently more gender equality policy reforms are expected to be introduced.

On the other hand, some feminists argue that the state is an inherently masculine structure, and that it cannot attend to women's interests. Thus, an increasing number of women in decision-making would not favour gender policy reforms (Ferguson 1984, Brown 1995). According to this line of thought, women should rather seek activity and agency outside- as in above or below the state. On the other hand, according to proponents of the "critical mass argument", it is only when women reach the highest level of government that they have the political power, if not the political will, to initiate transformative pro-women processes (True & Mintrom 2001, p. 44).

This has been shown in single country studies in the context of Latin America. For example,

²⁷See: Acker (1990); Htun & Jones (2002); Cockburn (1991); Rao & Stuart (1997); Skjeie (1991)

in an empirical study examining the impact of an increasing number of women deputies in Argentina on gender legislation, Htun and Jones (2002) concluded that getting more women into congress helped to place gender-related issues on the legislative agenda, which helped at the end of day to push forward gender equality reforms (Htun & Jones 2002, p. 47). It will hence be assumed that an increasing number of women in parliament is a domestic variable motivating the diffusion of gender equality reforms. Nélide Archenti and Niki Johnson conclude in their study on candidate gender quotas in Argentina and Uruguay, that female deputies are more likely to bring gender-related issues to the agenda (Archenti & Johnson 2006). Candidate gender quotas are a measure to increase women's parliamentary representation and to guarantee equal levels of representation. As the presence of legislative candidate gender quotas is expected to increase women's share in parliament, one could argue that quotas are the cause and not the consequence of more women in decision-making. However, evidence from the Scandinavian countries, which are considered to be models for gender equality in decision-making in the international community, suggests that quotas were only introduced when women already occupied a substantial share -over 25 percent -in national parliaments (Dahlerup & Freidenvall 2003, p. 11). This leads to the following hypotheses:

- H1.1a: *A higher number of women in parliament increases the likelihood of a state's adoption of national violence laws.*
- H1.1b: *A higher number of women in parliament increases the likelihood of a state's adoption of candidate gender quotas.*
- H1.1c: *A higher number of women in parliament increases the likelihood of a state's adoption of a women's agency.*

4.5.2 State Democracy

Another domestic-level explanation for the recent diffusion of gender equality reforms in Latin America is the so-called "third wave of democratization", which took place in the 1980s and

1990s. Huntington defines a 'wave of democratization' as a group of transitions from non-democratic to democratic regimes that occur within a specific period of time, and that significantly outnumber transitions in the opposite direction during that period (Huntington 1991, p. 15). In the 1970s, most Latin American countries were under authoritarian rule. A general process of democratization, the so-called third wave, took off in late the 1970s, and by the mid 1990s most of Latin America was under democratic or partial democratic rule (Cammack 1996, p. 152).

It has been suggested that during the period of democratic transitions and during the creation of new democratic institutions, opening political opportunity structures emerge, which provide women with the opportunity to articulate their interest and to further gender equality issues on the political agenda ²⁸. Following this line of argumentation, the demand for gender equality frequently emerges during the period of democratic transitions. Gender-equality policies might thereby be included in the package of broader reform or serve to establish the national and international legitimacy of the new government.

Looking at the exhaustive body of studies on democratization in Latin America, three phases or focus-points of analysis can be observed. Until the late 1980s the democratization literature focused mainly on the examination of conditions necessary for democratic transitions (Rustow 1970, O'Donnell et al. 1986). Then the literature looked at democratic consolidation, in particular at the question of how democracy can be sustained (Linz & Stephan 1996, Mainwaring et al. 1992). The most recent body of literature focuses on the quality of democratic practices. As Black (1993) observes, in much of the region democratic form survives in the absence of democratic substance (Black 1993, p. 545). It has been suggested that the formal introduction of democracy in Latin America may be deceiving, as a wide range of anti-democratic structures and practices are still the norm in most Latin American countries.

²⁸See: Goetz (1997); Hawkins & Humes (2002); Peschard (2003); Quesada (2003); Camacho-Granados (1997)

The most recent body of literature on democracy in Latin America is, therefore, mainly concerned with the quality of democracy in the region (Black 1993, Roberts 1998). It has been suggested that in any given country, the higher the level of democracy the greater the opportunities that will exist for all citizens to participate in politics and express their interests (True & Mintrom 2001, p. 44). True and Mintrom (2001) suggest a positive relationship between levels of democracy and women's rights (True & Mintrom 2001, p. 31).

"We might expect higher numbers of women in office in established democracies than in transitional or fledgling democracies, and the more liberal a state is, the more women will be in a position of power to push for gender-based legislation" (True & Mintrom 2001, p. 31). There is, on the other hand, some conflicting literature, which holds that populist (although democratically elected) or socialist regimes may increase the chances of women's participation, and tend to favour pure gender-friendly politics. According to Molyneux (2001), in some Latin American countries female enfranchisement "was granted by states from above" (Molyneux 2001, p. 170). At the same time, she observes that during the 1980s and 1990s Latin American governments committed to democracy at international forums, such as international meetings and conferences, where they signed agreements advocating the strengthening of democratic representation and gender equality. Overall, we expect that a higher degree of democracy will increase a state's likelihood to adopt gender equality policy reforms, which leads to the following hypotheses:

- H1.2a: *A higher degree of democracy increases a state's likelihood to adopt national gender violence legislation.*
- H1.2b: *A higher degree of democracy increases a state's likelihood to adopt national candidate gender quotas.*
- H1.2c: *A higher degree of democracy increases a state's likelihood to create national womens' agencies.*

4.5.3 Socio-Economic Factors

Another domestic factor promoting the introduction of national laws concerning the criminalization of domestic violence, the introduction of women's agencies, and the implementation of candidate gender quotas is a state's level of socio-economic development. Four socio-economic variables will be discussed in this section: wealth, female labour force participation, education and fertility ²⁹. It has been suggested that the level of gender-equality is positively correlated to a country's development (Clark 1991). This argument is rooted in societal modernization theory, which suggest that in countries with high level of economic development, basic needs have generally been satisfied, and thus, more emphasis can be put on social and cultural concerns (Inglehart & Baker 2000, p. 220). Following a similar argument, Matland (1998) holds that economic development leads to "attitudinal changes in perceptions of the appropriate role of women" (Matland 1998, p. 224). Furthermore, the wealth of a country may also influence the extent to which it promotes gender equality, by providing necessary financial and technical resources to programs that benefit women (True & Mintrom 2001, p. 35). Gender equality programs are made possible because the country is able to provide the necessary financial support for such programs.

Gray *et al.* (2006) cite two cross-national studies that show that a country's (economic) development is associated with a higher degree of gender equality (Gray et al. 2006, p. 7). Apodaca concludes his research on the development of gender equality between 1976 to 1990 by suggesting that "women not only benefit from a larger economic pie, but...their share of that pie increases as the pie enlarges" (Gray et al. 2006, p. 7). Sweeney, in a study of women's rights between 1980 to 2003, comes to a similar conclusion (Gray et al. 2006, p. 7). The UN's 1994 World Survey on the role of women in development, for instance, states that "economic development is closely related to the advancement of women. Where women have advanced,

²⁹See True & Mintrom (2001)

economic growth has usually been steady, where women have been restricted, there has been stagnation". The argument that overall development is related to a state's propensity to adopt gender equality reforms is tested, which leads to the following hypotheses:

H1.3a: *Higher national development increases a state's likelihood to adopt national gender violence legislation.*

H1.3b: *Higher national development increases a state's likelihood to adopt candidate gender quotas.*

H1.3c: *Higher national development increases a state's likelihood to create women's agencies.*

There has been a considerable debate in the literature about the relationship between women's employment and empowerment. Pearson suggests that for many years there was an implicit assumption of the direct correlation between women's waged employment and the diminution of oppression and subordination of women (Pearson 1998, p. 178).

In addition, it has been argued that globalization "has helped to chisel away sexist structures, processes and attitudes leading to an erosion of the sexual division or labour replaced with a more equitable allocation of resources and power within the household" (Richards et al. 2001, p. 5). The basic idea underlying this argument is that, if women were afforded the opportunity to earn a living wage, then their dependence on men is lessened and their bargaining power within the household is increased. Women's right to work, the nature of their work, the amount of their wages, and the conditions under which they work are increasingly determined by international forces. Access to paid employment through participation in the formal sector and control over income, in large part, determines women's empowerment (Apodaca 1998, p. 165). According to Sassen (1996), women in waged employment are more likely to participate in public policy-making and to put their issues on the political agenda, which then enhances the chances of the introduction of gender-equality policies. "In addition to the relatively improved empowerment of women in the household associated with waged employment, there is

a second important outcome- their greater participation in the public sphere and their possible emergence as public actors” (Sassen 1996, p. 27).

This assumption has recently been retrenched (McClenaghan 1997). The notion of 'global feminization of labour' has been brought up, which acknowledges that now women, particularly in Third World countries, are more likely to be employed than ever, but that at the same time they are exploited more than ever by their employers (Standing 1989, Chant & Craske 2003). However, a majority of studies suggest that women's entry into paid employment increases their agency to act independently in the public sphere and bring forward their concerns (Kabeer 2000). Thus, it has been suggested that with more women entering paid employment, greater pressure is put on national governments to promote gender-equality policies. Thus, we expect an increasing number of women entering the workforce to be positively correlated with a country's willingness to adopt gender-equality laws. In this context we will test the following hypotheses:

- H1.4a: *Greater female labour-force participation will increase a state's likelihood to adopt national gender violence legislation.*
- H1.4b: *Greater female labour-force participation will increase a state's likelihood to adopt candidate gender quotas.*
- H1.4c: *Greater female labour-force participation will increase a state's likelihood to create women's agencies.*

A third socio-economic variable is women's education. According to Zimmermann (1998), most politicians -male or female -are highly educated, have professional jobs, and have access to the resources of public life (Zimmermann & Rule 1998, p. 37). If, in turn, women are not educated, they have less chance to hold public decision-making posts. That may have an effect on the likelihood of gender-equality legislation being adopted. In a study of 19 democracies, Rule (1994) finds a strong correlation between education, voting and political participation. Others have suggested that education may be important in increasing the self-esteem of women

to mobilize for gender equality. According to Kenworthy and Malami (1999), “women in certain types of occupations are more likely to improve their opportunities in the political sphere” and have a greater impact on public opinion and policy change (Kenworthy & Malami 1999, p. 188). This leads to the following hypotheses:

- H1.5a: *A high level of women’s education is positively related to a state’s likelihood to adopt domestic violence legislation.*
- H1.5b: *A high level of women’s education is positively related to a state’s likelihood to adopt gender quotas.*
- H1.5c: *A high level of women’s education is positively related to a state’s likelihood to create a women’s agency.*

Another socio-economic variable is the fertility rate. Matland finds that the higher status of women is interlinked with a weakening of traditional values and a decrease in the fertility rate (Matland 1998, p. 114). Furthermore, a lower fertility rate provides women with valuable time to participate in politics, to mobilize for gender rights and eventually to press for policy change that may benefit them (Crocker 2005, p. 181).

Thus, it can be hypothesized that:

- H1.6a: *A lower fertility rate increases the likelihood of a state to adopt domestic violence legislation.*
- H1.6b: *A lower fertility rate increases the likelihood of a state to adopt a gender quota.*
- H1.6c: *A lower fertility rate increases the likelihood of a state to introduce a national women’s agency*

4.5.4 Women's Core Rights

Another domestic-level dimension is the interconnectedness of women's rights. Scholars of women's rights have suggested that women's advancement in one area is contingent on their betterment elsewhere (Pietila & Vickers 1996). However, studies do not show which kind of rights are interconnected, or what the reasons for the linkage are. In this context, advocates of women's rights might link women's concerns to already existing gender rights. Haas (1991) calls this *issue linkage*. The idea behind it is to get collaboration from other actors by creating consensus through linking issues to common social goals, that have already been agreed upon (Kardam 2005, p. 94). This leads to the following hypotheses:

- H1.7a: *States that have outlawed domestic violence are more likely to adopt candidate gender quotas.*
- H1.7b: *States that have a national women's agency are more likely to adopt candidate gender quotas.*
- H1.7c: *States that have electoral gender quotas are more likely to adopt domestic violence laws*
- H1.7d: *States that have a national women's agency are more likely to adopt domestic violence laws.*
- H1.7e: *States that have electoral gender quotas are more likely to introduce candidate gender quotas.*
- H1.7f: *States that have outlawed domestic violence are more likely to create national women's agencies.*

4.5.5 Local Women's Movement

One very popular causal account in the literature on gender rights in Latin America views the local women's movement and its campaigning for women's rights as a cause behind the

national adoption of gender equality policies. Since the late 1980s, women's groups emerged and gained significant influence in the public sphere in Latin America, as they played a major role in initiating transitions to democracy in Latin American countries. In Latin America women actively participated in the campaigns for a return to democracy. Women organized at several levels, from small elite feminist groups to organizations of the urban poor, peasants and lay Catholic groups (Fisher 1993). The goal of returning to democracy provided a basis of cooperation among these groups, legitimating for the first time the widespread participation of women in politics. The political and economic crisis under authoritarian rule in Latin America had propelled many women to take on new roles in the public sphere in the first place (Fisher 1993).

Several factors had come together to encourage women to become vocal and visible political actors. The first was the economic crises that began in 1973 -when the OPEC cartel raised oil prices -and accelerated sharply during the debt crisis of the 1980s (Jaquette 1994, p. 3). The military regimes in Latin America reacted with cut-backs on social spending, which particularly hit lower-class urban women. As a result, these women organized to demand relief from the state and to supply basic services that the state could no longer provide due to reductions in social spending (Chuchryk 1994, p. 69). The mass protest of the *mujeres populares* challenged military regimes, and made it difficult for them to continue to state that their economic politics had succeeded. The second factor encouraging women in Latin America to politicize were the crimes against human rights committed by the regimes. Provoked by the terrorist tactics of the military, women publicly showed opposition, organizing against the regimes' human-rights abuses (Chuchryk 1994, p. 69). The most prominent case is that of the Argentinian madres of the *plaza de mayo*, who protested against the disappearance of family members (Fisher 1993).

The third factor was the regimes' oppressive practices, which depoliticized men. The abol-

ishment of political parties and social organizations deprived men of the opportunity to openly engage in regime-opposition and to organize themselves efficiently against military rule (Jaquette 1994, Jaquette & Wolchik 1998). In the early stages of the transition process meetings organized by women's groups attracted large audiences, who were able to use the political spaces organized by women to debate political alternatives and to begin to construct a public opposition. The military first allowed those meetings, while banning those organized by men as they did not know how to respond to them (Jaquette 1994, p. 4). Shared opposition to the military, coupled with a struggle for economic improvement and for the abolishment of human-rights abuses united women, made them quickly develop new modes of political action and let them become a strong part of the opposition (Jaquette 1994, p. 4). Some women started to make a connection between the pattern of military dictatorships in Latin America and the prevalence of authoritarian behavior of man against women in personal relationships and in Latin American society as a whole. As pointed out by Kirkwood (1986), when confronted by authoritarianism, women in a certain sense are faced with a phenomenon well known to them: authoritarianism in their daily life experience (Kirkwood 1986, p. 82). Military rule led many women to question their marginalization in the public, political sphere and to reject their relegation to the private sphere (Chuchryk 1994, p. 75). In developing an opposition against military rule together with other civil-society organizations, women's transitional movements also started to expand the new Latin American discourse of rights and citizenship towards the incorporation of gender issues (Chuchryk 1994, p. 75). In 1988, for example, the feminist movement of Chile published *demandas de las mujeres a la democracia* (Women's Demands of Democracy) in a major Santiago daily (Chuchryk 1994, p. 66).

As military regimes moved toward democratic opening, and as political parties and other groups began to reconstruct themselves, they continued to help rebuild democratic governance throughout the continent, and they managed to bring gender equality issues onto the political agenda in the consolidating democracies. Thus, the local women's movements started to or-

ganize around gender-equality specific issues, such as equal representation and domestic violence. In the case of domestic violence, the literature suggests that in Latin America, local NGOs began to address domestic violence issues from the 1980s (Hawkins & Humes 2002, p. 239). In Brazil, for example, in 1985 local grass-roots movements convinced the state government of the newly democratizing state to set up female police stations to encourage the reporting of domestic violence (Caldeira 1995, p. 93). Further, in all Latin American countries, women's groups had campaigned for domestic violence legislation prior to its adoption (Hawkins & Humes 2002, p. 239). In the case of electoral candidate gender quotas, the literature also holds women's groups responsible for putting this issue on the agenda and for successfully pressurizing the government by campaigning for quotas (Krook 2004).

Thus, various local women's organizations working nationally as well as networking internationally with NGOs and women's organizations from other countries are responsible for the promotion of gender-equality policies³⁰. These include, grass-roots women's movements, transnational networks among women's groups who made connections with other organizations through international conferences and platforms³¹, or women involved within the national machinery supporting policy change toward gender equality³². If the actions of the local women's movements are considered in relation to campaigns by international organizations and the existence of international norms, it can be suggested that there is pressure on policy-makers "from within" and "without" the state. Further, the pressure from within is accelerated by alliances between the local and the global women's movement and the fact that the existence of a respective international norm provides grounds for the grass-roots national groups to better frame and legitimize their claims (Finnemore & Sikkink 1998). This leads to the following hypotheses:

³⁰See, for example: Costa-Benavides (2003); Kaiser (2001); Sacchet (2003)

³¹See, for example: Costa-Benavides (2003); Kaiser (2001); Hawkins & Humes (2002); Sacchet (2003); Bruhn (2003); Lubertino (2003)

³²See: Quesada (2003); Jones (1996); Costa-Benavides (2003)

H1.8a: *A strong local women's movement drives the adoption of gender violence laws.*

H1.8b: *A strong local women's movement drives the adoption of candidate gender quotas.*

H1.8c: *A strong local women's movement drives the creation of women's agencies.*

4.6 International Level Factors

4.6.1 International Socialization

The diffusion of national women's agencies, candidate gender quotas and domestic violence laws happened parallel to the development of respective international norms. As outlined in chapter 2, in the past three decades an international gender equality regime has developed, that is embodied in international treaties and the outputs of important international conferences, such as declarations, recommendations and action platforms. The UN system provided the most important forum for establishing a global gender equality regime through meetings, conferences committees and reports on women's issues (True & Mintrom 2001, Kardam 2005, Hawkins & Humes 2002). The UN declared the *UN Decade for Women* in the years 1976 to 1985, and in the years 1975 to 1995 there have been four UN World Conferences dedicated to women's issues: in 1975 in Mexico City, in 1980 in Copenhagen, 1985 in Nairobi and 1995 in Beijing (True & Mintrom 2001, Kardam 2005). These conferences focused on women's concerns, such as violence against women, women's health issues; reproductive, employment and property rights; education; economic development and poverty (Gray et al. 2006, p. 10). They set out policy recommendations regarding these issues and formulated respective treaties and recommendations. Other UN conferences also served as platforms for the development and promotion of global gender-equality norms. These conferences include the 1993 World Conference on Human Rights, the 1994 Earth Summit in Rio de Janeiro, the 1995 Interna-

Table 4.4: Timeline: Development of an International Norm on Violence against Women

| International and Regional Development | Year |
|--|-------------|
| Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) | 1981 |
| The Third UN World Conference on Women in Nairobi | 1985 |
| The Commission of Women (CIM) publishes the Conclusion and Recommendations of the Inter-American Consultation on Women and Violence | 1990 |
| The UN Committee to End Discrimination Against Women (CEDAW) adopts Recommendation No. 19 on Violence Against Women. | 1992 |
| The UN World Conference on Human Rights (Vienna) concluding with the "Declaration on the Elimination of Violence Against Women" | 1993 |
| Appointment UN Special Rapporteur on Violence Against Women by the UN Commission on Human Rights | 1994 |
| Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (also called Convention of Belm do Par) (Organization of the American States, OAS) | 1994 |
| The International Conference on Population and Development in Cairo recognizes reproductive rights as human rights and the fact that gender violence is an obstacle to women's reproductive and sexual health and rights | 1994 |
| The 4th World Conference on Women in Beijing devotes an entire section in the Beijing Platform for Action to Violence against Women | 1995 |

tional Conference on Population and Development and the 1995 World Summit for Social Development (Gray et al. 2006, p. 11).

Domestic Violence

Violence against women has become a matter of global concern. The discourse concerning violence against women as well as mobilization efforts regarding this issue remained local until the 1980s, when international interest started to develop. By the 1990s the matter received serious attention from the United Nations. An explicit global norm regulating state behavior with respect to this problem, however, was not established until 1993 (see table 4.4).

The term 'violence against women' was mentioned in an international document for the first

time at the Second World Conference on Women in Copenhagen in 1980. The report of the conference refers to domestic violence several times. In that context, however, it was only framed as a health issue (Chan-Tiberghien 2004, p. 23). The *Convention on the Elimination of All Forms of Discrimination* (CEDAW), which came into force in 1981, emphasizes the eradication of all forms of discrimination against women, but explicit prohibition of violence against women remains absent (Hawkins & Humes 2002, p. 238). The Third UN World Conference in Nairobi in 1985 concluded with the *Nairobi Forward-Looking Strategies*, which mentioned violence against women, but only as a side issue regarding discrimination and development.

Broadly speaking, the window of opportunity for gender-rights movements to bring gender-related violence further up on the international agenda and press for its embodiment in international treaties were international-level discussion and concerns in relation to sexual gender violence during armed conflicts in former Yugoslavia in the early 1990s (Wedel 2004, p. 103). Sexual violence was, thus, labeled by the international community as a form of torture and a crime against human rights. This opened a discussion on gender-related violence in general, apart from war crimes. In 1992, the UN Committee to End Discrimination against Women adopted Recommendation 19 on Violence against Women, labeling violence against women as a form of discrimination and requiring states to take measures to stop such violence. It demands signatories to adopt measures to overcome violence against women, such as the introduction of relevant laws. It also requires member states to report on violence against women every four years, including information about the law and incidence of violence against women, as well as the measures undertaken to redress and eliminate it. It is noteworthy in this context that Latin America is the first and only region in the world in which all countries have ratified the CEDAW (Hawkins & Humes 2002).

The turning point was the *1993 UN Conference on Humans Rights*. Concluding with the

Declaration on the Elimination of Violence against Women (DEVAW), that conference explicitly set out an international norm regulating state behavior with respect to violence against women. The UN Conference on Human Rights held in Vienna represented a milestone regarding the establishment of an international norm on violence against women (Chan-Tiberghien 2004, p. 12). Thanks to the determined lobbying efforts of the international women's movement, paired with a window of opportunity opened by the international community's actions against sexual violence as a weapon in armed conflicts, women's rights were recognized as human rights.

The DEVAW that concluded the conference stipulates that "states should exercise due diligence to prevent, investigate, and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons"³³. The Vienna Declaration and Program of Action also called for the appointment of a Special Rapporteur on violence against women by the UN Human Rights Commission. This Special Rapporteur is appointed for a three-year term, with a mandate that permits her to receive complaints and initiate investigations on violence against women in all UN member countries.

Shortly after the 1993 conference, the global norm on violence against women was adopted at the regional level in Latin America. A regional treaty, the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*, which represents a new international instrument that recognizes all gender-based violence as an abuse of human rights, was declared in Belém do Pará in 1994. It has been ratified, to date, by 30 of the 34 Latin American countries. The treaty demands that all signatories have an obligation to implement legislation concerning violence against women. This treaty constitutes the central piece of legislation on gender violence in Latin America. It also provides an individual right of petition and a right for an NGO to lodge complaints with the *Inter-American Commission*

³³<http://www.ohchr.org/english/law/eliminationvaw.htm>- retrieved 2 February 07

of Human Rights (IACHR) about state violations of their obligations to protect women from violence. The 1994 *International Conference on Population and Development* held in Cairo further recognized that reproductive rights were human rights, and that gender violence was an obstacle to women's reproductive and sexual health and right. It asks states to implement the *Declaration on the Elimination of Violence against Women* (DEVAW). The Beijing Declaration following the fourth World Conference on Women contained an entire section on violence against women also explicitly referring to DEVAW.

Chapter 4 of the declaration states that "violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and nullifies the enjoyment by women of their human rights and fundamental freedoms. The longstanding failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed". The language at these international conferences points to the near-universal acceptance of DEVAW. Most Latin America countries outlawed domestic violence between 1993 and 1997. This timing clearly indicates a relationship to the development of an international norm regarding these issue, which leads to the following hypothesis:

H2.1a: International norms accounted for the diffusion of domestic violence laws.

Candidate Gender Quotas

The promotion of women's participation in political decision-making, and the adoption of positive action measures to achieve a more balanced share of men and women holding political offices, is an international concern. In regard to this issue, international norms begin sometimes at the national level within a couple of countries, and become international through the efforts of norm entrepreneurs (Finnemore & Sikkink 1998, p. 893). It has been suggested that many ideas on equality, amongst those the idea of gender balance in decision-making,

Table 4.5: Timeline: Development of an International Norm on Women's Equal Political Participation

| International and Regional Development | Year |
|---|-------------|
| Inter-American Convention on the Granting of Political Rights of Women (OAS) | 1949 |
| Convention on the Political Rights of Women | 1954 |
| International Convent on Civil and Political Rights | 1976 |
| The Convention on the Elimination All Forms of Discrimination Against Women (CEDAW) | 1981 |
| The Third UN World Conference on Women in Nairobi ; Nairobi Forward-Looking Strategies | 1985 |
| Beijing Platform for Action | 1995 |
| The recommendation adopted by the Council of the European Union on balanced participation of women and men in the decision-making process | 1996 |
| CEDAW General Recommendation 23 on Women in Political and Public Life | 1997 |
| Universal Declaration of Democracy (IPU) | 1997 |

had their origin in the second wave of feminism and gender regime change in Europe during the 1960s and 1970s. The Scandinavian countries were among the first to introduce gender quotas in the 1970s and 1980s (Gray 2003, p. 54). Those ideas were later incorporated in the agendas of international organizations, which now shape the ideas of other countries. At the global level, since the 1980s an international discourse supporting affirmative measures for improving women's political participation, such as the introduction gender quotas, has developed. The 1981 *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW) was the first important international treaty that upholds the importance of women's equal involvement in political decision-making. The *Nairobi Forward Looking Strategies*, the concluding document of the *Third UN World Conference on Women* in 1985, called on states to ensure women's equal participation in national and local decision-making (see table 4.5).

The turning point was the 1995 Beijing Platform for Action declared in the context of the Fourth World Conference on Women. It asks states to take affirmative action measures to

avoid discrimination in women's political participation, and to encourage political parties to also pursue the same aim. The concluding document of the Fourth World Conference on Women in 1995, the Beijing Platform for Action, dedicates an entire chapter to the issue. The Beijing Platform for Action calls on states to implement "measures to ensure women's equal access to, and full participation in, power structures and decision-making" and to "increase women's capacity to participate in decision-making and leadership"³⁴.

A possible affirmative-action measure to promote women's representation and participation in political decision-making are quotas for women's seats in legislative, executive or judiciary branches of the government. Recommended measures for governments include the establishment of *the goal of gender balance* in all government bodies and committees; taking measures to encourage political parties to also pursue the same goal; protecting and promoting equal rights of women and men to engage in political activities and freedom of association; monitoring progress on the representation of women; and supporting non-governmental and research institute studies on women's political participation³⁵.

A possible affirmative-action measure to promote women's presentation and participation in political decision-making are quotas for women's seats in the legislative, executive or judiciary branches of the government. In the 1990s, the vast majority of Latin American countries introduced quota laws establishing a minimum level for women's participation in national elections. Argentina adopted a candidate gender quota law for national elections as early as in 1991, before the Beijing Platform for Action, at a time when the norm for gender balance in political decision-making was still under construction. The Argentinian law stipulates a minimum level of 30 percent for women's participation as candidates in national election. In 1994, this provision was amended to Argentina's constitution. Eleven other Latin American coun-

³⁴See: Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)

³⁵See: Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)

tries followed, introducing similar legislation between 1996 and 1997. Two more followed up to 2002. The fact that almost an entire continent adopted similar policies within only seven years, and so shortly after those policies had been set out as a norm by international bodies, suggests again that a norm cascade had been at work. Thus, it can be concluded:

H2.1b: International norms drove the diffusion of candidate gender quotas in Latin America.

