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***Political Representation in Chile from the Gender  
Perspective:  
Quotas as Solution?***

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## **Summary/ Zusammenfassung/ Sinóptico**

Various Latin American countries have adopted gender quota laws during the past years in an effort to target the deficit in women's political representation. Although Chile is one of the most stable countries in the region, the number of women in political positions is far behind the regional average. Since Chile's first female president, Michelle Bachelet, seized power at the beginning of 2006, gender issues have been booming in Chile. The main difficulties of Chilean women in entering the formal political sphere lie in the binominal electoral system, candidate selection procedures of the parties, the liberal citizenship model and the low participation of women in labor life. Through the examination of these institutional settings and discursive context, I explore the possibilities for adopting a gender quota law in Chile in this dissertation. The highest barrier for gender quotas is posed by the binominal nature of the electoral system, which makes the application of quotas within this system problematic. Further restrictions are posed by the political ideology and the positioning of party elites of mainly right-wing parties towards gender quotas. The reform of the Chilean electoral system is a necessary condition for the quota adoption. On the discursive level the adoption of the gender quotas depends on the outcome of political negotiations over the electoral reform and the positioning of different actors towards quotas.

Viele lateinamerikanische Länder haben Geschlechter-Quoten während der letzten Jahre eingeführt mit dem Ziel, den Mangel von politischer Repräsentation von Frauen auszubauen. Obwohl Chile zu den stabilsten Ländern in der Region zählt; die Anzahl von Frauen in politischen Ämtern ist unter dem regionalen Durchschnitt geblieben. Seit die erste weibliche Präsidentin Chiles Anfang 2006 den Dienst angetreten hat, haben die Themen zur Geschlechtergleichheit in Chile zugenommen. Die größten Schwierigkeiten der chilenischen Frauen an die formelle politische Macht zu gelangen liegen an dem „binominalen“ Wahlsystem, die Verfahrensweise der Kandidatenauswahl von Parteien, liberale Bürgermodelle und niedrige Partizipation der Frauen am Arbeitsleben. Durch die Untersuchung von diesem institutionellen Rahmen und dem diskursiven Kontext erforsche ich in dieser Arbeit die Möglichkeiten, ein Quoten-Gesetz für Geschlechter in Chile aufzunehmen. Das größte Hindernis für Geschlechter-Quoten stellt die „binominale“ Natur des Wahlsystems dar, die die Anwendung der Quoten in diesem System nicht empfehlenswert macht. Weitere Begrenzungen sind die politische Ideologie und Stellung der Parteieliten von hauptsächlich der konservativen Parteien gegenüber den Geschlechter-Quoten. Eine Reform des Chilenischen Wahlsystems ist eine notwendige Bedingung für die Aufnahme der Quoten. Auf der diskursiven Ebene hängt die Aufnahme der Geschlechter-Quoten entsprechend von dem Ergebnis der politischen Verhandlungen im Bezug auf Wahlreform und die Stellung der verschiedenen Akteure gegenüber den Quoten ab.

Varios países latinoamericanos han asumido las leyes de cuotas de género durante los últimos años con el objetivo de enfocarse en el déficit de la representación política femenina. Aunque Chile es uno de los países más desarrollados en la región, el número de mujeres en puestos políticos está muy por debajo del promedio regional. Desde que el primer presidente de sexo femenino de Chile, Michelle Bachelet, se apoderó del poder a principios del 2006, los asuntos de género han estado prosperando en Chile. Los problemas principales de las mujeres chilenas en entrar a la esfera política formal, están tendidos en el sistema "binominal" electoral, los procedimientos de selección del candidato de los partidos, el modelo de la ciudadanía liberal y la baja participación de las mujeres en vida laboral. A través del estudio de estas condiciones institucionales y del contexto del discurso, analizo las posibilidades de asumir una ley de cuotas de género para Chile. La mayor barrera en la que se enfrentan las cuotas de género es la naturaleza "binominal" del sistema electoral, que hace la aplicación de las cuotas dentro de este sistema no recomendable. Las restricciones adicionales hacia las cuotas de género están planteadas en la ideología política y el emplazamiento de las elites de los partidos, en su mayor parte partidos derechistas. La reforma del sistema electoral chileno es una condición necesaria para la adopción de las cuotas. En el nivel de discurso, la aprobación de las cuotas depende del resultado de las negociaciones políticas sobre la reforma electoral y del emplazamiento de los actores diferentes en relación a las cuotas.

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**Acronyms:**

<b>Alianza</b>	The National Alliance (La Alianza Nacional)
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>Concertación</b>	The Coalition for Parties for Democracy (La Concertación por la Democracia)
<b>GDP</b>	Gross Domestic Product
<b>IPU</b>	Inter-Parliamentary Union
<b>NGO</b>	Non-Governmental Organization
<b>PDC</b>	Christian Democrat Party (Partido Demócrata Christiana)
<b>PPD</b>	Pro-Democracy Party (Partido por la Democracia)
<b>PR</b>	Proportional Representation
<b>PRSD</b>	Radical Social Democrat Party (Partido Radical Social Demócrata)
<b>PS</b>	Socialist Party (Partido Socialista)
<b>RN</b>	The National Renewal (La Renovación Nacional)
<b>SERNAM</b>	National Agency for Women’s Issue (Servicio Nacional de la Mujer)
<b>UDI</b>	Independent Democratic Union (Unión Demócrata Independiente)

## Introduction

The female presence in the highest levels of political decision-making is a key indicator of gender equality. The principal aim of gender equality in the political sphere is to guarantee an adequate numerical representation of men and women. In most countries a gender balance in political representation is not established as a matter of course. For this reason gender quotas are considered as one of the most important mechanisms for pursuing gender equality in the political system and have been adopted by numerous countries throughout the world in recent years. The quotas are seen as a “fast-track” path to increase political representation of women in the short and medium-term.

In Latin America, the legitimacy for the gender quota laws was brought about by the attention of the international community to the need to secure women’s political representation. The quota adoption in the region has been closely linked with the on-going re-democratization processes of the last decade. Among the political leaders there is an emerging consensus of female access into decision-making bodies and a growing tendency of adapting mechanisms of affirmative action on behalf of women in the region. During the past fifteen years eleven Latin American countries have implemented gender quota laws. Today Latin America is the continent with the most widespread use of quota provisions, with a regional average of women’s political representation of 20,2 percent.

Until now, Chile has not used an institutionalized mechanism like gender quotas to encourage women’s political representation. The under-representation of women in the formal political sphere is a recognized problem in the Chilean politics, and the issue of gender quotas is not an unknown theme either. Since Chile’s first female president, Michelle Bachelet, seized power at the beginning of 2006, gender issues have been booming in Chile. Currently the *Concertación* government is working on the modification of the country’s electoral system, one of the pending reforms from the military era. There is a huge debate around this issue at the political arena, particularly in relation to the advantages and disadvantages of different proposals. The actual government is in favor of adding a gender quota law to the new electoral law. However, despite the country’s economical success and political stability, the pressures for a cultural change and modern values are confronting a great resistance in traditionally conservative Chile. This is

particularly in relation to women's rights, such as reproductive rights and gender quotas. On the one hand the resistance against quotas can be interpreted as a result of a prevailing ideology of liberalism, which resides in the Chilean Constitution and political development of the past few decades. Another barrier is presented by a polarized political constellation of the actual politics and unwillingness of the most important political actors and political parties, to present women as candidates in the elections.

The main objective of my dissertation is to investigate **whether and under which conditions the gender quotas for a formal political level could be adopted in Chile**. Since the political debate on gender quotas is still on course in Chile, I want to research how well the prevailing Chilean conditions fit the quota adoption, and if it is even possible to adopt any kind of quota under these conditions. I am also curious to know if there are any other intervening variables that should be taken into consideration in the evaluation of the suitability of quotas in Chile. I am especially interested in the following perspectives in my research: How has the representation of women been developing in Chile during the democratic consolidation? Which conditions are affecting the quota adoption in Chile? Why hasn't a gender quota law been introduced in Chile until now? What are the various positions of political actors in the actual quota debate and in which way are the political actors involved?

I will carry out my research on two analytical levels: the institutional and discursive level. My idea is first to work out the enabling institutional conditions for the adoption of gender quotas from the theory and then to apply them to the frames of prevailing conditions in the Chilean case. The main enabling variables, which are taken to influence the adoption of quotas are: the electoral system, political parties and socio-cultural variables. I intend to analyze these individually in order to see how well the institutional framework for quota adoption is fulfilled in the Chilean case. In the second part of the research I will make a short discourse analysis of the actual political debate surrounding quotas and analyze how this is affecting the quota adoption process. In this research I will concentrate on the various political actors and their discourse concerning gender quotas in order to find out how the problem of under-representation of women on the formal political sphere is framed, and in which direction the quota debate in Chile is going. In addition, I want to know which kind of conditions the debate poses for the quota adoption. Finally, I will

consider whether and how far it is possible to adopt a gender quota regulation under the actual Chilean conditions.

In studying this issue, I hope to contribute to a better understanding of gender quotas as an interaction between institutional settings, political discourse and strategies to promote women's political representation in the Latin American context. Through the analysis of Chilean conditions in the adoption of gender quotas within the shifted political constellation, I hope to be able to contribute to the discussion about the necessity, applicability and desirability of gender quotas as an option to encourage the political representation of women in Chile.

In order to understand the broader societal meaning of the under-representation of women as a political concern, I will begin by offering an overview of the feminist approach to the theory of women's political representation. Feminists are united concerning the origins of the lack of political representation of women in the classical liberal ideology. However, there are varying opinions among the feminist about how this equivocal issue should be resolved. Some are in favor of women's group representation in the form of an affirmative action, such as gender quotas. Others claim that favoring some groups in the society does not correspond to the democratic principles of political representation. In the second chapter I will introduce the theoretical frames for the quota adoption. I will describe what the gender quotas are and which kind of different quota arrangements are possible. I will concentrate on working out the institutional framework (electoral system, political parties, socio-cultural variables) and frames for political discourse influencing the gender quota adoption. At the end of the theoretical section I will briefly introduce the methods used for my research.

In the empirical part of the thesis I apply the theoretical frames to the case study of Chile. To begin with, I will give an overview of the situation of gender quotas in Latin America in general, before concentrating on the description of women's representation in Chile on the formal political level. In the next part of the study I will shortly introduce and analyze the law proposals made for gender quotas in Chile until today. Then I will focus on examining the institutional conditions for a quota adoption in Chile: I will investigate the enabling quota variables in the Chilean case by inspecting each variable individually and examining in detail, how well the conditions for quota adoption are fulfilled by these variables. In addition to this, I will bring in an extra variable, the Presidency of Bachelet, into the game and analyze the effects of this variable on the Chilean context. In the last part of the study I



will take a closer look at the on-going quota debate, its actors and their discursal positions. Finally, in the conclusion, I will summarize my findings and try to consider possibilities for the quota adoption in the Chilean framework.

# I THEORETICAL PART

As a theoretical background for my dissertation I will outline a feminist approach to democracy theory and present ideas of several influential contemporary feminists concerning the political representation of women. Through this theoretical framework I will try to collect together the main arguments that attempt to answer the questions: why are women under-represented in the political sphere, how should the equal political representation of women should be organized and how can gender quotas as a mechanism of affirmative action offer a solution to this? After briefly introducing the central concept of “gender” for this work, I will first examine the feminist critics of the liberal citizenship model, which link the under-representation of women with the gendered power structures at the center of the citizenship conception. In the second part I will concentrate on studying the political representation of women and frame the possible solutions such as affirmative action for this, from the point of view of feminist theory. In the theoretical part on gender quotas I will present the quotas as measures themselves and the institutional framework, which is determining the quota adoption according to different contextual factors. As the last part of my theoretical frames, I will concentrate on highlighting the meaning of the preceding political discourse for the final outcome of quota negotiations.

## 1. General Theoretical Frames

### *1.1 Concept of Gender*

Gender today is a relevant factor in determining policies on various levels and has therefore become a central field of inquiry in political science too. Many feminists have made the critique that classical political theory has been constructed as if women were conceptually irrelevant to political discourse. This is why they have declared the construction of a clear definition of what is entailed by gender as an analytical category and how it structures political thought as one of the most important tasks of contemporary feminist theory.<sup>1</sup>

The conception of gender is often mistakenly understood as a synonym for women. This may be due to the fact that the debate about gender issues has overwhelmingly been

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<sup>1</sup> Jones, Kathleen B.; Jónasdóttir, Anna G.: ”Introduction: Gender as an Analytical Category in Political Theory”, in: Jones, Kathleen B.; Jónasdóttir, Anna G. (ed.): *The Political Interests of Gender. Developing Theory and Research with a Feminist Face.*”, SAGE Publications, London, 1985, p. 6

discussed and debated by women.<sup>2</sup> So far the debate about the category of gender itself can be seen as a debate within social construction. Many feminists claim that there is no single social structure that constructs gender identities and that the concept of gender has been falsely universalized.<sup>3</sup> Nevertheless, it is largely accepted among the feminist scholars that sex is biologically determined, whilst gender is socially constructed. In the frames of this dissertation, I treat gender as a concept which “refers to the array of socially constructed roles and relationships, personality traits, attitudes, behaviors, values, relative power and influence that society ascribes to the two sexes on a differential basis. Whereas biological sex is determined by genetic and anatomical characteristics, gender is an acquired identity that is learned, changes over time, and varies widely within and across cultures. Gender is relational and refers not simply to women or men but to the relationship between them.”<sup>4</sup> As such, this concept is rooted in social dynamics between people in any society. This is why gender relations should always be examined in the specific context in which they operate.<sup>5</sup> Some feminist authors encompass the gender with societal power relations. This approach aims to explain how gender is constituted by access to resources associated with power.<sup>6</sup> Catharine MacKinnon (1989) sees gender as a political power relation between men and women. She presumes that “gender is a social system that divides power” and is therefore a political system.<sup>7</sup> This concept of gender can be also applied to the frames of my dissertation, because the demand to achieve a more equal representation through gender quotas can be seen as a means to distribute political power.

## **1.2 Feminist Democracy Theory<sup>8</sup>**

Liberal feminist democracy theory emphasizes the necessity of the increased representation of women in key state institutions such as elected assemblies as indicators of and as a

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<sup>2</sup> Squires, Judith: “Gender in Political Theory”, Polity Press, Cambridge, 1999, p. 74

<sup>3</sup> Squires, 1999, p. 58

<sup>4</sup> The definition according to the Bureau of Women’s Health and Gender Analysis, Canada, available at: [http://www.hc-sc.gc.ca/ahc-asc/branch-dirgen/hpb-dgps/bwhga-bsfacs/index\\_e.html](http://www.hc-sc.gc.ca/ahc-asc/branch-dirgen/hpb-dgps/bwhga-bsfacs/index_e.html) (rev. 17.9.2005)

<sup>5</sup> UN-HABITAT: Toolkit for mainstreaming gender in UN-HABITAT field programmes. Draft: Northern Iraq Settlements Rehabilitation Programme (SRP), available at:

[http://www.unhabitat.org/programmes/rdmu/documents/iraq\\_gender.pdf](http://www.unhabitat.org/programmes/rdmu/documents/iraq_gender.pdf) (rev. 19.9.2005)

<sup>6</sup> Squires, 1999, p. 39

<sup>7</sup> MacKinnon, Catharine A.: “Toward a feminist theory of the State”, Harvard University Press, Cambridge, Massachusetts, 1989, p. 160

<sup>8</sup> “The” feminist democracy theory cannot be said to exist, as such, but among the feminist literature there is a debate about the themes within the democracy theories. This feminist approach does not have a clear name. Some authors have named it as “a democratic feminist theory” (Holland-Kunz), whilst others refer to it just “the feminist critics of liberal theory”. There are different tendencies inside this approach such as liberal democracy theory, participatory democracy theory, republican and radical and deliberative democracy theory.

means to realize gender equality. One of the most significant themes within this approach is the equality of the citizenship between men and women. Another important research field is the democratic participation of citizens in the decision-making process.<sup>9</sup> There is no such thing as “the” feminist democracy theory. Rather, there are particular themes in feminist literature which are related to this issue. Among the most influential contemporary feminist authors in this field are Carole Pateman, Anne Phillips, Iris Marion Young, Chantal Mouffé and Ruth Lister. They all have different views of the notion of *citizenship* and the organization of equal representation. The common ground of all these feminists is the recognition that women all over the world have been “excluded” from the political sphere, and should be taken as a starting point, when studying the democratic representation and not merely as an abstract principle of representation. They believe that women have the same capacity as their male counterparts, and should therefore be given the same opportunities in political, economic and social spheres. In fact, women’s political participation should not only be a feminist concern, but rather an egalitarian concern that touches everybody in society.<sup>10</sup>

Most of the authors combine the citizenship rights with the principles of democratic representation. Their main argument in favor of an increased female representation is the fact that women’s absence in the political sphere is a democratic deficit requiring immediate attention and action. Besides, political representation is further underpinned by the legitimacy of democratic states. Understanding of the political representation shape the form of citizenship and the institutional arrangements that states adopt. At least four arguments for the equal representation of women in formal politics have been distinguished by scholars: 1) Women represent half the population and have the right to half the seats (justice argument), 2) women have different biological and social constructed experiences, which ought to be represented (the experience argument), 3) women and men have partly conflicting interests and for this reason men cannot represent women (the interest group argument), and 4) women politicians represent important role models, encouraging other women to political participation (role model argument). Which of these arguments is the most likely to be successful, partly depends on the political and social context in which they are deployed.

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<sup>9</sup> Krause, Ellen: “Einführung in die politikwissenschaftliche Geschlechterforschung”, Politik und Geschlecht 11, Leske & Budrich, Opladen, 2003, p. 189

<sup>10</sup> Stokes, Wendy: “Women in Contemporary Politics”, Polity Press, Cambridge, 2005, p. 14

### 1.2.1 Classical Feminist Critiques of Liberal Theory

In analyzing the under-representation of women in formal politics, feminists have come to the conclusion that the main reason for this lies in the classical liberal model of citizenship. Two main points in liberal theory are criticized by feminist theorists. The first of these is the model of an autonomous individual as a male citizen. The second is the patriarchal order of the society, which distinguishes between the public and private spheres. These two dimensions are causally inter-linked with each other.

The ideal citizenship picture in the feminist democracy theory is based on the conception that all citizens have same rights and that they can fulfill themselves as citizens equal to one another, independent of their sex. *Citizenship* is a useful concept for understanding developments in democracy, since it makes it possible to distinguish between political exclusion and inclusion of women and other social groups. Modern citizenship can be defined as “constitutive both of a set of practices (i.e. cultural, economic and symbolic), and a set of rights and obligations defined through legal, political and social parameters”.<sup>11</sup> The classical feminist point of view concentrates on criticizing the defects of the rights-based liberal citizenship model, claiming that women do not possess the same kind of access to the public spaces and full citizenship as men. The critiques mainly focus on the individual subjectivity of liberalism – meaning the liberal ideal which assumes individuals to be equal, unattached and rational. Feminists claim that this type of citizenship model ignores the differences and special identities of individuals. The autonomous individual in liberalism is more gender specific than universal, and represents the masculine ideal. The exposition of the male nature of the liberal citizenship model helps us to understand how the exclusion of women has been integral to the theory and practice of the notion of citizenship. Carole Pateman (1989) was among the first feminist to pay attention to the Western citizenship model that takes the man as a norm.<sup>12</sup> She claims that men and women have a different relation to the notion of citizenship, and that women have had to work to gain equal citizenship rights, because these were originally limited to men.

This division has its origins in the sexual division of labor that relegated women to the private and men to the public spheres. This dichotomy and the male-female qualities associated with it are a central figure of the gendered citizenship. The gendered division of

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<sup>11</sup> Code Lorraine (ed.): “Encyclopedia of feminist theories”, definition: “Citizenship”, Routledge, London, 2000.

<sup>12</sup> Pateman, Carole: “The Disorder of Women. Democracy, Feminism and Political Theory.”; Polity Press, Cambridge, 1989, p. 14

labor shapes the access of both women and men to the public sphere and to political, economic and social rights of citizenship. Karin Hausen (1976) characterizes the gender divide as a relationship in which the inferior position of women is seen as a given reality. The man is seen as a rational figure in the public realm and the woman takes care of the children and home in the domestic sphere.<sup>13</sup> Hausen argues that this public-private divide creates “imaginary gender-specific characteristics” that privilege the judicial position of men in society and that these are made to correspond to the social reality.

