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# Gender and Democratic Politics: A Comparative Analysis of Consolidation in Argentina and Chile\*

GEORGINA WAYLEN

*Abstract.* This article highlights a number of themes useful in the gendered analysis of democratic consolidation in Latin America by means of a comparative analysis of Argentina and Chile. It starts from the assumption that much of the work on democratisation in Latin America – both orthodox and the literature concentrating on women and transitions – produced up until now, has been too voluntaristic in its approach. It argues that what is needed, particularly in the study of democratic consolidation, is an analysis not only of the impact of women and women’s organisations on institutions and structures but also of how these institutions and structures can shape and change gender relations and different women’s activities. Any gendered analysis of democratic consolidation must begin by examining the terms of transition which, while they can be subject to some renegotiation later, affect the nature of the subsequent system and the space available to different actors. It is argued that a number of characteristics of the post-transition system are significant: first the impact of more arbitrary populist or presidential systems, second the importance of women’s organising both inside and outside the state and party systems and third the existence of an institutionalised party system.

In recent years the study of democratisation in Latin America has shifted from an examination of the breakdown of authoritarian regimes and the subsequent transition to competitive electoral politics to a focus on consolidation. Part of a trend within comparative politics more generally, this literature returned the focus of analysis to the nature of institutions and examined their role in the consolidation of democracy.<sup>1</sup> This

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<sup>1</sup> Karen Remmer, ‘Theoretical Development and Theoretical Decay: the Resurgence of Institutional Analysis’, *World Politics*, vol. 50, no. 1 (1997), pp. 34–61; and Kathleen Thelen and Sven Steinmo, ‘Historical Institutionalism in Comparative Politics’, in Sven Steinmo, Kathleen Thelen and Frank Longstreth (eds.), *Structuring Politics: Historical Institutionalism in Comparative Analysis* (Cambridge, 1992), pp. 1–28.

development marked a move away from the more voluntaristic focus of much of the early democratisation literature which gave great emphasis to the choices and decisions of elites without providing sufficient consideration of the impact of (political) institutions and structures on actors' decisions and outcomes.<sup>2</sup> While this actor-orientated emphasis may have been more justified in the earlier 'phases' of democratisation, it became less relevant once political institutions began to reassert themselves.

Much of the mainstream literature has focused on a number of issues: what is meant by democratic consolidation, which types of transitions and systems are more or less likely to become consolidated and what can be done to encourage consolidation.<sup>3</sup> Although scholars have differed in their exact definition, consolidation is generally seen as the institutionalisation of a competitive electoral system that is accompanied by a commitment to and a consensus about the 'rules of the game'. A system in which 'democracy becomes the only game in town' is seen as likely to endure.<sup>4</sup> Concern has been expressed by political scientists at a number of characteristics which are seen as reducing the likelihood that democratising systems in Latin America will become consolidated. These include: the weakness and even collapse of political parties, the emergence of 'delegative democracy', plebiscitarianism and presidentialism and its combination with multipartism.<sup>5</sup> Many commentators stress the importance of the role played by the political parties as the interlocutors between state and society and the need for effective party systems to channel and represent interests. However, gender issues, while sometimes mentioned, are rarely addressed in any sustained manner.

It is now increasingly recognised that, while institutions have an important place in any analysis of democratic consolidation, these debates tend to have an overly narrow focus, both in terms of the procedural and electoral definitions of democracy used – which exclude broader notions

<sup>2</sup> Stephan Haggard and Robert Kaufman argue this in *The Political Economy of Democratic Transitions* (Princeton, 1995) and G. O'Donnell, L. Whitehead and P. Schmitter (eds.), *Transitions from Authoritarian Rule* (Baltimore, 1986) is an example of this type of early work.

<sup>3</sup> See Larry Diamond, 'Is the Third Wave Over?', *Journal of Democracy*, vol. 7, no. 3 (1996), pp. 20–38; Adam Przeworski et al., 'What makes Democracies Endure?', *Journal of Democracy*, vol. 7, no. 1 (1996), pp. 39–55; Phillippe Schmitter, 'The Dangers and Dilemmas of Democracy', *Journal of Democracy*, vol. 5, no. 2 (1994), pp. 57–74.

<sup>4</sup> J. Linz and A. Stepan, *Problems of Democratic Transitions and Consolidation* (Baltimore, 1996), p. 5.

<sup>5</sup> See Scott Mainwaring, 'Presidentialism, Multipartism and Democracy: the Difficult Combination', *Comparative Political Studies*, vol. 26, no. 2 (1993), pp. 198–228; S. Mainwaring and T. Scully (eds.), *Building Democratic Institutions: Party Systems in Latin America* (Stanford, 1995); Guillermo O'Donnell, 'Delegative Democracy', *Journal of Democracy*, vol. 7, no. 2 (1994), pp. 55–69.

of the quality of democracy – and in terms of the range of actors and institutions analysed. More nuanced analyses would also examine the interaction of institutions with a wider range of actors within civil society, looking for example at ‘how social actors adapt to these institutions, and which conditions encourage (newly) mobilised actors to support, sidestep and/or subvert democratic institutions’.<sup>6</sup>

This article will attempt to do a number of things. First, it will build on the mainstream literature by adding a gendered analysis of institutions missing to date. Second, it will widen the analysis to include a hitherto ignored area: the interaction between institutions and different women and women’s movements. It also aims to contribute to the women and transitions literature by adding a much needed institutional dimension.

Indeed not only the mainstream democratisation literature failed to analyse the impact of institutions. Much of the writing on women and transitions in Latin America has displayed similar characteristics. While not focusing on the actions of elites, the women and transitions literature has also often been overly voluntaristic, tending to privilege the actions of women’s social movements and women’s mobilisations. It would be wrong to underestimate the important contribution made by this work. We now know a great deal about the significant role played by women’s movements in many cases of regime breakdown in Latin America and this has provided a useful corrective to the gender blindness of the majority of the mainstream scholarship.<sup>7</sup> However, until recently, little has been done to examine the interaction between women and political institutions during attempts at democratic consolidation in Latin America.<sup>8</sup>

Although a small body of work is beginning to emerge on women and some aspects of competitive electoral politics in Latin America, the most useful studies to provide pointers and frameworks for the gendered study

<sup>6</sup> Deborah Yashar, ‘Democracy, Indigenous Movements, and the Postliberal challenge in Latin America’, *World Politics*, vol. 52, no. 1 (1999), p. 99. See also Guillermo O’Donnell, ‘Illusions about Consolidation’, *Journal of Democracy*, vol. 7, no. 2 (1996), pp. 34–51.

<sup>7</sup> S. Alvarez, *Engendering Democracy in Brazil* (Princeton, 1990); E. Jelin (ed.), *Women and Social Change in Latin America* (Zed, 1990); J. Jaquette (ed.), *The Women’s Movement in Latin America: Participation and Democracy* (Boulder, 1994); Georgina Waylen ‘Women and Democratisation: Conceptualising Gender Relations in Transition Politics’, *World Politics*, vol. 46, no. 3 (1994), pp. 327–54.

<sup>8</sup> There are exceptions, see Alvarez, *Engendering Democracy in Brazil*; Nikki Craske, ‘Remasculinization and Neoliberal State in Latin America’, in Vicky Randall and Georgina Waylen (eds.), *Gender, Politics and the State* (London, 1998), pp. 100–20, and Elisabeth Friedman, ‘Paradoxes of Gendered Political Opportunity in the Venezuelan Transition to Democracy’, *Latin American Research Review*, vol. 33, no. 3 (1998), pp. 87–136.

of contemporary competitive electoral politics look almost exclusively at the liberal democracies of the first world, focusing primarily on the United States, Britain and Scandinavia.<sup>9</sup> Some of this more general ‘gender and politics’ literature highlights the need to consider political institutions and structures. It underlines the need to examine the effect of different party structures on the position of women within political parties, and the impact of different systems of candidate selection – whether centralised/local and formal/informal party systems – on the numbers of women selected. The relationship between different electoral systems and levels of women’s representation is also important: for example the influence of proportional representation versus first past the post systems, party and district magnitude, open or closed lists and rates of incumbency on the numbers of women elected. Once in office, it is useful to examine how women vote, behave and legislate.<sup>10</sup>

This literature has also been concerned with the relative efficacy of the different strategies that can be used to improve women’s representation and the role played by women organising inside and outside political parties to achieve this. In the area of gender-related policies, attention has focused on welfare and more recently on state women’s machineries, such as women’s ministries and how they operate – an issue that has been becoming an increasingly important in many Latin American countries.<sup>11</sup> In contrast to much of the women and democratisation literature, this kind of approach demonstrates the significance of analysing the nature of political structures and institutions and the activities of women involved in them.