Women's Agencies

The timing of the region-wide adoption of national women's agency also indicates parallels to the development of a respective international norm. An international recommendation to establish national governmental bodies dealing with women's issues was developed during the UN Decade for Women (1975-85). It was embodied in the 1981 CEDAW, which has been ratified by all Latin American countries. Also, the 1995 Beijing Declaration calls on states to mainstream gender-equality concerns. From the late 1980s onwards, national women's agencies spread throughout the region. The majority of Latin American countries introduced a national women's agency in the mid-1990s (see chapter 3). This timing suggests that international socialization contributed to the region-wide diffusion of national women's agencies, which leads to the following hypothesis:

H2.1c: International norms accounted for the diffusion of national women's agencies in Latin America.

4.6.2 International Communication

Transnational Networks

One of the most compelling explanations for the diffusion of gender equality policies in Latin America is the role of international networks of non-state actors (Keck & Sikkink 1999). It was argued previously that actors embedded in transnational networks have a significant impact on domestic policies. The channels of diffusion via international actors may take form in interpersonal contacts, such as meetings at conferences, or may involve the media (Stoker & Mossberger 1994, p. 3). The latter seem to be important in the dissemination of ideas, whereas the former are suggested to be important for the actual adoption of a policy (Rogers 1962, p. 18).

In the case of gender-equality policies in Latin America, the UN system provides the most important channel for dialogue through meetings, committees and reports Alvarez (2004). Although the international women's movement began at the grass-roots level, many years before the founding of the United Nations, the organization moved quickly to affirm that the advancement of women was central to its work (Boutros-Ghali 1995, p. 3). While international organizations have been influential in terms of establishing gender-equality norms, transnational networks have been involved in elaborating and sharing strategies for converting norms into national policies Checkel (1999). These networks include national and international NGOs, women's grass-roots groups, formal and informal networks among politicians and gender-rights activists.

In the years 1975-1995, women have participated in the four UN World Conferences on Women (True & Mintrom 2001, p. 38). Those conferences facilitated a proliferation of women's networking (Tinker & Jaquette 1987). This networking also involved many regional and national conferences in preparation for the world conferences, as well as follow-up meetings and actions to ensure that the outcomes of the conferences were implemented by states (True & Mintrom 2001, p. 38). Hence, the years since 1975 have witnessed an unprecedented growth of Women's NGOs (Tinker & Summerfield 1999, Dorsey 1997, Pietila & Vickers

1996). The transnational networking of women's NGOs was, in turn, effective in shaping the agenda of UN world conferences (Rousseau 2006, p. 397). This new women's global networking brought women together from the grass-roots to the national and global levels to share information and resources, to exchange strategies for mobilizing societies and to pressurize governments (Dorsey 1997, Clark et al. 1998). Transnational networking among global networks of women's organizations, governments and international organizations, such as the UN, created societal pressure for institutional change at the domestic level. This leads to the following hypotheses:

- H2.2a: *The higher the level of a country's involvement in transnational networks, the more likely that it will adopt domestic violence legislation*
- H2.2b: *The higher the level of a country's involvement in transnational networks, the more likely that it will introduce candidate gender quotas*
- H2.2c: *The higher the level of a country's involvement in transnational networks, the more likely that it will introduce women's state agencies*

Physical Distance/ Neighboring Effect

Another external variable influencing the adoption of a policy is the physical distance from the innovator country, the country that first adopted a policy reform. There is a body of literature arguing that states with a close physical proximity to an innovator country will themselves be more likely to adopt the innovation.

Starr (1991), for example, suggests that geography was an influential factor regarding the diffusion of democracy in the international system. According to Starr, "diffusion seems to be facilitated by the salience and ease of interaction provided by proximity" (Starr 1991, p. 361). However, as Gould (1969) puts it, "simple geographic distance is not always the strongest influence in the diffusion process, for some ideas and innovations seem to leap over many intervening people and places" (Gould 1969, p. 4). Nevertheless, a substantial body of liter-

ature suggests that diffusion is facilitated by increasing interaction of states that are close to each other in terms of distance. Starr (1991) calls this “interaction opportunity” (Starr 1991, p. 361).

This leads to the following hypotheses:

- H2.3a: *Countries with closer proximity to Peru are more likely to outlaw domestic violence.*
- H2.3b: *Countries with closer proximity to Argentina are more likely to adopt candidate gender quotas.*
- H2.3c: *Countries with closer proximity to Guatemala are more likely to introduce a national women’s agency.*

4.7 Conclusion

This chapter looked at the process of diffusion of domestic violence laws, candidate gender quotas and national women’s agencies. In all three cases, the diffusion of policy reforms followed Rogers’s DOI model. The DOI model describes the typical adoption patterns in a process of (policy) innovation diffusion. As such, the adoption rate is low at the start, more rapid as adoption increases and then levels off until only a small percentage of laggards remain who have yet not adopted. This is the first evidence that the underlying reason for gender-policy clustering in Latin America was a policy-diffusion process rather than a process of parallel development.

The key factors that potentially led to the diffusion of gender policies in Latin America in the 1990s were domestic-level pressures and international-level factors operating in parallel. In terms of domestic-level factors, the thesis hypothesizes that the degree of female political representation impacts on the diffusion of gender-equality policies. It has been proposed that

the higher women's share of seats in the national parliament, the higher a state's propensity to adopt women-friendly policies. The underlying reasoning for this is that women are more likely than men to bring their own concerns onto the political agenda. Another domestic-level factor potentially influencing the diffusion of gender policies is a country's degree of democracy. The more democratic a country, the more inclined it will be to establish gender balance. Socio-economic factors, such as high female labor-force participation, a high educational level among women, high overall national development and a low fertility rate are hypothesized to be positively causally related to the region-wide diffusion of gender-equality policies. It is also hypothesized that the advancement of women in one area will promote their advancement in other areas. In addition to that, national women's movements are also expected to have promoted the diffusion of gender equality policies in Latin America.

In terms of international-level forces, the literature suggests that the existence of respective international norms, as well as transnational organizations campaigning for women's rights, has contributed to the diffusion of gender-equality policies throughout Latin America. In addition, close physical proximity to the innovating country that adopted the particular gender-equality policy as the first country in the region, is suggested to increase a country's propensity to adopt early the respective gender-equality policy. Table 4.6 summarizes the hypotheses.

Table 4.6: **Table of Hypotheses**

| |
|---|
| H1: Parallel domestic pressures were responsible for the diffusion of gender policy reforms in Latin America |
| H1.1a: A higher number of women in parliament increase the likelihood of a state to adopt national violence laws |
| H1.1b: A higher number of women in parliament increase the likelihood of a state to adopt candidate gender quotas |

| |
|---|
| H1.1c: A higher number of women in parliament increase the likelihood of a state to adopt a national women's agency |
| H1.2a: A higher degree of democracy increases a state's likelihood to adopt national gender violence legislation |
| H1.2b: A higher degree of democracy increases a state's likelihood to adopt national candidate gender quotas |
| H1.2c: A higher degree of democracy increases a state's likelihood to set up national women's agencies |
| H1.3a: High national development increases a state's likelihood to adopt national gender violence legislation |
| H1.3b: High national development increases a state's likelihood to adopt candidate gender quotas |
| H1.3c: High national development increases a state's likelihood to adopt women's agencies |
| H1.4a: Greater female labour force participation will increase a state's likelihood to adopt national gender violence legislation |
| H1.4b: Greater female labour force participation will increase a state's likelihood to adopt candidate gender quotas |
| H1.4c: Greater female labour force participation will increase a state's likelihood to adopt women's agencies |
| H1.5a: A high level of women's education is positively related to a state's likelihood to adopt domestic violence laws |
| H1.5b: A high level of women's education is positively related to a state's likelihood to adopt gender quotas |

| |
|---|
| H1.5c: A high level of women's education is positively related to a state's likelihood to adopt a national women's agency |
| H1.6a: Lower fertility rates increase the likelihood of a state to adopt domestic violence legislation |
| H1.6b: Lower fertility rates increase the likelihood of gender quota adoption |
| H1.6c: Lower fertility rate increase the likelihood of a state to introduce a women's agency |
| H1.7a: States that have electoral gender quotas are more likely to adopt domestic violence laws |
| H1.7b: States that have a national women's agency are more likely to adopt domestic violence laws |
| H1.7c: States that have outlawed domestic violence are more likely to adopt candidate gender quotas |
| H1.7d: States that have a national women's agency are more likely to adopt candidate gender quotas |
| H1.7e: States that have electoral gender quotas are more likely to introduce candidate gender quotas |
| H1.7f: States that have outlawed domestic violence are more likely to adopt national women's agencies |
| H1.8a: A strong local women's movement drives the adoption of gender violence laws |
| H1.8b: A strong local women's movement drives the adoption of candidate gender quotas |
| H1.8c: A strong local women's movement drives the adoption of women's agencies |
| H2.1a: An international norm accounted for the adoption of domestic violence laws |
| H2.1b: An international norm drove the adoption of candidate gender quotas |
| H2.1c: An international norm accounted for the adoption of Women's Agencies |

H2.2a: The higher a country's involvement in transnational networks the more likely that it will adopt domestic violence legislation

H2.2b: The higher a country's involvement in transnational networks the more likely that it will introduce candidate gender quotas

H2.2c: The higher a country's involvement in transnational networks the more likely that it will introduce women's state agencies

H2.3a: Countries with closer proximity to Peru are more likely to outlaw domestic violence

H2.3b: Countries with closer proximity to Argentina are more likely to adopt candidate gender quotas

H2.3c: Countries with closer proximity to Guatemala are more likely to introduce a national women's agency

5 Accounting for the Diffusion of Gender Equality Policies: An Event History Analysis

5.1 Introduction

In the 1990s, Latin American countries adopted very similar domestic violence laws, candidate gender quotas and national women's agencies within the course of a few years. What explains the rapid region-wide diffusion of remarkably similar gender policy reforms? Domestic violence laws, women's agencies and candidate gender quotas represent policy innovations for Latin American countries, as these policies were new to the states adopting them. What accounts for the diffusion of these policy innovations? According to the literature on policy diffusion, discussed in chapter 3, factors leading to the national adoption of a policy innovation generally include a combination of internal characteristics and external forces, which are determined by the nature of a state and its interaction with the broader social system. This chapter examines the spread of gender policy reforms in Latin America in a region-wide macro-study from a policy diffusion-perspective. The chapter tests different causal explanations for the dissemination of gender policy reforms in the region of Latin America.

As outlined in chapter 2, the current era of globalization is characterized by increasing internationalization and interconnectedness of state actors. Policy making hence takes place in a world system, as well as in national political systems. National policy making is increasingly being influenced by the international and by policy coordination between states. Growing political interconnectedness is a facilitator of policy convergence. Overall, instances of converging policies have been increasing over the past two decades. These changes are reflected in the new generation of diffusion studies. Firstly policy diffusion studies have become more popular in political sciences, as policy convergence is happening with increased speed and depth. Secondly, new generation policy studies focus on international level explanations. Within the new generation diffusion studies, there is a middle-range approach which posits that policy change is a result of both national and international level factors.

Chapter 3 discussed the literature on policy diffusion and transfer. It set-up the theoretical framework on which the following analysis is based. As stated in chapter 3, at the most general level diffusion refers to a process by which a “(policy)innovation is communicated through certain channels over time among members of a social system” (Rogers 1962, p. 5). Policy diffusion studies examine how policies spread from one state to others leading to policy convergence. As outlined in chapter 3, until the 1990s diffusion models were not very common in political science, despite enjoying popularity in other sciences, such as sociology, medicine and geography. There were some early policy diffusion studies in the 1970s and 1980s¹. In the last fifteen years diffusion studies have increasingly gained importance in the field of politics. The new generation of diffusion studies is based on different assumptions and focuses on international level factors driving policy diffusion and the interplay of international and national factors. What accounts for the growing interest in diffusion studies in the field of political sciences and for its shift in focus? According to Rogers (2003) world events determine which kinds of innovations are most important, and thus, which fields are concerned

¹See, for example: Walker (1969), Gray (1973)

with studying the diffusion of innovations (Rogers 1962, p. 23). In the last two decades globalization has changed the context of policy-making. Temporal and spacial distances have been compressed by new technologies. The central mechanism of diffusion is communication. In the era of globalization policy innovations are being easier diffused across geographical spaces because of improved communication technologies and networks as well as through increasing international linkages. Globalization and its impact on contemporary policy making has promoted political scientists to devote their attention to studying policy diffusion.

Starting from the premise that a state's behavior is shaped by both, domestic characteristics and international forces, the following macro-study examines a range of national and international explanations, which were introduced in chapter 4. These include the mobilization of the local women's movement, an opening political opportunity structure as a side-effect of democratic transition, improving socio-economic structures, an increasing number of women in decision-making, the development of an international gender equality regime, and the growing strength of international women's human rights networks. Adhering to Berry and Berry's integrative approach, the analysis uses Event History Analysis (EHA) as a statistical model to explain why some countries introduced certain gender equality policies, while others refrained from doing so, and why some states adopted gender equality policies sooner than others.

5.2 Event History Analysis

As discussed in chapter 3, EHA is a statistical method commonly used in diffusion studies across various disciplines, which explains the timing of events. In the thesis the event to be modeled is the national adoption of gender equality policies. The adoption of a certain policy by a state is conceived of as an event that may or may not occur in any given period of time. EHA is used to examine the diffusion of gender policy reforms through Latin America, and to

explain why certain countries did adopt gender policy reforms. Usually the starting point for this kind of analysis is the observation that states adopt a certain policy reform as the result of a policy diffusion process. As discussed in chapter 4, typically, in a diffusion-process the cumulative distribution of adoption assumes an S-shaped curve, which is based on Rogers Diffusion of Innovation Model (DOI). As outlined in chapter 4, in the case of the diffusion of candidate gender quotas, domestic violence laws and national women's agencies in Latin America this pattern was observed. Thus, it can be concluded that in all three cases the spread of the policy reform followed the typical patterns of a diffusion of innovation process outlined by Rogers, which can be best analyzed using EHA.

EHA not only explains the occurrence and timing of events, but it is also concerned with causes and pattern of change. The data format of EHA is a longitudinal record denoting whether and when a particular event has occurred during a period of observation. Event history describes a sequence of events across time. In the thesis it denotes a history of occurrence of gender policy innovations. For each country/year the event history denotes whether the country has adopted a certain gender policy. Event history analysis examines the duration until the occurrence of the event (gender policy adoption). The duration is measured from the time at which an individual state becomes exposed to the risk of experiencing the event. In terms of EHA models, there is a distinction between distribution and regression models. Distribution models are life-time analysis models, which only examine the distribution of events. Regression models examine the effect of covariates on policy diffusion. One of the most useful life time models is the Kaplan-Meier analysis, a method that estimates the time to event in presence of censored cases. Censoring happens when data is incomplete, for example when a certain country does not adopt a certain policy reform in the time-period under study, and there is no information on the time of adoption. The Kaplan Meier Estimator, also known as the product limit formula, estimates the survival function from live time data. It looks at the distribution of adoption of events.

KM analysis can be used to compare patterns between different diffusion cases. Generally speaking, it is useful to conduct life-time analysis as a preliminary analysis to examine the effect of time on the dependent variable, and to compare the distribution of adoptions across different cases. I will use the Kaplan-Meier Estimator as a preliminary test, to compare the survival function, average time of policy adoption and the distribution of policy adoptions, of domestic violence laws, candidate gender quotas and women's agencies. However, the Kaplan Meier model cannot analyze why a change occurs. It cannot incorporate multiple explanatory variables. EHA not only explains occurrences of events, but is also concerned with causes and patterns of change. More advanced types of EHA model are regressional EHA models. Most diffusion studies use regression models, in which the occurrence of an event depends on a linear function of explanatory variables. This form is also used in the macro-study.

A common aim of regressional EHA is to construct causal or predictive models in which the probability of an event (in this analysis the probability that the country would adopt a certain gender-policy reform) is estimated by including covariates. Hence, the main objective of most EHA models is to study the cause of policy diffusion. Therefore, an analysis using EHA will include variables that could potentially be explanatory causes. A regressional EHA data set contains measurements of covariates, which are measurements of variables that are expected to have caused policy adoption.

Regressional EHA is a form of regression analysis for longitudinal data. The aim of most EHA is to identify factors that are associated with the timing of the occurrence of an event of interest. What is the difference between EHA and ordinary regression analysis? Why is EHA more suitable for this research? EHA has advantages over traditional regression models (see table 5.1). First of all, while conventional approaches are only capable of predicting whether a particular type of state has adopted a policy prior to a specified date, EHA can predict the probability that a particular type of state will adopt a policy during a particular year (Berry &

Berry 1990, p. 397). Traditional regression based models cannot measure the time it takes for an innovation to be adopted (Box-Steffensmeier & Jones 1997, p. 1414). While it is able to explain whether and why a certain event happened, it will not be able to explain the temporal structure of data.

Table 5.1: EHA versus Traditional Regression Models

| Technique | Predictor Variable | Outcome Variable | Censoring Permitted |
|---------------------|-------------------------------------|----------------------|---------------------|
| Linear Regression | Categorical and Continuous | Normally Distributed | No |
| Logistic Regression | Categorical and Continuous | Binary | No |
| EHA | Time and Categorical and Continuous | Binary | Yes |

Secondly, the pooled nature of EHA data allows the dependent variable to be affected by independent variables in the right time property (Berry & Berry 1990, p. 399). The analysis of gender policies in Latin America includes variables that change their value over time, so called time-varying covariates. For example, the analysis will include a measurement which captures, if a country has adopted a certain international treaty in a certain year, and relate this to the state's propensity to adopt a gender policy reform. The value per country per year is needed for this kind of analysis. Traditional regression models have problems with incorporating time-varying covariates. Traditional regression models must treat all exogenous variables as fixed, although many factors influencing policy diffusion may vary over time. As Box-Steffensmeier and Jones (1997) put it, "the traditional regression approach breaks down in an important way; we have a dynamic process, but we do not have a dynamic model". By contrast, unlike traditional cross-sectional methods, EHA can access the effects of state-characteristics that vary from year to year on the probability of adoption of a policy innovation as longitudinal variation (Box-Steffensmeier & Jones 1997, p. 399). This is important for the thesis as the macro study includes variables that are changing over time.

Another key advantage of EHA is that it can, as opposed to ordinary regression analysis, cope with cases of censoring and truncation. Censoring happens, as mentioned above, when data is incomplete, for example, if information regarding the future is not available. Among the several types of censoring, the two most important ones are right and left-censoring. Right-censored observations may have an event after the period of data collection. Left-censored cases experience the event prior to the data collection. In the thesis some countries have not adopted the policies under examination yet, which are cases of censoring. Truncation occurs when the history prior to the first observation point is not being taken into account. Finally, EHA is capable of incorporating internal (domestic, state-level) as well external (transnational) variables in the analysis, which is also important for this analysis.

As outlined in chapter 3, EHA is not only used in social sciences. Many very sophisticated EHA approaches have been developed in other disciplines. In biomedical science, for example, it is used to determine the chances of survival and death of biomedical organisms or patterns of contamination. Hence, much of the literature on EHA is known as survival or lifetime analysis. In political sciences EHA has, for example, been used to examine state education reforms (Mintrom & Vergari 1998), political regime change (Gasiorowski 1995), the diffusion of gender mainstreaming (True & Mintrom 2001) and the length of congressional careers (Box-Steffensmeier & Jones 1997).

The following section discusses some key concepts of EHA. The first step in an EHA is to examine the distribution of event times using the hazard function and the survivor function. EHA models the duration of a social process, i.e. time to adoption of a gender policy reform. One important concept is the survivor function $S(t)$ (see function 5.1)². It expresses the probability that the subject has survived beyond time t (Box-Steffensmeier & Jones 1997, p.

² $S(t)$ = estimated survival function at time t ; t = Time, e.g. years; P = Probability; T = random variable; That is: the survival function is the probability that the time of death(policy-adoption) is later than some specified time

1418). As for the macro-study the survivor function estimates the probability that a country has not adopted the policy reform at time t .

$$S(t) = P(T \geq t) \quad (5.1)$$

When modeling the adoption of gender rights in Latin America, countries that have not adopted the gender policy reform would be considered survivors. The term survivor comes from biostatistics, where the event of interest is often death. A second important element is the probability density function (see function 5.2)³. It can be interpreted as “the probability of an instantaneous occurrence of an event at time t ” (Box-Steffensmeier & Jones 1997, p. 1418). In other words it estimates the probability that a certain country will adopt a policy reform in a certain year.

$$f(t) = \lim_{\Delta t \rightarrow 0} \frac{P(t + \Delta t > T \geq t)}{\Delta t} \quad (5.2)$$

The most important element in an EHA is the hazard rate (see function 5.3)⁴:

$$h(t) = \lim_{\Delta t \rightarrow 0} \frac{P(t + \Delta t > T \geq t | T \geq t)}{\Delta t} \quad (5.3)$$

The hazard rate reflects the likelihood of the occurrence of an event T at time t , given that the event has not occurred yet. In other words, it estimates the probability that a country will adopt a policy at time t , given that it has not adopted this policy so far. Regression EHA models examine the hazard rate rather than the survival function or the probability density.

³ $f(t)$ = estimated probability density function at time t ; t = Time; e.g. year; T = random variable; That is: rate of adoptions per unit of time

⁴ $h(t)$ = estimated hazard function at time t ; t = Time, e.g. years; P = Probability; T = random variable; That is: likelihood of adoption given that adoption has not occurred yet

They examine the impact of certain variables on the timing of the adoption of policy reforms modeling the effect of the same on the hazard rate (Box-Steffensmeier & Jones 1997, p. 1418). EHA models may employ continuous or discrete time methods. Continuous EHA models present their sample data and divide it into continuous time-periods. That means that the time of occurrence of an event is measured exactly (Berry & Berry 1990, p. 398). In the continuous time formulation events are not constrained to pre-defined units. The dependent variable is hence a continuous time-formulation of the event history model and reflects the duration or time spent.

Discrete models, on the other hand, measure the distribution of events in discrete units of time. Discrete models become useful when the period of analysis can be divided into a set of distinct units (years in this case). According to Box-Steffensmeier and Jones (1997), “discrete time approaches are feasible under two conditions. First if the change only occurs at discrete times (election day, for example) or if the exact occurrence of the event is not important. Second, if one is modeling a continuous-time process, but the intervals are close” (Box-Steffensmeier & Jones 1997, p. 1426).

Allison (1984) claims that the choice between discrete and continuous time methods should generally be made on the basis of computational cost and availability of data. When there are no time-varying explanatory variables it is usually easier to use a continuous time model in from of a Weibull or Gompertz model (Allison 1984). The thesis choses a discrete model as the data sets of the explanatory as well as of the dependent variable have been collected in year periods. It uses a discrete time model with time-varying covariates.

The Cox regression model is the most popular and robust discrete EHA model, which allows the inclusion of time-varying covariates. Thus, it will be used to examine the diffusion of gender equality policies in Latin America. The most flexible discrete-time model, and therefore the most frequently applied, is the Cox proportional hazards model (Chiozza & Goemans

2004). It is based on the Kaplan Meier estimator, outlined above. The statistician David Cox introduced this model in his seminal article “Regression Analysis and Life Tables” in 1972. His semi-parametric model is often called “workhorse of duration analysis” (Chiozza & Goeamans 2004) and has become increasingly popular due to its robust qualities. The thesis employs the Kaplan Meier estimator for a preliminary examination of the data. The Kaplan Meier estimator illustrates the temporal distribution of gender policies in Latin America. In addition to that, the analysis incorporates explanatory covariates using the Cox regression model. As outlined above, the Cox model is ideal for an analysis of the diffusion of gender policy reforms in Latin America because the research is concerned with factors facilitating the diffusion of these policy reforms.

5.3 Dependent Variable

The cases analyzed in the study are Latin American countries⁵. The macro-study examines the following 18 countries: Argentina, Bolivia, Brazil, Chile, Columbia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, Uruguay and Venezuela⁶.

The diffusion of gender equality policy reforms in Latin America is examined using the spread of electoral candidate gender quotas, domestic violence laws and women’s state agencies as cases. In discrete time EHA models the variable to be explained is the hazard rate, which indicates the probability that an individual or state will experience the event (policy-adoption) during a particular time period, given that it has not experienced the occurrence of

⁵As discussed in the introduction chapter, the macro-study focuses on the Spanish and Portuguese speaking countries of the region. Please note that we will not include Cuba in our analysis as it has a political system that is not comparable to the rest of Latin America. The former Dutch, British and French colonies, which are also part of the geographical area, are not taken into account, due to their different cultural background and social/ political system.

⁶see for a similar approach (Crocker 2005)

the event yet. In order to measure this two dependent variables are used in the EHA model. The first dependent variable is the adoption of gender equality policies (candidate gender quotas, national women's agencies and violence laws) in Latin America. This variable is dichotomous. It is scored one for each case, when the respective policy reform had been adopted. It is scored zero otherwise.

The second dependent variable will examine the adoption/ non-adoption rate. It will measure the amount of time elapsed before the adoption of a gender policy reform (Box-Steffensmeier & Jones 1997, p. 1418). The time to adoption is measured in years. The zero-point is the beginning of the period in which the time is measured. In this study the point-zero for the diffusion of gender policy-reforms is the year in which the first country has adopted the respective policy reform. The ending-point is always the year in which the last country adopted a respective reform. The thesis chooses this start and end-points as they coincide with the diffusion life-cycle⁷. A country remains "at risk" until it has adopted the respective policy reform. The dependent variable is reported by country by year.

5.4 Operationalization of the Independent Variables

As outlined above, there are, generally speaking, two categories of variables that can explain the diffusion of laws against domestic violence, candidate gender quotas and national women's agencies in Latin America. One set of theories has focused on internal or national level variables, such as socio-economic or domestic institutional variables accounting for the adoption of the policy reform. Policy convergence based on these theories would be based on parallel domestic pressures. A second set of theories explains policy diffusion through international forces, using explanatory variables that are external to the state. As outlined in the previous

⁷A similar approach has been adopted by True & Mintrom (2001); Crocker (2005); Berry & Berry (1990)

chapters, most current analysis uses a combination of internal and external variables. It is argued that a reliance on either of the two perspectives would lead to an incomplete analysis as state-policy making in the era of globalization is happening on the national and international level. By including international and national explanatory variables the following pages will account for the region-wide diffusion of gender equality policies in Latin America. The selection of the independent variables is based on the hypotheses that were introduced in the previous chapter. Each hypothesis is operationalized by one or more independent variables.

5.4.1 Internal Variables

As outlined in chapter 4, parallel domestic pressures might lead to policy convergence. Thus, a selection of internal variables is included in the analysis. Domestic level variables used as covariates in the EHA include women's political participation, degree of democracy, socio-economic factors, the women's local movement and previous adoptions of other gender equality reforms.

Women's Political Participation

One domestic level explanation for the diffusion of domestic violence laws, candidate gender quotas and women's agencies is women's political participation. It has been argued that women are more likely to bring women's issues on the political agenda than men and that a critical mass of women could transform a traditionally male-dominated state apparatus. The more women are in political decision-making posts, the more women's rights concerns will be addressed. Hence, I expect a high level of women in parliament to be positively related to a country's likelihood to adopt gender equality policy reforms. In this context the following hypotheses will be tested:

H1.1a: A higher number of women in parliament increases the likelihood of a state to adopt national violence laws.

H1.1b: A higher number of women in parliament increases the likelihood of a state to adopt candidate gender quotas.

H1.1c: A higher number of women in parliament increase the likelihood of a state to adopt national women's agencies.

Women's political representation in parliament is measured according to their overall share in parliament. The variable is operationalized using the number of women in a nation's lower house⁸. The data is taken from the Inter-Parliamentarian-Union's (IPU) statistical database on women in national parliaments and from UN Human Development Reports. It is measured annually for each country in percent. The variable women's political participation is labeled POLPART.