Several classical feminists have showed that women have been excluded for centuries from the public sphere and subordinated to the private sphere. This was expressed most saliently in the famous slogan of the second-wave feminists, that the “personal is political”, which aimed to challenge the gender inequalities of the political sphere. They claimed that the main barriers to the equal citizenship of women mainly lie in the public-private divide. In Latin America for example, the two gendered spheres of public and private are a central part of cultural order through which the citizenship rights are mediated.<sup>14</sup>

### **1.2.2 Equal or Differentiated Citizenship as a Solution?**

The aim of the feminist school is not to abolish the private sphere as such, but to dissolve the patriarchal domination as a traditional form of societal order. In order to achieve this, it is necessary to challenge the separation of the two spheres and to redefine the notions of citizenship and individual. The main problem in the feminist citizenship debates since the 1980s is whether one should aspire to the classically defined notion of citizenship and demand equal rights within this, or whether to differentiate oneself from it entirely.<sup>15</sup> The supporters of the “difference”-approach argue that gender difference must be recognized. Without such recognition (according to this view), we will be confronted with the danger that the society assimilates the dominant gender norm of masculinity.<sup>16</sup> They claim that women are disadvantaged in comparison to men and that the pluralized identities should be politically expressed and recognized in the society. This debate has been very salient among the Latin American feminists, as the public participation of women has been justified by appealing to their difference to men, in terms of their different social roles and

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<sup>13</sup> Hausen, Karin: Die Polarisierung der „Geschlechtscharaktere“ - eine Spiegelung der Dissoziation von Erwerbs- und Familienleben; in: Conze, Werner (Hg.): Sozialgeschichte der Familie in der Neuzeit Europas; Stuttgart, 1976, p. 363-5

<sup>14</sup> Radcliffe, Sarah; Westwood, Sallie: “Remaking the nation”, Routledge, London, p. 137

<sup>15</sup> Bacchi, Carol: “Arguing for and against quotas. Theoretical Issues”, in: Dahlerup, Drude: “Women, Quotas and Politics”, Routledge, London, 2006. p. 41

<sup>16</sup> Squires, 1999, p. 116

tasks. Latin American women used this “difference” as a strategy during the military regimes and economic crisis. However, this strategy was not successful in challenging the prevailing gender ideology. The gender quota approach is based precisely on this “difference” of women as a social group. Women can be seen as different to men in various ways. Therefore, they deserve differential treatment in order to be able to fully participate and to be included in the political process. These kinds of normative issues of political representation are also often debated within political discourse considering quota adoption. On the other hand, the supporters of the “equality”-perspective firmly believe that gender ought to be politically irrelevant or non-pertinent. They argue that the fact that men and women are commonly understood to be different is an insufficient reason for treating them differently within the political sphere.<sup>17</sup> According to this interpretation the gender differences are a result of generations of sexual inequality. The aim of these equality theorists is to transcend the gender differences.<sup>18</sup> They argue that difference-approach would perpetuate discrimination against women and that in order to grant women’s equal rights with men their participation in the public sphere needs only to be encouraged. Chantal Mouffe advocates the equity-approach by claiming that the democratic identities are constructed within the political process and can not be pre-defined.<sup>19</sup> Mouffe opposes the view that citizenship should be gendered because of the social and natural differences between sexes. She also argues that it is meaningless to ask in which way women could become identical to men. In her view the democratic citizenship should be universal and gender-neutral.<sup>20</sup>

According to many authors (Okin Moller (1991), Siim (1985) and Phillips (1991)) the democratization of gender relations in the private sphere is the most important condition for a more equal society. The solution suggested by Phillips is that of the golden mean, which neither overemphasizes the difference, nor conceptualizes universality as suppressing all differences between individuals and groups.<sup>21</sup> She does not portray this as an easy task, and claims that both liberal as well as republican traditional democracy models are fixed into the public-private division, which is why none of these conceptions of democracy are

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<sup>17</sup> Squires, 1999, p. 117

<sup>18</sup> Squires, 1999, p. 118

<sup>19</sup> Mouffe, Chantal: “Return of the Political”, Verso, London, 1993, p. 85

<sup>20</sup> Mouffe, Chantal: “Feminism, Citizenship and Radical Democratic Politics”, in: Butler, Judith; Scott, Joan W.: “Feminist Theorize the Political”, Routledge, London, 1992, p. 371

<sup>21</sup> Phillips, Anne: “Engendering Democracy”, Polity Press, Cambridge, 1991, p. 58

appropriate for reforming the prevailing structures. Phillips argues that it is important to conserve the distinction between private and public, but to “uncouple” it from the division between women and men.<sup>22</sup> Similarly Okin Moller claims that dissolution of the private and public is not a solution, since women and men both need private spheres. She suggests that we should aim for a society in which tasks which are traditionally associated with women, such as domestic tasks and child care, should be divided between both.<sup>23</sup> Ruth Lister argues that feminists have concentrated too much on deciding whether to establish an "equality" (universalism) or difference approach when conceptualizing women's citizenship. In contrast to this "either/or" approach, she suggests the establishing of a pluralist conception of citizenship, which is both equal and differentiated. Lister calls this approach “*differentiated universalism*” and suggests that this binary form would allow men and women to be equal in their diversity.<sup>24</sup> Despite the various attempts to resolve the problem on the theoretical level, feminist theorists have not yet come to an agreement as to how the integration between the private and public sphere could be achieved in practice.

### **1.3 Women's Representation**

Nowadays feminist theorists are united in their view of the under-representation of women as a political problem (Pateman 1988, Young 1990, Phillips 1995; Mouffe 1997). One of the crucial issues for these theorists is the question whether women can be demand to be represented as a group or not. Another point of conflict is the question of whether women's ideas, interests or identities should be represented at the political level. In order to evaluate the necessity and form of women's political representation, the various kinds of concepts of representation should be considered.

Hanna Pitkin (1967) argues that there is no single understanding of the nature of representation. Rather, the concept and the use of "representation" depend on the context and its circumstances. She argues that representation can take two different types of form: “standing for” and “acting for” others. These concepts can be divided into two different kinds of representation forms: descriptive and symbolic representation. According to Pitkin, “standing for” refers to the degree to which the representative's characteristics or symbolic meaning correspond to those which he or she is representing.<sup>25</sup> On the other hand she

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<sup>22</sup> Phillips, 1991, p. 119

<sup>23</sup> Okin, Moller, Susan: "Gender, the Public and Private", in: Held, David (ed.): "Political Theory Today", Polity Press, Cambridge, 1991, p. 90

<sup>24</sup> Lister, Ruth: "Citizenship feminist perspectives", Palgrave Macmillan, Basingstoke, 1997, p. 197

<sup>25</sup> Pitkin, Hanna: "The Concept of Representation", Univ. of California Press, Berkley, 1967, p. 61



claims that representation is “a matter of substantive acting for others”, meaning that people can be represented through a person authorized to use his judgment and thus acting on behalf of others on the public level.<sup>26</sup> Pitkin emphasizes that politicians are only “truly” representative if they have to account for their actions to those whom they represent.<sup>27</sup> She clearly argues that if women are considered as a societal interest group, their interests should be at least substantially represented on the political level. She sees female representatives as the most suitable to represent other women, since they can empathize with the characteristics and experiences of other women. In addition to other issues, women representatives should also promote those issues which correspond to the interests of their gender group.

Similarly, Anne Phillips proposes two different analytical categories for analyzing the representation of women: “the politics of presence” and “the politics of ideas”. The term “the politics of presence” concentrates on the identities of people and “the politics of ideas” focuses more on their beliefs and interests. The first term refers to the notion that people should be represented by representatives who reflect their characteristics (sex, race, ethnicity etc.). She uses this argument, not in favor of total gender-parity, but in favor of constitutionally guaranteed rights for disadvantaged groups such as women. Phillips recognizes that there are a few problems with this term, because society can never be perfectly represented through political representation. In addition, it is difficult to decide through which of their characteristics people should be represented.<sup>28</sup> Phillips argues however, that the definition of a group of women is clearer than that of other social groups, because a group of women can be precisely defined through its relation to the other sex, ie. men.<sup>29</sup> She presents the view that women should be represented through the “politics of ideas” on a larger scale, but she clearly also sees a problem in defining the common ideas or interests of women. She defends the idea of group representation, but refers to the dilemma of how to organize group representation. Women cannot be considered as one single group in the framework of the representative democracy, because they are not homogeneous and they do not share the same interests. Phillips does not find a satisfactory solution to this dilemma. On the other hand she argues that women cannot be effectively represented, if their numerical representation is insufficient. But neither representation

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<sup>26</sup> Pitkin, p. 222

<sup>27</sup> Pitkin, p. 226

<sup>28</sup> Phillips, 1991, p.65

<sup>29</sup> Phillips, Anne: “Which Equalities Matter?”, Polity Press, Cambridge, 1999, p. 95

according to women's characteristics nor according to their interest are deemed by her as appropriate.<sup>30</sup>

The representation of women is often justified by the fact that women have common interests and concerns based on their social roles. It is claimed that they bring another aspect to politics based on their experiences and characteristics, which differ to those of men. One of the greatest debates in contemporary feminism is whether women can be considered as an interest-based group. Many feminist students agree on the common interest of women as women, or as Jones (1985) defines it, "the interest in not allowing oneself to be oppressed as women, or, in fighting patriarchy."<sup>31</sup> Lister, Jónasdóttir and Phillips all argue that there exists at least a common formal interest of women of being excluded from the full political citizenship. For this reason they need to improve their access to the political sphere. Even if we can not be sure that a greater number of women would guarantee the representation of women's issues on the formal level, the likelihood that these issues will receive attention is at least greater than if women played no role in the formal political sphere.<sup>32</sup> In addition, women have special interests such as child-bearing, sexual harassment and family violence, their less well-paid labor positions and their exclusion from the power centers in politics and economics. It can be agreed that these interests cannot be adequately presented by male-dominated assemblies.

Considering the division between the ideas and presence, I think that it can be assumed that in political parties people group together behind the same ideas. These ideas are related to the similar experiences, interests or background of the persons. Some authors see it inappropriate to concentrate on one specific aspect of identity, because this "essentializes" the politics. I would claim that in the same way that people are free to support political parties which represent their ideas and interests, so do they have the right to group themselves around a specific identity aspect such as gender or race, which are eventually also based on same kind of interest and experiences. I agree with Young's view that women have at least some "loose interests" which unify them in a way. Various feminist theorists claim that the fact of being excluded from power makes women conscious of belonging to a marginalized group. At least their interest in being represented as women in a fairer

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<sup>30</sup> Phillips, 1991, p. 73

<sup>31</sup> Jónasdóttir, p. 38

<sup>32</sup> Lister, p. 158

proportion on the political level than up until now has been the case, is one that is common to them all.

### **1.3.1 Group Representation of Women**

The most significant innovation regarding democratic theory is perhaps the emergence of arguments for group representation. The feminist theoretician who has come to be most closely associated with such arguments is Iris Marion Young. Her work supports my dissertation's central thesis arguing for quota adoption. In her book "Justice and the Politics of Difference" (1990) Young is proposing a democratic vision of participatory citizenship that takes the group differences into the consideration, reflecting the interests and experiences of citizens. With her approach she appeals to the societal heterogeneity and sees citizenship as linked to group identity. Young advocates a form of democratic theory that is based on a 'politics of difference', meaning the social difference itself.<sup>33</sup> She argues that in order to undermine oppression against certain social groups, the social justice must be explicitly acknowledged.<sup>34</sup> Often such formal equality does not eliminate social differences, but politics of difference that favors oppressed or disadvantaged groups is the best means to attain more fairness.

She understands a social group as "a collective of persons differentiated from at least one other group by cultural forms, practices, or way of life."<sup>35</sup> Members of a social group have "a specific affinity with one another because of their similar experience or way of life, which prompts them to associate with one another more than with those not identified with the group, or in a different way."<sup>36</sup> This group description applies also for women as one specific social group. According to Young group identification arises in the encounter and interaction between social collectivities, which experience differences in their way of life and forms of association, even if they regard themselves as belonging to the same society as the others.<sup>37</sup> Young emphasizes that the group limits are fluid, but there are some common characteristics that the group members necessarily share.

Young claims that existing electoral processes are 'unrepresentative' in that they fail to reflect the diversity of the population. Her main argument is that the only way to promote the participation of marginalized groups like women is to see this "difference" in a positive

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<sup>33</sup> Young, Iris Marion: "Justice and the Politics of Difference", Princeton University Press, Princeton, New Jersey, 1990, p. 157

<sup>34</sup> Young, 1990, p. 3

<sup>35</sup> Young, 1990, p. 43

<sup>36</sup> Young, 1990, p. 43

<sup>37</sup> Young, 1990, p. 43

sense instead of as a specificity or variation.<sup>38</sup> Young insists that the principles of group representation must be included in all levels of policymaking and claims that social movements representing different societal groups should be included in the planning phase of an institutional change.

Young's approach has brought about much discussion in feminist circles. Many of them have criticized Young's conception of a group by asking how much identity is necessary in order to form a group. This reflects the permanent nature of the dilemma among the feminist theorists in relation to the question of whether women can be considered as one social group. For example, Nancy Fraser claims that Young's theory was devised to reflect to situation of specific ethnic groups and cannot be transferred to more generally marginalized or disadvantaged groups such as women.<sup>39</sup> Nash (1998) and Mouffe (1992) see Young's proposal of group representation as highly problematic and claim that Young, rather than resolving the problem of essentialism, actually tends to re-state it by claiming that women's common interests could be resolved through group representation.<sup>40</sup> Lister (2000) adds that fixed identity categories can result in other forms of suppression.<sup>41</sup> In the same sense Phillips contradicts Young's position by arguing that group representation is more likely to freeze differences between identities and block democratic development<sup>42</sup> because the gender identity is not our only, and not necessarily our most essential characteristic. Phillips claims that these kinds of arguments, based on the needs of women make them appear a "special case", and claims that it is problematic to decide normatively which groups are entitled to be considered as marginalized.<sup>43</sup>

Despite the criticism of Young's proposal to treat women as a disadvantaged social group, other feminist theorists have not been able to offer a better solution for the political representation of women. The only matter of which they are all convinced, is that women have the common interest of being under-represented in the political sphere, which is why women's representation should be resolved in some way. Phillips concludes that the problem of representing the difference should be settled according to the context. She suggests that a political change could secure a greater equality in representation, and that accurate mechanisms for power distribution between the groups are necessary. However, a

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<sup>38</sup> Young, 1990, p. 11

<sup>39</sup> Fraser, Nancy: "Die halbierte Gerechtigkeit", Suhrkamp, Frankfurt, 2001, p. 285

<sup>40</sup> Nash, Kate: "Beyond liberalism?", in: Randall, Vicky; Waylen, Georgina: "Gender, politics and the state", Routledge, New York, 1998, p. 47

<sup>41</sup> Lister, p. 79

<sup>42</sup> Phillips, Anne: "Democracy & Difference", Polity Press, Cambridge, 1993, p. 98

<sup>43</sup> Phillips, 1993, p. 95

political change happening through time might mean a long time for women to have to wait in order to gain representation in bigger numbers. For this reason gender quota adoption as one of the mechanisms of group representation, is offering one viable “fast-track” solution for women.

### **1.3.2 Affirmative Action**

The measures aiming at an increased level of women’s political participation are regarded as means towards gender equality. One of the key arguments in favor of affirmative action is that women are entitled to equal citizenship and equal rights. The term *affirmative action* originated in the United States and refers to “a range of programs directed towards targeted groups to redress their inequality.”<sup>44</sup> This instrument targets group representation at different stages of candidate selection process for elections, in order to achieve a more balanced composition of individuals according to group characteristics.<sup>45</sup> The strategies of affirmative action are commonly categorized between “soft” or “hard” options. “Soft” reforms include attempts to remove structural impediments and strategies, such as education and training schemes, to assist disadvantaged groups to compete more effectively. “Hard” or “strong” options include reforms which make the membership of a designated group a (or sometimes the deciding) criterion for access to jobs or positions of influence.<sup>46</sup> Thus the gender quotas are categorized according to this definition among the “hard” options among the affirmative policies.

Different authors have varying opinions about the normative principles and the necessity for affirmative action. Young suggests that in order to assure democratic rights and to avoid the danger of oppression of disadvantaged groups, affirmative action, for example in form of quotas, is necessary.<sup>47</sup> Affirmative action challenges the principles of liberal democracy, like for example, the principle of non-discrimination and the conviction to treat persons as individual and not as members of any group.<sup>48</sup> The affirmative action has several positive dimensions. For example, by adopting an affirmative mechanism the institution announces its recognition for disadvantaged groups. Secondly the inclusion of disadvantaged groups through representatives can bring different kind of views and experiences into the decision-making bodies. However, the mechanisms of affirmative action are politically and

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<sup>44</sup> Bacchi, Carol Lee: “The politics of affirmative action: ‘women’, equality and category politics, London, Sage, 1996, p. 15

<sup>45</sup> Teigen, Mari: ”The affirmative action controversy”, in NORA, No. 2, Vol. 8, 2000, p. 63

<sup>46</sup> Bacchi, 1996, p. 16

<sup>47</sup> Young, 1990, p. 12

<sup>48</sup> Young, 1990, p. 192

constitutionally contested issues. They are discriminating above all those ones, who due to the quota arrangement are not able to achieve the desired position.

Phillips agrees with Young's view about the utility of affirmative action as a strategy to promote equality between sexes.<sup>49</sup> She affirms that when either group is treated unfairly in the society, arrangements need to be made in order to guarantee the equity.<sup>50</sup> Even though women do not share same experiences, it is necessary to have women on the political level and include their interests in the political agenda. The measure of gender quotas as affirmative action primarily emphasizes the fact that sexual difference is politically relevant and that democracy should introduce mechanisms aiming to better reflect the composition of the population.<sup>51</sup> Phillips makes it clear that there are no guarantees that quotas would provide a particular policy outcome,<sup>52</sup> because they do not resolve the substantial representation of women. This is why Phillips claims that the main argument in favor of quotas should not be the notion of the group representation, but rather the fact that quotas promote political equality.<sup>53</sup> Fraser for her part does not see affirmative action as a solution for the under-representation of women. She claims that affirmative action in relation to gender is problematic, because the under-lying structures which produce the gender typical discrimination, remain constant and that affirmative action could even worsen the situation of women by stigmatizing them.<sup>54</sup> This is why she sees a transformation, which changes the economic as well as the cultural system by abolishing the group differences, as the only option in order to constantly overcome the inequalities between social groups.

## 2. Theory of Gender Quotas

A quota in general is an equal opportunity measure, which is introduced in order to guarantee or to increase the political representation of social groups, which have been disadvantaged in the country's political decision-making process and its institutions. The core idea of *electoral gender quotas* is that women should constitute a minimum proportion in the political recruitment process for political positions, since they are under-represented

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<sup>49</sup> Phillips, 1999, p. 95

<sup>50</sup> Phillips, 1991, p. 156

<sup>51</sup> Phillips, 1991, p. 150, also p. 70-71

<sup>52</sup> Phillips, 1991, p. 78-91

<sup>53</sup> Phillips, 1993, p. 99

<sup>54</sup> Fraser, 2001, p. 58

in the political sphere. In short, gender quotas aim to ensure a gender balance in the political institutions.

