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Defining a Democracy: Reforming the Laws on Women's Rights in Chile, 1990-2002

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ABSTRACT

This article evaluates 38 bills seeking to expand women's rights in Chile and finds that the successful ones often originated with the Executive National Women's Ministry (SERNAM), did not threaten existing definitions of gender roles, and did not require economic redistribution. These factors (plus the considerable influence of the Catholic Church) correlate in important ways, and tend to constrain political actors in ways not apparent from an examination of institutional roles or ideological identity alone. In particular, the Chilean left's strategic response to this complex web of interactions has enabled it to gain greater legislative influence on these issues over time.

The majority of Latin American countries have now been formal democracies for at least a decade, and the focus on democratization per se has given way to a concern with the quality of democracy and the determinants of democratizing political change. Roberts (1998) argues for conceptualizing democratization, or the deepening of democracy, as a "process," not an outcome, and calls for research efforts on the wide range and myriad permutations of political systems falling under the rubric of consolidating democracies. Legislation dealing with women's issues is an ideal focal point for this type of analysis, especially in Latin America. By looking at attempts to promote women's equality, we can examine a government's political responsiveness to the enhancement of equal rights for all citizens, arguably an essential aspect of deepening democracy itself.

Institutional studies, as well as those focusing on ideology and values, are the basis for our examination of how these factors interact in the specific policy area of women's rights. This article argues that an analysis of both institutional and political and ideological factors is essential to understand fully the political process and outcomes for political and social reform, in this case women's rights. This study examines the varying success of the 38 bills seeking to expand women's rights that were introduced in Chile between 1990 and 2002.

Chile is an ideal case for analyzing these issues: its nondemocratic institutional structure and anachronistic legal framework governing the

to legalizing divorce to facilitating women's access to safe abortion can be framed in ways that either challenge traditional conceptions of women's roles or embrace them. A given frame will affect the type of legislation passed and the degree to which the new law expands women's equality in practice. Adopting the traditional gender frames of congressional conservatives risks playing into the hands of those opposed to women's rights by legitimating their logic and discourse. In this way, long-term, more extensive changes may be sacrificed for short-term expediency and political pragmatism.

Not recognizing women as independent individuals with equal rights undermines the consolidation of a democracy of formally equal citizens. The continuing need for the left—and politicians in general—to justify the enhancement of women's rights in role-based terms may be extreme in the case of Chile, but this dynamic in distinct forms is common across democratic countries where religion is politically influential.

NOTES

1. In Uruguay more specifically, it has allowed the country to maintain its liberal laws from an earlier era.

2. Church lobbying tactics included direct pressure on individual representatives, public statements against bills, and a visible presence in the congress during debates on the legislation. This characterization of the church's political activity since the transition may seem surprising to those more familiar with the church's pretransition work in defense of human rights; yet it is precisely the visibility and political legitimacy gained through this work that the church is now using to influence political debate on contentious social issues. In lobbying representatives whom the military government had persecuted, for example, church officials made particular reference to how the church had protected the democratic opposition during the dictatorship. In interviews, representatives commonly characterized this approach as the church's attempt to "collect on the bill" from its pro-human rights work under the dictatorship (for more detail on these points, see Haas 1999; Blofield 2001; Htun 2003).

3. For an analysis of how socioeconomic conditions in Chile—namely, inequality—have affected the relative strength of the church and conservatives, reformist mobilization, and left and right political agendas on moral issues, see Blofield 2003. In this analysis, the point of departure is the political level.

4. Magar et al. describe a similar dynamic in Chile's electoral campaigns, in which different parties from the Concertación must share the electoral list in many districts. Because of Chile's open-list electoral system, parties face "perverse incentives" to elect their own candidate from the list while simultaneously competing as a unified list against the opposing coalition.

5. A public opinion poll pegged support for legal divorce at 80 percent in 1996 (Desuc-Copesa 1996); another poll in 2002 found that 85 percent of Chileans favored legal divorce on grounds of mutual consent (FLACSO-Chile 2003). Public opinion polls also found majority support for legal abortion on

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