Degree of Democracy

Another domestic-level explanation for the diffusion of gender policies in Latin America is the recent democratization wave. A country's degree of democracy is expected to determine its propensity to outlaw domestic violence, to introduce candidate gender quotas or national women's agencies. As outlined in chapter 4, True and Mintrom (2001) suggest that political liberalization and democracy will "enable women to mobilize within the public sphere" (True & Mintrom 2001, p. 31). Thus, the following hypotheses are tested:

H1.2a: A higher degree of democracy increases a state's likelihood to adopt national legislation against domestic violence.

H1.2b: A higher degree of democracy increases a state's likelihood to adopt candidate gender quotas.

⁸For a similar approach see True and Mintrom (2001)

H1.2c: A higher degree of democracy increases a state's likelihood to set-up a national women's agency.

For measuring democracy the analysis uses the Index of Electoral Democracy (EDI) adopted from the Report on Democracy in Latin America (UNDP 2004). The EDI is one the most popular measurement of democracy in Latin America. It is maintained by the UN section for Latin America, the *UNDP National Bureau for Latin America and the Caribbean*. The EDI is measured on a 0.00-1.00 scale, with 0.00 indicating non-democracy and any number above 0.00 indicating a degree of democracy, with higher scores referring to greater degrees of democracy. The formula for calculating the EDI is: Electoral Democracy Index = Right to Vote * Clean Elections * Free Elections * Elected Public Offices. The variable is measured annually and is labelled democratization (DEMO).

Socio-economic variables:

Another factor potentially contributing to the diffusion of criminal laws on violence against women, candidate gender quotas and women's agencies is socio-economic development. As outlined in chapter 4, this explanation is linked to modernization theory. Socio-economic development is operationalized using four variables: national development, women's labour force participation, fertility and the women's level of education. It has been suggested that gender-equality is positively related to the overall development of a country. In this context the following hypotheses are tested:

H1.3a: Higher national development increases a state's likelihood to adopt national gender violence legislation.

H1.3b: Higher national development increases a state's likelihood to adopt candidate gender quotas.

H1.3c: Higher national development increases a state's likelihood to adopt a women's

agency.

A country's level of development is measured using the UN Human Development Index (HDI). The variable is measured annually. The data was collected from UN Human Development Reports. The HDI is calculated using the dimensions wealth, health and education. It is one of the most widely used indicators of development. The corresponding variable is labeled HDI.

Another domestic level variable potentially contributing to the diffusion of gender equality reforms is women's participation in the workforce. There is support in the literature for a positive relationship between employment and empowerment. It has been argued that women's entry into paid employment will increase their agency to bring forward their concerns and will pressurize the government to address women's concerns. Thus, the adoption of domestic violence laws, candidate gender quotas and national women's agencies is expected to be positively related to female labour force participation. Hence, the following hypotheses are tested:

H1.4a: Greater female labour force participation will increase a state's likelihood to adopt national gender violence legislation

H1.4b: Greater female labour force participation will increase a state's likelihood to adopt candidate gender quotas

H1.4c: Greater female labour force participation will increase a state's likelihood to adopt a national women's agency

Female labour force participation (LABOR) is measured annually in percent. The data was taken from the ECLAC Social Panorama of Latin America, which is published annually by the UN. It is regarded as one of the most representative reports on economic indicators in the region. The variable is labeled LABOR.

Another factor potentially contributing to the diffusion of gender equality policies in Latin America is the level of women's education. As outlined in the previous chapter, it has been argued that women who enjoyed a high level of education will be more capable to influence public opinion and thus, more likely to bring their concern on the political agenda. In this context the following hypotheses are tested:

H1.5a: A high level of women's education is positively related to a state's likelihood to adopt domestic violence laws

H1.5b: A high level of women's education is positively related to a state's likelihood to adopt candidate gender quotas

H1.5c: A high level of women's education is positively related to a state's likelihood to adopt a national women's agency

This variable is operationalized using the proportion of females in tertiary education in Latin America. The variable is measured annually and the data has been taken from the Social Panorama of Latin America Report. It is labeled EDU.

Another socio-economic factor is the fertility rate. In chapter 4 it was outlined that a high fertility rate is expected to be negatively correlated to the adoption of gender equality policies. Hence the following hypotheses are tested:

H1.6a: A lower fertility rate increases the likelihood of a state to adopt domestic violence legislation

H1.6b: A lower fertility rate increases the likelihood of a state to adopt candidate gender quotas

H1.6c: A lower fertility rate increases the likelihood of a state to adopt national women's agency

The data of this variable was taken from ECLAC socio-economic indicators. It is labeled FERT.

Women's Core Rights

The previous chapter outlined that the presence of other gender rights might positively impact on the adoption of violence laws, candidate gender quotas and national women's agencies. In this context, the following hypotheses are tested:

H1.7a: States that have already adopted electoral gender quotas are more likely to adopt domestic violence laws.

H1.7b: States that have already adopted a national women's agency are more likely to adopt domestic violence laws.

H1.7c: States that have previously outlawed violence against women are more likely to adopt candidate gender quotas.

H1.7d: States that have a national women's agency are more likely to adopt candidate gender quotas.

H1.7e: States that have electoral gender quotas are more likely to adopt a national women's agency.

H1.7f: States that have already outlawed domestic violence are more likely to adopt national women's agencies.

The adoption of other gender policy reforms is measured using a dichotomous variable that is scored one for each country-year case, where the country has already adopted the respective policy reform. The variable is scored zero otherwise. The variable is labeled QUOTA, VIO, AGENCY, respectively.

Local Women's Movement

Another causal account views the local women's movement and their campaigning for gender rights as an important factor for the diffusion of gender policy reforms in Latin America. Women's rights organizations started to campaign and network on the global, regional and national level on the issue of domestic violence since the late 1980s. At the national level measures against domestic violence were sporadically promoted in single countries since the mid 1980s. In Brazil, for example, the local grass-roots movement convinced the state to establish women's police stations assisting female domestic violence victims as early as 1985 (Nelson 1996, p. 131). Region-wide strategic awareness raising commenced in the late 1980s, when the Red del Cono Sur contra la Violencia Doméstica (Network against Domestic Violence of the Southern Cone) was founded in 1989. It extended during the Fifth Encuentro Feminista Latinoamericano y del Caribe in San Bernardo, Argentina, to the Red Feminista Latinoamericana y del Caribe contra la Violencia Doméstica y Sexual (Latin American and Caribbean Feminist Network against Domestic and Sexual Violence). By 1992, national networks existed throughout Latin America campaigning for the criminalization of domestic violence (Ellsberg et al. 1997, p. 84). The campaigning of the local women's movement has been regarded as an important factor leading to the region-wide diffusion of laws against domestic violence, and in this context the following hypothesis is tested:

H1.8a: A strong local women's movement drives the adoption of domestic violence laws

In a similar manner, the local women's movement and their campaigning for gender balance in political decision-making has been regarded as an important factor leading to the diffusion of national quota laws. As outlined in the literature, national women's rights organizations campaigned and network on the global, regional and national level on the issue of candidate

gender quotas and national women's agencies⁹. In this context the following hypotheses are tested:

H1.8b: A strong local women's movement is a driver for the adoption of gender quotas

H1.8c: A strong local women's movement is a driver for the adoption of national women's agencies

We measure the strength of women's local movement using the number of national women's networks relative to the country size. I collected the data from the ECLAC Gender Indicators (ECLAC (1999)). The variable is labeled NATMOV.

5.4.2 International Level Variables

International Norms

External variables that are included in the subsequent analysis are international norms, transnational networking and physical distance. As outlined in chapter 4, the region-wide adoption of legal provisions against gender-related violence, candidate gender quota laws and national women's agencies is expected to be influenced by the parallel development of respective international norms regarding these issues. Since the early 1990s, gender equality has been on the international agenda and respective international norms have developed. Kardam (2005) even speaks of the existence of a global gender equality regime, which socializes nation-states all over the world into adopting gender equality policy reforms. More specifically, the 1990s have witnessed the advent of global norms asking states to address the issue of violence against women, to promote gender balance in political decision making and to establish national women's agencies. Parallel to that, respective policy reforms diffused within

⁹See: Lubertino (2003); Matland (1998); Htun (2002); Costa-Benavides (2003); Beckwith (1994)

the region of Latin America.

Violence against women has become an international concern as of the early 1990s. The 1993 UN Conference on Human Rights in Vienna was the most important milestone in terms of the development of an international norm regarding violence against women. The concluding document of this conference labels violence against women as human rights abuse and asks states to adopt respective legal reforms (see chapter 4). As for the Latin American context, this norm has been regionalized by the *Inter American Convention on the Prevention, Punishment and Eradication of Violence against Women*, also called the *Convention of Belem do Pará*, in 1994. This regional treaty demands all signatories to implement legislation concerning violence against women. Parallel to these developments domestic violence laws diffused in Latin America as of 1993. This suggests that the diffusion of domestic violence laws in Latin America was somehow related to the existence of respective international norms. In this context the following hypothesis is tested:

H2.1a: An international norm supported the diffusion of domestic violence laws

International norms manifest themselves in the existence of relevant international treaties (see chapter 4). The most important treaty in the Latin American context was the Convention of Belem do Pará. To examine the impact of international norms on the diffusion of domestic violence laws through Latin America, a variable recording whether a country has committed to this norm, and signed the Convention of Belem do Pará before outlawing domestic violence, is used as an indicator. This variable is called international commitment (INTCOMM). It records whether and when a country has signed the convention. The variable is dichotomous. It gets assigned the value 1 for each country-year, where the respective country has signed the treaty and it is scored 0 otherwise.

In the same fashion the region-wide adoption of electoral candidate gender quotas was

related to the development of a respective norm at the global level. At the global level, since the 1980s, an international discourse supporting affirmative action measures to promote gender balance in political decision making, such as the introduction of candidate gender quotas, has developed. The turning point was the 1995 Beijing Platform for action declared in the context of the Fourth World Conference on Women (see chapter 4).

The Beijing declaration in 1995 established an international norm supporting the adoption of candidate gender quotas and an affirmative action measure to promote women's presentation and participation in political decision-making using quotas for women's seats. In this context, I test the following hypothesis:

H2.1b: International norms supported the diffusion of candidate gender quotas

The influence of international norms on gender balance in political decision-making is measured using the dichotomous variable INTCOMM. It gets assigned the value 1 for each country-year, where the Beijing Declaration has already been published and it is scored 0 otherwise. In a similar fashion the region-wide adoption of national women's agencies hypothesized to have been influenced by the establishment of international norms regarding the issue. As outlined in chapter 4 the CEDAW and the 1995 Beijing Declaration set out a global norm calling on states to set up national machineries dealing with women's issues. In this context we will test the following hypothesis:

H2.1c: International Norms supported the adoption of national women's agencies

International norms manifest themselves in the existence of relevant international treaties, declarations and outputs of international conferences (see chapter 4). As outlined in chapter 4, in the context of the adoption of national women's agencies the CEDAW and the Beijing Declaration were found to be the most important milestones. The impact of this international

norm is measured using the variable INTCOMM, which is scored 1 for each country year where the respective country had ratified the CEDAW and where the Beijing Declaration had already been set-up. It is scored 0 otherwise.

Transnational Networks

Another factor potentially contributing to the convergence of gender policies in Latin America is, as outlined chapter 4, transnational networking. True and Mintrom (2001) found that transnational networking among governmental representatives and advocates from NGOs can change a state's policies (True & Mintrom 2001, p. 28). Transnational networking among organizations concerned with women's rights is an important channel for translating women's interest into effective policies. As Checkel (1999) puts it, transnational networks through international nongovernmental organizations and conferences seem to be an important mechanism to facilitate the diffusion of "emerging global gender norms within and across national boundaries" (Checkel 1999, p. 120). In this context the following hypothesis is examined:

H2.2a: The higher a country's involvement in transnational networks the more likely that it will adopt domestic violence legislation.

Also in the case of candidate gender quotas International Organizations networked for the issue at a global level. Leading International Organizations, such as the UN, the Inter-Parliamentary Union, the Council of Europe, the European Union, the Organization for Security and Co-operation in Europe, the Commonwealth, the Southern African Development Community, and the Organization of American States, campaigned for candidate gender quotas and positively contributed to its global diffusion (Krook 2006, p. 305). At the Latin American level, the *Comisión Interamericana de Mujeres Inter-American Commission of Women* (CIM), a sub-organization of the Organization of the American States (OAS), started promoting gender-quotas since the mid 1980s. Parallel to these developments women's rights

organizations started to campaign and network on the global, regional and national level on the issue of gender quotas (Franceschet 2005a, p. 6).

In this context, the following hypothesis is examined:

H2.2b: The higher a country's involvement in transnational networks the more likely it will adopt candidate gender quotas

Transnational networking among organizations concerned with women's rights are also expected to be important channels for the diffusion of women's agencies in Latin America. True and Mintrom (2001) found that transnational networks were responsible for the global diffusion of gender mainstreaming mechanisms. In this context, we examine the following hypothesis:

H2.2c: The higher a country's involvement in transnational networks the more likely that it will adopt national women's agencies.

The analysis operationalizes the factor of transnational networking looking at the membership of states in international nongovernmental organization, which promote gender equity in general and campaign against domestic violence, candidate gender quotas and women's agencies in particular. Data for this indicator has been collected using the Yearbook of International Organizations, the Directory of Development Organizations and data from the Library of Congress¹⁰. The variable was calculated using the absolute number of international organizations dealing with the respective policy type in relation to a country's population¹¹. We label this variable Transnational Networking (TRANSNET).

Neighboring Effect

¹⁰For a similar approach see True and Mintrom (2001)

¹¹We looked up for each organization if it focused on the respective issue researching their website. The number of organization memberships was divided by the country's population

In the chapter 4 it has been suggested that geographical proximity to the innovator country would increase a country's likelihood to adopt that innovation. The underlying reason for this is that short physical distance lets communication flow easier and faster. In terms of the diffusion of laws against domestic violence Peru was the innovating country. Peru outlawed domestic violence as regional leader in 1993. In the case of candidate gender quotas Argentina was the innovating country introducing candidate gender quotas already in 1991. In case of women's agencies Guatemala has been the innovator country. Thus, the analysis looks at physical distance to Peru and tests the following hypothesis:

H2.3a: Countries with closer proximity to Peru are more likely to outlaw domestic violence

H2.3b: Countries with closer proximity to Argentina are more likely to introduce candidate gender quotas

H2.3c: Countries with closer proximity to Guatemala are more likely to introduce national women's agencies

Geographical proximity is measured on a 1 to 3 scale, using the following three categories:

(1) Countries bordering the innovating country get assigned the value 1.

(2) Countries that are in the same part of Latin America as the innovating country, but do not boarder it, are scored 2.

(3) All remaining countries get the value 3.

This variable is labeled neighboring effect (NEIG). The table 5.2 summarizes the independent variables.

Table 5.2: Codebook

| | |
|-----------------------------------|------------|
| International Commitment | = INTCOMM |
| Transnational Networks | = TRANSNET |
| Neighboring Effect | = NEIGH |
| Women's Political Participation | = POLPART |
| Degree of Democracy | = DEMO |
| National Development | = HDI |
| Female Labour Force Participation | = LABOR |
| Women's Education | = EDU |
| Fertility Rate | = FERT |
| Candidate Gender Quota Adoption | = QUOTA |
| National Women's Agency Adoption | = AGENCY |
| Domestic Violence Law Adoption | = VIO |
| National Women's Movement | = NATMOV |

5.5 Research Analysis and Results

5.5.1 Kaplan Meier Survival Analysis

The thesis uses the Kaplan Meier (KM) Estimator for a preliminary analysis of the data. KM analysis is useful to examine policy adoption patterns. The KM estimator indicates the survival rate, and the timing of survival and death. It illustrates how long each country needed to adopt the respective policy reform and the average time of adoption. The Kaplan-Meier estimate is a simple way of computing the survival or adoption curve. It involves computing the number of cases that adopted the policy reform at a certain point in time divided by the number of cases that were still in the study at that time. This means that for each year the number of countries that adopted the respective policy reform is divided by the number of countries that have not adopted the respective reform at this point in time. This is the survival rate or probability for the respective year. These probabilities are multiplied by any earlier computed probabilities. That is why the KM Estimator is also called a "product limit estimate" (Friel 2006). The KM survival curve looks like a staircase with vertical steps downwards at the time of adoption of

each case.

Domestic Violence Laws

The following section will examine the KM Estimator in respect to the diffusion of domestic violence laws in Latin America. Table 5.3 presents the Survival Table. The Survival Table is a descriptive table that details the time until a policy is adopted by certain states. Each row in that table corresponds to one of the 18 Latin American countries under study. The cases are sorted in ascending order. Countries that are flagged as *adopted* are those that have outlawed domestic violence (18 out of 18 countries). Column 4, "*CummEvents*", reads the total number of policy adoptions that occurred until the respective year. Column 5 "*NumRemaining*" indicates how many countries have not outlawed domestic violence at the respective year.

Column 3, "Cumulative Survival", indicates the probability of a country not having adopted a domestic violence law in the respective year. It reads that during 1991 the chances of survival (non-adoption) were 94 percent. By 1994, the chances of a state not having adopted a domestic violence law decreased to 83 percent. The chances of survival further decreased to 22 percent in 1996, and to 11 percent in 1997. In 1998, the chance of survival is only 5 percent. In 2000 it is 0, since all 18 countries have outlawed domestic violence at this point in time.

In table 5.4 an estimated mean and median time of violence law adoption is reported. The median is usually used to measure the central tendency of survival data (Crocker 2005, p. 199). In this analysis the median time for a Latin American state to outlaw domestic violence is 4 years.

Figure 5.1 and 5.2 show the survival and hazard function of the KM Estimator. The Plot

Table 5.3: Survival Analysis over Time for the Diffusion Domestic of Violence Laws

| Time | Status | CummulativeSurvival | SE | CummEvents | NumbRemaining |
|-------------|---------------|----------------------------|-----------|-------------------|----------------------|
| 1993 | adopted | .944 | .015 | 1 | 17 |
| 1994 | adopted | | | 2 | 16 |
| 1994 | adopted | .833 | .031 | 3 | 15 |
| 1995 | adopted | | | 4 | 14 |
| 1995 | adopted | | | 5 | 13 |
| 1995 | adopted | | | 6 | 12 |
| 1995 | adopted | | | 7 | 11 |
| 1995 | adopted | .566 | .065 | 8 | 10 |
| 1996 | adopted | | | 9 | 9 |
| 1996 | adopted | | | 10 | 8 |
| 1996 | adopted | | | 11 | 7 |
| 1996 | adopted | | | 12 | 6 |
| 1996 | adopted | | | 13 | 5 |
| 1996 | adopted | .222 | 0.99 | 14 | 4 |
| 1997 | adopted | | | 15 | 3 |
| 1997 | adopted | .111 | .401 | 16 | 2 |
| 1998 | adopted | .056 | .301 | 17 | 1 |
| 2000 | adopted | .000 | .000 | 18 | 0 |

Number of Cases: 18 Events: 18

Table 5.4: Median and Mean for Survival Time KM Analysis Violence Laws

| Mean | | Median | |
|-----------------|------------------|-----------------|-------------------|
| Estimate | Std.Error | Estimate | Std. Error |
| 3.722 | .341 | 4.000 | .294 |

of the Survival Function and the Hazard Function show a decreasing number of surviving countries, or countries that have not yet outlawed domestic violence as time increases and a significantly increasing hazard rate. This is typical for a policy diffusion process.

Candidate Gender Quotas

The following section will examine the KM survival curve in respect to the diffusion of candidate gender quotas in Latin America. Table 5.5 presents the Survival Table. Each line of numbers in the table corresponds to one of the 18 Latin American countries under study.

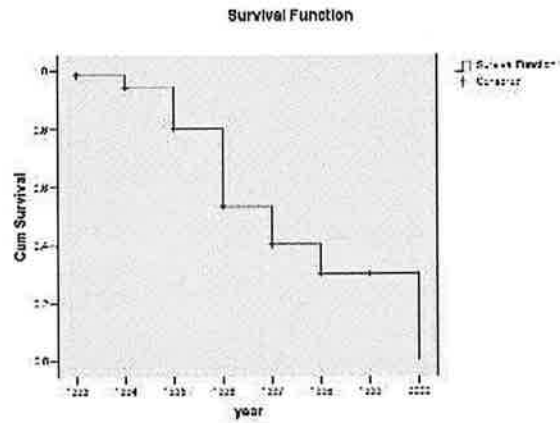


Figure 5.1: Survival Function of the Diffusion of Domestic Violence Laws

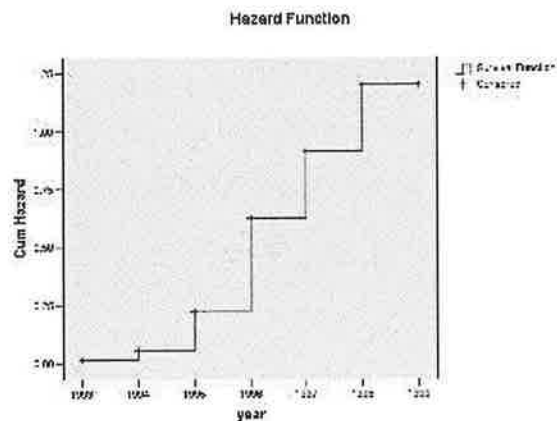


Figure 5.2: Hazard Function of the Diffusion of Domestic Violence Laws

The cases are sorted in ascending order. Countries that are marked as “adopted” were those adopting a candidate gender quota provision (12 out of 18 countries). Some observations are censored at the end of period. These stand for those countries that did not adopt a candidate gender quota. The important column is column 3, “Cumulative Survival”. It reads that during 1991 the chances of survival (non-adoption) were 94 percent. By 1996 the chances of non-adoption decreased to 78 percent. A state’s likelihood of not having adopted candidate gender quotas further decrease to 56 percent in 1997 and to 33 percent in 2000.

In table 5.6 an estimated mean and median time of candidate gender quota adoption is

Table 5.5: Survival Analysis over Time for the Diffusion of Candidate Gender Quotas

| Time | Status | CummulativeSurvival | SE | CummEvents | NumbRemaining |
|-------------|---------------|----------------------------|-----------|-------------------|----------------------|
| 1991 | adopted | .94 | .054 | 1 | 17 |
| 1996 | adopted | | | 2 | 16 |
| 1996 | adopted | | | 3 | 15 |
| 1996 | adopted | .78 | .098 | 4 | 14 |
| 1997 | adopted | | | 5 | 13 |
| 1997 | adopted | | | 6 | 12 |
| 1997 | adopted | | | 7 | 11 |
| 1997 | adopted | | | 8 | 10 |
| 1997 | adopted | | | 9 | 9 |
| 1997 | adopted | | | 10 | 8 |
| 1997 | adopted | .39 | .115 | 11 | 7 |
| 2000 | adopted | | | 12 | 6 |
| 2000 | adopted | .28 | .106 | 13 | 5 |
| 2000 | censored | | | 14 | 4 |
| 2000 | censored | | | 15 | 3 |
| 2000 | censored | | | 16 | 2 |
| 2000 | censored | | | 17 | 1 |
| 2000 | censored | | | 18 | 0 |

Number of Cases: 18 Events: 13 censored:5

reported. It indicates the median time a country needed to adopt candidate gender quotas. For the case of the diffusion of candidate gender quotas in Latin America it reads 7 years.

Table 5.6: Median and Mean for Survival Time KM Candidate Gender Quotas

| Mean | | Median | |
|-----------------|------------------|-----------------|-------------------|
| Estimate | Std.Error | Estimate | Std. Error |
| 7.667 | .561 | 7.000 | .295 |

Most importantly Figure 5.3 and 5.4 show that the adoption of candidate gender quotas followed the typical patterns of a norm diffusion life cycle, outlined before. The Plot of the the Survival Function and the Hazard Function show a decreasing number of countries not having adopted candidate gender quotas until they are censored. The figures also show a significantly increasing hazard rate, which means that a country's propensity to adopt candidate gender quotas was significantly increasing over time as more countries had already introduced

candidate gender quotas.

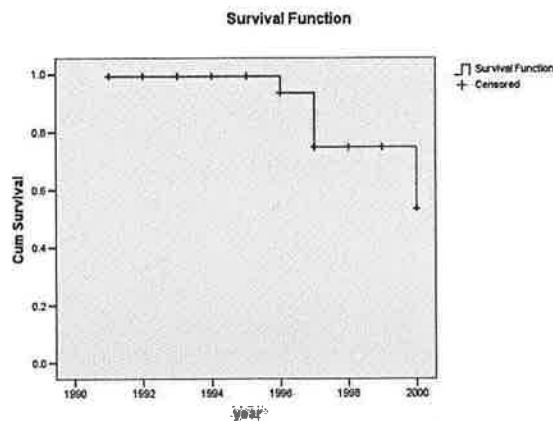


Figure 5.3: Survival Curve for the Diffusion of Candidate Gender Quotas

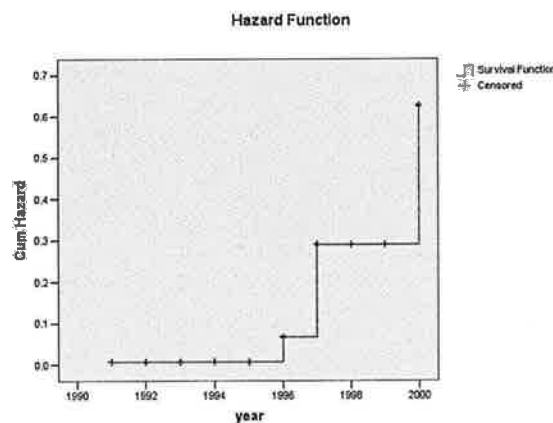


Figure 5.4: Hazard Curve for the Diffusion of Candidate Gender Quotas

Women's Agencies

For the diffusion of national women's agencies I also conducted a Kaplan Meier Survival Analysis. Table 5.7 shows the Survival Table for the adoption of national women's agencies. Each line of numbers in the table corresponds to one of the 15 Latin American countries under study that adopted national women's agencies in the 1990s.¹² Countries that are flagged as

¹²Please note that in this analysis we only focus on the 15 countries that have introduced women's agencies in the 1990s. Guatemala, Nicaragua and the Dominican Republic, that already introduced women's agencies in

“adopted” were those adopting a national women’s agency (15 out of 15 countries). Column 3, “Cumulative Survival”, reads that during 1991 the chances of a country not having adopted a national women’s agency were 93 percent. By 1992, the chances of survival decreased to 62 percent. The chances of non-adoption further decreased to 60 percent in 1993, and to 33 percent in 1997. In 2000, the chances of survival were 0 as all countries had adopted a national women’s agency at this point.

Table 5.7: Survival Analysis over Time for the Diffusion of National Women’s Agencies

| Time | Status | CummSurvival | SE | CummEvents | NumbRemaining |
|-------------|---------------|---------------------|-----------|-------------------|----------------------|
| 1 | adopted | .933 | .064 | 1 | 15 |
| 2 | adopted | | | 2 | 13 |
| 2 | adopted | | | 3 | 12 |
| 2 | adopted | | | 4 | 11 |
| 2 | adopted | .667 | .122 | 5 | 10 |
| 3 | adopted | .600 | .126 | 6 | 9 |
| 4 | adopted | .533 | .129 | 7 | 8 |
| 5 | adopted | .467 | .129 | 8 | 7 |
| 6 | adopted | | | 9 | 6 |
| 6 | adopted | .333 | .122 | 10 | 5 |
| 7 | adopted | .267 | .114 | 11 | 4 |
| 8 | adopted | | | 12 | 3 |
| 8 | adopted | | | 13 | 2 |
| 8 | adopted | .067 | .064 | 14 | 1 |
| 9 | adopted | .000 | .000 | 15 | 0 |

number of cases: 15 censored: 0 events: 15

Table 5.8 reports an estimated mean and median time of the adoption of a national women’s agency. The median time of policy adoption is 5 years.

Table 5.8: Median and Mean for Survival Time KM National Women’s Agencies

| Mean | | Median | |
|-----------------|------------------|-----------------|-------------------|
| Estimate | Std.Error | Estimate | Std. Error |
| 4.867 | .710 | 5.000 | 1.449 |

Figure 5.5 and 5.6 show the survival and hazard function of the KM Estimator. The Plot the 1980s are not included.