Gender quotas tend to be introduced in the form of a certain minimum percentage, for instance 20, 30 or 40 percent, or as number of seats that are reserved for women. A minimum requirement for women implies at the same time the maximum proportion for the representation of men. However, gender quotas may also state a maximum-minimum representation for both sexes in the form of a so called “gender-neutral” quota arrangement. For instance, that there should be no more than 60 and no less than 40 percent of each sex.<sup>55</sup> Another option is for example a gender-neutral 50-50 percent quota for candidates of each sex. The gender-neutral quotas do not only set a minimum requirement for women’s representation, but also a maximum requirement by limiting the number of women. For example in the case of 40/60 quota, the proportion of women should not rise above 40 percent. The concept of “double quota” refers to a quota system which does not only define the proportion of women in the party list, but also orders the women candidates to be positioned into eligible positions. This kind of placement mandate regulation, which is used for example in Argentina, prevents the placement of the women at the bottom of the electoral lists, but is not applicable to all kinds of electoral systems.<sup>56</sup>

Three different types of gender quotas exist: constitutional, legal and party quotas. Constitutional quotas are mandated in the country’s constitution. The legal quotas are enforced in the country’s national legislation, normally within the electoral law. These types of quotas regulate the procedures of all political parties by defining a minimum of women’s representation and the law might also include some kind of sanctions of non-compliance.<sup>57</sup> The use of the third type of quota, party quota, which set rules relating to the percentage of women candidacies inside the party, is applied voluntarily by the parties. Although the constitutional and legal quotas appear to be more effective in practice, they do not necessarily work better than party quotas when it comes to implementation. The effectiveness of the quotas depends greatly on the enforcement of the quota rules, the existing sanctions of non-compliance and the context in general.<sup>58</sup>

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<sup>55</sup> Dahlerup, Drude: “Women, Quotas & Politics”, Routledge, London, 2006, p. 19

<sup>56</sup> Dahlerup, Drude: “Quota Project: About Quotas”, University of Stockholm, available at: <http://www.quotaproject.org/aboutQuotas.cfm> (rev. 12.12.2006)

<sup>57</sup> Dahlerup, 2006, p. 20

<sup>58</sup> Dahlerup, Drude; Taarup Norlund, Anja: „Gender Quotas, a key to equality. Case Study of Iraq and Afganistan”, in: European Political Science 3, no.3, 2004, available at: [http://www.essex.ac.uk/ECPR/publications/eps/onlineissues/summer2004/research/dahlerup\\_nordlund.htm](http://www.essex.ac.uk/ECPR/publications/eps/onlineissues/summer2004/research/dahlerup_nordlund.htm) (rev. 19.10.2006)

The constitutional and legal quotas can be distinguished according to the different stages of candidate selection: the potential candidates (pool of aspirants), the candidates standing for the election and those who are elected. The first level quotas are for aspirants, meaning those persons who are willing to be nominated as candidates. This quota aims to broaden the pool of potential candidates by regulating the proportion of women or either sex that should to be represented. The candidate selection is normally performed by the parties or electoral commissions. This type of quota is normally used in countries with a majoritarian electoral system, e.g. Great Britain. The second type of quota, the candidate quota, is probably the most common type of quota on the global level. This quota sets up a minimum requirement for representation of women on the electoral ballots by defining the proportion of women among the candidates.<sup>59</sup> This type of quota has also been widely adopted in Latin America during the past 15 years. At the third level the quotas are in a form of reserved seats. This means that a certain number of seats among the elected are guaranteed for women.<sup>60</sup> This type of quota must be assured in a constitutional or legal form. The reserved seats are filled through direct election in a special election process through a committee or other responsible organ. However, there are a few problems in relation to this type of quota. Firstly, the number of reserved seats in the parliament is often so small that women are still only a small minority. Secondly, the way in which women are elected to these seats is not always considered as legitimate.<sup>61</sup> These type of quotas are mostly found in partly free democracies in Asia, Middle East and Africa, where a tradition to guarantee the representation of certain interests in the society exists.

## **2.1 Institutional Framework for Quotas**

The literature on gender quotas is not unanimous about the systematic variables affecting the form and the effectiveness of quotas. However, several authors agree that there are certain institutional variables influencing the quota adoption common on a global scale (e.g. Lovenduski & Norris 1993, Caul 1999, Dahlerup 2006, Schmidt 2003, and Matland 2003). These variables in the quota research are called *enabling or conditional variables*, because they have different values under certain circumstances and therefore might also lead to different outcomes in relation to quota adoption. In order to find out on which individual variables the success of various electoral gender quotas depend, it is necessary to examine a

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<sup>59</sup> Dahlerup, 2006, p. 19

<sup>60</sup> Dahlerup, 2006, p. 20

<sup>61</sup> Matland, Richard E.: "Electoral Quotas: Frequency and Effectiveness", in: Dahlerup, Drude: "Women, Quotas, and Politics", Routledge, New York, 2006, p. 289



group of different variables. This analysis can be carried out on following three different institutional levels as presented by Dahlerup (2003):

**a) Systemic institutions** such as formal features of a political system (electoral system and rules, party list structure, district size, number of political parties),

**b) Practical institutions** such as the party system and the formal and informal party structures and candidate selection (party's grade of institutionalization and centralization)

**c) Normative institutions** such as the moral principles defining the citizenship, political rights and candidate eligibility formally (constitution, laws, party statutes) and informally (party platforms, political ideology).<sup>62</sup>

The systematic institutions are linked to quota-related measures such as the electoral framework. Among these variables are, most importantly, the electoral system itself and its characteristics, such as the type of electoral list and the district size.<sup>63</sup> This dimension is of great significance when considering quota adoption because it establishes the structure in which quotas may be introduced. Closely linked with the systemic level are the practical institutions related to the party system of the country. The candidate selection process in the parties is one of the most important practices of political representation. The third dimension, normative institutions, refers to the existence of principles and procedures guaranteeing the enforcement of the quota law. These can be considered as a normative framework in which the quota law is to be adopted. Formal principles written down as law or a provision guarantee the form and the enforcement of gender quotas. Informal principles such as party statutes or political ideologies might influence the position of the actor towards quotas. The different variables in these three institutional dimensions may also operate as causal configurations between each other. The efficacy of one may depend of the presence or absence of the other.<sup>64</sup> One variable might be also so influential that it overwhelmingly affects the other dimensions. I will demonstrate this in the case of Chile. In the next section I present the following enabling conditions: electoral system, party system

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<sup>62</sup> Dahlerup, Drude : "Comparative Studies of electoral Gender Quotas", 2003 Dahlerup, Drude: 'Comparative Studies of Electoral Gender Quotas', in International IDEA The Implementation of Quotas: Latin American Experiences, Quota Workshop Report Series no. 2, Stockholm: International IDEA, 2003b, p. 10

<sup>63</sup> Araújo, Clara; García, Ana: "Latin America: The experience and the impact of quotas in Latin America", in Dahlerup, Drude (ed.): "Women, Quotas and Politics, Routledge, London/New York, 2006, p.102

<sup>64</sup> Krook, Mona, Lena: "Comparing Methods for Studying Women in Politics: Statistical, Case Study, and Qualitative-Comparative Techniques", paper presented at the Annual Meeting of the American Political Science Association, 1-4. September, 2005, p. 2

and socio-cultural context. These variables are identified as the most influential when considering the political representation of women and quota adoption.

### **2.1.1 Electoral System**

Various studies have shown that the electoral system of the country is the most important factor in explaining national differences in the political representation of women. The proportion of women in national parliaments tends to be higher in the countries with a proportional representation (PR) electoral system than countries using a majoritarian electoral system. Under a list PR system each party presents a list of candidates for a multi-member electoral district, and after the voting procedure, the parties receive seats in proportion to their overall share of the votes. The compatibility of a PR system with quotas is explained through the fact that in this type of system there are elected several representatives from each district in elections. This allows the parties to win several seats and distribute those proportionally representing better different societal groups like women. In other words the PR systems, which also benefit women candidates, usually have a relatively high district magnitude. It is suggested that PR systems are more conducive to the election of women, since the competition allows also new candidates to enter into the political arena. Even though a PR system alone cannot guarantee the increase of female candidates, the Latin American experiences with quotas show that these tend to work better in proportional systems. From countries which have adopted quotas, nine have proportional system and two have a mixed system.<sup>65</sup>

#### **a) Type of Party List**

Most of the PR systems use a party list, which means that in the elections each party presents a list of candidates for the available seats in the district. The list can be either “closed” or “open”. In a closed system, the parties present a list of candidates which is organized according to their preferences. The voters give their vote for the party list which they prefer but can not influence the position of the candidates. When counting the votes candidates are elected in relation to the amount of seats won, beginning from the top of the list. In an open list practice, the party presents a party list, but without a specific preference order of candidates. The voters can vote for the candidate that they prefer. The seats are be distributed among the parties according to the proportion of votes achieved by the parties, but the seats inside the parties are dispensed according to the preferential votes received by

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<sup>65</sup> Araújo; García, p. 103

the individual candidates received. Thus, despite party competition, when using the open lists, there is also competition between candidates of the same party.

The gender quotas can be applied in both closed and open systems. The type of party list is assumed to influence women's chances of being elected and correspondingly the effectiveness of quotas. Htun and Jones (2002) argue that in general, female candidates have a better chance of being elected through a closed-list than an open-list. They claim that even when the parties present an equal number of male and female candidates, the voters' behavior leads to the men being disproportionately elected. In closed-lists, the party leaders have already decided the ranking order of the candidates beforehand, and if women are placed among the top positions, they also have good chances of being elected. Furthermore, Htun & Jones claim that open-list systems cannot guarantee the election of female candidates, even if there were enough women on the party lists, because open-list systems cannot guarantee the position of the female candidates in the party lists.<sup>66</sup> Matland (2005) likewise affirms that closed-lists help to guarantee the women's representation, if the adopted gender quotas are working effectively.<sup>67</sup> However, Matland is sceptical regarding the claim of Htun and Jones that open-lists are a disadvantage for women. Even if the gender of the candidates is not necessarily of great importance, female candidates in the open-list systems, even in more traditional societies, have been able to raise enough support from voters, despite their gender. Academics researching open-lists in Peru have reached the same conclusion. Even the open-lists are not able to guarantee the positioning of female candidates; the electoral outcomes are not definitively linked to the voter's behavior as Htun & Jones claim. Rousseau (2005) argues that in the case of Peru, the preferential voting system actually allows the electorate to bypass the preferences of the political parties and to give more support for female candidates than is given by the parties.<sup>68</sup> The importance of the list type is less significant than other variables influencing the women's representation. In the case of Peru, Schmidt (2003) demonstrates that open lists and small

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<sup>66</sup> Htun, Mala N. and Mark P. Jones: "Engendering the Right to Participate in Decision-Making: Electoral Quotas and Women's Leadership in Latin America.", in: Nikki Craske and Maxine Molyneux (ed.): "Gender and the Politics of Rights and Democracy in Latin America", New York, Palgrave, 2002, p. 41

<sup>67</sup> Matland, Richard E.: "Enhancing Women's Political Participation: Legislative Recruitment and Electoral Systems", (Chapter 3) in: International IDEA: "Women in Parliament. Beyond Numbers Handbook", International Idea, Stockholm, 2005, available at: <http://www.idea.int/publications/wip2/index.cfm> (rev. 29.12.2006)

<sup>68</sup> Rousseau, Stéphanie: „Chapter 8: Peru“, in: Gallican, Yvonne; Tremblay, Manon: "Sharing Power. Women, Parliament, Democracy.", Ashgate, Burlington, 2005, p. 9

district size do not dramatically affect the competitiveness of women.<sup>69</sup> The type of party list may affect the effectiveness of gender quotas, but it is not possible to make a general recommendation as to which type of list is better. Whilst with closed-lists the parties have to ensure the proportion of women among the elected, the open-lists leave the responsibility of the final outcome for voters. García Quesada has made an interesting comment regarding this, by proposing that open-lists tend to require a greater normative support from the voters than closed-lists, and in this way they present limitations to the eligibility of female candidates.<sup>70</sup>

#### **b) Magnitude of Electoral Districts**

Another variable influencing women's representation is the magnitude of electoral districts, which refers to the number of available seats in the district in an election. When four or more seats may be distributed in the district, the district magnitude, also called district size, is considered as high. A low district magnitude refers to a district which has two or under two seats available in the elections. Htun and Jones (2002) argue that a high district magnitude enables a more balanced outcome in relation to the representation of women, because when parties have a chance to win several seats, this allows them to go further down on the party list and to elect more candidates. If the district magnitude is low, only the first top candidates from each list may be elected. In many cases the first top candidates are men and the likelihood that they will be elected is higher than that for women, who are usually positioned on the lower positions of the list. The efficacy of candidate quotas is comparably better in a system with large electoral districts, than in a system with small districts. Also countries with multimember districts are more likely to adapt any type of quotas than the ones with a single member district.<sup>71</sup> However, this theme is a subject of controversy amongst scholars, since many case studies attest that women have better performance in smaller districts, because of the local electoral logic.<sup>72</sup>

Matland disagrees again with Htun & Jones' argument that the electoral system should have a high average district magnitude in order for the quotas to be effective. He claims that

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<sup>69</sup> Schmidt, Gregory: "Unanticipated Successes: lessons from Peru's Experiences with Gender Quotas in Majoritarian Closed List and Open List PR Systems", in: *International Idea: "Implementation of Quotas Latin American Experiences"*, International Idea, Stockholm, 2003, p. 121

<sup>70</sup> García, Quesada, Ana Isabel: "Conditions determining the level of representation of women: The experience of quota system in Latin America", paper prepared for the Expert Group Meeting on Equal participation on women and men in decision-making processes, with particular emphasis on political participation and leadership, 24-27 October 2005, EGM/EPWD/2005/EP.2 (12 December 2005), United Nations, p. 10

<sup>71</sup> Matland, 2006, p. 275-6

<sup>72</sup> Araújo; García, p. 103

a high district magnitude does not always lead to a high party magnitude as Htun & Jones assume. The condition of a high district magnitude should be replaced by that of a high party magnitude, meaning the number of seats that one party wins on average in the elections. The probability that more candidates from each list will be elected is higher in the systems with a lower number of parties, because the candidates from the mid-range of the lists may also be elected. Quotas will therefore be more effective in this kind of system.<sup>73</sup> I think that Matland is making a relevant point here, by claiming that a high district magnitude is not necessarily an enabling condition for quotas. Rather, both variables support one other: if the party magnitude is low, a high district magnitude will contribute to the election of more women. But if the party magnitude is high, then even a high district magnitude cannot bring more seats for women. In this case too, gender quotas can be relatively ineffective.

### **c) Placement Mandate and Sanctions of Non-Compliance**

A placement mandate on a candidate list is an additional requirement of a quota law, which ensures that women will be in equally eligible positions in the list as men. This concerns only the closed-list systems, because the ranking mandates are impossible in an open-list, where the rank order of the candidates is determined by the electoral results. With a placement mandate, the parties are obliged to place women in eligible positions, i.e. amongst the top candidates. With this regulation the danger that parties will place most women candidates at the bottom of electoral lists is avoided. For example, the Argentinean *La Ley de Cupos* (1991) requires a minimum proportion of 30% for women on the party lists and stipulates that every third candidate on the list must be a woman. The placement mandate has proved itself to be necessary for the quotas to be effective and to guarantee the equal presentation of female candidates throughout the party list. Jones (1999) claims that the quota results in the countries using the open lists have been less positive than in the countries using the closed lists precisely because of the placement mandate is not used.

Despite the significance of the placement mandate, the sanctions of non-compliance in relation to the implementation of gender quotas have also turned out to be very important. These regulations denote which kind of consequences the party will confront if it does not comply with the requirements of the quota law. The sanctions can take the form of financial penalties such as a reduction in subsidies or even an interdiction to take part in the elections.

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<sup>73</sup> Matland, 2006, p. 284

It is important that the sanctions of non-compliance are encompassed within the quota law and implemented right from the beginning.

To summarize, it seems that according to the literature about quota conditions, the electoral systems of proportional representation have better results than the majoritarian systems. Other aspects that seem to generate more favorable conditions are the low party magnitude combined with high district magnitudes and closed-party lists with placement mandates. Therefore it seems that the type of electoral system cannot result in high representation levels of women alone, but that in combination with other variables it could contribute to an increase.<sup>74</sup>

### **2.1.2 Party System**

The political parties play a key role regarding the women's political representation, since they are responsible for the selection and nomination of candidates for the elections. The attitudes and actions of political parties towards women's representation significantly affect how the issue is perceived in the society and which kinds of measures are considered as appropriate. This is why the parties have become the target of affirmative action aiming to increase women's political presence and influence.<sup>75</sup> It is also the parties which decide whether the question of gender equality should be resolved through quotas. Central characteristics like political ideology, degree of institutionalization and centralization and the number of women inside the party organization influence the parties' responsiveness towards gender issues. Miki Caul (1999) has studied the influence of different party characteristics, which may affect the representation of women in the legislative branch. The first variable influencing the women's representation is the political ideology. The ideological base defines the ideas and principles according to which the party adopts its position towards various political themes. In general the leftist parties take a more open approach to women's issues because of their egalitarian ideological base. Moreover, relatively newly formed parties are more open to egalitarian perspectives than the old parties with a firm ideology and hierarchical structures. Highly institutionalized political parties have been shown to be more committed to the gender policy agenda, as they have

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<sup>74</sup> Meier, Petra: "Why study gender quotas in a broader comparative perspective", *European Political Science*, issue no. 3.3, Summer 2004, available at:

<http://www.essex.ac.uk/ECpR/publications/eps/onlineissues/summer2004/index.htm> (rev. 12.10.2006)

<sup>75</sup> Sacchet, Teresa: "Political Parties: When do they work for Women?", paper presented at the Expert group Meeting on Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership, 24-27. October, 2005, EGM/EPWD/2005/EP.10, United Nations, New York, p. 2

more transparent structures and are governed by clearly defined sets of rules, making it easier for their members to demand accountability. Besides, an increased number of women militants inside the party is likely to increase the party's attention to women's issues and to facilitate the candidacies of women.<sup>76</sup> Another variable influencing the election process is the form of party organization, meaning the distribution of the control over the decision making within the party. In a centralized party organization, the party leaders select and nominate the candidates. On the one hand this might be more favourable for women candidates, if the party leadership is willing to promote diversity of candidates to gain broader support.<sup>77</sup> On the other hand this kind of centralization restricts the chances of the voters or other party members to influence the party decisions. Macaulay (2005) considers the type and intensity of party system cleavage as an important structural factor when analyzing the condition framework for gender issues.<sup>78</sup> It is primarily the party identities and the power structures between the parties which should be taken into consideration. Even though the dominant parties are ideologically close to one other, the competition between them prevents alliances in such issues like for example the gender issues.

#### **a) Candidate Selection**

Candidate selection is one of the most important factors in determining the electoral success of the parties. Before starting the electoral campaigns, the parties nominate candidates to represent the party. The candidates who are nominated to run for an office represent the party to the electorate and the electoral success of the party depends to a great extent on how well they perform in this. As general rule, the candidates who have the best chances of obtaining the maximum amount of votes and of winning a political position for the party also have the best chances of representing the party. Other factors influencing the candidate nomination is the degree of participation in the activities inside the party organization and former political experience. The latter often leads to a re-nomination practice of incumbents who have previously held political posts. Similarly, the public visibility of the candidate in the community may improve his chances of being nominated. The nomination process tends to lead to the disproportional favoring of male candidates,

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<sup>76</sup> Caul, Miki: "Women's Representation in Parliament. The Role of the Political Parties.", in: Party Politics, Vol. 5, No. 1, 1999, p. 94

<sup>77</sup> Caul, 1999, p. 81

<sup>78</sup> Macaulay, Fiona: "Cross-party alliances around gender agendas: critical mass, critical actors, critical structures, or critical junctures?", paper prepared for the Expert Group Meeting on Equal participation of Women and men in decision-making processes, with particular emphasis on political participation and leadership, 24-27 October 2005, EGM/EPWD/2005/EP.12 (12. December 2005), United Nations, p. 7

because they are more likely to fulfill these ideal candidate requirements and in this way damage women's opportunities to be nominated. Similarly, the high re-nomination rates limit the entry of new individuals and interests to the political arena. In order to be nominated, women need to make extra efforts to convince the parties of the benefits of their candidacy. The fewer posts that are available in the elections, and the more male-biased the party, the harder it is for women to be selected. Even more important is that women be selected, not to a random candidate position, but to a position regarded as eligible, in a district where they have good chances to be elected. Sacchet (2004) regards the major obstacle to women's candidacies as the unwillingness and the resistance within the parties to the promotion of female candidates.<sup>79</sup> Other reasons for a poor number of female candidates might be the unwillingness of women to declare a candidacy, or the fact that electorate does not consider the candidacy of women to be appropriate.