In order to gain a fuller understanding of the complex processes at work during recent attempts at democratic consolidation in Latin America, gendered analyses of institutions, such as political parties and the state, are a necessary component. This entails a consideration not only

<sup>9</sup> For examples of the emerging literature on women and competitive electoral politics in Latin America see Mark Jones, ‘Increasing Women’s Representation via Gender Quotas: the Argentine Ley de Cupos’, *Women and Politics*, vol. 16, no. 4 (1996), pp. 75–98; and Richard Matland and Michelle Taylor, ‘Electoral System Effects on Women’s Representation: Theoretical Arguments and Evidence from Costa Rica’, *Comparative Political Studies*, vol. 30, no. 2 (1997), pp. 186–241. For work that analyses the first world see R. Darcy, S. Welch and J. Clark, *Women, Elections and Representation*, 2nd ed (Lincoln NE, 1994); J. Lovenduski and P. Norris (eds.), *Gender and Party Politics* (London 1993); P. Norris and J. Lovenduski, *Political Recruitment: Gender, Race and Class in the British Parliament* (Cambridge 1995); W. Rule and F. Zimmerman (eds.), *Electoral Systems in Comparative Perspective: Their Impact on Women and Minorities* (Westport, 1994).

<sup>10</sup> See S. Thomas, *How Women Legislate* (Oxford, 1994) for a study of the United States.

<sup>11</sup> For a first world perspective on state feminism see D. M. Stetson and A. Mazur (eds.), *Comparative State Feminism* (London, 1995).

of the impact of women and women's movements on institutions and structures, but also of how these institutions and structures can shape and change gender relations and women's activities in particular settings. Political struggles are inevitably mediated by the institutional context in which they take place. The ways in which institutions can shape not only actors' strategies and their outcomes, but also their goals need to be investigated.<sup>12</sup>

This article will therefore examine the interaction of the strategies and goals of various actors with differing institutions and their outcomes. Many of the actors under consideration share similar goals, but the strategies adopted to achieve those ends vary in different institutional contexts. The goals can be divided into two related but distinct parts: first to increase the number of women involved in politics, particularly at national levels either as elected representatives in legislatures or within political parties; second to achieve the implementation of 'women-friendly' policies often through institutional measures such as the establishment of state women's machineries. It becomes important to ask whether different types of party structure and systems – such as presidential versus parliamentary or weak versus strong party systems – afford women actors differential opportunities for participation and influence in consolidating electoral systems in Latin America; and whether these systems exhibit differences in terms of their gender-related policies. This focus will complement the mainstream literature which examines institutional characteristics, such as constitutional design and party institutionalisation, seen as playing an important role in democratic consolidation in Latin America, but which almost entirely ignores both gender relations and the actions of different women and women's movements.<sup>13</sup>

This undertaking will be pursued by means of a comparative analysis of Argentina from 1983–98 and Chile from 1989–98. These two Southern Cone countries were chosen as case studies because, despite their many similarities, they have had somewhat different experiences of transition and consolidation. Given the variations both in transition politics and women's organising, a comparative approach will allow us to see whether any common themes and questions emerge that can help to provide a framework for the gendered analysis of contemporary competitive

<sup>12</sup> Thelen and Steinmo, 'Historical Institutionalism in Comparative Politics'.

<sup>13</sup> For example A. Lijphart and C. Waisman (eds.), *Institutional Design in New Democracies: Eastern Europe and Latin America* (Boulder, 1996); Mainwaring and Scully (eds.), *Building Democratic Institutions*; M. Shugart and J. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (Cambridge, 1992).

electoral politics in other Latin American cases, in addition to drawing some conclusions about the significance of events to date in each country.

*The Terms of Transition in Argentina and Chile*

It has been increasingly recognised that the particular form taken by the non-democratic regime and the nature of the transition to competitive electoral politics play an important role in structuring the nature of the subsequent regime, including the opportunities available to various political actors.<sup>14</sup> Haggard and Kaufman refer to this as the ‘terms of transition’.<sup>15</sup> They argue that the particular terms structure not only civil/military relationships, but also political competition and the institutional arrangements of the new system. As the contrasting cases of Chile and Argentina demonstrate, the capacity of the military to shape the outcome of the transition depends in part on the circumstances of their withdrawal, for example whether there is an economic crisis or military defeat as in Argentina or a negotiated withdrawal from a position of strength as in Chile. However, Haggard and Kaufman argue that the terms are not necessarily settled at the time of transition and, while they exert a powerful influence on subsequent events, they can be subject to some renegotiation.<sup>16</sup>

A gendered analysis of democratic consolidation in Latin America must begin by examining the terms of transition, both in terms of the impact different groups of women had on those terms and the ways in which the terms helped to structure both gender relations and women’s activities subsequently. Mala Htun, for example has argued that the different institutional configurations established by the terms of transition have a crucial impact on subsequent gender policy outcomes.<sup>17</sup> It has generally been acknowledged that in many cases women’s movements played an important part in the initial breakdown of authoritarian rule. However, with the very partial exception of the Chilean case, this role was not often translated into influence over the nature of the reconstituting political

<sup>14</sup> Terry Karl argues in ‘The Dilemmas of Democratisation in Latin America’, *Comparative Politics*, vol. 23 (October 1990), pp. 1–21 that pacted transitions offer the greatest likelihood of democratic consolidation. This is echoed in Linz and Stepan, *Problems of Democratic Transition and Consolidation*.

<sup>15</sup> Haggard and Kaufman, *The Political Economy of Democratic Transitions*, p. 109.

<sup>16</sup> *Ibid.*, p. 270.

<sup>17</sup> Although she overstates the determining influence of a narrow range of institutional factors, Mala Htun’s analysis does demonstrate the need for more institutional analyses of gendered policy outcomes. See M. Htun, ‘Democratic Transitions and Women’s Family Rights in Argentina, Brazil, and Chile’, paper delivered at Meeting of the Latin American Studies Association, Miami, March 2000.

parties and institutions or high levels of women's political representation.<sup>18</sup> These difficulties have been seen as evidence that women's organisations find the transition from activity in civil society to activity in political society problematic. But greater specificity is needed. Women's organisations had been part of the opposition to military rule, but had to rethink their anti-statist position under the new conditions of transition and consolidation. Reminiscent of old debates around 'autonomy versus integration', different organisations made different choices about their strategies and goals. Some adopted a position of critical negotiation with the state and formal arenas. Early analyses demonstrated that some women and women's organisations, often middle class, professional and feminist, that engage with political society have had some degree of success in achieving their goals. Others, often autonomous feminists, human rights organisations and popular movements, have opted for less interaction with political society and have been arguably less effective in achieving their aims.<sup>19</sup> It is therefore necessary to develop a more sophisticated analysis of the relationship between different groups of women and the terms of transition in Latin America.

An analysis of the role of women's organisations in the case study countries indicates that they had little influence over the Argentine transition, but some influence in the Chilean case. In Argentina the military withdrew in the midst of economic crisis and military defeat and an exit under these circumstances constrained the influence of the armed forces over the terms of transition. The Argentine transition has been characterised as an un-pacted and 'free' transition in which the political parties could refuse the overtures of the military and in which, as a consequence, few restrictions were placed on the political system. Argentina returned to its 1853 constitution, which has been seen as the de jure and de facto source of subsequent hyperpresidentialism, allowing executive dominance and rule by decree.<sup>20</sup>

Some attempts were made by the presidential candidates to woo women voters in the elections of 1983 with promises of changes to discriminatory laws such as *Patria Potestad* and discussion of divorce.<sup>21</sup> But despite the relative openness of the transition, the influence of women's groups was limited. A number of feminist organisations such as the Movimiento para Liberación Femenina and the Asociación de Mujeres Argentinas had

<sup>18</sup> See for example Jaquette (ed.), *The Women's Movement in Latin America*, and J. Jaquette and S. Wolchik (eds.), *Women and Democracy: Latin America and Central and Eastern Europe* (Baltimore, 1998). <sup>19</sup> Waylen, 'Women and Democratization'.

<sup>20</sup> Carlos S. Nino, 'Hyperpresidentialism and Constitutional Reform in Argentina', in Lijphart and Waisman (eds.), *Institutional Design in New Democracies*, pp. 161–74.