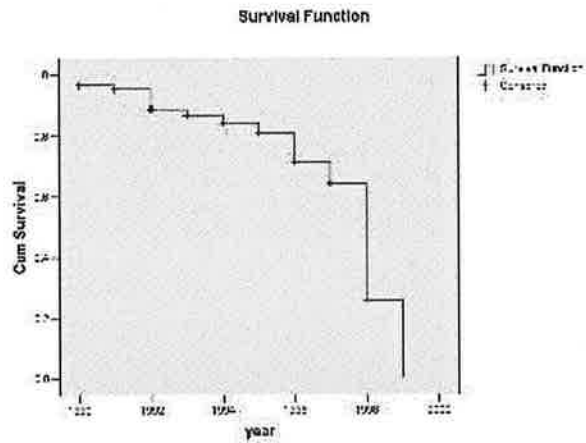


Figure 5.5: Survival Curve for the Diffusion of National Women's Agencies

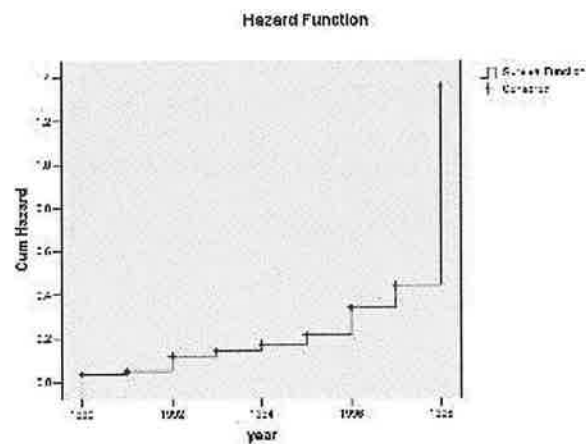


Figure 5.6: Hazard Curve for the Diffusion of National Women's Agencies

of the Survival Function and the Hazard Function show a decreasing number of surviving countries until they were censored and a significant increasing hazard rate.

Overall, the KM analysis revealed the patterns and timing of adoption of domestic violence laws, candidate gender quotas and Women's National Agencies. The analysis revealed that the diffusion of gender policy reforms followed the typical patterns of an international norm diffusion life cycle. As outlined in chapter 3, the norm diffusion life cycle describes the timing of diffusion of policy reforms, which are based on an international norm, as a three

phase process (Finnemore & Sikkink 1998). The first phase, so-called norm-emergence, is characterized by a small number of innovating countries adopting the respective policy reform. Those countries act as norm entrepreneurs, and try to convince other countries to adopt the respective international norm using persuasion. In a second stage the majority of countries will introduce a respective policy reform. Policy diffusion at this stage is based on imitation. States are socialized by norm entrepreneurs to adopt a respective policy reform. This stage is called norm cascade. In this phase of the norm life-cycle there is a so-called tipping point, where a critical mass of states will have adopted the policy reform. The norm life-cycle is closing with a third stage, so-called norm-internalization, where a small number of laggards, or late adopters is introducing the norm. Graphically speaking, this process describes a bell-shaped curve.

In terms of diffusion speed domestic violence laws has been the fastest diffusing policy reform with a median adoption time of 4 years, The average time for a country to adopt a national women's agency was 5 years. Latin American states adopted candidate gender quotas on average 7 years after this policy reform had been introduced by the innovating country, Argentina.

5.5.2 Cox Regression Analysis for the Adoption of National Violence Laws

The following section reports the results of the Cox Regression Analysis. A Cox Regression Analysis was conducted to test the above introduced hypotheses examining the causal effect of different variables on the diffusion of domestic violence laws, candidate gender quotas and national women's agencies. Cox Regression Analysis is the most popular of the many different EHA techniques and is available in most statistical software packages.

The KM Analysis showed that time played a role in terms of the diffusion of gender policy reforms, as the probability to adopt a certain policy reform was time-dependent, increasing from year to year. The Cox Regression Analysis will account for this effect and examine the causal effect of independent variables, while accounting for time. Cox regression is based on the fundamental premises of the life table (Allison 1984, p. 14). It estimates the influence of covariates on the risk of the event occurring (Allison 1984, p. 14). The dependent variable in Cox regression is the hazard rate, which is the combined effect of all predictor variables on the survival time. It is semi-parametric, because it recognizes the order in which events (dependent variables) occur as well as the timing of events. In this research, country-years are the units of analysis, and the event is the adoption of domestic violence laws. The hazard rate represents the probability that a country will adopt this gender equality policy reform during a period of observation, given the country is "at-risk" at the time. A dichotomous observable variable is used to capture this. It is scored 1 if the country adopted the policy reform in a particular year. It gets assigned the value 0 otherwise. The Cox Regression Analysis will demonstrate which independent variables were significant at the time a country decided to outlaw domestic violence. Once a country adopts the policy reform, it is no longer at risk, so subsequent records are removed for that country.

The Cox Regression Analysis generated highly significant results. Although not all variables were significant, the model provided strong support for the argument that certain international and national factors were critical for the diffusion of domestic violence laws in Latin America. Table 5.9 identifies the variables and their statistical results. Table 5.10 gives an overview on the data used for analysis. It reports the means of the independent variables. It gives an impression of the value ranges of the variables used in the analysis.

One of the three international level variables used in the analysis is found to be a significant predictor of the dependent variable. International norms is according to the Cox Analysis

Table 5.9: Cox Regression Analysis for the Diffusion of Domestic Violence Laws

| | B | SE | Wald | Sig | Exp(B) |
|----------|--------|-------|-------|--------|--------|
| INTCOMM | 2.300 | .248 | 3.397 | .050** | 9.978 |
| LABOR | -.129 | .057 | 5.117 | .024** | .879 |
| NATWOM | .523 | .167 | 9.783 | .002** | 1.688 |
| QUOTA | -2.369 | .345 | 3.104 | .048* | .094 |
| EDU | .094 | .065 | 2.116 | .146 | 1.099 |
| FERT | -.154 | .846 | .033 | .856 | .857 |
| DEMO | -2.397 | 2.942 | .664 | .415 | .091 |
| POLPART | -.020 | .127 | .025 | .874 | .980 |
| AGENCY | -1.867 | 1.105 | 2.857 | .191 | .155 |
| HDI | -7.067 | 5.871 | 1.449 | .229 | .001 |
| NEIG | .505 | .693 | .532 | .466 | 1.657 |
| TRANSNET | .021 | .013 | 2.425 | .119 | 1.021 |

(* = $p \geq 0.05$ ** = $p \geq 0.01$)

a causal factor contributing to the diffusion of domestic violence laws. The corresponding variable INTCOMM is found to significantly increase a state's likelihood to adopt domestic violence legislation (see table 5.9. The significance level of this variable is 0.05.¹³ The B value, reported in column B, is the regression coefficient (see table 5.9). A positive regression coefficient means the covariate increases the hazard, which means an increased probability for policy adoption. The B value for international commitment is 2.300. Thus, higher international commitment makes a country more likely to introduce domestic violence laws. The column "SE" reports the standard error of B. The column "Wald" report the Wald's statistic. Exp(B) is the predicted change in the hazard for each unit increase in the covariate. If Exp(B) is very close to 1, the covariate has only a very small effect on a state's propensity to outlaw domestic violence. In this analysis Exp (B) is 9.978, so international commitment has a very high effect. We can conclude that the development of a global norm concerning violence against women has had a significant impact on the region-wide diffusion of respective national laws. This proves that international norms were driving the region-wide diffusion of domestic violence laws. This finding supports some of the literature concerned with domestic violence

¹³According to the usual social science standard, a significance value of ≥ 0.05 means that the variable is significant. The smaller the Sig-value the greater its significance .

Table 5.10: Covariate Means: Cox Regression of Diffusion of Domestic Violence Laws

| Covariate | Mean |
|-----------|--------|
| INTCOMM | .338 |
| LABOR | 48.456 |
| EDU | 17.029 |
| FERT | 3.501 |
| DEMO | .864 |
| POLPART | 8.700 |
| AGENCY | .632 |
| HDI | .706 |
| NATWOM | 4.632 |
| QUOTA | .176 |
| NEIG | .882 |
| TRANSNET | 49.778 |

laws in Latin America. Hawkins and Humes (2002) come to a similar conclusion in their study on human rights and domestic violence reforms.

In contrast, transnational networking was not found to be a predictor of the diffusion of domestic violence laws in Latin America. The corresponding variable TRANSNET is not statistically significant with a sig value of .119. However, this value is still relatively small and almost significant at a 0.1 level. The positive B value indicates a positive relationship. Exp(B) is very close to one (1.021). So the effect of the variable on the hazard is very small. Therefore, it can be concluded that transnational networking has no statistically significant influence on the diffusion of domestic violence laws. This is a quite unexpected result as in the literature there is strong support for a positive relationship between transnational networking and the diffusion of domestic violence laws. Hawkins and Humes (2002) find support for the positive impact of international networking on the diffusion of domestic violence laws in the Americas. One possible explanation for this is that transnational networking is very hard to measure quantitatively. TRANSNET will be further examined in the case-study section (chapter 6). Finally physical distance to the innovating country was not found to be a predictor of the dependent variable. The variable is not statistically significant. Thus, it can be concluded that

physical distance to the innovator country has no influence on the timing of the diffusion of domestic violence laws.

The analysis also found that some nation level variables were statistically significant. One of the socio-economic variables is found to be a causal predictor of the diffusion of domestic violence laws. Female labour force participation (LABOR) is found to be causally related to a country's likelihood to outlaw domestic violence. The variable LABOR is significant at a .05 level (sig = 0.24). Surprisingly, the direction of the relationship is opposite to what was expected. The negative B value indicates a negative relationship between female labour force participation and a state's propensity to outlaw domestic violence. This means that countries with a lower percentage of females participating in the workforce are more likely to be early adopters of the policy reform. National development, women's third level education and the fertility rate have virtually no explanatory power in this model. To illustrate this, Peru, for instance, which has a low HDI in comparison to other Latin-American countries, has adopted a domestic violence law as regional leader.

Women's political participation was not found to impact on the diffusion of domestic violence laws. The significance value is .874. Women's political participation has hence no statistically significant impact on the dependent variable. A country's degree of democracy also does not have any impact on the diffusion of national legislation regarding violence against women. The variable was not found to be a predictor of the dependent variable (sig = 0.415). The presence of an electoral candidate gender quota was found to be a significant predictor of the dependent variable (sig = .048). The negative B value indicates that this relationship is inverse. This means that countries that had already adopted an electoral candidate gender quota were less likely to be early adopters of national domestic violence legislation. Chile, for example, did not adopt a candidate gender quota, but was among the early adopters regarding the diffusion of violence laws. On the other hand, there is no significant negative relation-

ship between the introduction of national women's agencies and the adoption of a national domestic violence law.

The strength of the national women's movement was found to be a very strong causal factor contributing to the diffusion of domestic violence legislation. The variable is significant at the .01 level (.002). The positive B value indicates a positive relationship between this variable and the dependent variable. Thus, it can be concluded that a strong national women's movement causes an early adoption of a domestic violence law. This finding is consistent with the existing scholarship that has pointed out the important role the national women's movement has played in putting women's concerns on the political agenda.

The EHA of the diffusion of domestic violence laws produced significant results. At an international level international norms were found to be an important factor facilitating the diffusion of domestic violence laws in Latin America. According to the analysis, the variable operationalizing transnational networking was only found to be close to being positively statistically significant.¹⁴ We will examine this relationship closer in our case-study section. On the national level the strength of the national women's movement was found to be the most important factor causing the diffusion of domestic violence laws. Labour force participation and a previous adoption of candidate gender quotas were also found to be related to the dependent variable. Labour-force participation was found to be statistically significant, but in an inverse direction. That would suggest that countries with lower female labour force participation are more likely to adopt domestic violence laws, which is quite a surprising result. Also a previous adoption of candidate gender quotas was found to have a negative impact on a state's propensity to outlaw domestic violence.

Table 5.11 summarizes the results of the hypothesis testing related to the diffusion of domestic violence laws.

¹⁴This might have to do with the way the variable was measured.

Table 5.11: Hypotheses regarding the Diffusion of Domestic Violence Laws

| | |
|--|---|
| H1.1a: A higher number of women in parliament increase a state's likelihood to adopt domestic violence laws | rejected |
| H1.2a: A higher degree of democracy increases a state's likelihood to adopt national gender violence legislation | rejected |
| H1.3a: Greater development increases a state's likelihood to adopt national gender violence legislation | rejected |
| H1.4a: Greater female labour force participation will increase a state's likelihood to adopt national gender violence legislation | rejected (inverse relationship) |
| H1.5a: A high level of women's' education is positively related to a state adopting domestic violence laws | rejected |
| H1.6a: Lower fertility rates increase the likelihood of a state to adopt domestic violence legislation | rejected |
| H1.7a: States that have electoral gender quotas are more likely to adopt domestic violence laws | rejected (inverse relationship) |
| H1.7b: States that have a national women's agency are more likely to adopt domestic violence laws | rejected |
| H1.8a: A strong local women's movements' is a driver for the adoption of domestic violence laws | accepted |
| H2.1a: An international norm accounted for the adoption of domestic violence laws | accepted |
| H2.2a: The higher a countries involvement in transnational networks the more likely that it will adopt domestic violence legislation | rejected (to be examined further in the case-study) |
| H2.3a: Countries with closer proximity to Peru are more likely to outlaw domestic violence | rejected |

5.5.3 Cox Regression Analysis for the Adoption of Candidate Gender Quotas

The Cox Regression Analysis for diffusion of candidate gender quotas found that internal and external factors were responsible for the diffusion of this policy reform in Latin America. Table 5.12 identifies the variables and their statistical significance. Table 5.13 reports the means of the independent variables under study.

Table 5.12: Cox Regression Analysis for the Diffusion of Candidate Gender Quotas

| | B | SE | Wald | Sig | Exp(B) |
|----------|----------|-----------|-------------|------------|---------------|
| LABOR | .181 | .087 | 4.315 | .038** | .834 |
| EDU | .159 | .096 | 2.730 | .048* | 1.172 |
| TRANSNET | 0.15 | .018 | .657 | .041** | 1.015 |
| INTCOMM | 6.649 | 2.851 | 5.440 | .020 ** | 772.161 |
| NATWOM | .366 | .185 | 3.922 | .048** | 1.442 |
| VIO | -3.592 | 1.685 | 4.543 | .033** | .028 |
| FERT | 2.395 | 1.538 | 2.424 | .129 | 10.973 |
| DEMO | 3.227 | 3.742 | .744 | .388 | 25.210 |
| POLPART | .175 | .172 | 1.029 | .310 | 1.191 |
| AGENCY | -.200 | 2.265 | .008 | .930 | .819 |
| HDI | 10.356 | 12.159 | .725 | .394 | 3145.555 |
| NEIG | .677 | 1.198 | .319 | .572 | 1.968 |

* = $p \geq 0.05$ ** = $p \geq 0.01$

Table 5.13: Covariate Means Candidate Gender Quotas

| Covariate | Mean |
|-----------|--------|
| LABOR | 48.203 |
| EDU | 17.238 |
| FERT | 3.433 |
| DEMO | .860 |
| POLPART | 9.107 |
| AGENCY | .594 |
| TRANSNET | 37.373 |
| HDI | .705 |
| INTCOMM | .196 |
| NATWOM | 4.420 |
| VIO | .391 |
| NEIG | .768 |

Two of the three international variables that were examined in the analysis are found to be significant causal predictors for the diffusion of candidate gender quotas. International norms is found to be a causal factor related to the diffusion of candidate gender quotas. The respective variable INTCOMM is found to significantly increase a state's likelihood to adopt candidate gender quotas (sig = .02). The B value for international commitment is 6.649. The positive B value indicates that higher international commitment makes a country more likely to introduce candidate gender quotas. Exp(B) is the predicted change in the hazard for each unit increase in the covariate. Exp (B) has the value 772.161, which means that INTCOMM has a very high effect on the diffusion of candidate gender quotas. Thus, it can be concluded that the development of an international norm regarding gender balance in political decision-making had a significant impact on the region-wide diffusion of candidate gender quotas in Latin America. This finding is in line with some of the literature on candidate gender quotas

15

Transnational networking was also found to be causally related to the diffusion of candidate gender quotas. The corresponding variable TRANSNET is statistically significant at the 0.05

¹⁵See, for example: Krook (2006)

level with a significance value of 0.041. The positive B value indicates a positive relationship. Thus, it can be concluded that international networking was a factor contributing to the diffusion of candidate gender quotas. This finding supports some of the existing literature on candidate gender quotas¹⁶. Physical distance to the innovating country was not found to be a predictor of the dependent variable. The variable is not statistically significant.

Two of the socio-economic variables were found to be causally related to the dependent variable. Female labour force participation (LABOR) is found to be a predictor of the dependent variable. The variable LABOR is significant at a .05 level. The positive B value indicates a positive relationship between female labour force participation and a state's propensity to adopt a candidate gender quota. Countries with a higher percentage of females participating in the workforce are more likely to be early adopters of the policy reform.

Women's educational status is also found to be a positively significant covariate (sig = 0.048). Higher levels of women's education contribute to the adoption of candidate gender quotas. The HDI and the fertility rate have no explanatory power in the model for the diffusion of candidate gender quotas.

Women's political representation has also no statistically significant impact on the diffusion of candidate gender quotas. The significance value is .310. A country's degree of democracy does also not have any impact on the timing of the adoption legislative candidate gender quotas. The variable was not found to be a predictor of the dependent variable (sig = 0.388).

The presence of domestic violence laws was found to be a significant predictor of the dependent variable (sig = .033). The negative B value indicates that this relationship is inverse. This means that countries that had already outlawed violence against women were less likely to introduce gender quotas. This supports the findings of Cox Regression Analysis on the

¹⁶See, for example: (Crocker 2005); Krook (2006)

diffusion of domestic violence laws, which was described above. On the other hand, there is no significant relationship between the introduction of national women's agencies and the adoption of candidate gender quotas.

The strength of the national women's movement is found to be a very strong predictor of the early adoption of a candidate gender quota. The variable is significant at the .05 level (sig = .048). The positive B value indicates a positive relationship between this variable and the dependent variable. Thus, it can be concluded that a strong national women's movement promotes an early adoption of candidate gender quotas. This finding is consistent with the existing scholarship that has pointed out the important role the national women's movement has played in putting candidate gender quotas on the political agenda.

The EHA analysis on the diffusion of candidate gender quotas showed that two international level factors caused the diffusion of this policy reform in Latin America. International norms and transnational networking were found to be predictors of the dependent variable. On the domestic level the strength of the women's national movement, female labour force participation and the level of women's education were found to be positively related to a country's propensity to introduce candidate gender quotas. Countries that had already outlawed domestic violence were found to be less likely to adopt a candidate gender quota than countries that had not already done this. This supports the findings of the EHA on the diffusion of domestic violence laws in Latin America, conducted above. Table 5.14 summarizes the findings of this section.

Table 5.14: Hypotheses regarding the Diffusion of Candidate Gender Quotas

| | |
|--|---------------------------------|
| H1.1b: A higher number of women in parliament increase the likelihood of a state's adoption of gender quotas | rejected |
| H1.2b: A higher degree of democracy increases a state's likelihood to adopt gender quotas | rejected |
| H1.3b: Greater development increases a state's likelihood to adopt gender quotas | rejected |
| H1.4b: Greater female labour force participation will increase a state's likelihood to adopt gender quotas | accepted |
| H1.5b: A high level of women's' education is positively related to a state adopting gender quotas | accepted |
| H1.6b: Lower fertility rates increase the likelihood of a state to adopt gender quotas | rejected |
| H1.7c: States that have previously outlawed domestic violence are more likely to adopt electoral gender quotas | rejected (inverse relationship) |
| H1.7d: States that have a national women's agency are more likely to adopt candidate gender quotas | rejected |
| H1.8b: A strong local women's movements' is a driver for the adoption of candidate gender quotas | accepted |
| H2.1b: An international norm accounted for the adoption of candidate gender quotas | accepted |
| H2.2b: The higher a country's involvement in transnational networks the more likely that it will adopt candidate gender quotas | accepted |
| H2.3b: Countries with closer proximity to Argentina are more likely to adopt candidate gender quotas | rejected |

5.5.4 Cox Analysis for the Diffusion of National Women's Agencies

The Cox Regression Analysis on the diffusion of national women's agencies generated highly significant results. Although not all variables were significant, the model provided strong

support for the argument that international and national factors were critical for the diffusion of national women's agencies in Latin America. Table 5.5.4 reports the means of the independent variables used in the dataset and table 5.15 identifies the independent variables examined and their statistical significance.

Table 5.15: Hypothesis regarding the Diffusion of Candidate Gender Quotas

| | B | SE | Wald | Sig | Exp(B) |
|----------|----------|-----------|-------------|------------|---------------|
| INTCOMM | 1.394 | 1.248 | 3.397 | .020* | 9.572 |
| TRANSNET | .069 | .027 | 6.263 | .0012* | 1.071 |
| NATWOM | .567 | .254 | 4.993 | .025* | 1.763 |
| DEMO | 10.029 | 5.844 | 2.945 | .046* | 91.715 |
| HDI | 18.527 | 9.584 | 3.747 | .053 | .2008 |
| LABOR | -.014 | .066 | 0.048 | .826 | .986 |
| EDU | .139 | .143 | .940 | .332 | 1.149 |
| FERT | 4.519 | 1.935 | 5.453 | .244 | .986 |
| POLPART | -.025 | .205 | .014 | .904 | 22669.411 |
| VIO | -1.784 | 1.964 | .825 | .364 | .168 |
| QUOTA | -2.110 | 1.990 | 1.123 | .298 | .121 |
| NEIG | -.714 | .1.511 | .223 | .637 | .168 |

* = $p \geq 0.05$ ** = $p \geq 0.01$

Table 5.16: Covariate Means: Cox Regression of Diffusion of Women's Agencies

| Covariate | Mean |
|-----------|--------|
| INTCOMM | .682 |
| LABOR | 46.924 |
| EDU | 17.948 |
| FERT | 3.208 |
| DEMO | .855 |
| POLPART | 9.761 |
| AGENCY | .303 |
| HDI | .736 |
| NATWOM | 6.182 |
| QUOTA | .152 |
| NEIG | .667 |
| TRANSNET | 27.582 |

Two of the three variables measuring international level factors are found to be causally related to the diffusion of candidate gender quotas. Firstly the existence of respective international norms is found to impact on the diffusion of national women's agencies. The variable capturing this dimension, INTCOMM, is found to significantly increase a state's likelihood to adopt a national women's agency. International commitment is found to be a statistically significant predictor of the diffusion of national women's agencies (sig = 0.02). The B value for international commitment is 1.394. Thus, higher international commitment makes a country more likely to introduce a national women's agencies. Exp (B) is 9.752. This means that international commitment has a very high effect on the dependent variable. It can be concluded that the development of a global norm concerning gender equality had a significant impact on the region-wide diffusion of respective national laws. International norms were driving the region-wide diffusion of national women's agencies. This finding supports some of the literature on the global diffusion of national women's agencies ¹⁷.

Transnational networking was also found to be a predictor of the dependent variable. TRANSNET is positively statistically significant with a significance value of .012. This finding is in line with existing studies. True and Mintrom (2001), for instance, found that transnational networks were an important mechanism regarding the diffusion of gender mainstreaming institutions globally. Physical distance to the innovating country is also not found to be an effective predictor of the dependent variable. The variable is not statistically significant.

In terms of socio-economic development none of the variables examined is found to be causally related to the diffusion of national women's agencies. National development, HDI, is not statistically significant (sig = 0.053). Female labour force participation (LABOR) is not found to be statistically significant (value = 0.826). Women's third level education and the fertility rate have also no explanatory power in the model. This finding is consistent with

¹⁷See, for example: Wotipka & Ramirez (2001)

the existing scholarship. True and Mintrom (2001), for instance, found that women's fertility rate and third level education were not a predictor for the adoption of gender mainstreaming mechanisms globally. Women's level of education and their fertility rate do not impact on a state's propensity to adopt national women's agencies. A greater proportion of women in parliament is also not found to be supportive for a country to early set-up a national women's agency. The significance value is .904.

The analysis shows that a country's degree of democracy has a positive impact on the timing of the adoption of national women's agencies. The variable has a positive B value of 10.029 and a sig-value of 0.046. This proves that the greater a country's degree of democracy the more likely it is to introduce a national women's agency. The presence of an electoral candidate gender quota provision is not found to be a significant predictor of the dependent variable (sig = .298). There is also no significant relationship between the introduction of national women's agencies and the adoption of a National domestic violence law.

The strength of the national women's movement is found to be a very strong predictor of the adoption of national women's agencies. The variable has a sig-value of 0.025. The positive B value indicates a positive relationship between this variable and the dependent variable. In other words, the stronger the local women's movement, the more likely it is that the respective country will introduce a national women's agency.

Overall, the EHA of the diffusion of national women's agencies showed that national as well as international level factors were responsible for the convergence of policies in this area. At an international level international norms and transnational networking were found to be important factors causing the diffusion of national women's agencies in Latin America. On the national level a country's degree of democracy and its development were found to be predictors of the adoption of a national women's agency. Also the strength of the national women's movement was found to be a factor positively contributing to the diffusion of national

women's agencies. Table 5.17 summarizes the findings of this section.

Table 5.17: Hypotheses regarding the Diffusion of National Women's Agencies

| | |
|--|----------|
| H1.1c: A higher number of women in parliament increase the likelihood of a state's adoption of a national women's agency | rejected |
| H1.2c: A higher degree of democracy increases a state's likelihood to adopt a national women's agency | accepted |
| H1.3c: Greater development increases a state's likelihood to adopt a national women's agency | rejected |
| H1.4c: Greater female labour force participation will increase a state's likelihood to adopt a national women's agency | rejected |
| H1.5c: A high level of women's education is positively related to a state adopting a national women's agency | rejected |
| H1.6c: Lower fertility rates increase the likelihood of a state to adopt a national women's agency | rejected |
| H1.7e: States that have previously outlawed domestic violence are more likely to adopt a national women's agency | rejected |
| H1.7f: States that have already adopted a candidate gender quota provision are more likely to adopt a national women's agency | rejected |
| H1.8c: A strong local women's movement is a driver for the adoption of a national women's agency | accepted |
| H2.1c: An international norm accounted for the adoption of national women's agencies | accepted |
| H2.2c: The higher a countries involvement in transnational networks the more likely that it will introduce a national women's agency | accepted |
| H2.3c: Countries with closer proximity to Guatemala are more likely to adopt a national women's agency | rejected |

5.6 Implications of the Macro-study

It was the purpose of the chapter to explain what accounted for the spread of gender equality policies in Latin America in the 1990s. The chapter dealt with the diffusion of domestic violence laws, candidate gender quotas and national women's agencies in Latin American countries. The chapter used EHA to explain the timing and underlying reasons for the diffusion of gender equality policy reforms in Latin America. The chapter has discussed the advantages of using EHA as statistical method of analysis for policy diffusion studies. In particular it has introduced and justified the use of Cox Regression Analysis and the Kaplan Meier Estimator. The chapter analyzed the dependent variables using internal and external covariates as explanatory variables. It found that in all three cases a combination of internal and external factors has shaped the adoption of the respective gender policy reform (see table 5.18).