Gender quotas influence the party recruitment process by requiring that a certain number of candidates are female. In more centralized parties, the party elites, or the so called "gatekeepers", are in charge of the candidate recruitment from the pool of aspirants. They are also responsible for making sure that a specific proportion of candidates according to the quota are women. In some parties the nomination process are more decentralized and participative than in others. The parties might use "primaries" to select their candidates, meaning that candidates are picked up in a pre-election, where either the party members (closed primary) or the voters (open primary) select the candidates to be nominated. In this case, the gender quota should assure the proportion of selected candidates.

In relation to the electoral campaigns, evidence from some countries show that finding campaign financing might be more difficult for women than for men. In many cases the public funding of campaigns might be insufficient and extra funding from other sponsors might improve the impact and the chances of the candidate. In many cases the male candidates have more success in finding subsidies in the private sector, because they tend to be seen as stronger candidates than women. These types of factors clearly reduce women's chances of being elected.<sup>80</sup>

### **2.1.3 Socio-Cultural Context**

Several studies suggest that socio-cultural factors such as the socio-economic status of women and political culture should be taken into consideration when analyzing the political

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<sup>79</sup> Sacchet, p. 5

<sup>80</sup> Sacchet, p. 5



participation of women (Inglehart & Norris 2003, Matland 1998, Caul 1999). The socio-cultural factors do not have a direct influence on the applicability of quotas, they should rather be considered as pre-conditions influencing the quota adoption. The study carried out by Inglehart & Norris (2000) reveals a significant correlation between socio-economic development and support for egalitarian gender roles in the political sphere in the countries which were studied. A higher socio-economic status of women corresponded to greater chances for women to influence political decision-making. The most influential factors are the education level of women and their labor force participation. By raising awareness of their political rights, better education chances for girls can improve their chances of becoming active in working life. If women's labor activities outside the home are widely accepted in the society, the acceptance of women in the political sphere is also likely to be higher. However, Krook (2005) points out that socio-economical status might also evolve independently of the women's political representation, which is why it must be considered in relation to the other factors.

In addition to this, gender roles and cultural patterns of the country influence both the way in which women seeking office are seen in the society and their willingness to become candidates themselves. A study made by Inter-Parliamentary Union notes that female candidates named hostile attitudes to political participation of women as the most significant barrier to women's candidacies. In more traditional cultures it is not considered appropriate for women to participate in the political life, which is why female candidates may find it hard to attract sufficient support to get elected.<sup>81</sup> In general, the countries with an egalitarian gender culture tend to politically empower women more than non-egalitarian countries with separate spheres for men and women.<sup>82</sup> More egalitarian attitudes and practices are also more common among the younger generations, especially among younger women.<sup>83</sup> However, there are evidences that women might find their way to political office through family connections and patronage networks in traditional patriarchal cultures.<sup>84</sup>

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<sup>81</sup> Norris, Pippa: "Electoral Engineering. Voting Rules and Political Behavior", Cambridge University Press, New York, 2004, p. 204

<sup>82</sup> Norris, Pippa; Inglehart, Ronald: "Cultural Barriers to Women's Leadership: A Worldwide comparison.", working paper, IPSA, Schorestein Center, John F. Kennedy School of Government, Harvard University, 2000, p. 8

<sup>83</sup> Norris, Pippa; Inglehart, Ronald: "Women and Democracy: Cultural Obstacles to Equal Representation", in: *Journal of Democracy*, Vol. 1, Number 3, July 2001, p. 135

<sup>84</sup> Krook, Mona, Lena: "Comparing Methods for Studying Women in Politics: Statistical, Case Study, and Qualitative-Comparative Techniques", paper presented at the Annual Meeting of the American Political Science Association, 1-4. September, 2005c, p. 8

Quota debates take place within the country's institutional and discursive context and are closely related to the prevailing citizenship model. The principles of the citizenship are for example reflected in the country's Constitution and in the general attitudes towards individual vs. collective rights. Three different kind of citizenship models such as liberal, republican and corporatist create different types of political logics that influence the likelihood and the type of quotas adopted.<sup>85</sup> The liberal ideology leaves the responsibility of achievements to the individuals themselves and assumes that political posts should be gained due to personal merit. The gender quotas do not correspond to this ideology and for this reason quota adoption in a country with a liberal model can be faced with a high degree of resistance. In this type of system softer measures of affirmative action are rather preferred, sometimes also party quotas, when some individual parties decide to adopt quotas. The republican model promotes equal opportunities, but allows the individuals to realize their own identities as "universal" citizens. The quotas might encounter resistance since they do not fit the universalist logic, but quota adoption largely depends on how the issue is framed. The corporatist model shares the commitment to egalitarianism recognizing gender as a political identity. The under-representation of women is seen as a collective responsibility and this type of model tends to prefer party quotas, but sometimes also legal quotas.<sup>86</sup> These patterns indicate that republican and corporatist models are more favorable for gender quota adoption than systems with a liberal citizenship model.

## **2.2 Discourse Analysis on Quotas**

Political discourses are crucial elements of the quota adoption process preceding the actual decision, as to whether quotas should be introduced or not. The meaning of a *discourse* is not equivalent to that of a discussion. Discourse implies a particular pattern found in a discussion. The discourse analysis searches for the meaning of social or political developments and action contexts, which are normally produced in public debates. It is not only the technical aspect of the quotas that is debated in these discussions. The quota adoption is also related to normative principles surrounding quotas such as the meaning of gender and women's representation as a political category. The adoption process is often highly controversial and confusing, particularly when the opinions and interests of various actors are brought into the game and different themes are incorporated into the normative

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<sup>85</sup> Krook, Mona, Lena; Lovenduski, Joni & Squires Judith: "Western Europe, North America, Australia and New Zealand. Gender quotas in the context of citizenship models", in Dahlerup, Drude: "Women, Quotas and Politics", Routledge, London, 2006, p. 196

<sup>86</sup> Krook, Lovenduski & Squires, 2006, p. 197

debate. In order to be able to interpret the stand of a quota debate and the positioning of the actors behind their rhetorical strategies, it is necessary to make a specific discourse analysis.<sup>87</sup>

The quota debates are different in every country, depending on the way in which the debate is framed, which actors are involved and the political context of the quota adoption. However, Dahlerup's study (2006) found that quota discourses have strikingly similar elements around the world.<sup>88</sup> One of the fundamental issues in a quota debate is the normative question about the difference versus equality of persons as political objects.<sup>89</sup> For some, quotas are seen as discrimination against the principle of fairness, whilst others consider them as measures against structural barriers that prevent a fair representation.<sup>90</sup> Often political ideologies and their ideal citizenship models exert significant influence on the normative debate surrounding quotas. However, even though the normative discourses about quotas might be the same in some countries, the quota outcomes show considerable variance. In some countries quotas are adopted, whereas in others this is not the case. A closer analysis of a quota discourse in each national context is important in order to identify the possible variables influencing the question of quota adoption. The outcome can even depend on one particular actor or political incident, which is decisive for the final outcome.

Further, the understanding of the problem of women's under-representation as a normative issue can influence the framing of the gender quotas in the public debate.<sup>91</sup> The concept of *framing* refers to the way in which the issue is defined, which kind of solutions are suggested, and how these are conceptualized and legitimized in the political discourse.<sup>92</sup> In this sense the quota debates are "struggles over the meaning of words, concepts, categories, conceptual boundaries and connections or disconnections."<sup>93</sup> The framing of the phenomena occurs in political debates as competing actors offer their definitions and views

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<sup>87</sup>Dahlerup, Drude: „The Implementation of Quotas: Latin American Experiences,” paper presented at international IDEA workshop: ”Comparative Studies of Electoral Gender Quotas”, Lima, Peru, 23–24 February 2003, p.5

<sup>88</sup> Dahlerup, 2006, p. 296

<sup>89</sup> Dahlerup, Drude and Freidenvall, Lenita: “Quota as a ‘Fast Track’ to Equal Political Representation for Women. Why Scandinavian is no longer the model”, paper presented at American Political Association Annual Meeting, Philadelphia, August 2003, p. 14-15

<sup>90</sup>Dahlerup, 2003b, p.5

<sup>91</sup> Dahlerup; Friedenvall, p. 14-15

<sup>92</sup> Sgier, Lea: “Discourses of Gender Quotas”, Symposium on Gender Quotas, in: European Political Science 3, no.3, 2004, internet document, available at: <http://www.essex.ac.uk/ECPR/publications/eps/onlineissues/summer2004/research/sgier.htm> (accessed 19.10.2006)

<sup>93</sup> Sgier, 2004

of the issue. The way in which various aspects related to quotas are framed in the political discourse has a great impact on the final outcome, when the decision as to whether quotas should be adopted or not, is made. However, the framing of the issue might also change through the addition of new developments and aspects to the debate. It is also possible that actors, who at the beginning of the debate defended one position, change their interests during the debate. The way the political problem is defined favors some interests over others. In general, this can also affect the way in which the problem is perceived in public. Secondly, the gender quota debate might be linked to other political issues being discussed at the same time. Often the interrelated themes relate to the sphere of women's rights or they might be linked to the reform of an electoral law. The French debate preceding the adoption of quotas was for example linked to the debate on same-sex marriages.<sup>94</sup> The quota discourse is also often influenced by the international context of the gender quotas. The actors might adapt arguments from the international discourse or from neighboring countries.

It is possible to identify three categories of possible actors which participate in quota adoption campaigns: state actors, civil society and international actors.<sup>95</sup> Depending on the country and the political context, the actors from the three categories with varying levels of motivation might be involved in the national quota debates. Within these three levels it is possible to identify the so called “critical actors”, whose interests are more important in the quota debate than those of others owing to their ability to bring in resources that give them leverage in the process of building alliances and influencing the final policy outcomes.<sup>96</sup> In much of the literature of the political parties and elites, women’s movements and national agencies for women's issues have been identified as having such potential and as constituting the most significant actors in many quota adoption processes. The role of the political parties and their candidate recruitment process are the most important, since they are mainly responsible for the introduction and implementation of quotas. Other actors such as women’s organizations, both inside and outside the parties, play a direct or indirect role in the enforcement of quotas by pressurizing elites, distributing information and educating

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<sup>94</sup> Sgier, 2004

<sup>95</sup> Krook, Mona, Lena: „Campaigns for Candidate Gender Quotas: A New Global Women’s Movement”, paper presented at the “Women’s Movements Worldwide: Flourishing or in Abeyance?”, Roundtable, International Political Science Association World Congress, Fukuoka, Japan, 9 July, 2006, p. 4

<sup>96</sup> Macaulay, 2005, p. 5

the female candidates.<sup>97</sup> Even though a state's agency on women's issues depends on the standpoint of the actual government, it can also contribute a great deal to the quota issue by influencing the quota debate inside the government and cooperating with different actors from the civil society. However, the structure, degree of political independence and capacities for influence of these agencies varies a great deal in different countries. The third actor can be the international and transnational actors, who are working together with both, state and civil society actors and pressurizing the national governments to adopt mechanisms to increase women's political participation. The attitude of the media towards the quota issue is of great importance as well, because it is the main means of informing the public about the political issues debated and particularly because its capacity to modify the public opinion.<sup>98</sup>

Several authors observe that actors tend to form alliances or networks among each other, which are of significance for pushing through the quota law. Macaulay (2005) claims that although all kind of actor combinations surrounding quotas are possible, it is foremost the linkages between the critical actors from different levels like the national women's agencies, women militants and the feminist working in the NGOs, who are drafting and pushing through the new bills considering gender issues.<sup>99</sup> Yet, until now the complex nature of these alliances and their effect for the quota adoption has been relative little researched.

## **2.3 Methods**

My research is a descriptive-analytical case study, which focusses on analyzing the Chilean conditions for quota adoption. I have divided my research into three parts: the description of women's representation, the institutional analysis of the quota conditions and discourse analysis about the quota debates in Chile. My research is primarily based on the analysis of text documents. In the first part I will briefly describe the actual state of gender quotas in Latin America and women's representation in Chile. This part is based on general literature about these issues and on quantitative data collected from different resources. I'm basing the institutional analysis of the institutional framework for quota adoption primarily on the

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<sup>97</sup> Franceschet, Susan; Krook, Mona, Lena: "State Feminism and Gender Quotas in the "North" and "South": Comparative Lessons from Western Europe and Latin America", paper prepared for presentation at the Annual Meeting of the International Studies Association, San Diego (CA), March 22-25<sup>th</sup>, 2006, p. 11 [http://krook.wustl.edu/doc/Franceschet\\_and\\_Krook\\_ISA\\_2006.4.doc](http://krook.wustl.edu/doc/Franceschet_and_Krook_ISA_2006.4.doc) (rev. 12.11.2006)

<sup>98</sup> Sacchet, p. 8

<sup>99</sup> Macaulay, 2005, p. 5-6

general data available about the named variables in Chile in forms of written documents (books, academic and non-academic articles, internet resources). In the third part I will focus on a set of Chilean newspaper articles and other official statements available over the internet. I aim to identify the framing of the debate, to analyze the attitude of the actors involved, together with their interests behind their rhetorical strategies and to evaluate their significance in the quota discourse.

## II CASE STUDY: CHILE

It is only contextual case studies that make it possible to consider the divergent institutional and cultural frameworks in addition to the main variables.<sup>100</sup> The study of Krook (2005) reveals that even though some factors considering quotas appear to be significant in the studies of Western democracies, these same factors do not necessarily have the same significance in other countries.<sup>101</sup> For this reason various country-specific conditions need to be analyzed in relation to each other because the outcome of these variables when combined might be quite different than expected. However, it is important that even the case studies come into a specific conclusion about the combined influence of various quota factors; these results should be reflected with the general patterns and compared with other case studies. By comparing different phases of quota adoption in different political and cultural systems, it might be possible to identify new intervening variables and causal connections that have not been noticed before.

In the empirical part of the research my principal aim is to relate the theoretical frames to the explication of the under-representation of women and deficient citizenship rights in Chile and to illuminate one possible way to resolve the problem through gender quota adoption. To begin with I will briefly introduce the situation of gender quotas in Latin America and then describe the women's representation on the formal political level in Chile. In the following chapter I will briefly introduce and analyze the law proposals made for gender quotas in Chile until today. I will then examine the institutional framework for the quota adoption in Chile through the variables of electoral system, political parties and socio-cultural context. In addition to the mentioned variables, one of the enabling conditions for the approval and success of quotas is the support of the executive power. I argue that the new political constellation with a new female President and her "pro-gender governmental agenda" has shifted the political elites into a more gender friendly direction and that Bachelet's leadership of the Presidency brings positive changes to the attitude to women rights. In the second part of the analysis I will concentrate on the discursive context of quota debates in Chile by examining the framing of the issue and interpreting the

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<sup>100</sup> Squires, Judith: "Gender Quotas. Comparative and Contextual Analyses", in: *European Political Science* 3, no.3, 2004, available at: <http://www.essex.ac.uk/ECPR/publications/eps/onlineissues/summer2004/research/squires.htm> (rev. 19.10.2006)

<sup>101</sup> Krook, Mona, Lena: "Comparing Methods for Studying Women in Politics: Statistical, Case Study, and Qualitative-Comparative Techniques", paper presented at the Annual Meeting of the American Political Science Association, 1-4. September, 2005c, p. 5

discursive contents and actor positions. Through this two-level analysis I hope to find an answer to my research question, which is whether and under which conditions the gender quotas could be adopted in Chile.

### **3. Gender Quotas in Latin America**

During the past fifteen years several Latin American countries have been introducing quota laws. Today eleven<sup>102</sup> out of nineteen Latin American countries are using some type of quota system. The quota process in the region has been closely linked with the dimensions of the re-democratization process. During the 1990s the new democratic regimes aimed to improve their external legitimacy by creating a modern image with constitutional civil rights, transparent institutions and extension of women's rights.<sup>103</sup> The legitimacy for quota laws was brought about by pressure from the international community and international discourse on the need to secure women's political representation. The United Nation's Fourth Conference on Women, organized in Beijing in 1995, had a positive effect in the region in relation to three main aspects: it put international pressure on governments, encouraged feminists to pursue demands on women's rights and gave legitimacy to women's demands. Following the Beijing Conference several feminist and women's movements in Latin America also started to make demands for their governments to introduce mechanisms of affirmative action on behalf of women. The Latin American leaders responded positively to the international pressure by adopting new laws and public policies that contributed to women's rights in society. These new measures included, for example, the creation of national women's agencies, new constitutions with principles of gender equality, modification of civil and criminal laws and different policy initiatives benefiting women.<sup>104</sup> Most of the countries also ratified another important treaty on women, CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women, 1979) in their legislations during the 1990s. Today Latin America is the continent with the most wide-spread use of quota provisions. Only Nordic countries have a higher average of women in parliament (40,8%) than the Latin America's regional average of 20,2 percentage.<sup>105</sup> There is a growing move towards quota implementation in the region, and an

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<sup>102</sup> Argentina, Bolivia, Brazil, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Panama, Paraguay and Peru

<sup>103</sup> Araújo; García, p. 87

<sup>104</sup> Htun; Jones,, 2002, p. 33

<sup>105</sup> Of the 23 countries in the world, which have adopted legal quotas, twelve are Latin American countries.



emerging consensus of female access into decision making bodies. The representation of women has been slowly increasing in the political life of every country in the region. Nonetheless, there are significant variations in the representation of women across the countries.

### **3.1 Quota Adoption**

In the Latin American countries the gender quota percents vary between 30-50 percent and the most commonly used form is the candidate quota as legal quota. In Latin America the quotas are used in both proportional and mixed systems. In the mixed systems (Bolivia and Mexico), the quotas tend to apply to the proportional part of the system. In these countries the representation of women is slightly lower than in the systems of proportional representation (PR), varying between 15-40 percent. In addition to legal quotas, many of the region's political parties have voluntarily adopted quotas in the form of party quotas since the end of the 1980s. Among the Latin American countries which currently have gender quotas, six countries have rules about the rank order of the lists. It is important to notice that this rank order can only be applied for the closed lists. Among the Latin American countries the following countries use the closed party lists: Argentina, Bolivia, Costa Rica, Dominican Republic, Mexico and Paraguay. Brazil, Ecuador, Honduras, Panama, and Peru use open lists instead. A few more countries (9 out of 11) have some kind of sanctions for the non-compliance of the quota rules. Only Honduras and Panama have no sanctions for non-compliance of quotas.<sup>106</sup> Colombia has only used gender quotas for high-ranking administrative positions at all levels of the state since 2002. Only 12 per cent of the legislators are women. In Venezuela the quota law of 30% was established in 1997 for both Chambers, but was rescinded in 2000 by the National Electoral Council. The following table shows the Latin American countries that have adopted gender quotas and their actual quota provisions.

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<sup>106</sup> Araújo and García, p. 98

**Table 3.1: Quotas for Female Candidates in Latin America**

Country	Year of Adoption	Lower or Single Chamber (%)	Senate (%)	Placement Mandate	Type of List	Sanctions for Non-compliance
<b>Argentina</b>	1991	30	30	Yes	Closed	Yes
<b>Bolivia</b>	1997	30	25	Yes	Closed	Yes
<b>Brazil</b>	1997	30	0	No	Open	Yes
<b>Costa Rica</b>	1996	40	-	Yes	Closed	Yes
<b>Dominican Republic</b>	1997	25	-	Yes	Closed	Yes
<b>Ecuador</b>	1997	30	-	Yes*	Open	Yes
<b>Honduras</b>	2000	30	-	No	Open**	No
<b>Mexico</b>	2002	30	30	Yes	Closed	Yes
<b>Panama</b>	1997	30	-	No	Open	No
<b>Paraguay</b>	1996	20	20	No	Closed	Yes
<b>Peru</b>	1997	30	-	No	Open	Yes

\* In 1997 a 20% quota was introduced for the Chamber of Deputies. The percentage is to be increased with each subsequent election until 50% is reached. Article 7 of the Ecuadorian electoral law states that women must make up at least 30% of the party list in each electoral district.

\*\*Closed lists were applied in Honduras until the year 2004. The open lists were for the first time in use in elections of 2005.