<sup>21</sup> *Patria Potestad* gives fathers legal rights over children within the family.



emerged in the 1970s but they were not in a strong position to influence events because of their small size, strategies and loose organisation. They were accustomed to working in small groups in consciousness raising and self-reflection and to see politics in terms of individuals rather than groups.<sup>22</sup>

The potentially more influential human rights group, the Madres de la Plaza de Mayo, had been an important force in bringing about the ‘end of fear’ under the dictatorship and delegitimising the military government internationally through their campaign demanding the return of their disappeared children (so much so that Alfonsín used their rhetoric and slogan ‘We are Life’ in his electoral campaign). Although the diminished power of the military facilitated the trial of some of those accused of human rights abuses, the Madres saw few of their demands met fully both during and after the transition.<sup>23</sup> It has been claimed that, in common with other human rights movements, ‘the origins and nature of the movement – which had made it uniquely effective under authoritarian rule – limited its ability to respond to the new democratic environment’.<sup>24</sup> A number of factors contributed to this. The symbolic, ethical and non-negotiable nature of the Madres’ demands was effective in a political environment in which bargaining was impossible. But in the context of transition and consolidation, bargaining became more effective. In addition ‘the determined, charismatic and single-minded leadership’ which was needed under military rule was often inappropriate for the new political conditions. However, Brysk argues that while the human rights movement achieved less than it had intended, unprecedented and significant reforms were implemented that ‘would have been weaker, or later, or perhaps would not have happened at all without the Argentine human rights movement’.<sup>25</sup>

In contrast Chile provides perhaps a classic example of a longer, non-crisis led, negotiated transition in which the military regime was able to play a key role in constructing a new system which was designed to ensure that its vision of the world would be maintained. The military exercised

<sup>22</sup> María del Carmen Feijóo and Marcela Nari, ‘Women and Democracy in Argentina’, in Jaquette (ed.), *The Women’s Movement in Latin America*, p. 118.

<sup>23</sup> The human rights movement wanted a bi-cameral commission to investigate human rights abuses, the punishment of *all* those responsible for the repression, the immediate release of all political prisoners and the retirement of all members of the police and judiciary in place during military rule. None of these demands was implemented in full. For example the bi-cameral commission was downgraded to a 10 member non-representative body appointed by the President and the trials were limited by the *Punto Final* and *Obediencia Debida* which prevented the prosecution of the vast majority of those identified by testimonies. See A. Brysk, *The Politics of Human Rights in Argentina: Protest, Change and Democratization* (Stanford, 1994)

<sup>24</sup> Brysk, *The Politics of Human Rights in Argentina*, p. 20.

<sup>25</sup> *Ibid.*, p. 63.

a significant degree of control over the transition through the constitution of 1980, creating an electoral system which would ensure the over-representation of the right and a two party system to replace the historic three-way division.<sup>26</sup> In addition the president and executive were given extensive potential powers, including control over legislation. However, between Pinochet's defeat in the 1988 plebiscite and the 1989 elections, some of the terms were re-negotiated. The number of elected senators was increased and the opposition centre-left coalition, the Concertación, moderated its position on human rights, dropping its call for the abrogation of the 1978 amnesty law and shifting its human rights policy from an equal emphasis on the need for truth and justice to one which prioritised truth.<sup>27</sup> The military regime also wanted to ensure that the conservative gender relations it had attempted to enforce would endure. One of the regime's last acts was to outlaw therapeutic abortions that had been legal since 1931. At the same time the regime stipulated that the wife of the head of the armed forces, rather than the spouse of the new president, should remain the head of the state-controlled women's organisation, CEMA-Chile (Centros de Madres-Chile) which it had used to try to co-opt poor women.<sup>28</sup>

However, in what has been seen as its highpoint so far, the Chilean feminist movement was more organised by the mid- to late 1980s than had been the case during the earlier transition in Argentina.<sup>29</sup> *Feministas* (feminists) and *políticas* (women political activists) made more concerted attempts to influence the terms of the transition.<sup>30</sup> Following the strategic decision of many feminists to enter the unfolding political process in the mid 1980s, for example by participating in the Asamblea de la Civilidad

<sup>26</sup> A binomial system replaced the open list PR system in both houses. To win both seats in one district, the winning slate has to poll two thirds of the votes cast, otherwise the second seat goes to the grouping with the next largest vote. The right can win the second seat in many cases. The presence of nine appointed (in addition to the elected ones) senators gives the right an in built majority in the senate. Peter Siavelis and Arturo Valenzuela, 'Electoral Engineering and Democratic Stability: the Legacy of Authoritarian Rule in Chile', in Lijphart and Waisman, *Institutional Design in New Democracies*, pp. 77–100.

<sup>27</sup> A. Barahona de Brito, *Human Rights and Democratization in Latin America: Uruguay and Chile* (Oxford, 1997), p. 104.

<sup>28</sup> This prompted the Concertación to establish a new women's organisation PRODEMU (Programa de Desarrollo de la Mujer) more securely under Christian Democrat control to work primarily with poor women.

<sup>29</sup> See Alicia Frohmann and Teresa Valdes, 'Democracy in the Country and in the Home: The Women's Movement in Chile', *Documento de Trabajo* no. 55, FLACSO (Santiago, 1993).

<sup>30</sup> Natacha Molina, 'Propuestas Políticas y Orientaciones de Cambio en la Situación de la Mujer', in Manuel Garretón (ed.), *Propuestas políticas y demandas sociales*, vol. 3 (Santiago, 1989), pp. 31–172.

in 1986, they worked within the political parties of the centre and left, campaigning for an increase in influence for women within the party structures.<sup>31</sup> Women in the Partido Socialista (PS) organised a women's section, the Federación de Mujeres Socialistas (FMS). As a consequence, in the aftermath of the 1988 plebiscite the umbrella left grouping Partido por la Democracia (PPD) and PS introduced quotas for women for internal party bodies (but not candidate selection) of 20 per cent in the PPD and 25 per cent in the PS.

These efforts culminated in the formation of the Concertación de Mujeres por la Democracia, a group of women active in the parties of the centre-left coalition, the Concertación, together with independent feminists. Disillusioned with the continued lack of influence of women on the unfolding political process and the selection of very few women candidates for the forthcoming elections, the women's Concertación elaborated a programme to be incorporated into the Concertación's election manifesto. This included a proposal for the institutionalisation of 'women's interests' in the state through a women's ministry.<sup>32</sup> In contrast, groups outside the political process such as the predominantly female human rights *agrupaciones* (groups) such as the AFDD (Agrupación de Familiares de Detenidos Desaparecidos), had far less influence over the transition. While they maintained critical support for the centre-left opposition, they disagreed with the abrogation of the amnesty law and were unhappy with the 'political contingency' that emphasised reconciliation and prioritised truth over justice, making the trial of all those accused of human rights abuses impossible.<sup>33</sup>

In both cases, the terms of transition culminated in the reconstitution of rather conventional institutional arrangements with the re-emergence of traditional parties and 'business as usual' in gender terms. But the picture is complex. The relatively speedy unpacted transition in Argentina saw a return to the previous form of presidential system, while in the longer negotiated Chilean transition the military attempted to refashion the political system. In Argentina no women's organisations influenced the terms of transition despite the relative lack of institutional constraints. However, in Chile despite the greater constraining influence of the military, the very different conditions in combination with larger and

<sup>31</sup> Natacha Molina and Claudia Serrano, 'Las mujeres frente a la política', *Proposiciones*, vol. 16 (1988), pp. 107–26; and María Elena Valenzuela, 'Mujeres y política: logros y tensiones en el proceso de redemocratización', *Proposiciones*, vol. 18 (1990), pp. 210–231.

<sup>32</sup> See S. Montecino and J. Rossetti, *Tramas para un nuevo destino: propuestas de la Concertación de Mujeres por la Democracia* (Santiago 1990).

<sup>33</sup> Barahona de Brito, *Human Rights and Democratization*, p. 121.

better organised women's organisations actively engaging with many of the political parties, meant that some groups did have more impact on the terms of transition. In both countries the influence of the human rights groups over the terms of transition was more indirect than direct. The following section examines the impact that differing terms of transition and institutional contexts had on the constraints and opportunities available to the different actors and their responses.

*Competitive Electoral Politics in Argentina*

Although Argentina has been identified as having a tendency towards hyperpresidentialism (particularly prior to the constitutional reform of 1994), its party system is fairly well institutionalised and parties remain significant political actors.<sup>34</sup> For many women activists attempting to increase levels of gender equity in politics, parties therefore remain an important focus for pressure, despite the central role that can be played by the president in either promoting or preventing change.