Table 5.18: **Hypotheses**

| | |
|---|-----------------|
| H1.1a: A higher number of women in parliament increase a state's likelihood to adopt domestic violence laws | rejected |
| H1.1b: A higher number of women in parliament increase the likelihood of a state's adoption of gender quotas | rejected |
| H1.1c: A higher number of women in parliament increase the likelihood of a state's adoption of a national women's agency | rejected |
| H1.2a: A higher degree of democracy increases a state's likelihood to adopt national gender violence legislation | rejected |
| H1.2b: A higher degree of democracy increases a state's likelihood to adopt gender quotas | rejected |
| H1.2c: A higher degree of democracy increases a state's likelihood to adopt a national women's agency | accepted |
| H1.3a: Greater development increases a state's likelihood to adopt national gender violence legislation | rejected |
| H1.3b: Greater development increases a state's likelihood to adopt gender quotas | rejected |
| H1.3c: Greater development increases a state's likelihood to adopt a national women's agency | rejected |
| H1.4a: Greater female labour force participation will increase a state's likelihood to adopt national gender violence legislation | rejected (inv.) |

| | |
|--|--------------------|
| H1.4b: Greater female labour force participation will increase a state's likelihood to adopt gender quotas | accepted |
| H1.4c: Greater female labour force participation will increase a state's likelihood to adopt a national women's agency | rejected |
| H1.5a: A high level of women's education is positively related to a state adopting domestic violence laws | rejected |
| H1.5b: A high level of women's education is positively related to a state adopting gender quotas | accepted |
| H1.5c: A high level of women's education is positively related to a state adopting a national women's agency | rejected |
| H1.6a: Lower fertility rates increase the likelihood of a state to adopt domestic violence legislation | rejected |
| H1.6b: Lower fertility rates increase the likelihood of a state to adopt gender quotas | rejected |
| H1.6c: Lower fertility rates increase the likelihood of a state to a national women's agency | rejected |
| H1.7a: States that have electoral gender quotas are more likely to adopt domestic violence laws | rejected (inv.) |
| H1.7b: States that have a national women's agency are more likely to adopt domestic violence laws | rejected |
| H1.7c: States that have previously outlawed domestic violence are more likely to adopt electoral gender quotas | rejected (inv.) |
| H1.7d: States that have a national women's agency are more likely to adopt candidate gender quotas | rejected |
| H1.7e: States that have previously outlawed domestic violence are more likely to adopt a national women's agency | rejected |
| H1.7f: States that have already adopted a candidate gender quota provision are more likely to adopt a national women's agency | rejected |
| H1.8a: A strong local women's movement is a driver for the adoption of gender violence laws | accepted |
| H1.8b: A strong local women's movement is a driver for the adoption of candidate gender quotas | accepted |
| H1.8c: A strong local women's movement is a driver for the adoption of a national women's agency | accepted |
| H2.1a: An international norm accounted for the adoption of domestic violence laws | accepted |
| H2.1b: An international norm accounted for the adoption of candidate gender quotas | accepted |
| H2.1c: An international norm accounted for the adoption of national women's agencies | accepted |
| H2.2a: The higher a countries involvement in transnational networks the more likely that it will adopt domestic violence legislation | rejected |

| | |
|--|----------|
| H2.2b: The higher a countries involvement in transnational networks the more likely that it will adopt candidate gender quotas | accepted |
| H2.2c: The higher a countries involvement in transnational networks the more likely that it will introduce a National Women's Agency | accepted |
| H2.3a: Countries with closer proximity to Peru are more likely to outlaw domestic violence | rejected |
| H2.3b: Countries with closer proximity to Argentina are more likely to adopt candidate gender quotas | rejected |
| H2.3c: Countries with closer proximity to Guatemala are more likely to adopt national women's agencies | rejected |

The above analysis proved that the existence of respective international norms and countries committing to them has significantly contributed to the diffusion of candidate gender quotas, domestic violence laws and national women's agencies in Latin America. Transnational networking between state-level and international level organizations was found to further have had a positive causal impact on the diffusion of candidate gender quotas and national women's agencies in Latin America. In addition to these global forces, national level factors contributed to the region-wide diffusion of domestic violence laws, candidate gender quotas and national women's agencies. While national level factors contributing to the diffusion of gender equality policy reforms varied across the three cases, the national women's movement was found to be a relevant causal factor in all three cases. The analysis found that states that are more democratic are more likely to adopt women's national agencies. This conforms with the literature¹⁸. Women played a key role in the transitions to democracy all over Latin America. As a result of that, they were able to incorporate some of their concerns in the political agendas of the new democratic governments. The establishment of a national women's agency was on the top of the list of demands brought forward by women in most countries. In contrast, candidate gender quotas and domestic violence laws were rather second generation demands. That's why a country's degree of democracy was not related to the diffusion of domestic violence

¹⁸True & Mintrom (2001) found in their study on the global diffusion of gender mainstreaming that a countries degree of democracy is related to the diffusion of national women's agencies

laws and candidate gender quotas.

One finding was very surprising. In the case of the diffusion of domestic violence laws the relationship regarding female labour force participation is inverse. The lower a country's female labour force participation, the more likely it is that this country will adopt national violence legislation. At the same time, in the case of the diffusion of candidate gender quotas the relationship to female labour participation is positive. One possible explanation for this is that a domestic violence law is a so-called "role based" type of gender equality reform. "Role based" gender equality reforms are those that conform the traditional picture of women as mothers and care-takers (Blofield & Haas 2003, p. 48). Low labour-force participation characterizes a conservative state. Conservative states would rather approve "role-based" gender policy reforms, that do not clash with their conservative values. It is comparably easy for a conservative country to follow this kind gender equality norm. In order to signal modernity to the international community, a conservative state might have acknowledged the importance of adhering to international norms and of introducing gender equality reforms. When adopting gender equality norms, a conservative state would then focus on those norms that do not clash with the traditional conception of women. In other words, a state would rather introduce norms that complement domestic norms and values.

Candidate gender quota, in contrast, is a "non-role" based right that clashes with the conservative conception of women. Women's participation in the public, political space would only be approved by a non-conservative state. In this context, the thesis found a positive relationship between female labour force participation and candidate gender quotas. The analysis also revealed a positive relationship between the level of women's education, which is also a sign of a progressive state and the diffusion of candidate gender quotas. The level of women's education was found to contribute to the diffusion of candidate gender quotas, which conforms

with the literature ¹⁹.

Overall, the diffusion of gender equality policy reforms was based on a mixture of national and international factors. Thereby international norms and the national women's movement were found to be the main drivers of the diffusion of all three types of gender equality reforms, as they were significant in all cases examined above. This conforms with the World Society Approach, which was introduced in chapter 2. The World Society Approach holds that states are part of a world society. Globally established models or norms shape the policies of nation states as they legitimate local actions and policy choices. This common influence leads to a convergence of national policies around global standards.

Overall, it can be concluded that the diffusion of gender equality reforms in Latin America was a case of international socialization combined with domestic level factors. Nation states have been socialized into adopting standards set out by respective international norms nationally. As outlined by Ramirez et al. (2001), international socialization happens directly via external normative influence on the state, or is facilitated by national and international NGOs that serve as transmitters of international norms and as change agents (Wotipka & Ramirez 2001, p. 16). International norms serve as an 'opportunity structure' for transnational and national actors to frame their claims based on the standards and their policy ramifications (Wotipka & Ramirez 2001, p. 15). Also, Hawkins and Humes (2002) note that the main actors facilitating the transmission of international norms are transnational networks and national level NGOs. In all three cases examined in this chapter transnational networking and/or the national women's movement were found to have contributed to the diffusion of respective policy reforms. This further supports this conclusion that the diffusion of gender policy reforms in Latin America in the 1990s was based on a process of international socialization.

It has been further argued that degree of international socialization depends on the strength

¹⁹See, for example: (Rule 2006)

of the respective international norm. The strength of an international norm would be influential in terms of its effect on domestic policy making. According to Legro, “norms are seen as continuous rather than dichotomous entities: they not just exist or not exist but instead come in varying strengths” (Legro 1997, p. 33). The more robust a norm, the stronger will be its domestic influence (Legro 1997, p. 33). Legro (1997) developed a scheme for assessing norm strength. He suggests that a norm’s robustness can be conceptualized based on three criteria, namely specificity, durability and concordance (Legro 1997, p. 34). Specificity refers to the existence of guidelines regarding the implementation of prescribed obligations. Durability can be measured in terms of the existence of enforcement mechanism and sanctions. Concordance manifests itself in the existence and formulation of relevant treaties and shared agreement (Legro 1997, p. 34). The international norms underlying the diffusion of domestic violence laws and national women’s agencies are, as it will be shown below, clearly stronger than the one on gender balance in political decision-making.

In terms of specificity the norm on violence against women as well as the norm underlying the introduction of national women’s agencies, are clearly stronger than the one on gender-balance in political decision-making. The norm on violence against women sets out very clear measures that have to be adopted by complying states, as opposed to the norm on gender balance in political decision-making. In the *Vienna Declaration and Program of Action*, adopted by the World Conference on Human Rights, there is a clear recommendation to outlaw violence against women on the national level²⁰. In addition to that, there has been a treaty on the regional level, the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence, also called Convention of Belém do Pará*. This treaty specifies clear measures, that should be adopted by Latin American states, and explicitly asks states to adopt national legislation against violence against women.²¹

²⁰Chapter 3 A/CONF.157/23

²¹ The convention calls on states to include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and

Also the international norm regarding the diffusion of national women's agencies was very specific. The CEDAW, which is the most important treaty embodying this international norm, calls on states to establish institutions that promote gender equality, such as national women's agencies ²².

International declarations regarding gender balance in political decision make less specific statements. The Beijing Declaration, which was one of the most important documents in this context calls on governments to support gender balance in political decision-making, but without endorsing quotas. ²³.

The Beijing Declaration, however, does not specify clearly which measures should be taken exactly. One possible positive action measure that could be adopted by a state to ensure gender balance in decision-making is the introduction of candidate gender quotas. However, it is not mentioned explicitly. The language is clearly less specific than that in the treaties dealing with domestic violence.

to adopt appropriate administrative measures where necessary. It asks states to adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property. It demands to take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women; establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures. It asks states to establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies, Chapter 1, Article 7

²²By accepting the Convention, states commit themselves to undertake a series of measures to end discrimination against women in all forms, including, to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women, to establish tribunals and other public institutions to ensure the effective protection of women against discrimination, and to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises (www.uneca.org, accessed 20 June 2007)

²³It calls on states "to commit themselves to establishing the goal of gender balance in governmental bodies and committees as well as in public administrative entities, and in the judiciary, including, inter alia, setting specific targets and implementing measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary through positive action, in all governmental and public administration positions, to take measures,..that encourage political parties to integrate women in elective and non-elective public positions in the same proportion and at the same levels as men, and to protect and promote the equal rights of women and men to engage in political activities and to freedom of association, including membership in political parties and trade union"(www.un.org/womenwatch/daw/beijing/beijingdeclaration.html, accessed 20 June, 2007)

Durability refers to the existence of mechanisms to reinforce an international norm. Also in terms of durability the international norm on violence against women and the norm underlying the diffusion of national women's agencies are stronger than the one on gender balance in political decision-making. At the international level, the UN Human Rights Commission established an international enforcement mechanism regarding the international norm concerning violence against women. In the resolution of 4 March, 1994, the UN Human Rights Commission appointed a *Special Rapporteur on Violence against Women*, who can receive complaints and initiate investigations on cases regarding violence against women in all UN member countries²⁴. On a Latin American level, regional enforcement mechanisms have been established. Chapter four of the Convention of Belem do Pará specifies them. They include an individual right of petition and a right for non-governmental organizations to lodge complaints with the Inter-American Commission of Human Rights (IACHR) about state violations of their obligations to protect women from violence.²⁵ In terms of the international norm regarding gender

²⁴see: <http://www.ohchr.org/english/issues/women/rapporteur>, accessed 24 May 07. The rapporteur is entitled to:

- a *Seek and receive information on violence against women, its causes and consequences from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions and intergovernmental and non-governmental organizations, including women's organizations, and to respond effectively to such information;*
- b *Recommend measures, ways and means, at the national, regional and international levels, to eliminate violence against women and its causes, and to remedy its consequences;*
- c *Work closely with other special rapporteurs, special representatives, working groups and independent experts of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with the treaty bodies, taking into account the Commission's request that they regularly and systematically include in their reports available information on human rights violations affecting women, and cooperate closely with the Commission on the Status of Women in the discharge of its functions.*

²⁵Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the organization, may lodge petitions with the Inter-American Commission on Human Rights containing denunciations or complaints of violations of Article 7 of this convention by a state party, and the commission shall consider such claims in accordance with the norms and procedures established by the American Convention on Human Rights and the Statutes and Regulations of the Inter-American Commission on Human Rights for lodging and considering petitions (Ch. 4 Article 12). States are further obliged to include in their national reports to the Inter-American Commission of Women information on measures adopted to prevent and prohibit violence against women, and to assist women affected by violence as well as on any difficulties they observe in applying those measures, and the factors that contribute to violence against women (Ch.4 Article 10).

balance in decision-making no enforcement mechanism has been specified. The Committee on the Elimination of Discrimination against Women was established to consider the progress made in the implementation of the convention.

Concordance indicates how widely a norm is accepted in the international community and refers to the degree of inter-subjective agreement (Legro 1997, p. 35). The norm on violence against women enjoys greater concordance than the norm on gender equality in political decision-making. Violence against women has been framed as an assault against their human rights and even as a torture, as opposed to the norm on gender balance in decision-making, which is framed as an equality norm. The 1993 Vienna declaration calls violence against women “a violation of their human rights”²⁶. The UN states in the 1994 resolution on Human Rights “that violence against women constitutes a violation of the human rights and fundamental freedoms of women and that violence against women impairs or nullifies their enjoyment of those rights and freedoms”²⁷. A decision was made by the UN Human Rights Commission to include women’s human rights into the human rights mechanism of the UN.

The CEDAW, which is the most important treaty underlying the global norm regarding national women’s agencies, also establishes a very clear enforcement and monitoring mechanism. The Committee on the Elimination of Discrimination against Women was established to consider the progress made in the implementation of the Convention. There is very broad agreement in the international community on the importance of human rights, which makes violence against women and gender equity in general an issue with high normative concordance. On the other hand, the norm of gender balance in decision-making is weaker. As opposed to an assault against human rights, it is framed as a norm of equality. Further, the establishment of candidate gender quotas as a possible translation of this norm is a disputed

²⁶A/CONF.157/23, ch. 3

²⁷United Nations High Commissioner on Human Rights, 56th meeting, 4 March 1994: Question of integrating the rights of women in the human rights mechanisms of the United Nations and the elimination of violence against women, <http://www.ohchr.org/english/issues/women/rapporteur/>- accessed 15 June 2007

concept even within women's rights circles (Gray 2003, p. 55). Quotas represent one possible affirmative action measure to promote women's presentation and participation in political decision-making.

All in all, as for the case of the diffusion of domestic violence and national women's agencies the underlying international norm was clearly stronger than the one regarding gender balance in decision-making. This can be further illustrated looking at the speed of policy diffusion. As outlined above, the average adoption time for domestic violence laws was four years and for national women's agencies five years. On the other hand, countries adopted candidate gender quotas on average seven years after the first country had introduced it (see section 5.5.1). This confirms that the norms underlying the diffusion of domestic violence laws and national women's agency were more robust than the norm regarding candidate gender. At the same time, all Latin American countries adopted national women's agencies and domestic violence laws, while not all countries introduced candidate gender quotas. The fact that domestic violence laws and national women's agencies were successfully adopted by all Latin American countries, whereas candidate gender quotas did not find their way into national legislation of all countries is related to different norm strength. In other words, norm strength shapes international socialization. According to the World Society Approach, one of the most important channels of transmission in a process of international socialization are International Organizations and their networking with local organization. Both are also influenced by the strength of the international norm as a stronger norm makes it easier for them to frame their claims. This links back, to a certain extent, to the theory of societal modernization, which holds that countries with a modern domestic background are more inclined to adopt gender equality policies. The results of the macro-study proved that in a globalizing world state-policy making is shaped by international level forces. Kardam (2005) has argued that there is a global gender equality regime which globally socializes states to adopt certain national policy reforms. The macro-study found support for this line of argumentation, and

showed that national policies are converging on a broad scale around global standards. The macro-study also revealed that international norms and standards are not operating in a vacuum. Not all international ideas are diffused evenly, but the diffusion of international standards depends, apart from the robustness of the norm itself and international and national NGOs operating as transmission channels, on the national context of the respective countries. Domestic level characteristics, such as the degree of democracy, the level of women's education, female labour force participation and the existence of other women's rights were found to shape the process of policy diffusion.

One interesting example within the Macro-study is Chile. Chile successfully outlawed domestic violence and introduced a women's agency, but did not introduce candidate gender quotas. As it will be shown in the next chapter, Chile is overall characterized by a relatively conservative domestic culture, which prevented the relatively weaker international norm on gender balance in political decision making from being successfully transmitted.

While the chapter was able to identify which combination of factors was responsible for the diffusion of candidate gender quotas, domestic violence laws and national women's agencies, it did not shed light on how the different factors interacted and played together from a micro-perspective. So far I concluded that the diffusion of gender equality policies was a process of international socialization into global standards. The next chapter looks at the micro-level processes underlying the diffusion of gender equality policies in Latin America. It focuses on two types of policies, namely candidate gender quotas and domestic violence laws. International Socialization did not have the same impact across the region. While all countries outlawed domestic violence and national women's agencies, not all introduced candidate gender quotas. Chile, for example was amongst the leading nations to outlaw domestic violence and to introduce a national women's agency. At the same time, it is one of the few Latin American countries that has not yet adopted a national candidate gender quota provision. In a case-study

on the diffusion of domestic violence laws and candidate gender quotas in Chile this point is examined further in the next chapter.

As outlined in chapter 3, typically studies dealing with policy convergence can be divided into policy diffusion and transfer studies. Policy diffusion studies are concerned with the process of diffusion across different units of analysis, the velocity and intensity of this process and characteristics of adopter countries. Typically diffusion studies are based on large N cases and rely on quantitative methods. An advantage of the conception of policy diffusion is its openness, which allows it to link with other concepts, both within and beyond policy analysis, for example with policy transfer/implementation, international norms, globalization and policy networks (Freeman & Tester 1996, p. 19). Using the concept of policy diffusion makes it possible to move beyond the actual decision-making process connecting international and national policy making. However, such models don't look at policy content, at its characteristics, nor at its implementation. Diffusion studies show which factors contributed to the diffusion of policies, but they do not examine the exact dynamics of interactions behind each adoption. The interest of the thesis also lies in the dynamic behind policy diffusion. This aspect has been neglected by diffusion studies as they only focus on the process of diffusion itself, but is central to policy transfer studies.

In contrast to policy diffusion literature, which focuses on patterns of how political innovations spread, the focus of policy transfer studies are agents of transfer and individual cases of policy processes from a micro-perspective. These studies are usually based on small N case studies and employ qualitative methods. All in all, the policy transfer literature focuses on how nations import and translate policies from external. They look beyond policy diffusion and adoption. In contrast to policy diffusion studies, they focus on the actors of transfer and examine how policies are implemented. The main criticism of policy transfer studies is a lack of generalization. As opposed to diffusion studies, it is very hard to determine as to what

extent a given policy may transfer elsewhere.

As outlined in chapter 3, policy diffusion and policy transfer models have long been treated as separate and only recently has the need for an integration of those two approaches has been acknowledged (Newmark 2002, Bekkers 2004). The thesis integrates these two perspectives using a combined approach. In this chapter the diffusion of gender policy reforms was examined from a policy diffusion perspective. The following chapter will use two case studies to examine policy transfer. The case-study chapter will turn away from the macro-level diffusion perspective and will examine which micro-level processes and factors led to policy transfer and policy failure. As opposed to the quantitative approach applied in this chapter, the subsequent chapter will employ qualitative methods of analysis.

6 Translating Global Norms into Domestic Practices: Domestic Violence Legislation and Candidate Gender Quotas in Chile

6.1 Introduction

A key finding of chapter 5 was that, although the diffusion of policies related to women's rights in Latin America was part of an international socialization trend, this process did not follow the same patterns across different policy areas. The process of international socialization depended on the strength of the international norm itself and was filtered by domestic level factors. This raises the question, how do international norms interact with domestic conditions? The following chapter will examine this issue further for the case of Chile using policy transfer study methods, which complement the policy diffusion study of chapter 5.

The aim of the chapter is to identify the reasons for policy transfer and failure using two case studies of policy reform in Chile and examining micro-level processes that facilitated

or impeded policy transfer. As already outlined in chapter 3, the cases have been chosen based on the Policy Sector Approach (PSA). The PSA compares different policy reforms in the same country, as opposed to the National Patterns Approach (NPA) that compares the same policy reforms but chooses different countries as cases. The two cases, the diffusion of domestic violence legislation and gender quota provisions in Chile, have been chosen on basis of the most different. The case of domestic violence laws represents a case of policy transfer, whereas gender-quotas are a case of policy failure. Chile was amongst the leading states in terms of the adoption of domestic violence laws, but it has not yet introduced a quota law. Only some Chilean political parties have voluntarily adopted gender quotas, but most of them only for internal elections (Gray 2003, p. 55). Why did international norms on domestic violence lead to the transfer of respective policies, while in the case of candidate gender quotas to policy failure? Using Chile as a case-study in particular can illuminate the national level processes of resistance of a widely accepted norm and also the finding that the conservative, role-based perception of women connected with the enactment of domestic violence legislation.

This chapter examines policy transfer from the perspective of the nation-state, and looks at the role of domestic state actors, whereas most studies to date dealing with gender policy reforms in Latin-America in general, and in Chile in particular, have been written from the perspective of civil society organizations. Such studies have focused on the role that the women's movement has played initiating policy change, and some have also looked at the impact of international norms and networks on the local women's movement and its campaigning for gender policy reforms ¹.

At the end of the day, norms have to find their way into the thinking of state officials, who are in the position to vote for and against certain legislative proposals. For this reason the chapter will focus on this link. The link between global norms and the state is very important

¹See, for example: Gray (2003); Chuchryk (1994); Rios & Villar (2006); Baldez (2001)

for the Chilean context, as Chile is, as I will outline later, characterized by a very institutionalized political culture combined with a weak civil society. The women's movement in post-transition Chile is very fragmented and demobilized, and gender-policy making in Chile is highly institutionalised and state-agency driven (Rios-Tobar 2003, Franceschet 2005*b*). In a highly institutionalized state that has a weak civil society, such as Chile, state officials are the most important gate-keepers for policy reforms. However, the chapter also takes into account the influence of civil society organizations on policy-making, but from the perspective of state-officials, such as deputies and senators.

6.2 Women and Chile's Transition to Democracy

In the Latin American context, Chile is one of the most economically developed countries in the region, but at the same time one of the most conservative ones. It has the highest development status after Argentina. According to the *UN Human Development Index* (HDI), Chile is the second most developed country in the region, ranking 37 world-wide (UN 2005). On the other hand, Chile is characterized by a very conservative domestic culture. The main reason for Chile's conservatism is what is considered to be its "unfinished transition to democracy", whereby old elites were able to keep significant influence (Rios-Tobar 2003). As Chile was under a repressive dictatorship for more than 15 years, returning to democracy in 1989, this had a significant impact on its political culture.

Before the military coup in 1973, Chile had one of the most stable democracies in Latin America. In 1973, the military junta headed by Augusto Pinochet launched a coup against the democratically elected president Salvador Allende, and assumed power over the Chilean state. Pinochet and the military junta drastically restructured the state using state terrorism and a national security doctrine. All forms of independent civil society organizations and political

opposition were eliminated by the Pinochet government. The Pinochet era was marked by repression of any form of opposition framed by the state as a war against communism and a doctrine of national security (Gray 2003, p. 63).

The new government implemented “New Right” market-oriented economic policies, based on the Chicago School of economics (Waylen 1998, p. 147). The military’s new economic model caused poverty within large parts of the population, which led to wage decreases, and to a rise in unemployment. One of the government policies of the new economic program was a severe cut in social spending, which further increased poverty. In addition to this, the military’s market oriented approach rescinded all protective labour legislation, a policy which particularly affected women (Chuchryk 1994, p. 67). In addition to changes in economic policies, Pinochet’s national security doctrine also “presented an extremely traditional and reactionary vision of women’s correct place, and contributed to reconstructing a new cultural, political, and socio-economic fabric in Chile” (Dandavati 1996, p. 26). So, as part of the restructuring of the state, the military regime put effort in to restructuring gender relations in a way that emphasized preexisting conservative elements (Dandavati 1996, p. 26). According to this ideology, men were regarded as strong and independent family providers and were actively participating in Chile’s public life. Women, on the other hand, were considered as subordinate and dependent, and were responsible for raising children and fulfilling domestic duties, which did not give them the opportunity to engage in public life.

This model was further reinforced by the Chilean Catholic Church, which had an important role for society. The Chilean Catholic Church presents the Virgin Maria as a role model for women, and considers passiveness, subordination, and obedience as female virtues. “The upshot of this system is that women maintain their subordination and submissiveness (mari-anismo) with pride, while the men express their superiority (machismo) with equal pride and justification..Ser exposita and ser madre (to be wife and mother) were presented as the raison

d'etre for women" (Dandavati 1996, p. 26). Authoritarianism in the family was considered as an important pillar for Chile's authoritarian regime. As Valenzuela puts it, "the patriarchal family is an important source of the transmission of authoritarian ideology, constituting a base for support for the legitimization of the authoritarianism of the military government. The emotional relations prevailing in the family, are marked by hierarchy and inequality" (Valenzuela 1993, p. 85).

To back up this ideology, the military government created dedicated women's organizations to control their participation in public life. The official women's organizations were neither autonomous nor democratic, but were designed to reinforce the patriarchal order (Dandavati 1996, p. 31). A national Secretariat of Women (SNM) was established in 1973, to "highlight the importance of the woman to the state and to cooperate in increasing her ability to better discharge the role of mother, spouse and housewife" (Valenzuela 1993, p. 68). However, authoritarianism combined with economic depression in Chile led to the emergence of a strong second wave women's movement as an important political actor, which operated outside the conventional political space. Women actively participated in the campaigns for a return to democracy, organizing at several levels from small elite feminist groups to organizations of urban poor, peasants, lay catholic, and human rights-groups. The goal of returning to democracy provided a basis of cooperation among these groups legitimating for the first time in Chile the widespread participation of women in politics (Chuchryk 1994).

The authoritarian regime repressed the male-dominated conventional political arena by banning political parties, congress, and trade unions, and in the process "created the political space which allowed women's activities to achieve a high profile" (Waylen 1998, p. 147). The regime's oppressive practices depoliticized men. The abolishment of political parties and social organizations deprived men of the opportunity to openly engage in regime-opposition, and to organize themselves efficiently against military rule. In the early process of the transition

to democracy, meetings organized by women's groups attracted large audiences, which were able to use the political spaces organized by women to debate political alternatives, and to begin to construct a public opposition. The military first allowed meetings of this type, while banning those organized by man, as they did not have a framework for responding to women's meetings, nor did they initially consider them significant (Jaquette 1994, p. 4).

The political and economic crisis generated by authoritarian rule in Chile propelled many women to take on new roles in the public sphere. Several factors had come together to encourage women to become vocal and visible political actors. The first was the economic crises, to which the military regimes had reacted with cut backs on social spending, which particularly hit lower class urban women, "mujeres populares" (Chuchryk 1994, p. 69). As a result, these women organized to demand relief from the state, and for the supply of basic services, which due to reductions in social spending the state no longer provided. In response to this situation, Chilean women set up public economic organizations, which for example provided the poor with food (Chuchryk 1994, p. 69). The mass-protest of the "mujeres populares" challenged the military regime, and made it difficult for the regime to claim that its economic politics had succeeded in solving Chile's economic crises.

The second reason women organized were the crimes against human rights committed by the regime. Provoked by the terrorist tactics of the military, women publicly showed opposition, organizing against the regime's human rights abuses. Human rights organizations protested every Friday during the military rule against disappearances outside Moneda Palace (Waylen 1998, p. 149). Although the intention of these protests was oppositional, women's human rights organizations masked their political intentions by projecting their roles of mothers. They claimed: "We are mothers not women...we are looking for our children. Our fight is for our families not to be forgotten and to reclaim justice from the state" (Schirmer 1992, p. 21). As Waylen puts it, they "could use the military's very traditional notions of women's

proper role that they should be at home, caring for their children as the pivot of their protest. They were prevented from that task, they argued, by the disappearance of their children and they had to search for them” (Waylen 1998, p. 149).