Source: this table was modified from the following sources: United Nations Development Program: "Democracy in Latin America. Towards a Citizens' Democracy", UNDP Publications, New York, 2005, p. 87; Peschard, Jaqueline: "The Quota System in Latin America: General Overview", in: International IDEA: "Women in Parliaments: Beyond Numbers", IDEA, Stockholm, 2002, p. 2 (the placement mandate and type of the list), and "sanctions for non-compliance from [www.quotaproject.org](http://www.quotaproject.org) (rev. 10.12.2006)

Table 3.2 shows that during the last ten years, the presence of women in all Latin American chambers has increased. There are two relevant points to be observed for this period: firstly, the increasing female participation in political organs regardless of the introduction of quotas, and secondly, a strong growth of women's representation in those countries where quotas have been implemented.<sup>107</sup> The most significant changes in the representation of women have been in countries like Argentina, Costa Rica, Honduras and Peru. But some countries, which have not yet introduced quotas, such as Chile and Uruguay, have still managed to produce growth figures. Only Argentina has managed to reach levels of female representation corresponding to the quota, while Costa Rica (38.6% of 40%) and Peru (29.2% of 30%) have also almost reached their goal. Several countries show deficits with respect to their quota aims and Brazil shows the lowest rate of compliance (8.2% of 30%). The most progress in 2005 was seen in Honduras and Venezuela. Honduras, which introduced quotas in 2000, registered an 18 percentage point increase in women's participation, making a jump from 5 to 23 percent. In Venezuela the proportion of women in parliament increased by 7.7 percentage points to 17.4%, even though Venezuela has no

<sup>107</sup> Araujo; García, p. 99

valid quota regulation.<sup>108</sup> In some countries, such as Cuba and Nicaragua, no significant progress in the increase of the women's representation has taken place.

**Table 3.2: Impact of Quotas in Latin America: Legislative Representation**

Country	% of women (1991-1995)*	% of women (2002-2005)**	Quota Provision (%)	Difference in points (1995/2005)
Argentina	5.5***	35.0	30	29.5
Bolivia	10.8	16.9	30	6.1
Brazil	6.2	8.2	30	2.0
Costa Rica	16.0	38.6	40	22.6
Dominican Rep.	11.7	19.7	25	8.0
Ecuador	4.5	16.0	30	11.5
Honduras	7.0	23.4	30	16.4
Mexico	14.2	22.6	30	8.4
Panama	8.3	16.7	30	8.4
Paraguay	3.0	10.0	20	7.0
Peru	10.8	29.2	30	18.4
Average	8.9	21.5	29.5	12.6

Source: Araujó; García, p. 99, the data actualized and recalculated from [www.quotaproject.org](http://www.quotaproject.org) (rev. 16.12.2006)

\* This data shows the situation of women's representation in the countries according to the elections held in each country between 1991 and 1995. These figures are not averages.

\*\* This data shows the situation of women's representation in the countries according to the elections held in each country between 2002 and 2005. These figures are not averages.

\*\*\* All countries except Argentina adopted quota legislation after 1995. The figure of 5,5 percent for Argentina is the figure prior to the adoption of its quota law in 1991.

**Table 3.3: The effects of Gender Quotas in Latin America**

	Countries with Quotas (11)	Countries without Quotas (7)
Average of Women in the Legislative Organ (2001-2004)	18,4 %	15,3 %
Average Growth of Women in Legislative organ between 1995-2004	9,5 %	4,1 %
Average of Women in Senate (2000-2004)*	22.6 %	9.5 %
Average Growth of Women in Senate between 1995-2004	15,8 %	2, 3%

Source: data modified from the following sources: Araujó; García, p.99

\* Only the Latin American countries, which have a second chamber (Senate), were taken into consideration.

As table 3.3 shows, the variation between the countries with quotas and without quotas is remarkable in both levels of legislative. In the Latin American countries with quotas the

<sup>108</sup> Inter-Parliamentary Union (IPU): "Women in Parliament: The year in perspective", 2005, <http://www.ipu.org/english/perdcls.htm#wmn-year> (rev. 5.10.2006)

average growth of women's participation in parliaments between 1995 and 2004 was 9,5%, whilst it was only 4,1 % in the countries without quotas. The same growth figures for the Latin American countries which have senates were:<sup>109</sup> 15,8 percent for the countries with quotas and 2,3 percent for the countries without quotas. However, no particular growth pattern within the countries with quotas can be clearly identified. The increase in women's political representation varies between almost 30 percent in Argentina and 2 percent in Brazil. Poor success despite the introduction of quotas can be explained through the fact that the quota laws were implemented without a placement mandate or sanctions of non-compliance. For example, the Brazilian quota law requires that 30 percent of the candidates on the party list should be women. However, even though the law is institutionally effective, in practice the political parties ignore the quota law without being sanctioned for this in any way. Mexico has had similar difficulties. In the majority of the countries, the best results with quotas were gained in the second elections with quotas due to legislative improvements and a broadening support base for quotas within women's movements.<sup>110</sup> However, the rise of the female presence in the Latin American parliaments has not always had the desired effect that more women's rights issues would be introduced. This is largely due to the strength of political alliances in relation to gender issues.<sup>111</sup> There is however, plenty of evidence that gender quota proposals have made gender equality into a national issue all over Latin America.

## **4. Representation of Women in Chile**

### ***4.1 Historical context***

Women's citizenship in Chile has not traditionally been valued in the same terms as that of men and throughout the ages women have been excluded from the political sphere in many ways. The right of women to vote was recognized in Chile in 1949 and at the same time women were given the right to be elected to legislative posts. The first woman representative for the lower house was elected in 1951 and for the Senate in 1953. A woman was nominated for the first time as a minister in 1952, holding the position of the Ministry of Justice. Thus, even though Chilean women were granted formal political rights, only a few privileged women actually entered the formal political sphere. The patriarchal

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<sup>109</sup> Argentina, Bolivia, Brazil, Mexico and Paraguay

<sup>110</sup> Araújo; García, p. 100

<sup>111</sup> Macaulay, 2005, p. 3

gender ideology did not allow women to hold political positions and mobilized women principally in their traditional gender role as mothers and wives. During the authoritarian period between 1973 and 1989 only a marginal number of women held higher official positions due to the prevailing patriarchal structures and the military regime's altered perception of the role of women. The political practices of the military were based on manipulative concepts of women's role as mothers socializing their children for "the future loyalty of the nation", according to the national security doctrine.<sup>112</sup> During the 17 years of military regime, only two women occupied cabinet positions.

The political transition that began in 1989 offered opening spaces for different social movements, while the political parties remained in the background. Women's movements, which emerged under the authoritarian rule, had become a visible political opponent to the military rule. Women mobilized themselves across the party and class lines with the common goal of reaching democracy. These new women's organizations revealed an increasing contradiction between the traditional policy of military government towards women and the new political roles that women had assumed. Through this process, the movement began to bring gender issues into the political level. During the electoral campaign in December 1989, the concept of gender was for the first time recognized in Chilean history and included in the democratic agenda. The feminist movement also managed to push through a demand of the Ministry for Women's issues. Since its creation, in 1991, SERNAM (*Servicio Nacional de la Mujer*), the national women's agency has introduced legislation initiatives and policy programs on issues concerning domestic violence, women's rights within the family and the increase of women's participation in several societal spheres.

After the return to democracy, traditional actors such as political parties re-assumed their central role as political actors again, and the political arena was re-constructed and sharply delineated from the sphere of social movements. Because of mainly male-controlled party structures, feminists encountered major difficulties in trying to include their gender agenda in the party programs. Even though the parties showed some interest towards women's issues, they did not prioritize them and tended to exclude the more controversial issues such as reforms linked to progressive women's rights. Craske calls this phase as "remasculinization of politics", where women's needs and interests were considered only if

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<sup>112</sup>, Franceschet, Susan: "Women and Politics in Chile", Lynne Rienner Publishers, Boulder (Colorado), 2005, p. 25

likely to benefit the leading parties.<sup>113</sup> The Chilean major coalitions after the transition have been the centre-left *La Concertación por la Democracia*, which was formed by four parties opposing Pinochet's regime (The Democracy Party (PPD), The Socialist Party (PS), The Christian Democratic Party (PDC) and the Radical Social Democratic Party (PRSD)). The right-wing opposition coalition, *La Alianza Nacional*, was formed from two parties, namely The Independent Democrat Union (UDI) and National Renewal (RN)). The former director of SERNAM, Adriana Delpiano, is of the opinion that the reason that women did not demand power was because they wanted to emphasize their "difference" to men, and the demands for traditional power positions in formal political arena were defined as "masculine type model of politics".<sup>114</sup> Even though the women's movement had been very powerful during the transition and was successful in several gender-related demands, their big mistake was that they did not use their strength to demand for political power in the name of equality.<sup>115</sup>

The two first presidents came from the most conservative party of *Concertación*, PDC, and correspondingly adapted a more careful political line considering gender issues by concentrating on promoting family related law bills, rather than the more controversial women's issues. Under the socialist President, Ricardo Lagos (2000-2006), several women obtained key positions in his government. During this government, the increase of women's labor force was made the central priority and the divorce law was passed at the end period of his presidency in 2004.

## **4.2 Electoral Representation of Women**

### **4.2.1 National Level**

The Chilean Congress is bicameral, and consists of the Chamber of Deputies as the lower house, in which the deputies are selected for four-year terms, and a Senate as the upper house, whose members serve for an eight-year term. The 120 members of the lower house are directly elected from 60 electoral districts by using an open-list proportional representation (PR) system, according to the constitution of 1980. In March 2006, the number of Chilean senators was reduced from 49 to 38, when the practice of designated senators (nine appointed and two life member senators) was abolished. Today the 38

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<sup>113</sup> Craske, Nikki: "Women and Politics in Latin America", Rutgers University Press, New Brunswick, 1999, p. 87

<sup>114</sup> Franceschet, Susan: "Women in Politics in Post-Transitional Democracies", International Feminist Journal of Politics, 3:2, August 2001, p. 213

<sup>115</sup> Franceschet, 2001, p. 211-212

senators are elected directly, with half of the 19 senatorial districts electing two members each in every four years.

The first democratic elections were held in 1990, following the change of power. In the first election, only 5,8% of the representatives elected to the chamber of deputies were women. In the elections of 1997, the percentage of women jumped for the first time over ten percent (11,7%). In 2001, only 12,5% of the deputies in the national parliament were women, even though women represent more than the half (52%) of the electorate. As of the last parliamentary election at the end of year 2005, 18 of the 120 Chilean deputies are women, composing 15 percent of the actual lower house.

**Table 4.1: Composition of the Chilean Chamber of Deputies (1990-2005)**

	<b>1990</b>	<b>1993</b>	<b>1997</b>	<b>2001</b>	<b>2005</b>
<b>Men</b>	113	111	106	105	102
<b>Women</b>	7	9	14	15	18
<b>% of women candidates</b>	<b>5,8</b>	<b>7,5</b>	<b>11,7</b>	<b>12,5</b>	<b>15,0</b>

Source: Adapted from SERNAM (2006), "Base Mujer", available at: <http://www.sernam.gov.cl/basemujer/> (rev. 18.12.2006)

Despite the relatively low representation of women in the Congress, the number of women has been constantly increasing in recent years. Between 1990 and 2005 the representation of women grew from 5,8 to 15%. With this growth rate of 2, 5% per election, gender parity could be reached in Chile by the year 2050. In the actual World Classification of Women in National Parliaments of Inter-Parliamentary Union (IPU) of 2006, Chile is ranked as number 68, with female representatives constituting 15% of members of the lower house, and only 5,3% of upper house members. The Chilean actual numbers are under the global average of 16,6%.<sup>116</sup>

The success of the Chilean women in the elections of the Upper House of Representatives (Senate) has been even poorer than in the Chamber. The percentage of women at the beginning of the 1990s was 7,9% and since 1998 has remained at 5,3%, with only two female representatives of a total of 38 members of Senate. This shows that it is even more difficult for women to get to the Chilean Senate than to the Chamber.

<sup>116</sup> Inter-Parliamentary Union: "Women in National Parliaments: Situation as of 31. of July 2006", available at: <http://www.ipu.org/wmn-e/classif.htm> (rev. 12.10.2006)

**Table 4.2: Composition of the Chilean Senate (1990-2005)**

Sex / Year	1990	1993	1997	2001	2005
Men	35	35	36	36	36
Women	3	3	2	2	2
% of women candidates	7,9	7,9	5,3	5,3	5,3

Source: Adapted from SERNAM (2006), "Base Mujer", available at: <http://www.sernam.gov.cl/basemujer/> (rev. 18.12.2006)

The figures in the Chilean case show that a disproportionate number of men attain to the highest political positions, while women's access to power is more precarious. Women's representation is made even more difficult by the fact that women entering into politics are divided by ideology and competing interests and do not necessarily promote women's issues in their positions. Generally, it can be said that during the democratic era the ruling coalition *Concertación* has been opening new spaces for women at all political levels and that the number of women has been increasing in every election. Within the new government of Michelle Bachelet women have a 50% representation (10 of 20 ministers are women) in the ministries, 48% in the sub-secretaries and 33% in provincial administration positions, which is a dramatic increase compared with the former governments. Other ministries such as the Ministry of Defense, Ministry of Mining and Energy and Ministry of National Property, which have traditionally been seen as the domain of male ministers, are also in the hands of female ministers.<sup>117</sup> This decision of the new President has led to an unprecedented increase in the number of women at the executive level.

The study made by the *Corporación Humanas* and *La Morada* of the political perceptions of Chilean women in year 2005 reveals that 49,3% of the women interviewed did not feel that they were represented by the actual political system. Only a little over half of the women interviewed (56,2%) felt that they were represented by the government, 69,5% by the parliament, 66,3% by the municipalities and 67,7% by the political parties.<sup>118</sup> Another study made by *Corporación Humanas* in September and October 2006, reveals that 71 % of the women interviewed felt discriminated against in the political sphere and most of the interviewees (64,1%) were of the opinion that positive discrimination for women can only

<sup>117</sup> Minister of Defence: Vivianne Blanlot Soza; Minister of Minery and Energy: Karen Poniachik Pollak; Minister of Public Property (Ministra de Bienes Nacionales): Romy Schmidt Cronosija.

<sup>118</sup> Corporación Humanas: "Encuesta Mujeres y Percepción Política", Power Point Presentation, Corporacion Humanas/ Instituto de Asuntos Publicos (Universidad de Chile), Santiago de Chile, 2006c, available at: <http://www.humanas.cl/publicaciones.asp?IrA=4&> (rev. 4.1.2007)



be gained through legal measures.<sup>119</sup> 61,8 percent of the interviewees would even give their approval for a law which would assure the number of women in the public positions.<sup>120</sup> These figures are clear indications of the democratic deficit represented by the under-representation of women in the Chilean political system.

#### 4.2.2 Women's Candidacies in the National Level Elections

When examining the representation of women on the formal level, interesting indicators for women's political activity are the candidacies, since they indicate the amount of women available for elected positions. In the first Chilean democratic elections of 1989, less than 10 percent of the candidates introduced by the parties were women. Since then, the number of proposed female candidates for congressional position has been increasing, regardless of the regression in female candidacies in 2001. The number of female candidacies reached a peak in 1997, when 19% of the candidates for parliament and 15,2% for the senate were women. Despite this, in the period between 1989 and 2005 an average of 90,3% of the candidates have been male.

**Table 4.3: Candidates for the Chilean Parliament (1993-2005)**

	1993	1997	2001	2005
<b>Men</b>	334	358	281	337
<b>Women</b>	50	84	41	63
<b>% of women candidates</b>	<b>13.0</b>	<b>19.0</b>	<b>12.7</b>	<b>15.8</b>

Source: Modified of The database of SERNAM, "Base Mujer", [www.sernam.gov.cl/basemujer/](http://www.sernam.gov.cl/basemujer/) (rev. 18.12.2006)

**Table 4.4: Candidates for the Chilean Senate (1993-2005)**

	1993	1997	2001	2005
<b>Men</b>	52	56	43	58
<b>Women</b>	3	10	2	9
<b>% of women candidates</b>	<b>5.4</b>	<b>15.2</b>	<b>4.4</b>	<b>13.4</b>

Source: Modified of The database of SERNAM, "Base Mujer", [www.sernam.gov.cl/basemujer/](http://www.sernam.gov.cl/basemujer/) (rev. 18.12.2006)

When comparing the number of female candidacies with the number of women elected, it is interesting that the statistics suggest that women who do actually run for a seat have slightly better chances of becoming elected than their male counterparts. In the last two

<sup>119</sup> Corporación Humanas, 2006c

<sup>120</sup> Corporación Humanas, 2006c

elections women have been more successful than men in terms of election of candidate rates. In the 2001 parliamentary elections, 55,5% of the women candidates were elected in comparison to 49,2% of the men. In 2005 51,3% of women candidates were elected, again better than men of whom 49,5% were elected.<sup>121</sup> This clearly indicates that where a woman is presented as a candidate, the voters are also ready to vote for her.

The small number of female senators can be explained by the small number of female candidacies compared to that of male candidacies. As table 4.4 shows, the highest number of female candidacies was in 1997, when 10 women (in comparison to 56 men) were presented as senator candidates. In the elections of 2005, there were 9 female (in comparison to 58 male) candidacies presented for the Senate. It is interesting that a relatively high percentage of the presented female candidates were also elected in the senatorial elections. In 1993 as many as 33 percents of the female candidates were elected, whilst the corresponding percentages for 1997 was 20%, for year 2001 0% (only 2 female candidates were presented) and for 2005 22%. These results indicate that parties tend to nominate relatively few female candidates to run in the senator elections, but that those women candidates who are presented receive relatively strong electoral support. This could be an indication that parties tend to support women candidates who have good chances of winning in the district.

### **4.2.3 Local Level**

The amount of women represented on the local level has been constantly increasing during the past sixteen years. The growth rate of female representatives on the local level in Chile has been 5 percentage points in the period between 1995 and 2004. In 1992, when the first democratic municipal elections were held, the percentage of female members of the city council, the so called *concejales*, and female mayors was 11,9% altogether, a figure which increased steadily during the following elections (1996 to 13,6%, 2000 to 16,5% and in 2004 even as high as 24,3%). This is mainly due to the proportion of female members of city council, which has been constantly increasing through the past years, reaching 26,8 percents in 2004. The proportion of female mayors has also slightly risen over the years, standing at 12,2% since 2004.

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<sup>121</sup> Rios Tobar, Marcela: "Cuotas de Género: Democracia y Representacion, International IDEA/FLACSO Chile, Santiago de Chile, 2006a, p. 28, available at: [http://www.idea.int/publications/coutas\\_de\\_genero/upload/Cuotas\\_de\\_Genearo\\_FLACSO\\_IDEA\\_FINAL\\_2006\\_07\\_27.pdf](http://www.idea.int/publications/coutas_de_genero/upload/Cuotas_de_Genearo_FLACSO_IDEA_FINAL_2006_07_27.pdf) (rev. 10.10.2006)

**Table 4.5: Elected women in the municipal elections (1992-2004)**

	<b>1992</b>	<b>1996</b>	<b>2000</b>	<b>2004</b>
<b>Mayors (%)</b>	7,4	9,4	12,3	12,2
<b>Member of the City Council (%)</b>	13,1	14,4	17,7	26,8
<b>Total %</b>	<b>11,9</b>	<b>13,6</b>	<b>16,5</b>	<b>24,3</b>

Source: Data modified from the database of SERNAM, "Cargos de elección popular e el poder local", [www.sernam.gov.cl/basemujer/](http://www.sernam.gov.cl/basemujer/) (rev. 18.12.2006)

The last municipal level elections held in 2004 were the first in which voters could elect both the city council and the mayors at the same time. In the first three elections (1992-2000) electors could only vote for city councilors, who then elected the mayor. Now the mayor's election works through a simple preferential vote and female candidates do not have to face the challenge of competing on a party list according to the "binominal" nature of the electoral system. This has been a major triumph for women on the local level. However, female candidates did not manage to make a breakthrough in the first direct mayor's elections in 2004, despite the positive modifications in the electoral law. Meanwhile, the percentage of female council members jumped in the same elections to 26,8 percents, which is the highest amount of women representatives ever elected on the formal political level.

#### **4.2.5 Women's Candidacies on the Local Level**

Following the transition in 1992, 16,5% of the candidates in the local level in the first elections were women. The number of women presenting themselves as candidates has been increasing; in 1996 17,7% were female candidates and in 2000 the figure had increased to 18,8%. During these years, in 1992 11,8 percent of the candidates who were elected were women, in 1996 13,6% and in 2000 16,6%.