Since the 1940s Argentina's political history has been dominated by the military and Peronism, a populist movement with its own political party, the Partido Justicialista (PJ), whose corporatist and statist tendencies are hard to characterise on a left/right continuum. The Union Cívica Radical (UCR), a more liberal middle class political party, also played a role. Carlos Menem, a Peronist, won the 1989 presidential election after the economic failure of Alfonsín's UCR government, elected in 1983 because (unlike the Peronists) it was untainted by the repression and failures of the outgoing military regime. Although he pursued a very un-Peronist programme of neo-liberal economic reform, Menem proved to be a populist leader who halted the trend towards the greater insitutionalisation of the PJ and presided over increasing presidentialism within the Argentine system. Amid growing allegations of corruption, Menem frequently governed by decree and even struck a deal with Alfonsín that allowed him to remain in office for another term in return for a reduction in presidential powers.<sup>35</sup>

On the return to civilian rule, very few women were elected to congress. In the 1983 elections, only 3.6 per cent of the new deputies were women and this proportion was maintained in the elections of 1985 and 1987. However, beginning a trend followed in other parts of the region,

<sup>34</sup> Mark Jones, 'Evaluating Argentina's Presidential Democracy 1983-95', in Scott Mainwaring and Mathew Shugart (eds.), *Presidentialism and Democracy in Latin America* (Cambridge 1997), pp. 259-99.

<sup>35</sup> James McGuire, 'Political Parties and Democracy in Argentina', in Mainwaring and Scully (eds.), *Building Democratic Institutions*, pp. 200-45.

a significant institutional change to the electoral system was introduced that resulted in a large increase in the number of women deputies. The *Ley de Cupos* (the quota law), passed in 1991, stipulated that at least 30 per cent of all electoral candidates were to be women, placed in winnable positions on the closed party lists. Although it was clear that women were not to be positioned at the bottom of lists, there was some vagueness as to exactly what a 'winnable' position entailed. If, for example, there were only three candidates on a list, it was open to dispute whether the law required that a woman should be placed in the second or third position. Overall the *Ley de Cupos* brought some important changes. Selection procedures were not to be determined exclusively by political parties, but also by law. The result was a significant increase in the numbers of women elected.

Given that the legal institution of a quota system affecting all political parties – rather than one introduced by an individual party – was then so unusual, it is important to ask why it was passed in Argentina. Three main reasons can be identified. Part of the explanation lies in the history of Peronism. During the first Peronist government in which Eva Perón (Evita) played a significant role, unofficial quotas for women existed within the PJ and the number of women in congress reached nearly 25 per cent in the early 1950s. Thus the notion of quotas for women was not without precedent in Argentine political history. Second, although put forward by a Radical, the 1991 quota law was supported by an alliance of different women. Women activists from within the political parties, particularly the PJ and UCR, were joined by groups of women, including feminist NGOs, organising outside the parties.<sup>36</sup> The government women's body, the Consejo Nacional de la Mujer (established in 1991) also participated actively in the campaign, which involved mobilisation to lobby congress and the careful targeting of particular deputies. Feminists involved in the campaign have argued that a deliberate part of the strategy was to stress that quotas would help to make Argentina a modern and fully democratic society and as such they were attempting to use the opportunities afforded by the political context of consolidation.<sup>37</sup> Third, the support of President Menem was also crucial as, at that time, he was sympathetic to 'women's issues' and was known to favour the quota law.

While it is still too early for a comprehensive analysis, it is possible to draw some interim conclusions about the impact of the *Ley de Cupos* on Argentine politics. At first, although the numbers of women elected

<sup>36</sup> M. J. Lubertino, *Informe sobre la ley de cuotas* (Buenos Aires, 1993).

<sup>37</sup> Interview with Gloria Bonder, Director of CEM and ex-member of Menem's women's cabinet, 20 May 1996.

increased so that in 1993 women comprised 13.2 per cent of the total number of deputies, the parties did not comply fully with the new law, despite the continued mobilisation by women both in and outside the parties to support it.<sup>38</sup> Initially only an individual woman who felt wrongly treated could challenge the list, thereby risking the wrath of her party. At the same time, judges adjudicating the cases were sometimes antagonistic.<sup>39</sup> After changes instituted in the 1994 constitution, which allowed the Consejo Nacional de la Mujer and others to challenge party lists and the continued mobilisation in support of the law, the compliance rate increased with the majority of parties placing women in electable positions.<sup>40</sup> As a result 27.7 per cent of the deputies elected in the 1995 elections were women, a figure which was maintained in the 1997 elections. There is also evidence that the presence of the quota law has a 'contagion' effect. It brings increased pressure to bear on other institutions and organisations, such as trade unions to introduce similar measures. For example, by 1998 quota laws had been enacted for provincial elections in 21 of Argentina's 24 provinces.<sup>41</sup>

The constitutional assembly of 1993 provides one clear example of the impact of the *Ley de Cupos*. Elections were held according to the quota law and as a result 26.2 per cent of the assembly members were women who organised across party lines on some issues. After pressure from women members, in addition to the clauses that strengthened the *Ley de Cupos*, the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW) was enshrined in the constitution. María del Carmen Feijoó, a feminist member of the constituent assembly, has argued that as a result of intense cross party activity, a clause outlawing abortion under any circumstance was prevented from being inserted, despite pressure from Menem.<sup>42</sup> These examples show that the actions of the women members of the constituent assembly were rendered more effective by the cross party alliances that they made.

<sup>38</sup> The percentage of women elected as deputies was 21.3 % but because only half the seats were contested the percentage of women in congress only rose to 13.2 %.

<sup>39</sup> For a discussion of the implementation of the quota law see Mark Jones, 'Increasing Women's Representation via Gender Quotas: the Argentine Ley de Cupos', *Women and Politics*, vol. 16, no. 4 (1996), pp. 75–98.

<sup>40</sup> Mala Htun and Mark Jones argue that three institutional factors influence the effectiveness of quotas: the type of party list, a placement mandate and district magnitude. See Mala Htun and Mark Jones, 'Engendering the Right to Participate in Decisionmaking: Electoral Quotas and Women's Leadership in Latin America', in Nikki Craske and Maxine Molyneux (eds.), *Gender, Justice and Rights in Latin America* (forthcoming, 2001).

<sup>41</sup> Mark Jones, 'Gender Quotas, Electoral Laws and the Election of Women: Lessons from the Argentine Provinces', *Comparative Political Studies*, vol. 31, no. 1 (1998), p. 21.

<sup>42</sup> Interview with María del Carmen Feijoó, feminist academic and member of the 1993 Constituent Assembly, Buenos Aires, 25 May 1996.

At the same time a number of other factors act to reduce the impact of the quota law. Compliance still varies between regions and parties. The *Ley de Cupos* is often disregarded in the provinces that historically have elected fewer women than the capital and the UCR tends to place women in worse positions on its lists than the PJ. The impact of the *Ley de Cupos* is further restricted because it is not applied to internal party offices. There are still very few women in positions of power within party hierarchies. Despite forming 47.7 per cent of party affiliates, in 1993 women formed an average of only 7.2 per cent of national party directorates.<sup>43</sup> Finally, some people, particularly non-aligned feminists, are sceptical about the kinds of women who have been elected as a result of the quota system.<sup>44</sup> It has been suggested that some are party hacks thought to be manipulable by party hierarchies now searching for malleable women candidates, while others are the partners/relatives of male politicians.

Although the numbers of women elected to congress have increased, there have been very few women in the executive since 1983. The first woman minister ever to have held office in Argentina was not appointed until 1989. In 1992, perhaps as an alternative to having women in mainstream government positions, Menem instituted a parallel ‘women’s cabinet’ with no power. The (unpaid) role of ‘Menem’s women’ was to shadow the real cabinet, advising different ministers on how their policies would affect women, yet with no formal powers of oversight. However, this never really functioned, especially after Menem’s actions described below alienated some of the feminists who had previously been sympathetic to him. And it was not until 1996 that Menem appointed his first woman cabinet minister, and then to the rather gender-typical position of the education portfolio.

The Alfonsín and Menem governments both established different sets of women’s machinery. After creating a number of programmes based in other ministries, the UCR government established the Subsecretaría de la Mujer in 1987, which had become more active under a feminist leadership by 1989.<sup>45</sup> With the election of Menem, in 1991 this was replaced by a new organisation, the Consejo Nacional de la Mujer, charged with ensuring the implementation of CEDAW and ensuring the ‘maximum participation of women in all spheres’.<sup>46</sup> This body was established by

<sup>43</sup> See *Informe Nacional: situación de la mujer en la última década en la República Argentina* (Buenos Aires, 1995).