Shared opposition to the military coupled with a struggle for economic improvement and the abolishment of human rights abuses unified various women, and made them quickly develop new modes of political action, and allowed them to become a strong part of the opposition against the regime. Some women started to make a connection between actions and policies of the military dictatorship and the prevalence of authoritarian behavior of men against women in personal and social relationships. Military rule led many women to question their marginalization in the public, political sphere, and to reject their relegation to the private sphere (Chuchryk 1994, p. 75). In developing an opposition movement in conjunction with other civil society organizations against military rule, women’s transitional movements also started to expand a new discourse of rights and citizenship aimed at the incorporation of gender issues. In 1988, for example, the feminist movement of Chile published the “Women’s Demands to Democracy” in a major Santiago daily newspaper, demanding the implementation of gender equality from the future democratic government (Chuchryk 1994, p. 66).

The military regime by the mid 1980s was increasingly discredited because of the economic crisis and the unsuccessful attempt to reclaim the Malvinas Island from the British. The fact that the military had lost standing coupled with the rise of pro-democratic movements around the world led the military to initiate transition to democracy themselves. The role of the military in this process led to a very “pacted” transition to democracy (Franceschet 2005a, p. 8). As Rios Tobar (2003) puts it, Chile’s democratic transition was “conditioned and controlled by mechanism and norms set out by the dictatorship” (Rios-Tobar 2003). In the late 1980s the military regime allowed a limited political opening, and as a result, political parties regained control of the pro-democracy movement and aspects of the social movement were weakened

(Waylen 1998, p. 155).

As military regimes moved toward opening the state to democracy, and as political parties and other groups began to reconstruct themselves, the ties between women's groups and their allies in civilian opposition began to weaken (Rios-Tobar 2003). Nevertheless, hoping that a return to democracy could bring about a more humane society and an advance in women's citizenship they continued to help rebuilding democratic governance. Many women activists started to form allies with political parties. The emergence of a feminist agenda was most apparent in the centre and centre left parties, namely the Christian Democrats (PDC), the Party for Democracy (PPD), and within the Socialist Party (PS). These three parties formed the *Conteración por la Democracia*, the coalition that has been governing ever since the return to democracy in 1989 (Waylen 1998, p. 156). Women's concerns were mostly addressed within the PS and PPD. The PDC only addressed women's concerns that were in line with moral and religious ideas of the Christian Democrats.

While political parties articulated their support for women's rights, they were not really prepared to restructure the state allowing for the incorporation of women's rights. To promote women's rights within political parties and to incorporate women's concerns in the future democratic government women from the the *Conceración por la Democracia* set up the *Concertación de Mujeres por la Democracia*(Waylen 1998, p. 157).

Another factor that led to a negotiated democratic transition was a failed putsch by an extreme left guerilla movement, which demoralized the centre left opposition. The political opposition was divided into two groups, the conservative *Alianza Democratica* (AD), which favored a strategy of negotiation with the ruling military junta as means for transition to democracy, and the centre-left *Movimiento Democratico Popular* (MDP), which advocated violent overthrow (Friedmann 1990). As a result of the failed 1986 putsch, the transition happened in form of negotiation as postulated by the AD. In 1988, a plebiscite was held to vote about

Pinochet continuing in the presidential office, whereby 55 percent of the population voted 'no'. As a result, the first democratic elections were held in 1989. But, although women played a major role in initiating transition to democracy, their concerns were only sporadically incorporated in the elite-driven negotiations of the new democracy. This has led to the proliferation of the term *unfinished transition*, from the perspective of women (Friedmann 2000).

The 1980 constitution created the framework for the transition leading to a limited constitutional democracy. The fact that the military government was able to negotiate the terms of democratic transition and managed to maintain substantial power in the new government, allowed for several barriers to public participation and obstacles to initiating institutional reforms, especially constitutional amendments (Gray 2003, p. 63). Over the past two decades things have constantly been improving, and over 50 constitutional reforms were approved, which eliminated some of the remaining undemocratic areas of the text, such as the existence of non-elected Senators (institutional senators, or senators for life) and the inability of the President to remove the Commander in Chief of the Armed Forces (Marques-Pereira 2006).

6.3 Political Institutions after the Transition to Democracy

Formal and informal political institutions shape Chile's propensity to adopt gender equality related legislation. Chile is a presidential representative democratic republic with a bicameral legislature. The National Congress consists of a 48 member Upper House, and the Senate, which consists of 38 elected senators, 8 appointed senators and 2 senators for life ², and the Lower House, the Chamber of Deputies consists of 120 members, who are elected for a four year term (Gray 2003, p. 63).

²The senators for life were abolished in 2005

The Chilean constitution established a strong executive and a weak parliament (Gray 2003, p. 63). Chile elects its President by popular vote for a four-year term³. The President is both chief of state and head of government, and appoints the cabinet. The current president, Michelle Bachelet, from the Socialist Party (PS) was elected in 2006. She is Chile's fourth president after the Pinochet era. Since the return to democracy in 1989, all administrations were in the hands of the *Conteracion por la Democracia*, the centre-left governing coalition. The former president Ricardo Lagos Escobar, also from the PS, held office between 2000 and 2006. The presidents preceding Lagos were both Christian Democrats, Eduardo Frei (1994-2000) and Patricio Aylwin (1990-1994). The executive branch in Chile has very strong legislative powers. It determines a large share of the legislative agenda, and has exclusive jurisdiction over some important areas, such as budgeting (Gray 2003, p. 63). It can also declare a legislative bill as urgent, and possesses important informal powers, such as greater financial resources than congressional members. Executive members are also allowed to take part in commission meetings around legislative reforms (Blofield & Haas 2003, p. 42). The president, being head of the executive branch, has a very strong position influencing legislation in Chile, which impacts on Chile's position regarding women's rights legislation. While Christian Democrat presidents would only promote women's rights legislation in line with church teaching, presidents from the PS have a more progressive stance regarding women's rights. Hence, during the Christian Democrat era in the 1990s the state's promotion of women's rights has been much more moderate than after 2000 (Blofield & Haas 2003, p. 42).

Further, the new democratic government established a binominal majoritarian electoral system for congressional elections, in which all seats are elected in two seat districts. Parties or coalitions present lists with a candidate for each of the two seats to be filled, while voters cast a preference vote for one candidate. The electoral system considers both the votes for the total list and the votes for individual candidates. The first seat goes to whichever list receives

³Previously the term was 6 years

the most votes in total, meaning the representative elected is the individual candidate on that list who receives the highest vote. To take both seats the most successful list must receive twice the number of votes of the second list (Gray 2003, p. 64). In order to get both seats one needs 67 percent, which occurs very seldom. This means that in a two-list contest a party can obtain one seat with only 33.4 percent of the vote, whereas a party must take 66.7 percent of the vote to gain both seats. Any electoral support that the largest party gets beyond the 33.4 percent threshold is effectively wasted, unless that party attains the 66.7 percent level. According to Gray 2003, the military regime established the binominal system to encourage coalitions (Gray 2003, p. 64). This leads to a very close party system, and does not allow for the entrance of smaller parties. The electoral system and the closed party system allow in Chile only little influence for minorities and often impede reforms (Gray 2003, p. 72).

The system is designed to encourage party coalitions, and gives the oppositional right-wing alliance significant power. Since the second strongest coalition typically gets allocated the same number of seats in the Chilean congress, the right-wing opposition is in the position to keep up a high level of influence. The binominal electoral system helps to secure a disproportionate number of seats in parliament for the right wing parties, as it leads to an almost evenly divided number of deputies and senators from *Concertación por la Democracia* and the *Alliance for Chile*. In addition, the system often limits the election of representatives from far-left parties or other smaller parties (Heath 2007, p. 516).

Since the return to democracy the governing coalition is the centre-left *Concertación por la Democracia*, which consists of the Christian Democrat Party (PDC) and the two main left parties, the Socialist Party (PS) and the Party for Democracy (PPD). The two major right wing parties, Independent Democratic Union (UDI) and National Renovation (RN) form the opposition coalition, the *Alliance for Chile*. So far the *Concertación* has held in terms of elected seats the majority of seats in the chamber and the Senate. However, with the inclusion

of the 8 appointed senators the *Concertación* lost the majority in the Senate to the *Alliance for Chile*.

In the first two *Concertación* administrations, the Christian Democrats held the presidency as well as the majority of the congressional seats. On grounds of the formal and informal powers of the executive and the numerical strength in congress, the PDC had the most significant influence on Chile's political decision-making between 1990 and 2000. As mentioned above, during this period, women's rights concerns were not incorporated into the political agenda to the extent they were after 2000, when the PS took on a leading role within the *Concertación*. Although, the PDC expressed its support for gender equality, it was hesitant to introduce legislation that conflicts with the church. "Broadly reflecting the teachings of the Catholic Church, the policy positions of the Christian Democratic Party tend to be reformist on issues of class and conservative on issues relating to sexuality, gender roles, or family" (Blofield & Haas 2003, p. 45).

The left wing of the *Concertación* has significantly increased its influence after 2000, holding the presidency since then, while the PDC has also become less conservative over time (Scully 1996). As a result, after 2000, more and more women's right legislation that conflicted with traditional church moral were passed. For example, Chile legalized divorce in 2004, being the last country in the region to do so. In 2006, Chile elected for the first time in history a female president, Michelle Bachelet, from the PS. Also the results of the Chamber of Deputies and the Senate elections were in favour of the *Concertación*, of which PS is a part. Currently the *Concertación* controls both houses of Congress for the first time since Chile's democratic transition, holding 62 seats in the Chamber and 20 seats in the Senate as against the 57 and 18 seats, respectively, held by the *Alliance for Chile* coalition. The current president, Bachelet from the PS and her coalition control both the congress and the executive branch of government. Hence, it is easier for Bachelet to get legislation passed through

the Congress, which will reduce the risk of deadlock between the legislative and executive branches of government. In announcing her cabinet, Bachelet appointed women to 10 of the 20 cabinet posts. Women hold the Defense, Health, Economy, Mining, and Culture Portfolios, and the president's General Secretary is a woman. This shows that one of Bachelet's goals is to establish gender balance in political decision-making (Heath 2007, p. 519).

6.4 The Role of the National Women's Agency

SERNAM and the Women's Movement

With the return to democracy second wave feminism came to an end, and other spaces and forms of women's activism emerged. The most important of them is SERNAM, Chile's national women's agency. According to the literature, during the military regime and transition to democracy the main space for women's political activism was the women's movement, which had a strong position at this time. After the transition to democracy the majority of women activists switched to political parties or state institutions. "Mainstream feminism discourse suggests that the women's movement created the Concertación of Women for Democracy so as to present their demands to the new democratic government. Feminists then returned to political parties and the state, while others remained in non-governmental institutions" (Rios-Tobar 2003, p. 265). Gender policy making in Chile is highly institutionalized, whereby SERNAM, being the government's arm in terms of gender policies, is one of the most important actors.

The creation of a national women's agency was one of the main points that was formulated by the women's movement in the eve of the democratic transition in the "Demandas de las Mujeres" (Baldez 2001, p. 13)⁴. Politicians from the conservative parties, UDI and RN, tried

⁴"Demandas de las Mujeres"(Women's Demands) were brought forward by the women's movement in the context of democratic transition and were published in one of Chile's major newspapers.

to block the creation of the agency condemning it as a “vehicle for feminist propaganda, an unnecessary aggrandizement of government power, and an unjust intrusion into the private sphere” (Baldez 2001, p. 14). Despite of that, SERNAM was created by Law 19.023 in 1991. Being a national office SERNAM has a very strong position in terms of influencing women related policies in Chile. However, being an arm of the government, SERNAM’s activities are highly dependent on the agenda of governing coalition. SERNAM does not have the status of a ministry in its own right, but belongs to the Ministry of Planning and Co-operation. However, its director enjoys the status of a Minister of State and therefore can participate in cabinet meetings (Franceschet 2005*b*, p. 29).

SERNAM has established offices in all of Chile’s 12 regions.⁵ SERNAM’s legislative influence has been illustrated in a study of Blofield and Haas (2003). They examined 38 women’s rights bills that had been proposed in Chile between 1990 and 2002 (Blofield & Haas 2003). They found that bills that were sponsored by SERNAM or that were put forward in the form of an executive message had a higher rate of passage than those that did not enjoy the support of Chile’s executive branch. This shows that Chile has a highly institutional political culture and a very strong executive branch. Overall, gender policy-making in Chile is highly institutionalised (Franceschet 2005*b*).

During the 1990s, SERNAM was in the hands of the Christian Democratic party, which has, in line with the church, a very traditional role-based point of view of women and family. As a result, research on SERNAM has shown its relative conservatism in this period. According to Chuchryk, in the 1990s, SERNAM framed “women’s issues in the context of the need to preserve and harmonize family life and has focused public discourse almost exclusively in terms of three basic themes; legal reform, women as heads of households in the lower

⁵SERNAM’s institutional mission is to design, propose, coordinate political plans, measures and legal reforms which lead to equality of rights and opportunities for men and women; and to eliminate discriminatory practices in the process of political, social, economic and cultural development of the country (www.sernam.cl, accessed 23 May 2007).

socioeconomic strata and domestic violence. But domestic violence is constructed as an issue on grounds that the family is the basic unit for society. Healthy family makes a healthy society” (Chuchryk 1994, p. 88). SERNAM only support role-based gender policy reforms.

As the women’s movement is, compared to other Latin American states, weak in Chile, SERNAM is a very important gate-keeper for women’s rights issues (Franceschet 2005*b*). Fraser (1997) labels Chile’s political culture as privileging a hegemonic public sphere undermining the existence of subordinate groups, such as women’s rights organizations (Rios-Tobar 2003, p. 259). As a result, women’s groups have preferred to establish linkages with political parties, state officials and SERNAM than with other women’s movements. The structure of political opportunities after the transition to democracy was marked by unfavorable conditions for civil society (Rios-Tobar 2003, p. 273). As outlined above, the influence of the women’s movement gradually decreased in post-transition Chile. Ríos Tobar (2003) calls this the “paradox of Chilean feminism” in the 1990s. The nature of the women’s movement in Chile and the existing political culture were key obstacles to the movement’s ability to lobby for reforms (Rios-Tobar 2003). According to Waylen, operations of the women’s movement outside mainstream political processes have become incidental after the transition to democracy. State institutions related to women’s civil society organizations mainly act as technical experts able to support public policy-making, but incapable to act as independent members of civil society, which has clearly weakened the movement’s ability to autonomously press for reforms (Waylen 1998).

While many women’s NGOs network with SERNAM, SERNAM’s relationship with the women’s movement has been labeled by some as problematic, in the sense that it is weakening the autonomous women’s movement attracting most of the resources available. As Waylen (1998) puts it, SERNAM is “weakening women’s movements as it has become the major interlocutor through which resources are channeled and has absorbed feminists into the

state. Many international institutions and NGOs which had given funds directly to women's groups...redirected them through the state...The disbursement of resources has given SER-NAM a potentially clientelistic relationship with groups outside. It has close ties with many of the feminist research NGOs..providing them with contracts and support through commissioning on research" (Waylen 1998, p. 160).

In Chile the Catholic Church gained significant influence in society, because a section of it supported the human rights movement during the military regime (Blofield & Haas 2003, p. 39). Parts of the Catholic Church provided humanitarian aid during the regime and condemned the human rights abuses by the regime.

As a section of the Catholic Church formed part of the opposition, it significantly increased its legacy, and with the transition to democracy it was able to maintain its political influence within the democratic government. According to Blofield and Haas, the strong position of the church in Chile is opposing gender equality reforms, especially those that conflict with the model of the traditional family and with the notion of sexual morality. The fact that Christian Democrats are one of the biggest parties in congress, and also had the presidency in their hand between 1990 and 2000, presents an important obstacle to the improvement of women's rights (Blofield & Haas 2003, p. 39). "The prioritization by Pope John Paul II (1978-2005) of issues related to sexual morality and the family also resulted in a shift in focus in church hierarchy, which increased the pressure on Christian Democrats to avoid reforms on those issues" (Blofield & Haas 2003, p. 41). Also the opposition, the conservative right Alianza por Chile, adheres to catholic moral teaching and impedes gender equality reforms (Blofield & Haas 2003, p. 41).

6.5 Women's Political Representation in Chile

Women's political representation in Chile is below average compared to the rest of the region of Latin America. The Latin American average of female senators is 19 percent and the average female share of deputies is 20 percent, in Chile it is only 5 and 15 percent. Women's share in the Senate has even decreased from 8 to 5 percent in the years 1990-2006. Currently the Senate only has 2 female senators (see table 6.2) ⁶. In the Chamber of Deputies women's representation is below average, but it increased from 6 percent in 1990 to 16 percent in 2006 (see table 6.1) ⁷. Women remain severely underrepresented compared to men, as currently only 19 out of 120 deputies are female, while women represent 50.7 percent of Chile's total population and 52.4 percent of the voting population these numbers are very low.⁸

Table 6.1: Female Representation in the Chamber of Deputies

| Period | Women | Total | Percent Women |
|-----------|-------|-------|---------------|
| 1990-1993 | 7 | 120 | 6 |
| 1994-1997 | 9 | 120 | 8 |
| 1998-2001 | 14 | 120 | 12 |
| 2002-2004 | 15 | 120 | 13 |
| 2005-2006 | 19 | 120 | 15 |

Table 6.2: Female Representation in the Senate

| Period | Women | Total | Percent Women |
|-----------|-------|-------|---------------|
| 1990-1993 | 3 | 38 | 8 |
| 1994-1997 | 3 | 38 | 8 |
| 1998-2001 | 2 | 38 | 5 |
| 2002-2004 | 2 | 38 | 5 |
| 2005-2006 | 2 | 38 | 5 |

Why is female political representation in Chile lower than in most other Latin American countries? According to Gutierrez (2006), the main reasons for the gender gap in Chile's

⁶Source: www.sernam.gov.cl/basemujer, accessed 5 June 2007

⁷Source: www.sernam.gov.cl/basemujer, accessed 5 June 2007

⁸See www.sernam.gov.cl/basemujer

political decision-making bodies are the structure of the Chile's electoral system, political culture, and the party system (Gutierrez 2006, p. 12-22). In terms of domestic political culture, Chile is widely considered as one of the most conservative countries in the region, and one that is state and institutionally centered characterized by a search for consensus and fear of conflict (Rios-Tobar 2003, p. 260). Unlike other Latin American states, that have experienced more change, the political culture of post-transition Chile remains very conservative. For this reason, Chilean political culture impedes gender equality reforms.

One of the main barriers to women's political representation is Chile's binominal electoral system (Franceschet 2005a). It has three main negative impacts on women's chance to get elected. Due to the small district size parties feel pressured to nominate candidates that are likely to win, and in most cases male candidates would be perceived as more likely to do so. In the next stage of the selection process women are further disadvantaged, as the electoral system favors the forming of coalitions and inter-party competition within the coalition (Franceschet 2005a, p. 88). As a result, "even if women succeed in winning their party nomination -whether through a primary or centralized process- the party may ultimately bargain away that candidacy as the various coalition partners negotiate each party's number of candidacy and the districts in which they run" (Franceschet 2005a, p. 88). A third mechanism working against the election of women is high incumbency in Congress. In Chile the number of cases of renominations of deputies are very high, which leads to a vicious cycle for women because it is harder to break into the political space than into political systems with a harder level of incumbency (Gutierrez 2006, p. 14-15). Another important barrier to women's political participation is the fact that they do not have a political network supporting them, unlike their male counterparts (Franceschet 2005a, p. 89). Women also have less financial resources to support their campaigns (Fuentes 2006, p. 15).

Chile's political culture is very institutional and party centered compared to the rest of

the region (Gutierrez 2006, p. 16). Within the electoral system, in order to get elected, a candidate has to be part of one of the two major coalitions. The system discriminates against small parties. This means that female politicians have to integrate themselves into one of the main-stream political parties, in order to get elected. Chile's transition to democracy led to a party system, in which most of the traditional cleavages have been maintained and women's interest have only been integrated to a certain extent. As Gutierrez (2006) puts it, "in the Chilean case, even during the political transition to democracy where a new party system was created, most of the traditional cleavages were maintained. Thus, the new party system, after 17 year of authoritarianism , conserved the main historical features of the old system. Only the support or rejection of the authoritarian regime was included as a new cleavage. Despite the important role played by women during the process to recover democracy, this only translated into the inclusion of some women's issues in the political program of two main coalitions and the new democratic government and to a smaller degree- of the political parties in general" (Gutierrez 2006, p. 16).

Before the return to democracy women had focused their activities on the non-formal political space, and did not have very strong linkages to political parties. In democratic Chile women's inclusion in political parties has been very slow compared to other countries in Latin America. After the first democratic elections women only occupied 6 percent of the seats in the Chamber. This is also reflected in the list of candidates put forward by each political party⁹. Chilean political parties tend to nominate mainly male candidates for their party lists, although during the past years increasing gender balance on party lists of most political parties can be observed. The Socialist Party (PS) has on average always nominated the highest percentage of females compared to other Chilean parties. In 2005, it almost nominated 30 percent female candidates. The Party for Democracy (PPD) is the party with the second highest share of female candidates on their party list. While the party only nominated 8 percent female

⁹Source: Boletín 3206-18, <http://sil.congreso.cl/>, retrieved, 25 May 2007

candidates in 1989, this number increased to 26.6 percent by the last elections. The Christian Democrat Party (PDC) also shows a tendency to incorporate increasingly more women in their party list. However, the overall average is even lower than the nominations of the conservative party National Renovation (RN). The RN nominated 16.6 percent of women in 2005, whereby the PDC only proposed 11.1 percent. The Independent Democratic Union (UDI) has even a decreasing tendency to nominated female candidates, and only included 8 percent of women on their last candidate list ¹⁰.

Chile's political parties are employing two types of strategies to increase women's participation in political decision making, namely positive discriminatory and affirmative action and rhetorical strategies. In terms of rhetorical strategies, both coalitions, the Concertación as well as the Alliance for Chile, include women's issues in their general discourse (Gutierrez 2006, p. 20-22). The PS and PPD refer to women's issues in their party documents, while the PDC does not explicitly include female concerns in their party discourse. On their party websites the PS and PPD clearly distance themselves from gender discrimination in politics. The PDC has been due to their close affiliation to the Catholic Church reluctant to integrate women's non role based concerns that clash with the church's role model of women (Gutierrez 2006, p. 22). The PS mentions in its declaration of principles the full equality between men and women as a goal ¹¹. The PPD also included gender balance in its principles and has an extra section on women's rights on their website and canvasses for gender-equality programs, including non-role based rights, such as gender equality in political decision-making ¹². On the other hand, the Alliance's discourse regarding women's issues has a strongly family oriented focus portraying women as mothers and care-takers ¹³. The RN, for example, states, "the RN values the function and virtues of women as carrier of life, centre of the family and transmitter

¹⁰Source: Boletín 3206-18, <http://sil.congreso.cl/>, retrieved, 25 May 2007

¹¹See www.pschile.cl, retrieved 25 May 2007

¹²www.ppd.cl, retrieved 25 May 2007

¹³See: www.udi.cl and <http://www.rn.cl/>, retrieved 25 May 2007

of moral and traditional values”¹⁴.

Beyond the party level discourse, the parties of the Concertación have voluntarily adopted party quotas to increase women’s share in parliament. The PPD and the PS have internal party quotas since the return to democracy in 1989. The PPD introduced a 20 percent quota for women on the party list as part of its founding charter in 1988. This quota provision was increased to 40 percent in 1998. The current quota provision prescribes that no gender should have more than 60 percent of all candidatures (Gutierrez 2006, p. 25). The PS introduced in 1989 a 20 percent quota for internal posts, which was raised to 30 percent in 1996 and to 40 percent in 1999. However, in both cases as for the PS and PPD, the quotas have not been reached so far. The PDC introduced a candidate gender quota provision of 20 percent in 1996. This quota, however, is not really enforced (Franceschet 2005a, p. 99). In contrast, the right wing parties of the Alliance have been reluctant to voluntarily adopt party quotas. All in all, Chile’s domestic political structures and culture haven been barriers to women’s political participation.

6.6 Candidate Gender Quotas in Chile: A Case-study of Policy Failure

As chapter 5 demonstrated, the diffusion of candidate gender quotas through Latin America was the result of a process of international socialization, whereby international norms and transnational organization socialized Latin American states into introducing quota laws. This process of international socialization was, according to the macro-study, to a certain extent mediated by national level factors. More specifically, the level of women’s education, the

¹⁴Original text: La Renovacion Nacional valora las funciones y virtudes de la mujer como portadora de la vida, nucleo de la familia and transmisora de los valores morales y tradicionales.

degree of female labour force participation and the strength of the national women's movement were found to have impacted on the diffusion of candidate gender quotas. Apart from Uruguay, El Salvador and Guatemala, Chile is the only Latin American country that has not yet adopted a candidate gender quota law. What are the reasons, including the factors mentioned above, for this policy failure? Why could the international norm on gender balance in political decision-making not be successfully transferred into the Chilean domestic context? The topic of gender balance in political decision-making has been on the political agenda since the mid 1990s, when the bulk of Latin American countries adopted candidate gender quotas. In Chile, there have been several attempts to convince the government to make legislative modifications that promote gender balance in political representation. In the past two decades three legislative proposals asking for the adoption of a candidate gender quota provision have been presented to the Chamber of Deputies and the Senate. The first two bills were unsuccessful. The third quota bill is currently still being processed. Another bill related to gender balance in political decision-making, which aims to restructure the electoral system, was recently introduced by the president, Michelle Bachelet.

The first legislative proposal demanding the introduction of electoral candidate gender quotas was put together by deputies from the *Concertación de Partidos por la Democracia*, the governing coalition, which consists of centre and left parties.¹⁵ On 13 March 1997, Mariana Aylwin from the PDC presented the bill to the Chamber of Deputies¹⁶. The bill asked for modifications of the constitution and electoral law with the objective of promoting women to participate in national decision making bodies¹⁷. In more detail, this legislative proposal intended to increase female political representation asking for the introduction of a 40 percent

¹⁵The bill was sponsored by Isabel Allende Bussi (Socialist Party - Partido Socialista, PS), Mariana Aylwin Oyarzún (Christian Democrat Party - Partido Demócrata Cristiano de Chile, PDC), Víctor Jeame Barrueto (Democrat Party - Partido por la Democracia, PPD), Camilo Escalona Medina (PS), Jaime Estévez Valencia (PS), Andrés Palma Irrázabal (PDC), Fanny Pollarolo Villa (PDC), Romy Rebolledo Leyton (PPD), María Antonieta Saa (PPD) and Martita Woerner (PPD)

¹⁶Transcript of session 52/334, Chamber of Deputies, 13 March 1997, p. 6

¹⁷Boletín 1994-07

gender quota provision for national and municipal elections, whereby no party should be able nominate more than 60 percent of the same sex ¹⁸.

A reference to existing international norms on gender balance in political decision-making was used to frame this bill. The bill also called for internal democracy and criticized the existing gender gap in political representation. It pointed out that, although 40-50 percent of members in Chilean domestic parties were women, they only constituted 7.5 percent of deputies in the chamber and 1.8 percent of senators. It framed gender balance in political decision-making as a condition of internal democracy. The bill argued that the constitution guaranteed all citizen the right to participate in national decision-making and guaranteed internal democracy. It argued that the gender gap in political representation endangered internal democracy, while the purpose of the bill was to introduce electoral gender quotas as a measure to decrease the gender-gap ¹⁹.

The bill makes reference to international treaties and instruments that had been ratified by the Chilean State, asking the Chilean state to comply with ratified international treaties and to adopt candidate gender quotas as positive discriminatory instrument to archive gender balance in political representation. The bill states:

“Various international agreements and intergovernmental compromises, such as the UN Charter, the Universal Declaration of Human Rights, the UN Women’s conference in Nairobi, the 1994 Conference on Population and Development in Cairo, the World Summit on Social Development 1994 in Copenhagen, the CEDAW, and the 4th World Conference on Women 1995 in Beijing, declared the full participation of women in all decision making-processes on all sectors of society as an essential aspect of the principle of gender equality and has pointed out the necessity to promote their access to public representation posts.....So Chile,

¹⁸Boletín 1994-07, 5.1

¹⁹Boletín 1994-07, 1.2 to 1.5

who ratified the agreements and declarations cited above, has not yet taken positive political action measures to correct imbalances regarding the participation of men and women in social and political life”²⁰. This shows that international norms were used to frame the bill asking for electoral gender quotas and to bring the issue on the political agenda.