**Table 4.6: Candidates according to sex in the municipal elections (1992-2000)**

<b>Year</b>	<b>Men (%)</b>	<b>Women (%)</b>
<b>1992</b>	83,5	16,5
<b>1996</b>	82,3	17,7
<b>2000</b>	81,1	18,8

Source: Araujo, Kathya: "Mujeres y Representación política: El caso de Chile", in: Araujo, Kathy; Archenti, Nelida; Villanueva Flores, Rocio: "Igualdad de Derechos, Igualdad de Oportunidades, Igualdad de Ejercicio", Fundación Instituto de la Mujer, Santiago de Chile, 2004, p. 115; and information for the year 2004 from Electoral Service [www.servel.cl](http://www.servel.cl) (rev. 3.1.2007).

A very high percentage of the female candidates presented at the municipal level election get also elected. This indicates that the voters are actually open to vote for the female candidates in the municipal level elections. Voting for female candidates has increased

between 1992 and 2000 by three percentage points. Another reason for the increase of female candidates has been that the governing coalition *Concertación* has been increasing the number of female candidates in every election.<sup>122</sup> Surprising however, is the fact that the right-wing coalition *Alianza* has been presenting more female candidates than *Concertación* in each municipal level election. Even more interesting is that a high percentage of the female candidates presented by the *Alianza* were elected. In the mayor elections of 2000 *Alianza* had three times as many female mayors (31) than *Concertación* (11). This indicates the willingness of *Alianza* to support the female candidacies at least on the municipal level, even though female politicians in other positions inside the parties seem to be rare. It can be concluded that the Chilean women are clearly better represented on the local than on the national level. This could be interpreted as a result of local level politics being more close to women and women being more eager to search for a post in the municipality politics. The parties are also more open for women candidacies on the municipal level.

## 5. Quota Process in Chile

No institutionalized mechanism that would facilitate the participation of women on formal political level exists in Chile. However, the under-representation of women in the political sphere is a recognized problem in the Chilean politics, and the issue of gender quotas is not an unknown theme either. Quotas were introduced as a theme for the first time in 1989 when the Chilean women's movement presented a declaration called "Demands of the Women for the Democracy", which demanded a quota of 30% of women in all political posts. Even though some of the demands were written down in the presidential agenda of the first democratic government of Aylwin, the quota provision was considered to be too radical.<sup>123</sup> At this point the debate was particularly encouraged by the implementation of internal gender quotas within the parties of *Concertación*.

The first official study "*Importance of a quota law in Chile*" (edited by A. D'Albora Munoz and S. Wojciechowski) about gender quotas was published in 1996 by the non-

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<sup>122</sup> Araujo, Kathya: "Mujeres y Representación política: El caso de Chile", in: Araujo, Kathy; Archenti, Nelida; Villanueva Flores, Rocio: "Igualdad de Derechos, Igualdad de Oportunidades, Igualdad de Ejercicio", Fundación Instituto de la Mujer, Santiago de Chile, 2004, p. 116

<sup>123</sup> Stoffel, Sophie: "Le débat chilien sur la représentation politique des femmes et sur le projet d'une loi des quotas", in Marques-Pereira, B., Stoffel, S. (ed.): "La représentation politique des femmes au Chili", Chaciers du GELA-IS, No. 5, l'Harmattan, Paris, 2005, p. 33

governmental organization called *Fundación Ideas*. The publication of this study can be regarded as the first appearance of the gender quota issue in the public space. The quota law in the Chilean parliament was thematized for the first time in March 1997. Following this, three different law proposals considering the mechanisms of affirmative action on behalf of women were introduced. On the political level the quota issue appears to have aroused anxious discussion and the civil society is also slowly recognizing the importance of this theme. Even though it was already on the political level for a long time, the presidency of Bachelet has brought the gender issue into the political debate more than was ever done previously.

### **5.1 Quota Law Initiatives**

After the Beijing Conference four law initiatives on gender quotas in Chile were proposed, including the presidential law proposal of electoral reform with a demand for mechanism of positive discrimination on behalf of women. These proposals concentrate on the under-representation of women in the Chilean political institutions together with the lack of positive action on this, and underline Chile's commitments to various international treaties and declarations about women's rights.

For the first time the quota issue was presented in a law initiative (Boletín N. 1994-07)<sup>124</sup> in 1997 by a group of deputies from different parties of *Concertacion*, which included both male and female deputies. This initiative aims to modify the legal provisions for the composition of the internal organs of parties and proposes to set an obligatory gender quota for the internal candidate election of parties in order to assure a sufficient number of female candidates in elections (Law No. 18.603, Political Parties). The law initiative further proposed the introduction of candidate quotas in national and municipal level elections, in order to ensure the proportion of women at all political levels. It emphasized that a gender-neutral maximum quota proposing a maximum quota of 60% should be specified (Laws No. 18.695 (Municipalities) and 18.700 (Elections)). This law initiative did not win broad support in the Congress, nor in the Executive. The initiative was archived in 2002, but taken up again in 2003. It is currently being handled by a Commission of the Interior Department.

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<sup>124</sup> Chilean Congress: "Law Initiative on gender quotas, Boletín Number 1994-07, Tramitación de proyectos, Congreso Nacional de Chile", available at: <http://sil.congreso.cl/pags/index.html> (rev. 23.10.2006)

The second law proposal on the affirmative action on behalf of women was introduced in 2002 (Boletín No. 3020-06)<sup>125</sup> by another group of deputies and one female deputy from outside the *Concertación* (Ibanez Soto, RN). The proposal aimed to modify the laws regulating national and municipal elections (Laws Number 18.700 (Elections) and 18.695 (Municipalities)). It proposed a 30% female candidate quota for the party lists at all levels. This law did not receive the support of the Chamber either and was archived in June 2005. Its fundamental deficit was that it did not propose a modification of the Organic Law for political parties.

Similarly, the third law proposal on quotas, launched in March 2003 (Boletín Number 3206-18)<sup>126</sup> proposed the so called gender-neutral quota of 40/60 percents on the party lists. This proposal was identical with one made in 1997 in its emphasis on the importance of the political parties in their duty to promote the political representation of women. In contrast to the previous proposals, this quota proposal did receive the support of the Executive, President Lagos.<sup>127</sup> Until today this proposal is qualified to be presented for the first proceeding round in the Chilean Chamber and since October 2006 the Family Commission of the Parliament has submitted the proposal to analysis. An interesting aspect of this bill is that two of its authors come from outside of *Concertación*. One of the authors is a female deputy from the RN (Ibanez Soto) and another is a woman from UDI (Gonzalés Román).

The fourth legislative proposal was introduced to the Senate by the President Michelle Bachelet in June 2006. This initiative deals principally with the electoral reform, but demands that mechanisms such as gender quotas be included in the electoral law, which would increase the participation of women in representative positions. It explicitly specifies that the decision about the type of mechanism should be left for the parliament to decide. As an example of such a mechanism, the presidential initiative mentions subsidies for financing the electoral campaigns of female candidates. This proposal was rejected by the Chamber within the initiative on electoral reform in August 2006.

All the quota law initiatives mentioned show the same weakness: they all require a quota arrangement, without mentioning any further arrangements such as sanctions for non-compliance or the positioning of female candidates on the lists in a manner that will assure

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<sup>125</sup> Chilean Congress: “Law Initiative on gender quotas, Boletín Number 3020-06, Tramitación de proyectos, Congreso Nacional de Chile”, available at: <http://sil.congreso.cl/pags/index.html> (rev. 23.10.2006)

<sup>126</sup> Chilean Congress: “Law Initiative on gender quotas, Boletín Number 3206-18, Tramitación de proyectos, Congreso Nacional de Chile”, available at: <http://sil.congreso.cl/pags/index.html> (rev. 23.10.2006)

<sup>127</sup> Cámara de Diputados, Chile, Noticias, <http://www.camara.cl/diario/noticia.asp?vid=18329> (rev. 4.1.2007)

that women are elected in proportion to quotas. Neither there are any reflections about the compatibility of the quotas with the “binominal” electoral system, or whether the candidate quotas should be applied in every district or on a national scale in relation to the total amount of party candidates in the election. Furthermore, none of the proposals have taken into consideration the fact that the Chilean open list system is not the most appropriate for adapting a quota law. The fourth proposal for electoral reform does not specify gender quotas as a desired mechanism, but it does mention a new aspect for the mechanism in the form of the financial assistance for female candidates. The former experiences of considering the legislation on gender issues have shown difficulties even at the level of discussion in parliament, to say nothing of the reservations held towards the laws themselves.

## **6. Institutional Framework in Chile**

### **6.1 Electoral System**

The specialty of the Chilean *binominal system* is that each district elects *two* representatives using the D’Hondt seat allocation system. In the elections the parties or coalitions may present an electoral list of two candidates in each district. The electors give their preferential vote for one of the candidates on the presented lists. The two candidates who receive the majority of individual votes, are elected from the district. The first seat is won by the candidate with the most personal votes on the party list, which is aggregated as a list of the most votes in the district. To resolve the winner of the second seat, the total of the winner list’s votes is divided by two. If another party list has a higher number of total votes than this, the candidate with the most personal votes on this list gets the second seat. Otherwise, the second seat goes to the second candidate on the winner list. This means that in order to win the both seats in the district, the party has to win twice as many votes (66,7% of the total votes) than the second placed party list. For the second placed party, it is possible to win a seat with just 33,3% percent of the total votes. This binominal logic makes the results of the elections relatively easy to predict.

The prevailing Chilean binominal electoral system was designed by the military junta of General Pinochet, and paradoxically was used for the first time in 1989, in the first democratic elections after the authoritarian period. The system design inevitably reflects the

desire of the rightist junta to protect its own interests in various aspects. However, despite all the unfavorable aspects, at the moment of the transition the *Concertación* ended up accepting the Constitution of 1980, including the binominal electoral system, because it was afraid of an authoritarian regression.

The goal of this type of electoral system is to encourage coalition-building, since there are only two available seats per district. The system favors the two major political blocks, the *Concertación* and *Alianza*, which dominate the great majority of the districts. In this type of system, the winning possibilities of the smaller parties are minimized. This indicates that even though the Chilean system is classified as proportional, it actually works as a majoritarian system with two predominating parties in the Congress. A second important effect of the system is that the seat allocation favors the second strongest coalition, because even if this receives much fewer votes than the winning party, it can still receive a seat in the district if the winner coalition is unable to double the votes. Thus the right-wing coalition *Alianza* is over-represented in the Congress compared with the proportional share of votes.<sup>128</sup> This over-proportionality in the political system assures the veto-position of the Chilean political right.

A further negative aspect is that the binominal system tends to create competition within the party rather than between them. Since the two major coalitions divide the seats in the majority of districts, the competition emerges mainly inside the party lists of the coalitions. The parties undergo hard negotiations about which one of the coalition partners gets a stronger candidate for the party list to compete in the district. This can also result in disproportionalities between the seats won by each coalition partner. In general, the binominal system tends to favor the major political party inside the coalition and to disfavor the second party, because if the party wins a seat it normally goes to the first positioned candidate.

A further disadvantage of the Chilean electoral system is the fact that the representation of minorities such as women and different ethnicities is not taken into consideration. No clauses regarding the positive discrimination of minorities are included in the electoral law. There are also irregularities in the geographical proportionality of the system: the number

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<sup>128</sup>The Study of *Flacso Chile* (2006a) shows that in the period between 1989 and 2005 *Concertación* has benefited in average 4,4 percentage points when considering the difference between the received votes and the seats, while at the same period the *Alianza* benefited 4,7 percentage points. When considering the same difference in the seats in the Senate the difference becomes dramatic: *Concertación* has benefited in that time period 0,76 %, while *Alianza* benefited 8,58% percentage points. In general, the binominal systems tends to favor the parties that are the most voted and leaves the smaller parties without chances for seats ( p. 16).



of the seats per district in many districts does not correspond to the proportion of the population in the district in comparison to total population. For example, in the election of the lower chamber the metropolitan region of Santiago should have 48 seats, instead of actual 32 seats (16 districts), corresponding to its proportional population growth.<sup>129</sup> In the case of the Senate, the military regime aimed for a regional representation rather than a proportional representation according to the number of electors. The districts are static and a change of districts is impossible under the actual electoral law. For example, the XI Region has 57.000 inhabitants who elect the same number of senators as the district of Santiago, which has more than 1, 5 million electors. In this way the XI region has 27 times more impact in the senatorial elections than the metropolitan region.<sup>130</sup> In addition the binominal system generates few incentives for the citizens to participate in the electoral process: the voters have very little impact on the candidate selection and even in elections they have to select from a small number of candidates. The consequence of this is the withdrawal of the citizens from the political sphere – they do not identify themselves with the parties.

### **6.1.1 Effects of Binominal System on Women's Representation**

The number of women in the political level in Chile has been slowly increasing during the years. This indicates that the actual Chilean electoral system does not necessarily boycott women candidates. However, it is evident that some of the characteristics of the actual electoral system are blocking the natural growth of female representatives.

As a PR system, where the seats are allocated in proportion of the received votes, the Chilean electoral system formally fulfills the most important requirement for the higher levels of women's representation. The Chilean district magnitude of two seats per districts is in any case very small compared to the other proportional systems. The theory shows that the smaller the district size is, the smaller is the effect of the proportionality of the system. The Chilean case affirms this by showing that a small district size tends to create larger disproportionalities in relation to the different aspects of the representation. This also affects the representation of women: a small district size makes it more difficult for women to receive eligible positions.

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<sup>129</sup> Navia, Patricio: "Una propuesta para terminar con el sistema Binominal", Colección Ideas. N° 16, Diciembre 2001, available at: <http://www.chile21.cl/medios/PDF/Coleccion/col16.pdf> (accessed 13.12.2006), p. 22

<sup>130</sup> FLACSO: "Una Reforma Necesaria. Efectos de la Sistema Binominal", FLACSO, Santiago de Chile, 2006, p. 17

As stated above, the binominal character makes the system work like a majoritarian system. The two major blocks, *Concertación* and *Alianza*, dominate the majority of the electoral districts. It is very difficult for candidates coming from outside these two major blocks to gain a seat. During the past fifteen years only eight candidates from other parties have managed to be elected as deputies.<sup>131</sup> Because it is very difficult for a party to double its votes to gain the other seat in the district as well, the seats are usually divided between these two parties. In most cases one seat goes to *Concertación* and the other to *Alianza*. Since both parties have only a few possibilities to present candidates and usually only gain one seat per district, they tend to position strong candidates on the party lists, who are considered to be the most likely to secure a seat for the party. The parties are unlikely to take risks and give a candidacy to a new or weak candidate. The same can be said for the candidate preferences of the smaller parties, which have even less opportunities to propose candidates. According to the gendered political practices of Chile, in the majority of cases these candidates tend to be men, who come from a relatively homogenous social and ethnical group. The female candidates compete for candidate positions with their male counterparts and often the nomination of a woman as a candidate means explicitly the negation of the male candidate's aspiration for a candidacy.<sup>132</sup> The two-candidate districts therefore compel the parties to seek for the best possible winner-combination list, in order to win at least one of the available seats, in the best case even two seats, if the party manages to double its votes. Thus, one reason for women's political under-representation is that the patriarchal culture is still dominant in the political sphere in Chile and men tend to be seen as more suitable for political posts than women. The chances that a woman will be presented as a candidate is less probable than in a multimember PR system, in which more seats are distributed inside the party per electoral district. Another reason could be that women feel distanced from the formal political sphere and this is why there are not enough women to run as candidates. Other factors which hinder the election of women are the low level of concurrence between the candidates in the district, high rates of reelection and the

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<sup>131</sup> Auth, Pepe: "El sistema electoral chileno y los cambios necesarios", working paper presented at the Conference about "Electoral systems and the Chilean Case" on the 8. August 2006b in the National Library of Congress in Valparaiso, Chile, p. 6

<sup>132</sup> Matland, Richard: "El Proceso de selección de candidatas y su impacto en la participación política de la mujer: experiencias internacionales", in: International IDEA: "Mujer, Partidos Políticos y Reforma Electoral, Seminario, 20 de enero 2004, Lima", International Idea, 2003, p. 107

logic of “property” referring to the duties of the already once elected candidates inside the district.<sup>133</sup>

The actual electoral formula causes disproportionality in favor of the second winner in the elections, which is normally the *Alianza*. It can be claimed that in this way the electoral system indirectly reduces the substantial representation of women issues on the congressional level, since the conservative right-wing parties are over-represented and have greater chances to block progressive women’s issues. Until the last elections, the Chilean Senate was dominated by the Right and for this reason the controversial law initiatives were very difficult to push through in the Senate. After the abolishment of the designated senators, the composition of the Senate elected at the end of 2005 is made up as follows; 17 right-wing senators, 19 centre-left senators, one independent *pro-concertación* member and another independent member from outside the pacts.<sup>134</sup> This means that for the first time after the transition, the *Concertación* has a majority in both chambers of the Congress. This is a remarkable fact, when considering the reformist agenda of the actual government for example in the case of electoral reform and women’s rights.

In the Chilean open-list system the voters give their vote for one candidate that they prefer. In one sense a candidate has a certain electoral liberty of the party, since the decision as to who will be elected lies primarily in the hands of the voters. In open-list systems the parties have less influence on the preferential range of the candidates than in the closed systems, where the parties decide the positioning of the candidates in the party lists. It can therefore be concluded that by the time of election, the selection of female candidates depends on the preferences of the electorate. In the open-list system, there competition exists not only between the candidates of the different parties, but also between the candidates of the same party. In the majority of cases, the Chilean female candidates compete in a party list with their male colleagues. Should two seats be divided between the major coalitions of the country, the female candidates competing in a party list with a male colleague, have to achieve a higher number of votes than their male competitor. Thus, in order to become elected the female candidates must be positioned into a party list with a weaker male competitor, if the seats are divided between the coalitions. Another option is to position the female candidate with strong support into a party list with another candidate with strong

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<sup>133</sup> FLACSO: “Una Reforma Necesaria. Efectos de la Sistema Binominal”, Flacso Chile, Santiago, 2006a, p.

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<sup>134</sup> Composition of Senate per Political Parties, [www.senado.cl](http://www.senado.cl) (rev. 28.12.2006)

support in order to try to double the votes and to gain both seats in the district. However, if these double votes are not achieved and the female candidate is weaker than the other candidate, she will not be elected.

The Chilean open-list system cannot guarantee that a certain number of female candidates will be elected, even if gender quotas on candidates were applied. The closed system is a more certain way to success for female candidates, if a placement mandate which predefines their position on the electoral list is in existence. However, there is no evidence to suggest that an open-list arrangement would necessarily be harmful for the Chilean female candidates. On the contrary, the results of the last two Chilean elections showed that women were even more successful at becoming elected than their male counterparts.<sup>135</sup> This is a clear indication for the fact that, if a woman is presented as a candidate, the voters are also ready to vote for her. Thus, the Chilean case also disproves the argument of Htun & Jones (2002) that open-lists would represent a disadvantage for women, and lends support to the argument of Rousseau (2005) in the case of Peru that a preferential voting system rather appears to bypass the nomination procedure of the hierarchical parties.

When considering the applicability of gender quotas to the actual electoral system, one possibility to implement gender quotas would be to apply them for every party list. This would however mean that the only possible applicable quota would be a 50%-quota, since there are only two candidates in each list. This type of quota law would compel the parties or coalitions to select one male and one female candidate on their party lists in every district. The quota law would resemble the parity law of France (2001), which requires that an equal number of men and women candidates be presented in nearly all elections. However, when taking the actual political constellation and relatively conservative political atmosphere in Chile into consideration, I think that the Chileans are not ready to approve such a radical solution.

Another possibility could be, not to apply gender quotas on the electoral districts, but to have a national gender quota for the political parties relating to the total number of candidates. For example, a 30%-quota could be applied, for the total number of candidates that the parties or coalitions present for election. This would mean that 30% of the total number of candidates, regardless of the electoral district, should be each one of sexes, when

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<sup>135</sup> Rios, 2006a, p. 28

applying the gender neutral quota regulation. This kind of quota arrangement is the only thinkable quota solution under the actual Chilean electoral framework.