<sup>44</sup> This opinion was expressed by Sylvia Chejter, feminist and member of Centro de Encuentros Cultura y Mujer (CEYCM), Interview, Buenos Aires 28 May 1996.

<sup>45</sup> Zita Montes de Oca claimed that under her leadership the Subsecretaría took more overtly feminist positions. Interview (Buenos Aires, 2 June 1996).

<sup>46</sup> *Informe Nacional; Situación de la Mujer en la última década en la República Argentina*, p. 20.

decree as part of the presidential office and as part of the government of the day and not as a permanent part of the state apparatus. Initially when Menem was still sympathetic, the Consejo had quite a large budget that reached its peak in 1993. It also played an important role in the run-up to the Beijing women's conference. The Consejo produced an equal opportunities plan for 1993–4 and established a number of programmes for example to increase women's political participation. However, Virginia Franganillo, its feminist-sympathising head, was forced out after campaigning against the government attempt to insert the anti-abortion clause into the new constitution. This issue was a source of conflict in Cairo (the population conference) as well as in Beijing, where the Argentine official position was the most conservative in Latin America.<sup>47</sup> Franganillo's removal prompted the resignation of some feminist members of the women's cabinet and signalled the end of the cordial relations that the Consejo had enjoyed with some feminist groups outside the state. After a long delay she was replaced by a staunch Peronist who was fiercely opposed to reproductive rights.<sup>48</sup> As a consequence few feminist NGOs maintained links with the Consejo, and despite the implementation of a \$14m government Inter-American Development Bank-funded plan to establish Consejos Provinciales de la Mujer to implement programmes in every province, there was a feeling that it had been marginalised from any policymaking role.<sup>49</sup>

The major political parties have been an important focus of activity for many women attempting to increase the influence of women in politics. A women's section of PJ was formed in the early 1980s and, following pressure from women in the Federal Capital, the party's regulations and charters were amended in 1988 to introduce some positive action measures.<sup>50</sup> Some women within parts of the UCR have also made increased efforts to improve the position of women in the party.<sup>51</sup> While activity initially focused on the capital, the first national meeting of

<sup>47</sup> No representatives from the Consejo were included in the official Argentine delegation to Beijing, which was against abortion under any circumstances.

<sup>48</sup> In an interview, Ester Schiavone, Presidenta of the Consejo, was very keen to identify herself as a *menemista*, (Buenos Aires, 3 June 1996).

<sup>49</sup> Many feminists I interviewed in 1996 argued that two very different Consejos had existed – one before and one after Franganillo's resignation. They were enthusiastic about the first and had no contact with the second.

<sup>50</sup> Gloria Bonder and Marcela Nari, 'The 30% Quota Law: A Turning Point for Women's Political Participation in Argentina' in Alice Brill (ed.), *A Rising Voice: Women in Politics Worldwide* (New York, 1995), pp. 93–111.

<sup>51</sup> María Luisa Storani, a UCR activist and researcher for the Fundación Karacachoff, claimed that in her section of the UCR women activists were making concerted efforts to effect change in the party, Interview (Buenos Aires, 31 May 1996). Jutta Marx has undertaken a large-scale study of women's role in the UCR in the Capital Federal in the 1980s. See J. Marx, *Mujeres y partidos políticos* (Buenos Aires, 1992).



Radical women was held in 1989.<sup>52</sup> Since the early 1990s, one strategy of women party members has been to press for the implementation of the *Ley de Cupos* internally.

However, as a consequence of what McGuire terms the ‘movementist’ tendencies of both Peronism and Radicalism, despite strong identities both parties tend to have weakly institutionalised structures.<sup>53</sup> In the PJ there is a wide gulf between formal party rules and the actual power structure and this is reflected in the ways that both leaders and candidates are actually selected.<sup>54</sup> The existence of different factions within the parties and regionalism have meant that women have been able to exert much more influence in Buenos Aires than outside of it. Even a new grouping such as the centre-left FREPASO (Frente del País Solidario) has few highly institutionalised structures. FREPASO was only established in 1995 and is trying to present a new and fresh image free of corruption. Although it has one very prominent women leader (Graciela Fernández Meijide) together with a number of feminists active at the grassroots, it has few other women in powerful positions.

While there have been more feminists active in political parties since the 1980s, the historic tensions between *feministas* and *políticas* have not been eliminated. Although some cross-party organising and interaction between politically aligned feminists and female party activists takes place, the high level of party affiliation among women political activists is seen by many ‘autonomous feminists’ as a negative factor. Autonomous feminists believe that a commitment to feminism is inevitably diluted by partisan political loyalties, as illustrated by the disputes between *feministas* and *políticas* at the huge annual Women’s *Encuentros*.<sup>55</sup> At the same time, female party activists express frustration with feminists who, they claim, do not appreciate the difficult situation they are in as regards occasional conflicts of loyalty.<sup>56</sup>

As indicated by the preceding discussion, a number of feminist NGOs have been organising outside the state to influence the political system and increase women’s representation, for example the Fundación Mujeres en Igualdad has set up training sessions for women politicians and produces

<sup>52</sup> Lubertino, *Informe sobre la ley de cuotas*.

<sup>53</sup> McGuire, ‘Political Parties and Democracy’, p. 200.

<sup>54</sup> Steve Levitsky, ‘Populism is Dead: Long Live the Populist Party’, paper presented to the Latin American Studies Association Congress, Washington, 1995.

<sup>55</sup> This was a view expressed by Piera Orea, member of Taller Permanente de la Mujer, Interview (Buenos Aires, 31 May 1996).

<sup>56</sup> Juliana Marino, leader of the Peronist Group on the Buenos Aires Council argued that feminists just talk on their own account and do not represent anyone while she and other party activists represent many people and therefore face different constraints. Interview (Buenos Aires, 6 June 1996)

a magazine *Mujeres en Política*. It has also coordinated a network of feminist organisations to provide one voice to interact with and influence the political system and state more effectively.<sup>57</sup> However, not all women's organisations have pursued the same strategy of integration and interaction. In 1986 the Madres of the Plaza de Mayo split over questions of goals and strategies, such as whether to interact with the state and political parties and whether to accept compensation for the death of their children. The breakaway *Línea Fundadora* and the *Abuelas* opted to involve themselves in the political system while the remaining Madres did not.<sup>58</sup>

In sum, a number of changes have occurred in Argentina since the return to competitive electoral politics. The relatively open institutional context bequeathed by the terms of transition facilitated some legal changes such the introduction of shared *Patria Potestad*. The *Ley de Cupos*, the most significant institutional change in gender terms, has changed the electoral system and amended the terms of transition and resulted in an increase in the number of women in congress, despite scepticism about the calibre of some of the women elected. The actions of women organising outside the state to influence the political system have played a key part in achieving and maintaining the pressure for institutional change. The potential impact of the quota law is demonstrated by the influence exercised by a substantial number of women organising together in the constitutional assembly. Despite the relatively high party discipline in congress, the cross-party organising seen in the constituent assembly has also been replicated by some women deputies. In 1996 a reproductive rights proposal was put forward by a woman from the Radical party and was supported by some Peronist deputies together with feminist NGOs outside congress.<sup>59</sup> But although they can facilitate cross-party alliances, factionalised parties with relatively weakly institutionalised structures are difficult to pressure for changes in their internal organisation. Despite

<sup>57</sup> Zita Montes de Oca, the director of the Fundación Mujeres en Igualdad and coordinator of the NGO network argued for an alliance of women's NGOs to be able engage with the state with one NGO being able to speak for several. Interview (Buenos Aires, 2 June 1996).

<sup>58</sup> The Madres objected to the exhumations of unidentified bodies, arguing that they already knew who was dead; what they needed to know was who killed them. The *Abuelas* co-operated as they wanted to discover the identities of the female victims and whether they had given birth in order to trace any surviving children and secure their return. Interviews with Hebe Bonafini, Presidenta of the Madres (Buenos Aires, 3 June 1996) and Rosa Rosanblit, member of the *Abuelas* (Buenos Aires, 4 June 1996).