When the bill was presented to the Chamber, a discussion of the bill was opposed by deputies from the opposition, the *Alianza por Chile*, which consisted of conservative parties²¹ arguing that quotas were not an appropriate measure to promote women into Chilean political decision-making posts, and that women were underrepresented as a matter of nature. Mariana Aylwin asked for transmission of the bill to Comisión de la Familia, which was specialized on women’s rights and consisted of deputies that were more inclined to decide in favour of women’s rights²². Deputies of the conservative wing asked for an examination of the bill by the Comisión de Constitución, Legislación y Justicia arguing that it was a non-role based bill, which actually happened at the end. The decisive statement was made by deputy Bartolucci from the UDI:

“Without commenting on the ground of the project, the issue belongs to the Commission of Constitution, Legislation and Justice and not to the Commission of Family which deals with family related issues and has nothing to do with female participation in public national life.”

²⁰Original text: *Numerosos acuerdos internacionales y compromisos intergubernamentales, como son la Carta de las Naciones Unidas, la Declaración Universal de los Derechos Humanos, la Conferencia de las Naciones Unidas sobre la Mujer en Nairobi, la Conferencia sobre la Población y Desarrollo celebrada en El Cairo en 1994, la Cumbre Mundial sobre Desarrollo Social de Copenhague en 1995, la Convención sobre la eliminación de todas las formas de discriminación de la mujer y la IV Conferencia Mundial sobre la Mujer en Beijing de 1995, han consagrado como una de las esferas esenciales del principio de igualdad de la mujer su plena participación en todos los ámbitos de la sociedad en los procesos de toma de decisiones y sealado la necesidad de favorecer su acceso a los cargos de representación popular...Así, Chile, Estado parte en los acuerdos y declaraciones citados en el considerando precedente, no ha promovido hasta ahora políticas de acción positiva orientadas a corregir desequilibrios en la participación de mujeres y hombres en la vida social y política* (Boletín 1994-07, 1.6 and 1.7)

²¹Sn Taladriz (RN), Sn García (RN) and Sn Bartolucci(UDI) were opposing a further discussion in the session with their statements

²²The comisión had the largest share of women in comparison to the other commissions and a record of giving positive feed-back for women’s rights demands

This shows that as opposed to the bill on violence against women, which was framed as a family issue, gender quotas were perceived as a non-role based right. The bill was passed by the Chamber and transmitted to the Comisión de Constitución, Legislación y Justicia (Commission of Constitution, Legislation and Justice), where it was archived²⁴. This demonstrates that the bill being related to a non-role based reform was a reason for its failure.

After a critical mass of Latin American states had adopted candidate gender quotas between 1997 and 2001, local actors tried to push for the national adoption of quotas again. In 2002 and 2003, two other bills advocating gender quotas have been put before the Chilean government²⁵. These bills also focus on the existence of external norms on gender balance in political decision-making.

The framing of the second bill was very similar to the framing of 1997 bill. The bill made explicit reference to international norms and instruments that call for gender-balance in political decision making, arguing that, although Chile has ratified various international declarations dealing with gender balance in decision-making, it has not complied with those treaties and has failed to take up appropriate action²⁶. In this context, the bill explicitly mentioned the UN Convention on Womens' Political Rights, the CEDAW, and the Beijing Platform for Action.

²³ *Original text: ...sin pronunciarme sobre el fondo del proyecto, la materia de que trata es propia de la Comisión de Constitución, Legislación y Justicia y no de la Comisión de Familia que tiene que ver con temas de familia y no con la participación de las mujeres en la vida pública nacional..* (transcript of session 52/334)

²⁴ Transcript of session 52, Chamber of Deputies, 13 March 1997

²⁵ The second legislative proposal demanding the introduction of electoral quotas was introduced by deputies from the left and the PDC, in 2002 (Bill 3020-06). Seores Rossi, Jarpa, Letelier, don Juan Pablo; Pérez, don Aníbal; Riveros and Seoras Tohá, doa Carolina; Allende, doa Isabel; Ibáez, doa Carmen y Vidal, doa Ximena presented the bill on 6 August 2002 to the Chamber of Deputies. The bill asked for a 30 percent candidate gender quota for parliamentary and municipal elections (Transcript of session 24/347, Cámara de Diputados). The third bill was proposed and is sponsored by deputies from Concertación and Opposition parties. It was presented by Isabel Allende (PS), Carmen Ibáez (RN), Guido Girardi (PPD), Rosa González (UDI), María Eugenia Mella (DC), Adriana Muoz (PPD), Fulvio Rossi (PS), Alejandra Sepúlveda (DC), María Antonieta Saa (PPD) and Carolina Tohá (PPD) on 13 March 2003 to the Chamber of Deputies (Boletín 3206 18, 1.5).

²⁶ Boletín 3020-06

The bill further made reference to the fact that 13 other Latin American States had already successfully adopted candidate gender quotas as a result of the existence of respective international norms at this point in time, and mentioned Argentina explicitly as regional leader:

“In the Latin American context, already 13 nations have followed the call of the international community and have introduced legislative changes to establish quotas for women, that vary between 20 to 40 percent..Maybe the most successful case regarding results and duration of application, has been Argentina, whose quota law was introduced in 1991 and increased women’s representation in public decision-making bodies from 5 to 28 percent”.²⁷.

At the time the second quota bill was discussed, the international norm on gender balance in decision making was already past the tipping point of the norm life cycle, meaning that a critical mass of Latin American countries had already adopted gender quotas, which explains why the bill refers to the experience of peer nations that had already successfully introduced candidate gender quotas. The mechanism of diffusion in this stage of the norm life cycle is emulation and peer pressure, and domestic norm advocates would use references to the experience of earlier adopters to convince a state to adopt the international norm. The bill tries to make the government feel pressurized by peer-nations and existing norms. Nevertheless, as with the first bill it did not receive support from the Executive. The Chamber passed the bill to the Comisión de Gobierno Interior, Regionalización, Planificación y Desarrollo Social (Commission of Internal Government, Regionalization, Social Planning and Development). The commission decided to archive the bill.²⁸.

A third bill concerning the introduction of candidate gender quotas, introduced in 2003, is

²⁷*En el contexto latinoamericano, ya son 13 las naciones que han acogido este llamado de la comunidad internacional y que han introducido los cambios necesarios a sus legislaciones para propiciar cupos o cuotas de participación electoral femenina -entre un 20 porcientos a un 40 porcientos Quizás, en este sentido, el caso más destacable por su eficacia, tanto en los resultados como en su escaso tiempo de aplicación, sea el de Argentina, cuya ley electoral de cuotas, introducida en el ao 1991, logró incrementar la elección de las mujeres en cargos de representación popular de un 5 porcientos a un 28 porcientos (Boletín 3320-06).*

²⁸OFICIO N 223

at the moment in transmission. As opposed to the first bill, this time the project enjoys the support of the executive branch. The bill is sponsored by SERNAM and the current Chilean president Michelle Bachelet. The current quota bill asks for a 40 percent quota for municipal and national elections²⁹. It is also supported by deputies from the opposition. The framing of the bill is very similar to the second bill. It calls on the existence of respective international norms and the duty of the state to ensure internal democracy³⁰.

As mentioned above, the bill enjoyed wider support this time, also among members of parties of the right and conservative political spectrum, such as the RN and UDI. This can be illustrated by the following statement by María Antonieta Saa (PPD):

I am talking not only for the women of the parties of the Conceratción, but also for women of other organizations...we hope that in the future the parties from the right will follow our example and will have more female representatives, given the fact that we miss more female presence on the benches on the opposite side....I hope that actions will be undertaken to establish democracy, in a way that our country will have the same representation of women and men. Humanity consists of women and men, and it is not possible that 90 percent or more of public decision are taken by men, and that us women, who in Chile at least represent 50 percent of the population and who are part of humanity, that we do not participate in these

²⁹Boletín 3206 18, 2.3

³⁰The bill points to the existing gender-gap in political representation: Although 40-50 percent of members in Chilean domestic parties are women they only constitute 7.5 percent of deputies and 6.3 percent of senators (BOLETIN N 3206 18, 1.5). Similar to the first bill it states that gender balance is a condition of internal democracy. The bill argues that the gender gap endangers internal democracy, and recommends the state to adopt candidate gender quotas as a positively discriminating measure. While the second bill referred to the experiences of peer nations that already adopted candidate gender quotas successfully, the third bill looks at national level experiences. It points out that various Chilean parties have already successfully adopted internal party-level quota provisions which improved gender balance, that is why quotas should be made compulsory at the national level (BOLETIN N 3206 18, 1.8). The bill further underpins its claim with a reference to existing international norms. The bill criticizes the fact that Chile has ratified various international treaties and conventions, that call for gender balance in political decision making and the adoption of positive action measures, but has not taken appropriate action yet. It explicitly mentions the UN Charter, the Universal Declaration of Human Rights, the UN Women's conference in Nairobi, the 1994 Conference on Population and Development in Cairo, the World Summit on Social Development 1994 in Copenhagen, the CEDAW, and the 4th World Conference on Women 1995 in Beijing (Boletín 3206 18, 1.6)

decisions in the same proportion. ³¹

The Chamber passed the bill to the Comisión de la Familia for further examination. In July 2004 the bill was transmitted to the Comisión de Gobierno Interior, Regionalización, Planificación y Desarrollo Social (Oficio N 009/2004). It remained almost two years with the Comisión de Gobierno Interior, Regionalización, Planificación y Desarrollo Social. In October 2006 the Comisión de la Familia requested that the bill be resubmitted to them for further examination (Oficio N 6443).

The commission rejected the bill. The result was very close. Six Deputies, namely Isabel Allende Bussi (PS), Carolina Goic Borojevic (PDC), Presidenta Adriana Muñoz D'Albora (PPD), María Antonieta Saa Díaz (PPD), Alejandra Sepúlveda Orbenes (PDC) and Jorge Sabag Villalobos (PDC) voted in favour of the bill. Five deputies, María Angélica Cristi Marfil (UDI), Claudia Nogueira Fernández (UDI), Ximena Valcarce Becerra (RN), Sergio Bobadilla Muñoz (UDI) and José Antonio Kast Rist (UDI), voted against the bill and one abstained, Carlos Abel Jarpa Wevar (PRSD). According to Chilean regulations votes in a commission need an absolute majority. That is why the bill was very closely rejected ³². Interestingly all deputies that voted against the bill belong to the Alianza por Chile, the conservative government opposition. At the same time, all deputies that voted in favour belong to a party that has a party-level quota provision, namely to the PDC, PS or PPD. The commission consulted six advisors regarding the bill, Laura Albornoz Pilmann, Minister of SERNAM, Carolina Carrera and Camila Maturana from a local NGO (Corporación Humanas), Sonia Montao, from

³¹Original text:*Hablo en representación no sólo de las mujeres de los partidos de la Concertación, sino que también de las mujeres de distintas organizaciones.... esperamos que, en el futuro, los partidos de Derecha sigan nuestro ejemplo y tengan más representantes mujeres, puesto que echamos de menos más presencia femenina en las bancadas de enfrente.... Espero que se lleven a cabo acciones para que exista una democracia paritaria, de manera que en nuestro país tengamos la misma representación de mujeres y de hombres. La humanidad está compuesta por hombres y mujeres y no es posible que el 90 por ciento o más de las decisiones públicas sean tomadas por varones, y que las mujeres, que en Chile, al menos, representamos el 50 por ciento de la población y que somos parte de la humanidad, no participemos en esas decisiones en la misma proporción*(transcript of sesión 348/57, Cámara de Diputados).

³²See: Transcript of Session 354a/125a, Cámara de Diputados

CEPAL, Tomás Duval and Pablo Lira from the Instituto Libertad, Beatriz Corbo from the foundation Jaime Guzmán, Ignacio Illanes from the Instituto Libertad y Desarrollo and Marcela Ríos from FLACSO. The commission also took into account the experiences with quota legislation in other countries, namely Sweden, Spain, Argentina, and Columbia³³. The bill is currently still being processed, and discussions might be resumed in the future. One of the main arguments against the bill was that candidate gender quotas were perceived as being antidemocratic.

“This new form of positive discrimination of women, destroys civil and political equality and the freedom to compete in the same market.”³⁴

Another argument against candidate gender quota that was brought forward claimed that quotas are not an effective mechanism to increase women’s political participation:

“Quotas don’t solve the problem of female representation in legislative institutions, nor do they increase their number. The reason for that are very complex structural and cultural roots that generate entry-barriers for a bigger and female participation in parliament”.³⁵

This refers to the fact that the structure of Chile’s electoral system per se and the fact that the political system are not favorable to women’s political representation and are a serious entry-barrier. Women are underrepresented due to the nature of the Chilean electoral system and the cultural attitude, therefore gender-quotas would not solve the problem of female underrepresentation. Chile’s binominal electoral system has been accused of being anti-democratic, over-representing the political right, and hindering small parties getting elected (Gutierrez

³³Boletín, 3208-18

³⁴Original text: *Esta nueva discriminación, a favour de la mujer, destruye la igualdad civil y política y la libertad para competir por igual en los mercados* (transcript of sesión 348/57, Cámara de Diputados).

³⁵Original text: *Las cuotas no resuelven el problema de la representación femenina en los órganos legislativos, sino que sólo aumentan su número. Lo anterior se debe a raíces estructurales y culturales más complejas que generan barreras de entrada para una mayor y expedita participación femenina en el Parlamento* (transcript of sesión 348/57, Cámara de Diputados).

2006, p. 13). Three main components of an electoral system impact on women's opportunity to be elected, the district magnitude, the type of party list used and the degree of proportionality (Gray 2003, p. 55). According to Gutierrez (2006), the first two components matter the most in the Chilean context.

In terms of district magnitude, in large districts a quota will have a bigger impact (Gray 2003, p. 55). Chile is divided in two-member voting districts. Seats in the district are distributed to the votes of the respective party archives in each district and not nation-wide. In the two-seat district each seat can be obtained with 33.33 percent of the votes. In order to get both seats of a district (*doblaje*) a party would need 66.66 percent in the respective district. The rest of the votes are not taken into account. According to Franceschet (2005), Chile's binominal system has three main negative impacts on women's chance to get elected. Due to the small district magnitude parties feel pressured to nominate candidates that are likely to win. In most cases parties would favour male candidates, as they appear more likely to win. In the next stage of the selection process women are further disadvantaged (Franceschet 2005a, p. 88). The electoral system favors the forming of coalitions and inter-party competition within the coalition. As a result, "even if women succeed in winning their party nomination - whether through a primary or centralized process- the party may ultimately bargain away that candidacy as the various coalition partners negotiate each party's number of candidacy and the districts in which they run" (Franceschet 2005a, p. 88). A third mechanism working against the election of women is high incumbency in congress. There is a body of literature suggesting that the electoral system determines whether a state would or would not adopt candidate gender quotas. Among political institutions, electoral systems are influencing the chances for women to win elections and to participate in political decision-making. Rule (1994) states:

"Favorable societal conditions will not substitute for unfavorable electoral systems for women to reach their optimal representation in parliament and local legislatures: But unfavorable

contextual conditions, including cultural biases and discriminatory practices can be largely overcome to a great extent by alternate electoral systems” (Rule 2006, p. 689).

Another line of argumentation holds that women already have the same formal access to public decision making as men, and therefore a quota mechanism is not needed.

“It is not necessary to legislate regarding this issue because men and women have already proper access to public decision making posts”. Another argument that was brought forward against quotas holds that “women are under-represented as a result of their own choice”.³⁶

“Women have preferred to auto-exclude themselves from the political process and a measure, such as quotas won’t comply with this logic. To sum up, quota laws miss legitimacy regarding politics and female participation.”³⁷

Following this line of argumentation Ignacio Illanes from the Institute of Freedom and Development, during the discussions in the Commission, made the following statement:

“If there are difference, this does not mean that there is discrimination. There are many differences in life, which are caused by its own nature and not by the spontaneous organization of society (specialization), but that is not discrimination...Probably it is a matter of different interests that keep women away from political life. The world value survey found that 30 percent of men and 21 percent of women are interested in politics, while respectively these numbers are 52 and 38 percent in the rest of the world.”³⁸

³⁶*No es necesario legislar sobre esta materia, ya que hombres y mujeres deben acceder a cargos públicos por mérito propio* (See: transcript of sesión 348/57, Cámara de Diputados)

³⁷*Las mujeres son las que han preferido auto excluirse del proceso político y una medida como las cuotas no acabaría con esta lógica. En suma, las leyes de cuotas le restan legitimidad a la política y a la participación femenina* (transcript of sesión 348/57, Cámara de Diputados).

³⁸*Que haya diferencias, no significa que haya discriminación. En la vida hay muchas diferencias provocadas bien por la propia naturaleza o por la organización espontánea de la sociedad (especialización), pero ello no significa discriminación....Es probable que haya otros intereses que alejan a la mujer de la vida política. Una encuesta realizada por World Values Survey, detectó que el interés por la política en Chile es de un 30 percent en el caso de los hombres, y de un 21 porcientos en el de las mujeres, mientras que en el resto del mundo esas cifras se elevan al 52 porcientos y al 38 porcientos, respectivamente* (transcript of sesión 348/57,

Another line of argumentation holds that the introduction of quota laws would imply that women were regarded as second-class citizens:

“A quota law symbolizes second class citizens. In other words, a quota system denigrates women assuming that, without any legal support, women would be able to conquer the political space.”³⁹

A last argument says that gender quotas neglect other underrepresented and marginalized groups in society:

“The quota law proposal has the wrong approach as not only women are underrepresented, but also a big share of Chileans which are not covered by the gender requirement which is brought forward by quotas”.⁴⁰

The third quota bill is still in transmission, and it remains to be seen if it will be successful or not. One of the main obstacles to its success are strong argument against the efficiency of quotas in the Chilean context. Even some deputies within the Concertación, which in general supports gender balance in decision-making, doubt the efficiency of this measure in Chile due to the current structure of the electoral system. The fact that there is no agreement on the efficiency amongst those who in general support measures that facilitate gender-balance in political decision-making makes it hard to establish an efficient campaign. One of the main obstacles to women’s equal representation and the effectiveness of candidate gender quotas is Chile’s binominal electoral system. In this context, Bachelet has initiated a bill that aims to change the existing electoral system to facilitate women’s participation in political

Cámara de Diputados).

³⁹Original text: *Una ley de cuotas simboliza esfuerzos por una igualdad forzada que relega a las mujeres a seguir siendo ciudadanas de segunda categoría. En otras palabras, un sistema de cuotas denigraría a la mujer presumiendo que, sin bastones legales, las mujeres no serán capaces de conquistar espacios políticos* (transcript of sesión 348/57, Cámara de Diputados).

⁴⁰Original text: *La propuesta de una ley de cuotas lo único que hace es equivocar el camino, ya que no sólo están sub representadas las mujeres, sino otra gran porción de chilenos que a la fecha no entran en las exigencias de género que éstas proponen* (transcript of sesión 348/57, Cámara de Diputados).

decision-making⁴¹. Bachelet introduced the bill via a presidential message in June 2006. She pronounced her support for gender balance in political decision-making in general, and for quotas in particular. One of her first announcements after having taking the office as first female president was that Chile will be the first country that will have total parity⁴², and she established gender-balance in her cabinet by nominating 10 female ministers⁴³. Bachelet plans to support the change in the electoral system and to introduce gender quotas. In this context La Nación, one of Chile's leading newspaper, writes:

“Alejandra Sepulveda, Christian-democrat deputy, and one of the defenders of this project, ensured that the president has given clear signs that this law [the quota law] is possible and necessary to accelerate the cultural process of the inclusion of women in all areas. She assured that this law will press political parties ahead to prepare more women to compete for votes. There is also increasing public support for the legislative proposal. A survey conducted by the University of Chile revealed that 74 percent of Chilean women feel discriminated against regarding their access to the political sphere. 62 percent think that the introduction of a quota law is an important and urgent measure to establish gender-balance in political decision-making”.

44

All in all, international norms helped to put the issue of gender balance in political decision-making on Chile's political agenda. A reference to global norms was used to frame the bills demanding the introduction of candidate gender quotas. In the past decade three bills demanding the introduction have been brought forward. The first and second bill were not successful. The bills have been rejected because of missing support of the executive branch in general and

⁴¹Boletín 4245-07

⁴²Original text: *Chile será el primer país que tendrá paridad total*

⁴³http://www.lanacion.cl/prontus_noticias/site/artic/20060305/pags/20060305200148.html, accessed 19 May 2007

⁴⁴Original text: *Alejandra Sepúlveda, diputada demócrata cristiana, y una de las defensoras de este proyecto asegura que la Presidenta ha entregado una señal clara de que esta ley es posible y necesaria para "apurar el proceso cultural de la inclusión de la mujer en todos los ámbitos". Asegura que esta ley impulsará a los partidos a preparar más mujeres para competir por los cupos.*⁴⁵

of SERNAM in particular, while the third bill is still in transmission. Candidate gender quotas have not found its way into Chile's national legislation, because, as opposed to the bill against domestic violence, the quota bill is a non-role based bill, which clashes with the traditional role model of women as mothers and care takers, as propagated by old elites and the conservative political spectrum. Further, there is no agreement that if candidate gender quotas are an effective measure to increase women's representation in Chile's political decision-making bodies given the structure of the Chilean electoral system. Overall the international norm on gender quotas could not be successfully translated into the Chilean domestic context, as the idea of candidate gender quotas clashes with Chilean domestic culture and structures. While international norms have not successfully socialized Chile to adopt candidate gender quotas, they still had an impact. Global norms helped to put the issue of gender imbalance in political decision-making and candidate gender quotas as a potential measure to solve the problem on the political agenda. Chile's culture seems to be changing.

The current situation in Chile is characterised by conservative political institutions and structures that post-exists from military dictatorship meeting a more and more progressive society, which is influenced by global ideas. If one looks at the issue of gender balance in political decision making in general, Chile has, despite conservative structures impeding the introduction of candidate gender quotas, made significant progresses in the past decade, which can be best illustrated by the fact that it has for the first time in history a female president, who swore in a cabinet composed of 50 percent female ministers. The Chilean press comments on these events as follows:

“Meanwhile we live a cultural revolution. In Chile one can feel an environment of initial empowerment, which was implied by the appointment of one woman with effective parity in Cabinet... The quota law, affirmative action measures, are shy proposals compared to the impact of having elected a women, who applied parity, in terms of power redistribution. Silently

while the traditional and conservative society is questing her capability to lead, she uses the power to start a revolution. One has hardly realized what this means? The parliament stays, the judiciary branch as well. How many votes will the next man that does not consider women as being equal loose?..Society achieved with its vote what institutions have not even started to try: some institutions are behind society in terms of speed of action and change. 11 March 2006 is a date that initiated this cultural change”.⁴⁶

6.7 The Adoption of Legislation regarding Violence against Women: A Case-study of Policy Transfer

In the 1990s, laws tackling the issue of violence against women diffused through Latin America with all Latin American countries adopting such legislation within the course of the past fifteen years respective legislation. Chile was the second country in Latin America after Peru to introduce a law against intra-family violence in 1994. After this initial reform three more legislative proposals addressing the issue of violence against women have been enacted. The 1994 reform establishes norms of procedures and sanctions for acts of family violence, it tackles any abuse that affects the physical or psychological health of any relative, spouse or cohabitant of the aggressor. Anyone who carries out such actions, even if not living with the family group, will face punishment according to Article 4 of this law.

⁴⁶*Original text: Mientras tanto, vivimos una revolución cultural. En Chile se siente en el ambiente el empoderamiento inicial que implica la asunción de una mujer, con la paridad efectiva del equipo de Gobierno...La ley de cuotas, la acción afirmativa, quedan como tímidas propuestas al lado del impacto en la dispersión del poder que ha tenido elegir una mujer que sin más aplica la paridad. Silenciosamente, mientras la sociedad tradicional y conservadora le cuestiona su capacidad de liderar, usa el poder para hacer una revolución. Acaso no se han dado cuenta lo que significa? El Parlamento quedó anticuado, el Poder Judicial también. Cuántos votos perderá el próximo varón que no considere a las mujeres por igual? ... La sociedad consiguió con el voto lo que las instituciones no habían siquiera empezado a intentar: unas instituciones que van detrás de la sociedad en su velocidad de acción y de cambio. El 11 de marzo del año 2006 es una fecha de inicio de ese cambio cultural... (www.antimedios.cl/site/gobierno-ciudadano)*

The initial legislative proposal, Bill 451 on Intra-family Violence, was put together by deputies from the *Concertación de Partidos por la Democracia*, the governing centre-left coalition. The bill was an answer to a growing demand from civil society organizations that had been researching the issue of violence against women for a while and that had launched several campaigns. The *Chilean Network Against Domestic Violence*, for instance, began to document and assess the dimension of the problem of wife assault since the late 1980s⁴⁷.

The bill calling for domestic violence legislation was presented to the Chamber by two deputies of the *Concertación*, Adriana Muñoz D'Albora (PPD) and Sergio Aguiló Melo (PS) on 14 August, 1991. It combined the issue of violence against women with violence against children and dependents putting it in the wider context of intra-family and domestic violence. In this way it framed violence against women as a family issue, hence the use of the term domestic violence, it states:

*The bill not only refers to violence against women. The authors want to point out that domestic violence in our country affects to a large extent minors, who only sometimes are direct victims of acts of intra-family violence.*⁴⁸

Referring to women's rights as a family issue is a strategy that has often been employed by the Chilean centre/left to successfully get their demands by the conservative wing (see (Blofield & Haas 2003)). Blofield and Haas found in a study of 38 gender equality bills, which were initiated between 1990 and 2002, that role-based women's rights demands, which are in line with the traditional conservative conception of women as mothers and care-takers and don't conflict with church teaching, enjoyed more success than right based demands (Blofield & Haas 2003). In the Chilean context, women's right bills have often been con-

⁴⁷ See: www.nomasviolenciacontramujeres.cl/, accessed 10 July 2007

⁴⁸ Original text: *no sólo se refiere a la violencia contra la mujer. Expresamente dejan constancia sus autores que la violencia doméstica se manifiesta con gran fuerza en nuestro país en relación a los menores de edad, los cuales no pocas veces son víctimas de actos de violencia intrafamiliar* Boletín 451-07).

sciously framed “to reflect traditional conceptions of women” (Blofield & Haas 2003, p 48). This was a strategy that was employed to mask women’s rights, that often clashed with the conservative Chilean culture. Blofield and Haas found in their study that women’s rights bills were often successfully defended against conservative voices on the basis of what is good for the family. They conclude:

“The left’s reframing of women’s rights issues to incorporate traditional discourse on women did not necessarily persuade congressional conservatives, but it did make it harder for them to use church teaching and pro-family discourse to justify their opposition..The left in other words, employed a role-based frame on women’s issues to try to beat congressional conservatives at their own game”(Blofield & Haas 2003, p 48). This is why framing the bill as role-based was very important for its success. The bill further framed violence against women and children as a human rights abuse and as a denial of fundamental rights, referring to Article 1 of the Charter of Fundamental Rights, which guarantees the right to live and to be free of physical and psychological violence (Boletín 451-07), thereby placing it in the context of international norms on fundamental rights, a direction in which the international discourse on women’s rights was moving. The bill also places its demands in the wider international context, referring to international conferences and documents that deal with the issue of domestic violence. In this context it referred to the UN resolution 40/36 of 1985 dealing with the issue of domestic violence and also mentions the UN Conference on Equality, Development and Peace in Copenhagen. It states:

“The World Conference on the UN Decade for Women, Equality, Development and Peace, held in Copenhagen, stated that domestic violence was a complex problem and constituted an intolerable offense to human dignity. As a result, the action plan for the second half of the UN decade for women, approved during the world conference in Copenhagen, promoted research regarding the extent and causes of domestic violence and the elimination of domestic

violence as well as the provision of effective help for affected women and children. The bill was examined by the Comisión de Derechos Humanos, Nacionalidad y Ciudadanía (Commission of Human Rights, Nationality and Citizenship), where it was approved unanimously. The Commission consulted lawyers and advisors from local women's shelters and staff from the national police force dealing with women's issues. Both, national women's shelters and the police department for women's issues had been established about a year ago with the sponsorship of SERNAM, the Chilean national women's agency. The work of the commission was also directly coordinated, influenced and supported by SERNAM. The minister of SERNAM, María Soledad Alvear Valenzuela, and some of her consultants and lawyers advised the commission."⁴⁹

As mentioned above, policy making in Chile is very institutionalised, and being an arm of the government, SERNAM is one of the most important actors in terms of gender policy reforms. SERNAM has strong informal powers, such as extensive resources and staff as well as important legislative powers, including the ability to determine the legislative agenda and an exclusive legislative mandate concerning a number of important issues, such as budget making and the ability to declare a bill urgent, which encourages congressional debate on it (Blofield & Haas 2003, p 42). "In terms of women's rights legislation, this allows SERNAM to craft a persuasive proposal and to monitor it closely throughout the review process, while the authors of congressional bills are often shut out of relevant review committees" (Blofield & Haas 2003, p 42). This is why SERNAM's support of the bill was an important factor in its success.