I suggest that a larger district magnitude for the selection of members of the city council in the municipal level mitigates the zero-sum logic of the election of women. The empirical data from the municipal level elections of the last years shows that the number of women in the political posts has been increasing throughout the years – the proportion of the female representatives lies at almost 27% (2004). The district size on the municipal level is with 6-8 seats per district higher than in the national level. Although the political relevance of the posts in the municipal level is not as high as those at the national level, I think that this is a clear indication in favor of a higher district size, in order to increase the representation of women on the national level. The implementation of quotas on the municipal level has been mentioned in some quota law proposals. A gender quota could be easily applied on the multimember districts of the elections for city councilors. Similarly, for the election of mayors, the quota could be applied to correspond with a certain percentage of the total candidatures presented by the party. However, if the development of the proportion of women continues in the same direction as in the past years, it is not the municipal level, but rather the link between the municipal and national level that should give cause for concern. There have been very few cases where women from the municipal level have made their way up to the national level. The only known cases until now have been RN's Lily Perez in 1995 and PPD's Maria Antonieta Saa in 1993. This indicates that the barriers to making a break-through into national politics from the municipal level, at least in the case of women, are very high. This is why a concentrated effort should be made, to facilitate the entrance of women from the municipal to the national level through a development of targeted mechanisms.

The candidate gender quotas would principally be applicable in Chile, but the actual electoral framework does not provide the ideal conditions for the adoption of quotas. As discussed earlier, the quotas have been proved to be working better in multimember PR systems, and under these conditions, the actual Chilean electoral system, which functions according to majoritarian principles, can be said to meet this demand. The open-list system itself does not pose a problem for quotas, but a small district size is the first barrier limiting the chances of female candidates to get elected. In order to be able to apply gender quotas in Chile, a bigger district size is a precondition for an increase of women candidatures. It

cannot be denied that a quota law implied to the actual binominal system would have a certain positive effect. However, the candidate quotas alone cannot guarantee an increase in the representation of women. Other supporting mechanisms should be developed, such as like campaigns for raising gender awareness on different levels, training sessions and extra campaign finance for female candidates. Another option for Chile could be the reservation of a number of seats for women. However, there are a few problems linked with this, such as the stigmatization of those women who entered the Congress with a reserved seat. The elected women could be treated “as legislators of the second class” and not be taken seriously. Undoubtedly this kind of quota would encounter even more resistance than candidate quotas, since the Chilean constitution and citizenship model are based on rather liberal views. As this analysis indicates, the binominal nature of the Chilean proportional system restricts women's chances of becoming elected, due to the small number of available seats in the districts. This aspect appears to be closely connected with the candidate selection procedures of the parties, which are tend to position predominantly men as candidates to the party lists. I will examine this aspect more closely in the following chapter.

### **6.1.2 Reform of the Electoral System**

Beginning from the first democratic government of Frei, all the governments until now have made efforts to modify the electoral system. President Lagos (2000-2006) also used his presidential power in his efforts to push through an extensive electoral reform. Some of the most distinct features of the electoral rules such as the appointment of non-elected senators and the military role in the Constitutional Tribunal were recently abolished, but issues like the district magnitude and affirmative action remain impervious to reform.

The Boeninger Commission was designated by President Bachelet at the beginning of April 2006 to make a new proposal considering the electoral reform as a technical group force. After studying several electoral proposals, the general recommendation of the Commission was in favor of a proportional and plurinominal electoral system with an open party list. The Commission presented four different types of solutions for the proportional system – three for the lower house and one for the Senate.<sup>136</sup> This group ended its work at the

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<sup>136</sup> One of the proposals with the provincial base, two with the districtal base, one with small districts, two with medium size districts according to the number of seats (with 2-8 elected candidates per district). The number of Senators was increased to 50.

beginning of June 2006, when President launched its the proposal in a form of a law initiative to the Senate.<sup>137</sup>

The gender quota recommendation was included in the final proposal of the Commission because the President and her government had in various occasions emphasized the importance of the political representation of women. The Commission deemed it necessary to raise the under-representation of women in the Congress as a problem in the context of electoral reform and proposed that the participation of women should be encouraged through the mechanism of gender quotas. This appears a reasonable decision, since both issues have already existed for years in the reform agenda and because the gender quotas would be more applicable in a reformed electoral system than in the actual one. The experience from other countries shows that the functioning of a quota law is connected to the adequate electoral system.<sup>138</sup> According to the proposal of the Commission, the quota law should have “an obligatory character” and the electoral party lists presented for the Electoral Service should comply with the minimum quota, in order to be presented in the elections. Although they were aware that empirical data from other countries suggested that gender quotas would work better in closed-lists, the Commission decided that a change of the closed list electoral voting would be too radical. The Commission’s report emphasized that the norm should be formulated in a manner that would oblige the parties to present a certain percentage of women candidates on their lists.<sup>139</sup>

A modification of the law related to campaign finance was also recommended. In order to encourage the candidacies of women the Commission proposed that the elected female candidate or her party would receive a financial subvention.<sup>140</sup> This type of financial aid could for example cover the expenses of childcare during the campaign. Of course the childcare subsidy could also be formulated as gender neutral. This type of subsidy could be an incentive, not only for individual women, but also for the parties to seek female candidates.<sup>141</sup> In addition to this regulation sanctions for parties whose female candidates

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<sup>137</sup> Bachelet, Michelle: “Mensaje de S.E. la Presidenta de la Republica con el que inicia un proyecto de reforma constitucional que establece bases para un Nuevo sistema electoral”, 9. de Junio 2006, Mensaje Numero 142-354, Santiago de Chile, Chile, p. 2 , available at: [http://sil.senado.cl/cgi-bin/index\\_eleg.pl?4245-07](http://sil.senado.cl/cgi-bin/index_eleg.pl?4245-07) (rev. 5.12.2006)

<sup>138</sup> Rios Tobar, Marcela; de los Angeles Fernandez, Maria: “La equidad de género en la reforma electoral”, working paper, FLACSO, June 2006, p. 3, available at: [www.flacso.cl/flacso/areas/obcuotas/Anexo.%20Propuesta%20de%20cuotas.pdf](http://www.flacso.cl/flacso/areas/obcuotas/Anexo.%20Propuesta%20de%20cuotas.pdf) (rev. 8.8.2006)

<sup>139</sup> Rios; Fernandez, 2006, p.1

<sup>140</sup> Ministry of Interior of Chile, 2006, p. 10

[http://www.electoral.cl/docs\\_anexos/documento\\_comision\\_boeniger.pdf](http://www.electoral.cl/docs_anexos/documento_comision_boeniger.pdf) (rev. 11.12.2006)

<sup>141</sup> Rios; Fernandez, 2006, p. 6

represent less than 10% of the total candidate number or for parties which present a smaller amount of women than in the past elections could be introduced (for example a reduction of 40-50% of the state subsidies on campaign finance).<sup>142</sup>

However, the proposal of the Boeninger Commission was not approved by the Chamber when the initiative was discussed in August 2006. Maria Angeles de Fernandez, who participated in the work of the Commission, analyzed afterwards that the proposal was dismissed because it proposed an extensive modification of the binominal system into a plurinominal PR system with a new division of electoral districts. Many deputies considered that it would have too direct an effect on their personal electoral interests.<sup>143</sup> Certain pessimism among the *Concertación* in relation to the success of electoral reform after this defeat has been evident. The opposition for its part defends the current binominal system, because of the certain advantages that it receives through it. However, immediately after the rejection of the proposal, *Concertación* invited the right-wing parties into a roundtable to discuss the reform. UDI “watered down” the proposals of the Commission by contradicting the view that other electoral designs could not offer a more proportional and better solution for the Chilean electoral system, and has refused to participate in the negotiations. The other right-wing party, *Renovación Nacional* (RN), has been more compliant and it is cooperating with the *Concertación* in order to discuss the different aspects of the reform.

The 1980 Chilean constitution requires different super-majority thresholds for different kinds of constitutional reforms. The highest threshold requires a 2/3 majority in both chambers and a presidential approval. The super majority threshold required to reform Organic Laws, including the Electoral Law (Law 18,700, *Ley Orgánica Constitucional sobre Votaciones Populares y Escrutinios*), requires a 4/7 vote in both chambers.<sup>144</sup> Thus, to make a constitutional change, 69 votes are needed in the lower chamber and 22 votes are needed in the Senate. Actually *Concertación* has 65 deputies in the lower Chamber and 19 in the Senate. Thus, for a constitutional amendment to be successful all the member of the *Concertación* must support the electoral reform with the help of at least four right-wing deputies. The additional support of two independent senators and one right-wing senator

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<sup>142</sup> Rios; Fernandez, 2006, p. 4

<sup>143</sup> Email from Maria de los Angeles Fernandez on the 31. of August 2006

<sup>144</sup> Navia, Patricio: “The 2-seat Proportional Representation Arrangement as an Insurance Mechanism against Defeats: What Can Risk-Averse Office Holders Do?”, Paper prepared for delivery at the Midwest Political Science Association National Conference, April 15-18, 2004, Chicago, Illinois, p. 23



would bring a victory for *Concertacion* in the Senate. Since March 2006 the possibilities of gaining a majority for an organic law in the Senate have also improved, because the designated members of the Senate of whom the majority were militants of the rightist parties are no longer present.

Neither the politicians, nor the academics are very optimistic about the approval of a more extensive electoral reform. The task of reforming the electoral system is not an easy one because it will have a wide-ranging influence on different social actors. The designers of a new system are always confronted with various institutional dilemmas between theory and praxis. Even if there an ideal electoral system for Chile did exist, the implementation in praxis depends on the political context.<sup>145</sup> Maria de los Angeles Fernandez explains that a more probable outcome of the negotiations will be a modest reform of the proportional formula of the seat distribution, but without changing the binominality into proportionality.<sup>146</sup> However, the final decision of the form and implementation of this remains in the hands of the legislators.

In the Chilean case, the problems with representativity should be resolved – not meaning only the political ideological representativeness, but also the racial, social, regional and gender diversity of the society. Similarly, the equality of the vote between different districts should be secured. The system should be made more open for competition between the parties and the candidates.<sup>147</sup> Secondly, the tendency of the binominal system to form stable political coalitions should be preserved, in order to avoid the fragmentation of political system and to conserve the efficacy of the system. Thirdly, more possibilities for voters to influence electoral process and to bring out their personal preferences should be created.

Now, how should the Chilean electoral system be developed that a major inclusion of women in the political office is possible? From the point of view of participation of women, the most important aspect is of course representation. All the evidence shows that in the Chilean case, the increase of the district magnitude is a necessary condition to encourage and to achieve an increased representation of women in the new system. According to the study of *International IDEA* (2006) with the revision of the actual binominal system, the proportion of women wouldn't be likely to grow very much, because even though the

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<sup>145</sup> Nohlen, Dieter: „Reforma del sistema binominal desde una perspectiva comparada“, *Revista de Ciencia Política*, Vol 26, No. 1, 2006., p. 196

<sup>146</sup> Email from Maria de los Angeles Fernandez on the 31. of August 2006

<sup>147</sup> FLACSO, 2006a, p. 32

proportionalities for gaining seats would be changed, the district size would remain the same. The gender quotas could be most effectively applied in a multimember PR system.

## **6.2 Party System**

### **6.2.1 Parties and Women**

The temporary Chilean politics are still highly centralized and dominated by the political parties. The parties do not only control the elections, but they also compete over political posts within the government, since the government positions are shared according to the representation of parties in the Congress.<sup>148</sup> Traditionally, men have dominated the Chilean party arena. The male circles of power have been built up over the decades and rule the political game and praxis. The party life is widely organized through these male values, sometimes even according to their lifestyles. For a woman to be involved in a political carrier means a “double burden”, because she has several responsibilities as political representative and must at the same time take care of the home and children. Many of the political meetings are held in the evening, which complicates the family responsibilities of female parliamentarians. Especially for the female deputies, who live and work in Santiago, the location of the national Congress in Valparaiso is not ideal, in view of their family duties.<sup>149</sup> Many female representatives have characterized the political practices in addition as aggressive and conflictual and that many male colleagues retain patronizing attitudes towards their female colleagues.

However, the greatest difficulty that the women face inside the parties is the access to the candidacies.<sup>150</sup> The parties have traditionally not been in favor of opening up decision-making positions for women. The number of the female candidates for the Chilean Lower House has varied between 13 – 19 percents and in the Senate between 4,4 - 15,2 percents following the transition, but on average over 90 percents of the candidates have been men. On the local level, slightly more female candidates (16,5-18,8%) have been presented. The table 6.1 demonstrates the portion of female candidates in the elections for the Chamber in 1989 and 2005. The proportion of elected female candidates varies according to the party and the year of election. There are no significant differences between the parties. In the

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<sup>148</sup> Franceschet, 2001, p. 214

<sup>149</sup> Franceschet, 2001, p. 214

<sup>150</sup> Franceschet, Susan: "El fin de machismo en Chile", Nova Scotia, Canada, 2005, available at: [www.escenariosalternativos.org](http://www.escenariosalternativos.org) (rev. 8.6.2006)

early years of the new democratic era, the leftist parties, PPD and PS, already showed a tendency to favor female candidates more than the other Chilean parties. The most conservative parties, UDI and PDC, both gave less than 5 percents of candidacies to women. When observing the representation of female candidates in the legislative elections of 2005, all the parties have made progress in increasing their number of women candidates. The leftist parties both attained over 25 percents and the RN showed a positive rate of 16,6%. However, even though the Chilean leftist parties tend to have more female candidates to run for an office, they do not necessarily have more women elected than other parties. The conservative wing of the *Concertación*, PDC, has also been slowly increasing the number of the female candidates on its lists. However in 2005, only 11,7% percents of it candidates were female. Only the PRSD did not present any woman candidates in 2005. In the senatorial elections even fewer female candidacies have been presented throughout the years. For example in the elections of 2001, only one woman candidate was presented in the senatorial elections by the Independents. In 2005 the rate was slightly higher, nine of fifty-seven (15,8%) of the candidates were women. It is interesting that neither of the left parties PPD and PS have ever presented female candidates in the senatorial elections.

**Table 6.1: Proportion (%) of female candidates for Chamber per party (1989- 2005)**

Political Party	1989	2005	Average (1989-2005) % *
<b>Party for Democracy (PPD)</b>	8,0	26,6	16,6
<b>Socialist Party (PS)</b>	14,0	27,2	14,7
<b>National Renovation Party (RN)</b>	7,2	16,6	11,1
<b>Christian Democracy (PDC)</b>	4,8	11,7	7,2
<b>Independent Democratic Unity (UDI)</b>	4,0	8,0	6,1
<b>Radical Social Democratic Party (PRSD)</b>	6,2	0,0	2,6
<b>Average of all parties</b>	<b>7,3</b>	<b>15,0</b>	<b>9,7</b>

Source: modified from: Ríos Tobar, Marcela: "Cuotas de Género: Democracia y Representación, Internacional" IDEA/FLACSO Chile, Santiago de Chile, 2006, p. 27-28 (rev. 1.10.2006)

\* The average of the female candidates refers on all the election held between 1989 and 2005.

## 6.2.2 Gender Analysis of Political Parties

Highly institutionalized political parties have been shown to be more committed to gender policy as they have more transparent structures and are governed by clearly defined sets of rules, making it easier for their members like women to demand accountability as a group. This fact is also confirmed when comparing Chilean parties. Macaulay (2006) claims that more weakly institutionalized parties in Chile, such as the newest parties like PPD and RN,

are more supportive for women candidacies, than the mass-based parties, which are highly institutionalized and have developed their own subcultures.<sup>151</sup> According to the theory, the leftist parties should also be more open to accept women candidacies, because of their egalitarian ideology. Both the Chilean leftist parties, PS and PPD, have shown eagerness to promote women's rights throughout their existence. In contrast, the right-wing parties have been more abstinent in these issues. In addition to the ideology and the degree of institutionalization, party practices such as internal gender quotas, candidate nomination and the number of women in the party organs, tend to influence the position of the parties towards women's representation. In the following section I shall analyze the variables of each one of the major parties in the Chilean Congress.

#### **a) The Christian Democrat Party (PDC)**

The Christian Democrat Party (PDC) had a majority in the Chilean Congress and controlled the presidency during the period between 1990 and 2000. This party is relatively highly institutionalized and has strong philosophical and political links to Catholic Church, which influences its ideological standpoint in a number of women's issues. PDC ideology is based on Christian principles, which cherish traditional family values, such as the maxim that the women's principle role is as a mother, wife and lady of the house. The PDC's conservatism has produced some internal cleavages inside the *Concertación* in controversial women's issues. During the PDC's presidencies, the relative conservatism of the party was reflected in the position of SERNAM, even though many bills considering women's rights were adapted. However, during the past years, PDC has become less programmatic in its point of view and is nowadays open for a diversity of opinion in these issues. A majority of PDC's deputies supported for example the passing of divorce law in 2004, but the party would not introduce such topics by itself.<sup>152</sup> In the board of directors two out of nine directors are women.

#### **b) Socialist Party (PS)**

The origin of the Socialist Party as a party of long-standing status in the Chilean history has influenced its gender values in a different fashion to that which might be assumed: according the traditional socialist conception, the woman's function was to support the man

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<sup>151</sup> Macaulay, Fiona: "Gender Politics in Brazil and Chile. The Role of Parties in National and Local Policymaking", Palgrave, Basingstoke, 2006.