<sup>59</sup> A number of feminist NGOs campaign around reproductive rights and participate in Latin American networks as well as lobbying nationally. Interview with Mónica Gogna, Member of the Co-ordinating Commission of the Foro por los Derechos Reproductivos (Buenos Aires, 18 May 1996)

organising by female party activists, the increase in the number of women deputies has not been accompanied by a similar increase in the number of women at the top of party hierarchies. Nor has there been a marked increase in the numbers of women in government or the implementation of policies favourable to women. Under an extremely presidential system congress lacks power. As demonstrated by the fate of the Consejo, presidentialism has meant that some gains are dependent on presidential whim and there are fewer opportunities to press for meaningful institutional change and the implementation of 'women friendly' policies.

### *Competitive Electoral Politics in Chile*

In Chile a strong institutionalised party system has been resurrected which operates within an electoral system designed by the military regime. The Concertación, the centre-left coalition dominated by the Christian Democrats, has won a majority in all congressional and presidential elections held since 1990. But despite repeated attempts, it has been unable to fundamentally alter the terms of transition. The efforts to abolish the nine appointed senators have not yet succeeded as it does not command the necessary two-thirds majority in Congress and so far it has been unable to reach agreement with the right.<sup>60</sup> Indeed Pinochet, on retiring as Commander of the Armed forces has become a senator for life.<sup>61</sup> The political parties, particularly of the centre-left, and the government women's body SERNAM (Servicio Nacional de la Mujer), established in 1991, have remained the focus for women political activists who wish to build on the limited, but nonetheless real, gains achieved during the transition period.

Despite the establishment of the Concertación de Mujeres in the run-up to the elections, few women members gained seats in the 1989 elections, forming only 5.8 per cent of the total. However, three of the seven women elected had been prominent members of the Concertación de Mujeres and since then there has been a strong feminist contingent among the women deputies. Although fewer women were mobilised for the '*Más Mujeres al*

<sup>60</sup> However, under the terms of the constitution, the Concertación is now appointing its own senators and Aylwin could also become a senator for life.

<sup>61</sup> At the time of writing, Pinochet's future was uncertain. He was forced to spend 503 days in the UK waiting to see whether an extradition request for human rights abuses lodged by a Spanish judge would be granted. Since his return to Chile in March 2000, having been released by the British Home Secretary on humanitarian grounds on account of ill health, the Santiago appellate court has been considering a request for Pinochet's immunity as senator-for-life removed, so that he can face trial for human rights abuses which occurred in his regime after 1978 and which are thus not covered by the amnesty the military government granted itself.

*Parlamento*' campaign during the 1993 congressional elections, some attempts were made by the Concertación as a whole to place women in safe seats, with party leaders putting pressure on districts to adopt women. However, candidates were selected through primaries and campaigns required huge financial resources, both factors that reduce the likelihood of women being elected.<sup>62</sup> In spite of these limited efforts only 11 of the resulting 120 Concertación candidates in 1993 were women. Nonetheless, those parties with positive discrimination for internal positions did field more women candidates: the PS had the most with four, the PPD had three while the Christian Democrats (PDC), by far the largest group overall, had only two. No women senators and nine women deputies were elected in 1993 (six from the Concertación and three from the right), forming eight per cent of the total, and others who had been expected to win seats were narrowly defeated.<sup>63</sup>

In the 1997 congressional elections, only 81 of the 442 candidates for the lower house and 10 of the 66 candidates for the senate were women. Of the major parties, only the PDC fielded a woman candidate for the senate and as a consequence only two women were elected to it, one from the PDC and the other a right-wing independent.<sup>64</sup> The Concertación fielded 15 women candidates for the lower house and, continuing the pattern set in 1993, only four were from the PDC (five per cent of their total); five each were from the PS and PPD (19 and 17 per cent of their respective totals). On the right, seven (13.5 per cent) of the candidates of the renovated right party Renovación Nacional (RN) were women while five (11 per cent) of the *pinochetista* Unión Demócrata Independiente (UDI) candidates were women. The results of these elections continued the gradual increase in the number of women deputies, with the 13 women elected comprising ten per cent of the total of which seven come from the Concertación and four from RN (with none from the UDI).<sup>65</sup> Women now make up 19 per cent of the PPD deputies, 18 per cent of the PS deputies, 16 per cent of the RN deputies and only five per cent of the PDC

<sup>62</sup> In a primary system, potential candidates for a seat compete amongst themselves to gain the support of local party members to win the candidacy. Positive action measures are therefore difficult to enforce in this kind of system. In 1993 feminists complained that potential women candidates were forced to compete against each other in primaries in the same electoral districts.

<sup>63</sup> Patricio Navia and José María Sandoval, 'Women Candidates and the 1993 elections in Chile', paper prepared for the Congress of the Latin American Studies Association, Washington, 1995.

<sup>64</sup> Of the other eight women candidates, four came from the Partido Humanista, three from the Communist party and one stood as an independent candidate for the 'Chile 2000' alliance.

<sup>65</sup> Of the other two, one is an independent and the other a member of the Unión de Centro Centro Progresista.

deputies. Despite the relatively strong party discipline within the Chilean party system which mitigates against cross-party alliances, women legislators of the Concertación do have some limited contact with some sympathetic women politicians in RN on issues relating to the welfare of women, children, and families. The impetus for the 1994 Abandonment and Family Support Bill, which stipulated the level of support for a deserted partner and children, came from women representatives from both the Concertación and RN. However, the potential for cross-party alliances is limited because of the politicisation of gender issues such as divorce and reproductive rights, so areas that threaten the gender status quo are excluded.<sup>66</sup>

Within the political parties, although it is estimated that women make up 40 per cent of grassroots activists in the Concertación, and 50–60 per cent of the activists on the right, there are fewer women in most party central executives and governing bodies, though there are significant differences between the parties.<sup>67</sup> The parties vary in their willingness to promote women, either internally or as candidates, whether through informal measures or formal ones such as quotas. Although they all acknowledge the need for more women to be involved in politics, their strategies to achieve this vary. The parties of the right are opposed to any form of affirmative action while, until recently, the centre parties of the Concertación coalition only implemented some limited positive action for candidate selection and the PS and PPD – the renovated left parties within the Concertación – used positive discrimination in the form of quotas but only for party posts.<sup>68</sup> It is important to ask how far the differences in women's participation exhibited by the different parties of the Concertación can be related to the incidence of positive discrimination and formal quotas.

Feminists have continued to be active within the parties of the centre/left using a number of strategies and tactics to increase women's influence. Many feminists have changed their views as to the most effective way to organise in political parties since the return to competitive electoral politics. At the instigation of women activists, a vice-president for women was created in the PS in 1992 to ensure that gender concerns would be mainstreamed in the party. This occurred after the growing recognition that, despite raising awareness of gender issues, the FMS (the party women's section) had very little power and capacity to pressurise

<sup>66</sup> Fanny Pollarolo, the feminist PS deputy for District Three (Calama) and PS Vice-President for Women, stressed this in an interview with the author (Santiago, 23 Jan. 1996)

<sup>67</sup> This information comes from Riet Delsing who undertook research on positive action measures for women within the Chilean political parties for SERNAM in 1995 (interview, Santiago 19 Jan. 1996).

<sup>68</sup> *Ibid.*

party institutions and had become ghettoised, doing little to advance the position of women within the PS.<sup>69</sup>

Quotas have also remained a key concern for female party activists on the centre/left. In the mid 1990s, many feminists in the PS and PPD expressed doubts about a quota system, arguing that, although the numbers set by the quotas were attained at many levels, they were not large enough to form a 'critical mass' of women which would enable significant change to occur within the parties. If anything, they argued, the quotas might act as a ceiling to prevent the number of women from increasing further.<sup>70</sup> However, although initially ignored, compliance rates have increased significantly and quotas have been extended. The PS increased its quota for internal party positions to 30 per cent and more recently the PDC, following pressure from PDC women, adopted quotas of 20 per cent for some internal party positions. These quotas have resulted in an increase in the numbers of women in internal party positions. In 1997 there were no women in the political commissions of the right-wing parties, but in the Concertación parties, women formed 33 per cent of the PS political commission (up from 20 per cent in 1994); 27 per cent of the PPD political commission (up from 21 per cent in 1994) but only 17 per cent of the PDC Consejo Nacional (up from 10 per cent in 1995). An attempt has also been made to alter the electoral system through the introduction of national quotas. In 1997 a bill 'to promote the right of women to participate in national public life' was introduced into congress by prominent Concertación women deputies such as Fanny Pollarolo and Mariana Aylwin. Although this died in committee, it proposed that neither sex should form more than 60 per cent of internal party positions or candidates for municipal or national elections.<sup>71</sup> The executive control over legislation, combined with the lack of women on important congressional committees means that it is very difficult for women deputies to get laws passed without strong backing from the government even with cross-party support.<sup>72</sup>

At the governmental level, there have been few women in the executive since 1990. Aylwin's cabinet contained only one woman, Soledad Alvear, the head of the Servicio Nacional de la Mujer (SERNAM). Two women

<sup>69</sup> Fanny Pollarolo was hopeful that the creation of this position would enable women activists to have more influence on the mainstream of the party (interview, Santiago, 23 Jan. 1996).