Documents that were taken into account by the commission in order to evaluate the bill

⁴⁹Original text: *La Conferencia Mundial del Decenio de las Naciones Unidas para la Mujer: Igualdad, Desarrollo y Paz, celebrada en Copenhague, declaró. que la violencia en el hogar era un problema complejo y constituía un delito intolerable contra la dignidad del ser humano. En consecuencia, el Programa de Acción para la Segunda Mitad del Decenio de las Naciones Unidas para la Mujer, aprobado, en la Conferencia Mundial de Copenhague, promovió las investigaciones sobre la amplitud y las causas de la violencia en el hogar con miras a su eliminación y a la prestación de ayuda efectiva a la mujer y al niño*(Boletín 451-07).

included research conducted by national level institutions, such as SERNAM and national universities, as well as by studies and reports of international and regional organizations, such as the UN and the OAS (Boletín 451-07-01). This indicates that epistemic communities and transnational networks shaped the opinion of the commission. In the course of the discussion other deputies decided to adhere to the bill, namely Jaime Estévez Valencia, Mario Hamuy Berr (PDC), Sergio Ojeda Uribe (PDC), Jaime Naranjo Ortiz (PS) and Juan Pablo Letelier Morel (PS). The commission approved the original bill with minor changes. Most importantly, the commission replaced the words 'domestic violence' with 'intra-family violence' (*violencia intra-familiar*) in the title of the bill. This frames the bill even more as an issue affecting the family.

In July 1992, the commission approved the bill unanimously. After unanimous approval by the Chamber the bill was transmitted to the Senate, where it was investigated by the Comisión de Constitución, Legislación, Justicia y Reglamen⁵⁰. The Comisión de Constitución, Legislación, Justicia y Reglamento consulted for their investigation the Minister of Justice, the director and vice-director of SERNAM, and the Professor of Penal Law of the University of Chile. In one of its statements the Commission points out that it received requests from various Latin American women's organizations that participated in the international meeting on women and family rights in Latin America that took place in Punta Arenas (Chile) parallel to the examination of the bill by the Commission. It also interacted with various local and international organizations concerned with the issue of domestic violence, such as the Red Chilena contra la violencia doméstica y sexual (Chilean Network against domestic and sexual violence) and Isis International. The report of the Commission to the Senate states:

“The Commission received during the study of this legislative proposal various communications that indicated interest in the project, amongst others the most noteworthy were com-

⁵⁰See Transcript of session 325/40

munications from representatives of various Latin American Organizations that assisted in the International Meeting, Advances and Drawbacks regarding Women and Family in Latin America, which took place in Punta Arenas during 16-30 of July and from the coordinating committee of the Chilean Network against domestic and sexual violence, as well as from ISIS International, which provided valuable support regarding the bibliography, and the petitions of various citizens that visited SERNAM”⁵¹. This indicates that epistemic communities and local women’s movement were interacting with the deputies and influencing the investigation of the commission. The commission also referred to international resolutions and conferences, such as the UN conference in Copenhagen and UN Resolución 40/36 about domestic violence⁵². The commission further took into account experiences from abroad, and explicitly mentions existing laws dealing with domestic violence in the Caribbean in their report to the Senate.⁵³

“In Latin America and the Caribbean, laws against domestic and intra-family violence have been established in Puerto Rico (1989), in the Bahamas (1991) and in Barbados (1992). Amongst these we particularly take into consideration law 54 for the Prevention and Intervention with Domestic Violence, which was introduced, on 15 August 1989 in Puerto Rico”.⁵⁴

This indicates that international socialization by international norms and demonstration ef-

⁵¹See: BOLETIN N 451-07 INFORME DE LA COMISION DE CONSTITUCION, LEGISLACION, JUSTICIA Y REGLAMENTO

⁵²See: BOLETIN N 451-07 INFORME DE LA COMISION DE CONSTITUCION, LEGISLACION, JUSTICIA Y REGLAMENTO

⁵³Original text: *La Comisión recibió, durante el estudio de este proyecto de ley, diversas comunicaciones en que se manifestó interés en su despacho, entre las que cabe mencionar la suscrita por las representantes de diversas organizaciones latinoamericanas asistentes al seminario internacional Avances y Desafíos frente al tema de la mujer y la familia en Latinoamérica, realizado en Punta Arenas entre el 26 y el 30 de julio; la del Comité Coordinador de la Red Chilena contra la violencia doméstica y sexual; la de Isis Internacional, que hizo llegar un valioso aporte bibliográfico relacionado con la materia, y la presentación suscrita por numerosos habitantes de la Undécima Región, que hizo llegar el Servicio Nacional de la Mujer (BOLETIN N 451-07 INFORME DE LA COMISION DE CONSTITUCION, LEGISLACION, JUSTICIA Y REGLAMENTO).*

⁵⁴Original text: *En América Latina y el Caribe, se han dictado leyes contra la violencia doméstica o intrafamiliar en Puerto Rico (1989) Bahamas (1991) y Barbados (1992). De ellas, nos detendremos en especial en la ley N 54, para la Prevención e Intervención con la Violencia Doméstica, de 15 de agosto de 1989, de Puerto Rico (BOLETIN N 451-07 INFORME DE LA COMISION DE CONSTITUCION, LEGISLACION, JUSTICIA Y REGLAMENTO).*

fect of neighboring region supported the introduction of the law against intra-family violence. The commission unanimously approved the bill and transmitted it for general discussion and approval to the Senate. The minister with responsibility for SERNAM presented the bill in the general discussion in the Senate and recommended its approval. She pointed out that the topic of family violence was amongst the top priorities for SERNAM and SENAME (Servicio Nacional de Menores/ National Service for Minors) and emphasized the effects of intra-family violence for society and family. She used a reference to existing international norms and the Chilean Charter of basic rights to gain support from the senators. She further placed the bill in the wider international context of human rights ⁵⁵.

“In the first place, it seems to be important to refer to the constitutional mandate. Article 19 of the Charter establishes as constitutional guarantee for all citizens, the right to live, physical and psychological integrity and equality in front of the law. On the other hand, there are various international instruments on which this project is based. Amongst others, the CEDAW, the Convention on Children’s Rights and the American Convention on Human Rights are noteworthy” ⁵⁶.

As mentioned before, the fact that SERNAM sponsored and supported the bill was vital to its success. Further in the discussion, evidence can be found that left-wing deputies and senators were influenced by local NGOs. The most important alliance in this context was the Red Chilena contra la Violence Domestica y Sexual ⁵⁷. The *Red Chilena contra la Violencia Doméstica y Sexual* is Chile’s most important network campaigning against violence against

⁵⁵See transcript of session 14/327

⁵⁶Original text: *En primer lugar, me parece importante consignar el mandato constitucional. El artículo 19 de la Carta, consagra, como garantía constitucional para todas las personas, el derecho a la vida y a la integridad física y psíquica así como la igualdad ante la ley. Por otra parte, existen diversos instrumentos internacionales en los cuales se funda esta iniciativa. Entre ellos, vale la pena mencionar la Convención sobre Eliminación de todas las Formas de Discriminación contra la Mujer, la Convención de los Derechos del Nio y la Convención Americana sobre Derechos Humanos* (transcript of session 14/327).

⁵⁷In this context, Sn Calvero states: *He conversado con personeros de la Red Chilena contra la Violencia Doméstica y Sexual (I talked to people of the Chilean Network against Domestic and Sexual Violence* (transcript of session 327/14)

women. It links over 50 organizations around the country and it was founded in 1990⁵⁸. It is closely linked to *Red Feminista de Latinoamerica y el Caribe contra la Violencia Domestica y Sexual* (Latin America and Caribbean Feminist Network Against Sexual and Domestic Violence) as well as other international level organizations, such as the UN. It has been addressing the issue of violence as of the 1980s. In the 1980s its campaigning was very unorganized and simply aimed to create awareness regarding the issue. In the early 1990s it actively networked with International Organizations and campaigned in a more organized and 'professional' manner asking the state to adopt measures against violence against women and forming alliances with state-officials and international NGOs. The organization explicitly campaigned for the introduction of a law against violence against women⁵⁹.

The bill was approved by the Senate. It received support of senators from the whole political spectrum, including the conservative wing. From statements of senators of the conservative parties during the session it is evident that the conservative parties were in favour of the bill, because it complied with the traditional family model and did support women in their roles as mothers. At the same time the conservative wing was opposing other bills dealing with an extension of women rights, especially non role-based bills, which did not comply with the woman's role as mother. This shows that the conservative wing did not perceive the bill as an extension of women's rights but rather as a fortification of the family, which is according to the conservative tradition the most important pillar of society. The following statement of the UDI representative Cantuarias during the debate in the Senate is representative of this position:

"I am one of those who gives the highest relevance and importance to the institution of the family, the fundamental pillar of our society. And for that reason, I believe this initiative, whose goal is its (the family's) protection and fortification deserves our very resolute and enthusiastic support. In the foundation of this initiative as well as in the general discussion

⁵⁸www.nomasviolenciacontramujeres.cl/- accessed 30 July 2007

⁵⁹See www.cem.cl/pdf/domestic_araujo.pdf, accessed 12 June 2007)

around the text of the report, it was demonstrated that what happens within a family inevitably transcends to and affects the society. In the same manner as a well constituted family represents a solid base and establishment for the society, a bad natured one is a potential risk for the entire community. Therefore, society should not stay indifferent in the light of continuous physical and psychological abuses, to which currently many families are subjected, and which affect children and mothers with special strength....In addition to that we got to know, the proposal of some sectors to legislate abortion and divorce, in the context of a debate that is still in a state, and that, for sure, will lead us in the upcoming time to a much deeper discussion in this room. We have to admonish implicit contradiction between the end and the motivations involved in these proposals...While national consensus around the reality of intra-family violence and abuse of minors- the latter we also discussed in the Senate during another parliamentary initiative- was easily established, there is not the same respect regarding abortion and divorce, which are issues which some sectors want to legalize using arguments such as the right to abort an involuntary pregnancy, which in reality means to abort a unwanted life, or the right to reestablish a life and to be happy. Both arguments contain a selfish attitude.....We will vote in favour.”⁶⁰

⁶⁰Original text: “*Soy de aquellos que atribuye la relevancia y trascendencia a la institución de la familia, pilar fundamental de nuestra sociedad. Y, por esa razón, estimo que cualquier iniciativa que tenga por finalidad propender a su protección y fortalecimiento merece nuestro más resuelto y entusiasta respaldo. En los fundamentos de esta iniciativa así como en la discusión general recogida en el texto del informe, queda demostrado que lo que ocurre dentro de la familia, inevitablemente, trasciende y repercute en la sociedad. Del mismo modo como una familia bien constituida representa una base sólida y estable para la sociedad, una mal conformada encierra un riesgo potencial para toda la comunidad. Por lo mismo, la sociedad no puede permanecer indiferente ante los continuos maltratos físicos y psicológicos de que son objeto numerosas familias en la actualidad, y que afectan con especial dureza a los niños y madres...Adicionalmente, hemos conocido el propósito de algunos sectores en orden a legislar sobre el aborto y el divorcio, en el contexto de un debate todavía en estado larvario y que, seguramente, nos llevará en el tiempo venidero a una discusión más profunda en esta Sala. No podemos dejar de advertir el contrasentido implícito entre la finalidad envuelta en tales propuestas y las motivaciones.....Mientras se produce con gran facilidad una suerte de consenso nacional acerca de la actitud que debemos asumir ante la realidad de la violencia intrafamiliar y del maltrato de menores -materia esta última que también abordamos en el Senado, con ocasión de otra iniciativa parlamentaria-, no ocurre lo mismo respecto del aborto y del divorcio, temas en los cuales algunos sectores prefieren optar por la vía de “legislar” usando argumentos a mi juicio falaces, como el derecho a “interrumpir un embarazo no deseado”, lo que en realidad significa interrumpir una vida no deseada, o el derecho a “rehacer la vida y a ser feliz”, razonamientos ambos que, en el fondo, encierran una actitud profundamente egoísta. votaremos favorablemente.....” (transcript of session 14/327).*

Interestingly, Cantuarias calls women mothers in his statement. This shows that the conservative wing was approving the bill because it aimed to support women in their traditional role of mothers, and to protect the family. Significantly at the same time as he is supporting the bill, he also condemns non-role based demands such as divorce and abortion as selfish. The centre and left wing parties gave the bill their unanimous approval. The bill was passed with 27 positive votes out of 46 senators. As a result, Law N 19.325 against intra-family violence was enacted in August 1994. This means that Chile adopted as second country in the region a law on violence against women. The state further tried to strengthen the law against domestic violence and enacted complementary laws. In the past decade, three more bills regarding the issue of violence against women have been successfully introduced. SERNAM proposed Bill 1515 (1995) and Bill 2202 (1998), which intended to convert to a national law the Inter-american Convention to Prevent, Punish and Erradicate Violence against women, Convention of Belem do Para. Further, in 1999 Law 19617 modifying the Penal Code regarding sexual violence against women was enacted.

Overall, the international norm on violence against women was successfully adopted by the Chilean state. An examination of the parliamentary debates dealing with respective bills and an analysis of statements regarding the legislative proposal uncovered that support from SERNAM, influence of epistemic communities and international networks, global norms, cross-national learning, influence of local NGOs, and domestic cultural fit contributed to the successful adoption of the law.

In the Chilean context SERNAM plays a very important role when it comes to the passage of women's rights related legislation. SERNAM strongly supported the legislative proposal regarding domestic violence. This was an important factor for a successful conversion of the bill into a national law. Further expert communities and international networks, such as the UN and ISIS, directly influenced state-officials to outlaw domestic violence. Also

local NGOs, such as the Red Chilena contra Violencia campaigned for a domestic violence law. Proponents of the law against domestic violence successfully used international norms to frame and legitimize their claims. Also positive demonstration effects from experiences in the region further supported the successful adoption of domestic violence legislation. Chile is regarded as one of the most conservative countries in the region when it comes to women's rights, as the domestic culture is strongly influenced by the Catholic Church and by normative remaining of the military regime, which see women in their traditional roles as mothers and care-takers. The fact that the domestic violence bills were framed in such a way that they did not clash with the domestic culture led to their success.

7 Conclusion

The aim of this thesis was to explain the processes and factors that led Latin American states to adopt similar gender policies in the 1990s. The diffusion of these policies in the region is an interesting phenomenon, given the wide-spread perception in the literature that policy convergence is becoming more likely in the context of globalization and increasing international interconnectedness ¹. The thesis applied an integrated methodological framework, blending methods of policy diffusion and policy transfer research that demonstrated that a combination of international and national-level forces were responsible for the convergence of gender policies in Latin America. More specifically, international norms and transnational networks filtered by domestic level structures (notably political institutions and the women's movement) resulted in the introduction of policies on violence against women, candidate gender quotas and national women's agencies by Latin American states.

The thesis makes a twofold contribution to the academic literature: first through the methodological framework it applies, and second through the contribution of its empirical findings to the existing literature on policy convergence in general, and on the convergence of policies relating to the status and welfare of women in particular. The methodological contribution arises from the way in which the thesis develops and employs a novel framework for studying the convergence of national policies. The empirical contribution lies in its work on the processes

¹See, for example, (Cox 1997, Kobrin 1997)

of the diffusion of gender-related policies and the relationship between policy-making at the national level and what can be described as the forces of globalization, including the existence of international norms.

The thesis builds on the observation that scholars studying policy convergence up to now have followed either the tradition of policy diffusion or that of policy transfer studies ²; and whereas both had strengths neither on its own was an adequate tool to investigate the relationship between change at the national level and change at the international level that was essential in order to understand the pattern of policy diffusion that was observable in Latin America. To overcome the shortcomings of these approaches when dealing with regional policy convergence, the thesis integrated these two research traditions into a single novel methodological framework. This provided a more rigorous approach to investigating converging policy outcomes; by mixing quantitative and qualitative research methods, the framework measured the factors and processes triggering policy convergence more accurately than traditional policy diffusion or transfer studies alone. Examining the research question from two levels- the macro and micro perspective -allows for generalization, but at the same time facilitates examination of micro-processes of policy transfer and policy content.

Using this framework a macro-study was constructed. This followed the tradition of policy diffusion studies, and was able to demonstrate which factors led, in aggregate, to the adoption or non-adoption of gender policy reforms in Latin America. The macro-study operationalized the most important factors leading to policy convergence, which were identified by the existing literature as causal accounts for national gender policy change, and tested their relevance in respect to the diffusion of gender policy reforms in Latin America. The Chilean case studies followed the tradition of policy-transfer research. The case studies analyzed how the different factors identified in the macro-study interacted at the state level in the policy-making process.

²See, for example, Bekkers (2004); Newmark (2002)

To fully understand gender policy convergence in Latin America both perspectives were necessary. While the macro-study quantitatively measured the causal impact of different factors that led to the diffusion of gender policies in Latin America and produced generalizable results, the micro-study further clarified its findings. In this way, the two levels of analysis also served to cross-check the validity of each other's results.

This novel methodological framework constitutes an important contribution of the thesis. It is abstract, in the sense that it is not bound to the area of gender policies, and can be applied to research into policy convergence. The thesis thus contributes to the scholarship on converging policy outcomes in general. The integrated framework allows for empirical cross-national and cross-policy area comparison, which was identified as an empirical gap in existing research on gender policy convergence. To date, most studies in the area have looked only at a single basket of policy issue or focused only on either national or international factors accounting for the convergence of gender policies. By combining methods of policy diffusion and policy transfer studies, the thesis demonstrated that a combination of domestic pressures and international-level factors was responsible for the diffusion of national women's agencies, candidate gender quotas and domestic-violence laws in Latin America. The fact that the thesis compared three different policy areas, helped gain a deeper understanding of the mechanisms of policy convergence and of the relationship between the national and international than would be the case if only one policy area was examined. Looking at three different policy areas made it possible to determine what factors were important to policy diffusion across the different policy areas, and might, therefore, be seen as common mechanisms of convergence, versus those factors that were context-specific, that is factors that were important in one particular policy area. While international socialization and communication was a common factor leading to policy convergence, the significance of different national level forces varied across the three policy areas examined.

In this context, the thesis confirms some existing causal accounts currently in the literature. The most prominent international-level explanations for the diffusion of policy reforms are the existence of international norms and a state's embeddedness in transnational networks³. These mechanisms are the two main mechanisms identified in the Epistemic Community and World Society approaches to policy convergence in a globalizing world⁴. The empirical results of the macro-study in this thesis support these two approaches, as international norms and transnational networking appear to have contributed to the diffusion of candidate gender quotas, policies on domestic violence and women's agencies in the region. The macro-study further showed that norm strength also impacts upon the diffusion of policy reforms. The more robust a norm, the stronger its impact on national policy-making. The thesis followed Legro's approach, assessing international norm strength using three dimensions: specificity, durability and concordance. It revealed that the international norm underlying domestic violence laws and national women's agencies was stronger than the one on gender balance in political decision-making. That is one reason why policies related to the former two issues diffused in the entire region, while candidate gender quotas were not adopted by all Latin American countries.

The findings of the thesis however contradict the consensus in the literature on geographic proximity. Regional diffusion models hold that geographic proximity is an important factor leading to the diffusion of policy reforms, arguing that a state is more likely to adopt ideas from a neighboring nation⁵. The results of the macro-study, surprisingly, did not support such models and instead found that geographic proximity was not significant in relation to the diffusion of gender equality policy reforms in Latin America. This finding can be explained by the fact that in an age of increased globalization, geographic distance is becoming less significant.

³See, for example, True & Mintrom (2001); Risse (2004); Krook (2006); Knill (2003); Keck & Sikkink (1999)

⁴See, for example, Haas (1980); Haas (1992); Wotipka & Ramirez (2001)

⁵See, for example, Starr (1991)

The relevance of different national-level factors that could have contributed to the diffusion of policy reforms was also analyzed. Many existing studies identified the existence of a strong national women's movement campaigning for the introduction of gender policies as an important factor contributing to the diffusion of respective policy reforms⁶. The results of the macro-study support these theories, as the macro-study found that the strength of the national women's movement was an important factor explaining the diffusion of policies on violence against women, candidate gender quotas and national women's agencies in the region. While the macro-study tried to measure the strength of the women's movement as rigorously as possible, the measurement was not as accurate as other variables used in the macro-study due to the difficulty of assessing this factor. However, the case-studies confirm the validity of the result.

It has also been argued that the existence of gender equality policies in one policy area would promote the introduction of additional policy reforms⁷. Surprisingly, according to the macro-study, a state's previous track record of reform was not a good predictor of further reform. In no case did the adoption of one policy make the adoption of other reforms more likely; and in the case of the outlawing of domestic violence and the introduction of candidate quotas, the macro-study even demonstrated an inverse relationship between the adoption of these two policies.

A key causal account for the diffusion of gender policies propagated by the existing literature is the socio-economic position of women⁸. According to this view, the better women do in terms of socio-economic standards in a certain nation, the greater is the likelihood that the state would introduce gender policy reforms. The macro-study tested three dominant aspects of women's socio-economic position: namely women's level of education, labor-force partic-

⁶See, for example, Jaquette (1994); Jaquette & Wolchik (1998); Gelb & Palley (1996); Katzenstein & Mueller (1987); Krook (2006)

⁷See, for example, Pietila & Vickers (1996)

⁸See, for example, Pearson (1998); Richards et al. (2001); Apodaca (1998); Kenworthy & Malami (1999)

ipation and fertility. No significant evidence was found to support this assumption. Fertility rates had no influence on the likelihood of policy reform being introduced in any of the policy areas under discussion; moreover, the level of women's education and the level of their labour-force participation were only significant in the case of the adoption of gender quotas but not in either of the other two policy areas. The literature often links the socio-economic position of women to the level of economic development of the state ⁹. The macro-study again found that there was no relationship between the level of economic development of the state and the introduction of policy reform. This can be seen as evidence that, in a globalized world, the existence of international norms is more important than the level of development of the state.

A state's level of democracy and women's representation is another national-level causal factor strongly identified by the existing literature ¹⁰. The macro-study, however, failed to find any link between the level of democracy and the diffusion of candidate gender quotas and policies on violence against women. Related to this, no discernible link was observed between the number of women in parliament and the adoption of reforms. This is surprising, in the sense that it is not in line with most existing studies on the diffusion gender policies reforms, which hold that the opening opportunity structure as a side effect of democratization was one of the most important factors contributing to the enactment of gender policy reforms in Latin America ¹¹. This could indicate that international norms in policy areas, which have been identified as significant characteristics of "modern states" by the international community, are more important than the level of democracy in promoting policy change.

Overall, the macro-study found evidence that the diffusion of policies on violence against women, candidate gender quotas and national women's agencies was a process of international socialization, whereby international norms and transnational networks socialized Latin

⁹See, for example, Clark (1991)

¹⁰See, for example, Acker (1990); Htun & Jones (2002); Cockburn (1991); Rao & Stuart (1997); Skjeie (1991)

¹¹See, for example, Jaquette (1994); Jaquette & Wolchik (1998); Waylen (1998)

American states into enacting respective policies nationally. While the macro-study revealed that the process of international socialization was somehow mediated by domestic-level factors, most of the national-level causal factors identified by the existing literature could not be supported. Only the strength of the women's movement was found to be significant with regard to the diffusion of all three policies, and women's level of education and labor-force participation were relevant to the diffusion of candidate gender quotas. The fact that national-level factors carry more weight in the case of candidate gender quotas can be explained by the different strengths of the international norms in these policy areas. The international norm on gender quotas was weaker than those norms that embodied the policies on violence against women and the establishing of national women's agencies. Here it is argued that accounts of the diffusion of gender policies that focus on national-level factors over-estimate the significance of those factors, because their assessment is made in the absence of other significant factors external to the state. Although some recent studies have pointed out the importance of international norms and transnational networks for the diffusion of gender policies, even this more recent body of literature -while acknowledging the importance of the international -looked at different explanations in isolation and did not measure the relative importance of different factors in relation to other factors.

The interaction of international and national-level structures and actors was further examined in the Chilean case-studies, which compared policy reforms in the area of violence against women and candidate gender quotas. This presented a puzzle, in the sense that Chile was amongst the first Latin American states to enact policies on violence against women, but it did not introduce candidate gender quotas. The Chilean case studies looked at the micro-level processes that facilitated or impeded policy transfer. In both the case of policies on violence against women and the case of candidate gender quotas, national actors used international norms and transnational networks to support their claims. In the case of policies on violence against women, female politicians supported by the women's movement and international or-

ganizations put the issue on the political agenda while framing their claims as referring to a respective international norm. This international norm fitted the domestic context. Chile is characterized by a conservative political culture, which is influenced by the Catholic Church. Policies on violence are so-called role-based gender policies, which were regarded as family policies by its proponents and so did not clash with the conservative conception of women as mothers and wives. That is why policies on violence against women were successfully enacted in Chile.

The case studies demonstrated that candidate gender quotas did not fit into the Chilean domestic context. The idea of gender parity in political decision making clashed with the conservative Chilean culture. The Chilean electoral system does not allow candidate gender quotas to be easily implemented. This is why, despite the existence of a international norm on political equality, the campaigns of the women's movement, and the engagement of both the state and civil society in transnational networks in this area Chile did not introduce this policy.

The case-study on candidate gender quotas in Chile demonstrated that while the level of democracy may not be significant for the enactment of gender related policy reforms, the nature of the process of democratization is influential in shaping the process of reform. In Chile, the move to democracy was controlled by the pre-democracy political elites, and it was managed in such a way that the institutionalized outcome favoured those political elites, producing a cumbersome electoral system and maintaining a conservative political culture. While the measure of democracy captured in the macro-study did not appear influential, the case-study demonstrated that the process of democratization and the way in which democracy is institutionalized may have a significant impact on the introduction of the policy reforms. The nature of the electoral system in Chile did not lend itself to the introduction of gender quotas, and the existing political elites were opposed to them. However, there was still pressure within the state for the enactment of such a reform, which can be interpreted as an indication of the

impact of international factors. The case study revealed that national supporters of candidate gender quotas in Chile used international norms and transnational networks to strengthen their claims. While this did not lead to a successful adoption of candidate gender quotas, it raised awareness regarding gender parity in political decision-making and brought the topic onto the political agenda, meaning that in the case of candidate gender quotas in Chile, the international norm did socialize the state to a certain extent.

This allows to conclude that the domestic context filters the influence of international-level factors. It determines the degree to which an international norm can be translated into the domestic context. Policy measures embodied in an international norm have to fit in the domestic reality. In a broader sense, therefore, the thesis contributes to research on globalization. The empirical findings of the thesis support the arguments of the transformalist school of thought, which holds that national policy-making is being restructured in the context of globalization. Due to increasing political interconnectedness, state agency is diminished; but at the same time, states keep sovereignty regarding national policy and domestic structures, and actors mediate the influence of international forces. Examining the relationship between the national and international in the context of policy convergence, the thesis revealed how international norms and transnational networks shape national policy-making and facilitate policy convergence. It called into question assumptions of modernization theory about the impact of democracy and socio-economic development. It showed how state-level actors use international norms, both in the case of successful policy-reforms and where implementation is unsuccessful. Even in the latter case, it revealed that international influences socialized the state to a certain extent.

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