<sup>70</sup> María Antonieta Saa, the PPD *diputada*, ex-mayor of Conchali and women's representative in the Asamblea in 1986, stressed this in an interview (Santiago, 18 Jan. 1996).

<sup>71</sup> The deputies who introduced the bill realised that it would not succeed but wanted to raise the issue of quotas. For a discussion of the difficulties of 'feminist policy making' see Liesl Haas, 'Legislating Equality: Influences on Feminist Policymaking in Chile', Paper presented at XXI LASA Congress, Chicago, 1998. <sup>72</sup> *Ibid.*

were initially appointed to cabinet by the Frei administration: the ex-head of SERNAM who then became the justice minister together with SERNAM's new head, Josefina Bilbao, but subsequently this number increased to three.

The establishment of SERNAM is the principal means by which the Concertación has tried to implement its programme on women. It was created in 1991 and modelled on similar bodies in Brazil and Spain in a form very much influenced by the proposals of the Concertación de Mujeres described earlier. Its mission is to 'collaborate with the executive in the design and coordination of public policies which put an end to the levels of discrimination which affect women in the family, social, economic, political and cultural arenas'.<sup>73</sup> After pressure from women activists, it was established in law rather than by presidential decree and its head was appointed at cabinet level. But after opposition from the right and the Catholic Church, who claimed that the law would subvert the family, its budget and functions – including the ability to execute programmes – were scaled down and it was placed under the auspices of MIDEPLAN, the planning ministry.<sup>74</sup>

SERNAM has undertaken a variety of activities. It has focused on three main areas: campaigns to increase gender awareness, pilot and targeted group projects, and legal reforms. It has, for example, established a network of regional offices and CIDEMs (Information Centres on Women's Rights); published an equal opportunities plan with a clear feminist orientation to be addressed in public policies for the period 1994–9; and run awareness raising campaigns around such issues as domestic violence and illegitimacy. As part of the executive, it has presented bills to Congress which have subsequently become law, as well as providing crucial support through lobbying for bills introduced by deputies such as the intrafamily violence law.<sup>75</sup> It has also worked in conjunction with other new state bodies, such as the anti-poverty programme FOSIS (Fondo de Solidaridad e Inversión Social), and PRODEMU (Programa de Desarrollo de la Mujer), the government created successor to CEMA–Chile which works with poor women. However, the area of intersectoral coordination with other parts of the state has been problematic as SERNAM lacks oversight powers and many of its contacts with other ministries operate on an informal rather than an institutional basis.<sup>76</sup>

<sup>73</sup> From '¿Qué es SERNAM?' (author's translation), <http://www.sernam.cl>.

<sup>74</sup> For an analysis of the establishment of SERNAM see F. Macaulay, 'Gender Politics in Brazil and Chile: The Role of Parties in National and Local Policy Making', unpubl. PhD. diss., University of Oxford, 1996.

<sup>75</sup> SERNAM, *Plan de igualdad de oportunidades para las mujeres 1994–1999* (Santiago, 1994).

<sup>76</sup> See Georgina Waylen, 'Democratization, Feminism and the State in Chile: The

The controversy that surrounded SERNAM at its inception has continued. In 1995 the unresolved tensions over SERNAM were demonstrated in the disputes before the Beijing Women's conference. The most vocal opposition came from the right and the UDI in particular. But SERNAM does not just face opposition from the right, all the PDC senators except one joined with the right in criticising the Chilean document for Beijing, which was based on SERNAM's equal opportunities plan. These divisions within the Concertación are also replicated within SERNAM, for example between Socialists and Christian Democrats over divorce, and SERNAM has steered clear of contested issues such as reproductive rights.<sup>77</sup> As a result it has found it easier to pursue those activities associated with employment training and poverty alleviation, such as the Programme for Women Heads of Household which focuses on poverty reduction by helping women with income generation, rather than on fundamentally challenging existing gender relations.

SERNAM also has a complex relationship with women's movements outside the state. Although it needs strong movements to provide it with legitimacy, it has been seen as weakening those movements as it has become the major interlocutor through which resources are channelled and through which feminists are absorbed into the state. Many of its personnel are ex-activists drawn from NGOs or academics rather than civil servants. It has therefore had a close relationship with some of the feminist NGOs, for example commissioning them to undertake research for SERNAM and collaborating over the preparations for the Beijing Women's Conference. But its relations with the popular women's movements are perhaps most fraught. It now receives much of funding that had come directly to those organisations and NGOs under the military regime. It has little contact with popular organisations that are often deemed to be insufficiently 'professional' to receive resources.<sup>78</sup>

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establishment of SERNAM', in Shirin Rai and Geraldine Lievesley (eds.), *Women and the State: International Perspectives* (London, 1996), pp. 103–117; Macaulay, *Gender Politics in Brazil and Chile*; and Ann Matear, 'Gender and the State in Rural Chile', *Bulletin of Latin American Research*, vol. 16, no. 1 (1997), pp. 97–106.

<sup>77</sup> Divorce is illegal in Chile. Only annulment can end a marriage, therefore a large number of marriages are annulled. Parts of the PDC are against the introduction of divorce while other parties in the Concertación are cautiously in favour. In 1992 Soledad Larrain, the socialist vice-minister of SERNAM resigned after irreconcilable differences with the PDC minister. Larrain had spoken out in favour of divorce and greater reproductive rights.

<sup>78</sup> María Elena Valenzuela, 'Las mujeres y el poder: la acción estatal desde una perspectiva de género en Chile', Paper presented at the Latin American Studies Association XX Congress, Guadalajara, 1997.



Thus SERNAM has a potentially clientelist relationship with some women's NGOs while at the same time it has 'beheaded' the feminist movement through its absorption of feminists into its ranks.<sup>79</sup>

A strong institutional party system has been resurrected in Chile in which there are still relatively few opportunities for women. This has been combined with the creation of a relatively unfavourable electoral system, the product of institutional constraints imposed by the restrictive terms of transition. As a result, despite the lip-service paid by political parties to increase the number of women, there are still few women in congress or in government. However, the case of Chile demonstrates that in more formalised structures it is clearer where pressure can be exerted most effectively. Feminist party activists have had some success in achieving quotas for internal party offices in the parties of the renovated left and the implementation of more fundamental changes to the electoral system has become the goal of some feminists wishing to increase the influence of women in conventional politics. As in Argentina, whatever gains which have been made have resulted in large part from the campaigns of women active both inside and outside the political parties. The establishment of SERNAM, an institution which makes some attempts to ensure the implementation of 'women friendly' policies, is the most significant consequence of the attempts of women activists to influence the transition, despite the institutional constraints. It has advantages over the Consejo in Argentina because it was created by law after effective pressure from women within Concertación and feminists outside the ruling alliance. As such the fate of SERNAM is not as dependent on the presidency. However, the security of its position as part of the state has not yet been put to the test by the election of a radically different government.<sup>80</sup>

### *Conclusions*

A gendered analysis of contemporary competitive electoral politics in Chile and Argentina has highlighted a number of general themes that are useful for the examination of other cases. It is necessary to focus both on the strategies and goals of the actors, such as female party activists and

<sup>79</sup> Veronica Schild, 'New subjects of Rights? Women's Movements and the Construction of Citizenship in New Democracies', in Sonia Alvarez, Arturo Escobar and Evelina Dagnino (eds.), *Politics of Culture/Politics of Politics* (Boulder, 1998), pp. 93–117. In a critical analysis, Veronica Schild argues that SERNAM's role is to prepare women for a neoliberal form of market citizenship through those activities that focus on income generation.

<sup>80</sup> SERNAM staff are aware of this. For example María Elena Valenzuela, Jefa de Departamento de Planificación y Estudios (1991–7) highlighted this aspect (interview Santiago, 20 Jan. 1996).

women organising outside the state and political parties; and on the structures and institutions within which these actors operate. In both countries the nature of the pre-existing regime, the timing of the transition, the role (if any) of women's movements and the resulting terms of transition to competitive electoral politics had an important impact on the subsequent nature of gender politics with regard to levels of women's representation and participation within the electoral system and party structures.

Where women activists and women's organisations effectively pressurised some of the (victorious) political parties during the transition, they had some success in getting their demands met after the restoration of electoral politics. In Chile the Concertación de Mujeres por la Democracia lobbied the centre-left Concertación coalition to include a number of items, such as the promise to establish a state women's organisation, in their electoral programme. Such pressure did not occur in the Argentine case. Despite this, although the terms of transition established slightly different types of political system in both cases, both were conventional in gender terms. However, as shown in the Argentine case, these terms of transition were not fixed but were subsequently open to some renegotiation. The quota law and the new constitution, drawn up by a constitutional assembly made up of 26 per cent women – itself a direct consequence of the *Ley de Cupos* – which incorporated CEDAW and resisted an anti-reproductive rights clause, demonstrates that modifications to the institutional framework are possible, particularly in a context where the constraints created by the terms of transition are not too restrictive.

Once competitive electoral politics have been restored, a number of characteristics of the post transition political system are significant. First, the Argentine case demonstrates the impact of a more arbitrary populist or presidentialist system. Changes can be achieved. But – as the example of the Consejo Nacional de la Mujer demonstrates – without institutionalisation they are often fragile and can be reversed without any recourse to rules and procedures. Menem began his period in office by appearing to be pro-women's rights and established the Consejo by presidential decree. However, by the 1995 Beijing conference he was taking a more pro-Vatican line and subsequently dismissed the head of the Consejo, reduced its budget and downgraded its activities. In contrast the position of SERNAM in Chile appears more secure in part because it was established after pressure from women activists and by law rather than presidential decree.

Second, both cases demonstrate the importance of women organising both inside and outside the state and party systems to pressure for changes

both in the terms of transition and from subsequent civilian governments. It is unlikely that institutionalised changes such as the *Ley de Cupos* in Argentina would have occurred without this sort of activity. Women activists within both the Peronist and Radical parties had the support of mass mobilisations outside congress and the lobbying activities of a large number of feminist NGOs. In both countries, a number of women's groups, primarily middle class and feminist NGOs that often have contacts already with the state and the political class, have come together to form broad umbrella groupings to lobby the political systems more effectively. Indeed it has been argued that we are now witnessing an 'NGOisation' of the feminist movement and even a blurring of some of the distinctions between NGOs and the state as NGOs increasingly take on tasks which used to be undertaken by the state and personnel move between the two sites.<sup>81</sup> But in both countries popular organisations have had little involvement, and with the exception of the Abuelas and the Línea Fundadora, the predominantly female human rights groups made up of victims' relatives have also had fewer dealings with the state and mainstream political parties.

Third, the Chilean case demonstrates that although some party systems may resist change, women activists both inside and outside the parties can exert pressure more effectively on an institutionalised party system than on a weak party system. In an institutionalised party system it is clearer where the pressure points are and any changes to the rules can be enforced more easily. However, the evidence is not unequivocal. In Chile *feministas* and *políticas* within the centre-left parties, the PPD and the PS, won quotas for internal party positions, but soon discovered that if they were not large enough to form a 'critical mass', the quotas intended as floors too easily became unofficial ceilings unless constant supervision was exercised. In contrast, the Argentine case demonstrates that the relatively laxer discipline of less institutionalised party structures allows for more cross-party organising by women, demonstrated in the campaign for the quota laws and subsequently over reproductive rights. Political parties therefore remain one important focus for women activists attempting to increase women's influence in conventional political activity. But it is clear that the long-established *feminista/política* division has not been superseded.

However, it would be a mistake to assume that the institutionalisation of a political system is any guarantee of gender parity. Echoing Mainwaring and Scully's argument, it is not that hyper-institutionalisation is good, but rather that low levels of institutionalisation produce

<sup>81</sup> Sonia Alvarez, 'Latin American Feminisms "Go Global": Trends of the 1990s and the Challenges for the New Millennium', in Alvarez et al. (eds.), *Cultures of Politics*, pp. 293–324.

problems and make lasting change difficult to achieve.<sup>82</sup> The absence of institutionalisation allows for the dominance of elites, patrimonialism and clientelism that may favour individual women, but does not generally facilitate a long-term increase in the total number of women active in conventional politics. In an institutionalised system there is stability in the rules of competition and party organisations matter; therefore rules, for example over quotas and candidate selection, can be enforced more easily.

The focus of analysis then becomes the nature of the institutional measures proposed by women activists and the ways in which variations in political systems, for example in terms of party structures and electoral systems, affect both the goals and strategies of those activists. In both case study countries electoral quotas have been the main measure advocated to increase the number of women in both legislatures and political parties. The different institutional contexts in Argentina and Chile meant that the campaigns for quotas systems took different forms with different results.

The type of political system established after the return to competitive electoral politics had an impact on the number of women elected in both countries. The binomial system established in Chile is not one in which women find it easy to do well. In addition, the terms of transition mean it is very hard to alter the electoral system, thus the adoption of a national quota system for candidate selection (which might also necessitate the adoption of PR) would be hard to achieve. In Argentina the closed list PR system, combined with factors such as the historical precedence for quotas and the support of the president, facilitated the introduction of a national quota law in a context where the un-pacted transition made the modification of the terms of transition easier to achieve. As a result the campaign for national quotas for candidate selection has been more vigorous and more successful in Argentina.

The differences in party structures in Argentina and Chile have had an impact on the campaigns to introduce quotas within the political parties. In Argentina the weaker institutionalised structures of the main parties have made it hard to institute effective quotas for internal party positions, despite the 'contagion' effect of the *Ley de Cupos*. Among the more institutionalised Chilean parties it has been the parties of the centre-left that have been the focus of the most intense campaigns and proved more susceptible. However, they only implemented quotas for internal positions. The limited experience of both Chile and Argentina has convinced many activists that quota size is also crucial, and many advocate 40 per cent as the minimum level to achieve 'critical mass'. Yet quotas to

<sup>82</sup> Scott Mainwaring and Timothy Scully, 'Introduction' to Mainwaring and Scully (eds.), *Building Democratic Institutions*, pp. 1–20.

increase the numbers of women involved in all aspects of electoral politics are not enough on their own to achieve gender parity.

It is also necessary to influence policymaking and its implementation. In presidential systems characterised by executive dominance, legal change is difficult to achieve without government support. While the numbers of women in the executives in both countries have remained very low, state women's machineries have been the main institutional mechanism established to oversee, and in the Chilean case promote, 'women-friendly' policies. In part due to the success of feminist lobbying at the global level, the international institutional context has become more favourable and there is now pressure on states, often complemented by donor financing, to implement policies to promote gender equity and to establish state bodies to oversee these policies.<sup>83</sup> The different origins and institutional context of SERNAM have made it the more influential of the two bodies in the case study countries. Unlike the Consejo, SERNAM is a permanent part of the state and the executive, its head holding a cabinet post, and it is able to put forward legislation more effectively than women legislators. SERNAM has been able to achieve some important gains, but faces resistance both inside and outside the state and therefore experiences important limitations, in part due to the institutional constraints generated by the terms of transition. In contrast to the Consejo, it was set up as a result of pressures external to the state, but it has a potentially problematic relationship with women's organisations, particularly as it has not lived up to the expectations of feminists.<sup>84</sup> Indeed evidence from Argentina reinforces the Chilean data that the relationships between women's ministries and women's movements are not straightforward and can be conflictual.

In the study of gender and democratic consolidation in Latin America it is therefore important to look at number of themes. First, the nature of the political system must be examined, for example in terms of the sort of presidential system and electoral processes established at the time of return to competitive electoral politics as well as the institutional constraints created by the terms of transition and the ease with which those terms can be modified. Second, the structure of the political parties, their levels of institutionalisation and ideological positions must be considered. Third the nature of women's movements – their strategies, strength and goals – must also be analysed. The ways in which all these

<sup>83</sup> Sonia Alvarez, 'Advocating Feminism: the Latin American feminist NGO "boom"', *International Feminist Journal of Politics*, vol. 1, no. 2 (1999), pp. 181–209.

<sup>84</sup> María Elena Valenzuela stressed SERNAM's ambiguous position and how this complicates its relations with women's organisations outside the state (interview, Santiago, 20 Jan. 1996).

institutional structures and actors interact forms the final crucial element. In sum, the consolidation of more equitable political systems in gender terms is more likely if organised groups of women are lobbying institutionalised party systems both from within and from outside for the implementation of formal measures both to increase the numbers of women active at all political levels and to implement 'women-friendly' policies.