<sup>152</sup> Blofield, Merike H.; Haas, Liesl: "Defining a Democracy: Reforming the Laws on Women's Rights in Chile 1990-2002", *Latin American Politics and Society*, 47:3, 2005, p. 146

in his working tasks, but not to take the same position in the public sphere as a man.<sup>153</sup> The long existence of the party has led to quite hierarchical and institutionalized party practices. Despite its being constrained both by the dominance of the executive over policymaking and its own secondary position in the governing coalition, the Socialist party together with PPD has succeeded in influencing the policy area of women's rights. After the PS took the presidency in 2000, its influence has been gradually increasing. Even if the Socialist Party has a high proportion of campaigners for women's rights in its rows, the number of female representatives on the executive level of the party is quite small. The proportion of women in the central comity of PS is only 28, 9% and even in the broad of directors only one of the seven posts is occupied by a woman. Since the 1980s PS has a secretary of Vice-Presidency for women. However, the campaigners for women's rights within the party do not consider that the vice-presidency organ is very efficient in promoting women's issues. The organ has been incapable of forcing the party to conform the internal quota law. This is largely due its lack of coherent institutional measures and its inability to change the negative attitudes of the men in the party towards quotas.<sup>154</sup>

### **c) Partido Por La Democracia (PPD)**

The party culture of the PPD is quite different of the PS, regarding their conceptions about the gender values in the party organization. The weaker level of institutionalization of PPD has to do with the different origins of the parties. PPD was created as a political party combating against the military dictatorship in 1987 and their principle aim was to negotiate an equal democratization for all. In accordance with this, it has also a more liberal view of the women as political subjects.<sup>155</sup> PPD declares that it will specially combat for all rights of women in the Chilean society and it has been acting and expressing positively on behalf of several women's issues like abortion, divorce, discrimination and gender quotas. A secretary of women, which has been actively contributing to measures enforcing positive discrimination inside the party, is perceived by the militants as a forum for the discussion of mutually important subjects. PPD has a proportion of 31,4% of women in the general

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<sup>153</sup> Zavala San Martin, Ximena: "Participation et representation politique des femmes: un défi au quotidien", in Marques-Pereira, B., Stoffel, S. (ed.): "La représentation politique des femmes au Chili", Chaciers du GELA-IS, No. 5, l'Harmattan, Paris, 2005, p. 69

<sup>154</sup> Zavala San Martin, 2005, p. 64

<sup>155</sup> Zavala San Martin, p. 69

consul of the party, and on the board of directors three positions of seven are held by women.<sup>156</sup>

#### **d) Independent Democratic Union (UDI)**

The right-wing party UDI can be characterized as hierarchical, centralized and homogenous in its leadership style. It applies patriarchal principles to its concept of the functions of women, even though the party emphasizes that it recognizes the importance of women in the society. UDI's conception of the family as the primary unit of the society and the view that the women's place is rather in the private sphere, shapes the position of UDI in the women's issues in general. The party is leaning on a patriarchal gender ideology, which does not welcome the entrance of women in the political sphere. In the law proposals considering women's rights, UDI has been using its veto power whenever possible, such as against bills ruling on domestic violence, parental recognition of children and sexual assault.<sup>157</sup> Previously UDI did have a Women's Committee, but since it did not receive the approval of the party's General Council, it does not exist any longer and UDI has developed other strategies for the women's political participation. It is highly interesting that despite UDI's conservative values, almost 60% of the members are female, but in the national council of the party, women represent only 15, 4% of the members. Even though UDI seems to have a great number of women politicians on the local level, the tendency shows that women tend to also stay there, because of the lack of backing of the party.<sup>158</sup>

#### **e) National Renewal (RN)**

The RN was founded in 1987 as a right-wing coalition partner for post-transitional successor of Pinochet's party, UDI. Despite of the past linkage to the military regime, the party has approved to be a pro-democratic, modern conservative party, which is more open for cooperation with *Concertación*. The place and functions of women in the party are rather patriarchally defined and the party states in its party program that women are "bearers of life, the heart of the family and transmitters of moral and traditional values [...]" and advocates equal rights in all fields, where women work alongside men, so long as these activities are compatible with a woman's functions as mother and educator of the

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<sup>156</sup>La Morada: "Mujer Sujeto – Mujeres Sujetadas. Informe sobre la situación de los derechos humanos de las Mujeres en Chile. Derechos civiles y políticos.", La Morada, Santiago de Chile, 2004.  
[http://www.humanas.cl/documentos/mujeres\\_sujeto.pdf](http://www.humanas.cl/documentos/mujeres_sujeto.pdf) (Rev. 26.1.2007)

<sup>157</sup>Nunez Villaroel, Sonia: „La représentation politique des femmes au Chili”, in: Marques-Pereira, Bérengère; Nolasco, Patricio: "La representation politique des femmes en Amérique latine, Cahiers de GELA-IS, L'Harmattan, Paris, 2000, p. 132

<sup>158</sup>Macaulay, 2006, p.124

children.”<sup>159</sup> However, RN has more heterogeneous moral values than UDI and actually a new generation of deputies in RN, like Lily Pérez, Arturo Longton and Carmen Ibáñez and Osvaldo Palma, have been working in some gender issues with *Concertación*.<sup>160</sup> RN also has a spokeswoman for women’s and family issues, but the party has no party quotas. In the board of directors one of the six leaders is a woman. The party defines the establishment of women agencies inside the party as discrimination and segregation and emphasizes the equality between men and women. The RN criticizes the proposal for the introduction of gender quotas by arguing that quotas are an artificial mechanism and represent a barrier to the free will of the voters.<sup>161</sup>

### 6.2.3 Party Quotas

Internal gender quotas are applied to political positions inside the parties and to the selection procedure for candidates. In Chile the internal gender quotas are used voluntarily by PPD, PS and PDC, which are the parties with the highest numbers of women in their internal party organs. This practice was initially introduced by the female militants in the 1980s in the Chilean leftist parties. The voluntary adoption of quotas by the parties reflects the acceptance of the under-representation of women as a problem and their willingness to resolve it. The quota proposal was first discussed in PPD in 1988. Even though the initiative was not received favorably by the several male companions in the party, a 20% quota regulation was adopted. The quota was recently raised into a form of a 40/60 gender-neutral quota regulation for the candidate selection and for the internal organs of the party. For the first time in the congressional elections of 2001, PPD used gender party quotas also for representative posts, and not only for candidates.<sup>162</sup> Regrettably, the quota aim was not fulfilled, either in relation to the proportion of female candidates, nor for that of elected females. The other leftist party, the PS introduced a 20% candidate quota in the early nineties, which was raised into 30% for the 1997 elections. This then changed into a 40/60% quota for both sexes, which was implemented for the first time in the elections of 1999. For the internal organs of the party, a provision exists that says that the composition of organs should not exceed a 70% representation of either men or women.<sup>163</sup> In 2005 the

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<sup>159</sup> Declaration of Principles of the Renovacion Nacional, Article 7, available at: <http://www.rn.cl/ideas/principios.htm> (rev. 2.1.2007)

<sup>160</sup> Macaulay, 2006, p. 144

<sup>161</sup> Nunez Villaroel, p. 130

<sup>162</sup> Country Information about quotas: Chile, available at. [www.quotaproject.org](http://www.quotaproject.org) (rev. 21.1.2007)

<sup>163</sup> Partido Socialista (Chile): “Estatuto del Partido Socialista”, Parágrafo 40, texto refundido, Santiago, Noviembre 2003, p. 29; and [www.quotaproject.org](http://www.quotaproject.org) (rev. 21.1.2007)

PS was the party presenting the most women candidates (27,3%). In the more conservative PCD, the quota proposal confronted much more resistance than in the other parties of *Concertación*. The proposal for internal party quotas was discussed for the first time in 1988-89, as “a contagion effect” from the leftist parties, but at this point the party leadership was not enthusiastic about the idea of quotas. It was only in 1996, when the proposal of 20/80% gender-neutral quota was approved, due to the effective lobby from the part of the campaigners for women’s rights within the party and the support of the party president, Alejandro Foxley.<sup>164</sup> Despite the adopted internal party quota, over the years only about 10% of candidates presented by this party have been women. A group of women inside the party have been actively imposing the national level quota issue, but they have been confronting a lot of resistance from the side of their male and female colleagues. Surprisingly, despite its relatively conservative position towards women rights, the PDC is the party with the highest number of women militants.

**Table 6.2: Party Quotas**

Political Party	Year of Adaption	Actual Quota (%)	Type of Quota	Female candidates (2005) of the total of candidates	Difference of application of the quota (elections 2005)*
<b>Party for Democracy (PPD)</b>	1988	40/60	gender-neutral	26,7	13,3
<b>Socialist Party (PS)</b>	Early 1990s	40/60	gender-neutral	27,3	12,7
<b>Christian Democracy (PDC)</b>	1996	20/80	gender-neutral	11,7	8,3

Source: adapted from country information about quotas in Chile from [www.quotaproject.org](http://www.quotaproject.org) (rev. 24.1.2007)

\*The difference of quota application is calculated between the actual party quota and the percentage of female candidates in the elections of year 2005 for Chamber. The difference is showing, how many percentage points the parties are from their quota aim.

Some evidence exists to show that internal party quotas in the parties of *Concertación* are having some effect on the formal representation of women. Nonetheless, all the parties which have adopted quotas are still far behind their actual quota aims. Even though PPD and PS both attained nearly 30% in the last elections of 2005, they are still behind actual quota aims. PPD is 13, 3% behind its 40% quota aim and the PS is 12, 7% behind. The quota objective of PDC (20%-quota) is lower than that of the *Concertación*, but this is also weakly enforced by the party. The interviews made by Franceschet (2005) in Chile affirm that the Chilean female parliamentarians are of the opinion that the internal party quotas

<sup>164</sup> Franceschet, 2001, p. 220



have not changed the nomination practices. Ex-deputy Fanny Pollarolo (PS) suggests that the gender quotas have also generated dissatisfaction among the women parliamentarians. Pilar Amranet (PPD) has a different opinion about the quotas in Chile; she thinks that the women have gradually understood the positive meaning of quotas for women. RN's Lily Perez states that the right-wing parties are wholly against the gender quotas. Because of these ideological differences between the parties on women issues Franceschet notes that a cross-partisan network on quota issue is very unlikely in the Chilean case.<sup>165</sup>

#### **6.2.4 Candidate Selection**

Candidate selection is one of the most important procedures for the electoral success of the parties. The candidates who are nominated to run for office represent the party for the electorate and the electoral success of the party depends greatly on them. The Chilean Constitution states that all citizens who have reached the age of eighteen and have not been condemned to a prison sentence, have the right to vote and to run for an office in popular elections. The Chilean Electoral Law does not specify how the parties or the constituency associations (*auspicales*), which support the candidates competing independently outside the parties, should select their candidates for the election.<sup>166</sup> Most of the party statutes of Chilean parties state that the elected candidates must fulfill the official constitutional requirements and they must be affiliated to the party. PDC has an inclusive limitation in that it also makes a certain number of years of affiliation to the party as a condition for the candidacy.<sup>167</sup> Alone the fact that the parties are free to carry out the nomination process as they prefer dramatically influences the nature of the candidate selection in the parties.

When planning an initial party list of candidates for each district, the parties are free to position the candidates according to their preferences. A general rule is that the candidates, who have the best possibilities to assure the maximum amount of votes and to win a seat for the party, are the most probable to get represent the party. Thus, an ideal candidate is a person with a strong electoral support, being able to compete against the candidate of the opposition. A strong candidate also guarantees that the interests of the party are taken into consideration in the electoral negotiations inside the coalition. A second factor influencing the nomination is the former experience of the candidate in the political sphere. If the

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<sup>165</sup> Franceschet, 2005, p. 99

<sup>166</sup> Political Constitution of Chile (1980), Article 13 and The Organic Law over the Political Parties (Law Nr. 18.603) available at: <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwechl.htm#Electoral%20law> (rev. 25.1.2007)

<sup>167</sup> Freidenberg, Flavia: „Selección de candidatos y democracia interna en los partidos de América Latina“, Biblioteca de la Reforma, Numero 1, International IDEA, Lima, 2003, p. 20

candidate has been for example elected once before, the probability of renomination is a lot higher. In the case that the candidate is a relative of a famous politician, his or her chances to get nominated correspondingly rise. Between 1993 and 2005, the rate of renomination for Chilean deputies was 77,7 percents. Out of the renominated candidates even eight out of ten were elected.<sup>168</sup> In the Senate (2001-2005) there were eleven senators (28,9%), which have been elected in 1989. More than the half of the senators (22 senators (57,9%)) had been in the Senate only for one period. Even these rates appear to be quite high, compared to the other democracies with similar Senate structure, the renovation rate of the senators is quite low in Chile.<sup>169</sup> The third characteristic of the Chilean nomination process is the formation of matching candidates for the party lists. Normally a matching pair is preferred between the candidates of a sub-pact aiming to form a “harmonized couple”. As the most ideal composition of a party list is held, a weak candidate against a strong candidate, or two equally strong candidates. In order to guarantee the victory, the parties are seeking to position their candidates into a list with a “weak” co-competitor. Another option is that the two strong candidates in the party list double the votes and gain the both seats in the district.<sup>170</sup>

The Chilean parties are traditionally been relatively highly centralized. They have different kind of practices of candidate selection depending of their level of centralization, hierarchy and practices of intern democracy adopted during the years. In some parties the recruitment process are more participative, decentralized and democratic than in the others. PDC and PS are using the so called “primaries” to select their candidates. The word *primary* refers to the pre-election process of candidate for the general elections. PS is using the so called “closed primaries”, which are limited for the participation of members, and PDC uses the “open primaries”, in which all the registered voters may participate. The primaries for the Congress are organized on the districtual level, allowing each district to recommend candidates for the party list. This practice has made the internal party practices of these parties more open and democratic. Anyhow, the influence of the primaries shouldn't be overestimated, because at last hand it is the party leaders, who decide the candidates to run in the primaries. Secondly, the real effect of the candidate nomination made in the primaries, does not necessarily come reflect the composition of the party lists, because the

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<sup>168</sup> Auth, 2006a, p. 17

<sup>169</sup> Auth, 2006a, p. 19

<sup>170</sup> Siavelis, Peter: “La lógica oculta de la selección de candidatos en las elecciones parlamentarias Chilenas”. *Estudios Públicos*, N° 98. Otoño 2005a, p. 209

negotiations inside the coalitions are diminishing the relevance of the primaries and obligating the parties to make compromises in order to preserve the harmony inside the coalition.<sup>171</sup> In the rest of the Chilean parties, which are more centralized of their structure, the party leaders nominate the candidates, which are the most probable to have the highest electoral success. However, the central leadership has to consider the different interests inside the party, such as the representation of women, and the recommendations of the regional commissions.<sup>172</sup>

The candidacies are constantly under hard negotiations also between the parties. The binominal electoral system entails that the party lists put together inside the party, will be renegotiated inside the coalition. The candidate slots are divided between different party interests inside the coalition. Each one of the parties is free to position the candidate according to their preference to the gained place in on the list. Nevertheless, the final aim for each party should be to maximize the votes of the coalition. There is an unwritten law between the parties that a party, which has won a post in a district, gets a candidacy in the same district in the next elections.<sup>173</sup> The speculations about the candidates of the competing coalition and about the possible electoral outcome in the district have a significant influence on the formation of the coalition list. The coalitions are speculating and even in some cases spying, which kind of candidate the competing coalition is posing to the district.

The case of *Concertación*, as a pact of four parties, is more complicated than the one of *Alianza* with only two parties, since there are only two places in the coalition list in each district available. In *Concertación* each one of the parties is preparing a list of the candidates. When distributing the candidacies inside the coalition, the most significant factor influencing is the support of the party in the Congress. Further factors are the relation of the candidate opportunities between the parties in the past elections and the strength of their candidates. Generally, the strongest party in the coalition, the Christian Democrats (PDC), dominate about the half of the candidacies (60), the other rest is battled between the three smaller parties. Anyhow, the results of the candidacy distribution are varying

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<sup>171</sup> Siavelis, 2005a, p. 201

<sup>172</sup> Siavelis, 2005a, p. 203

<sup>173</sup> Auth, Pepe: "Estudio sobre Elecciones parlamentarias 2005", Informe No. 1, Agosto de 2005, Colección de Ideas, No. 57, Septiembre 2005, p. 19

according to the year and elections.<sup>174</sup> The situation of the smaller parties in the coalition, obligates them to present smaller party lists and to calculate the districts, where they have real possibilities to win a seat. The leftist parties, PPD and PS, form a sub-pact together aiming to sum up the left influence and to be better positioned in the coalition negotiations. Inside *Alianza* any internal negotiations aren't necessary between the parties, because each one of the parties gets to pose one in each district. Only in cases, if *Concertación* is threatening to win the both seats, RN and UDI are negotiation with each other.

### **6.2.5 Women in the Selection Process**

In Chile, women are confronting huge barriers when trying to access candidate positions in the political parties. They need to make more efforts than their male colleagues to convince the directorship of the party to nominate them. The fact that the parties are obligated to search for the ideal candidates, because of the restricted number of candidacies, is making the competition very hard for the women. Often in the selection process the 'male characteristics' are more desired and become a criteria of selecting candidates. This is for example the situation in the three smaller parties (PS, PPD, PRSD) of the *Concertación*. Due to the high competition among these parties about the candidate positions, these parties are obligated to search the strongest candidates, who are able to beat the candidates of the others. Even more important is that women are not selected to any candidate position, but to eligible positions, into a district where they have good possibilities to get elected. The survey conducted by Cabezas y Navia (2005) considering the candidature of women concludes that the major barriers for women lies in the fact that the parties are strategically nominating women candidates to districts, where they don't have any possibilities to get elected; or in the districts, where they have the best possibilities to succeed. Deputy Adriana Munoz (PS) affirms that the possibilities of women to get selected as candidates depend widely if the political direction of the party wants a female candidate to win. Often this means that the party has to override the interests of the powerful male candidates in the district.<sup>175</sup> However, as the data shows, if women get the chance to be positioned as candidates, they have the same opportunities to get elected as their male companions. This argument shows that it is precisely the internal practices of the parties, more closely the selection process of the candidates that are blocking the increase of the political representation of women in Chile. The influence of the binominal system on the candidate

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<sup>174</sup> Auth, 2005, p. 15

<sup>175</sup> Fraceschet, 2001, p. 216

nomination cannot be underestimated either: the real number of female candidates in the initially planned party list, when the parties are joining the negotiation table of the coalition does not correspond the number of females when on their lists when finishing the negotiations.

Another factor explaining the difficulties of women to gain a candidacy is the common practice among the Chilean parties, to renominate persons, who were holding an office in the last period. However, this fact cannot directly been seen as gender-specific, since the re-election rate is the same for men as it is for women. But it is blocking the number of the parties to pose new candidates for elections, among which the possibility of female candidates could be higher, due to the slow generational and cultural change of the political elites.

A further issue blocking the women's success as candidates is the campaign finance. Till 2003 there wasn't any law controlling the electoral campaign finance in Chile. The situation has improved since the Law about Campaign Finance (Law No. 19.884) was established in year 2004 and is now reducing the influence of the money on the electoral rallies. This law guarantees a financial subsidiary for every candidate and regulates the maximum amounts of the spent money for the campaigns. Anyhow, this new law allows the financial donations from the private sector firms, which is reducing the effect of the law by encouraging the firms to search for an influence.<sup>176</sup> Until today there hasn't been paid special attention considering the gender aspect of the campaign finance. Women are in a weaker position than men in campaigning, because they do not have the same kind of connection to the economical elites, which are helping the candidates in the campaign finance, than the men do. Because the public financing of the campaign is relatively weak even after the new law, women have only a few possibilities to run powerful electoral campaigns without the necessary resources.

In Chile the party's ideology, the level of institutionalization and centralization are reflecting their positions towards women's political representation. The main reasons that parties are excluding women form candidatures are that the women are considered as less "assured" candidates than men, the high re-election rates are blocking new women

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<sup>176</sup> Navia, Patricio: "Principios rectores para una reforma electoral", En Foco: Política y Sociedad, Vol. 68, Junio 2006, Fundación Expansiva, p. 9 available at: [http://www.expansiva.org/en\\_foco/?categoria=PYS](http://www.expansiva.org/en_foco/?categoria=PYS) (accessed 8.12.2006), p. 15

candidacies and that the system tends to generate more competence inside the party lists than between them.

The degree of legitimacy and application of the quotas as a mechanism for the increase of the female candidacies inside the parties is varying considerably within the parties. The three parties of *Concertación* have internal party quotas, but they are unfortunately only weakly enforced. Considering the gender quotas, there is a need for a change of the political will, in order to include more women as candidates. If all the parties would adapt internal party quotas, even within the binominal system, and actually stick to them, the positive outcomes in the women's representation would be probably assured.

The influence of the binominal system on the candidate selection cannot be contradicted: the two candidate scheme is restricting remarkably the changes of women to get nominated for the coalition's list. In addition, the parties in Chile should move into the direction of more inclusive candidate selection mechanisms such as the primaries or a proportional electoral system. There should also be organized incentives for the further inclusion of women into the different levels of the party structure and gender education for the party leadership, in order to achieve a better gender consciousness. The assignation of a portion of campaign finance according to the number of female candidates in the party would be a good idea as well. In this way a number of new faces as candidates could be introduced and the social decline of the elites could be broken in this way. This could bring also new ideas and make the parties more representative by improving the party's general image.<sup>177</sup> An electoral reform would not only modify the electoral framework, but would resolve the problems in the candidate selection attached to the binominal character of the electoral system and probably transform the process of the candidate selection as well.

## 7. Socio-Cultural Context

Chile's political and economical development after its transition to democracy has been steady and Chile is currently regarded as one of the most stable countries in Latin America, with one of the best socio-economic performances. On average the GDP has been growing at annual rate of 6,3% after the transition and the real wages have been growing steadily. As the result of the economic success due to the neoliberal economic model and

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<sup>177</sup> Haza, Reuven Y: Chapter 5: "Candidate Selection", in: LeDuc, Lawrence; Niemi, Richard G.; Norris, Pippa (ed.): "Comparing Democracies 2. New Challenges in the Study of Elections and Voting", Sage Publications, London, 2002, p. 118

government efforts, the general standard of living has been raised and the poverty has been reduced from 38.6% in 1990 to less than 18,2% in 2005. However, marginalized social groups such as old people, indigenous, disabled and women continue to be excluded from the advantages of this development process.

According to the theory the higher the women's socio-economic status in the country is, the higher are their changes to influence the process of political decision-making. When considering the gender specific socio-economical data, education and working opportunities of women are the most important variables for the improvement of the equal status of women. The most radical changes in Chile have happened in family relations and in the sphere of women's professional activities outside the domicile.

In the Chilean family model particular developments have been affecting the social situation of women in general. For example, between 1992 and 2002 the marriage rate has been dramatically decreasing from 52% to 46 %.<sup>178</sup> This drop could be even bigger after the legalization of divorce in 2004. This is a sign of increasing individualist values and other optional family forms like singles and cohabitation. However, a man at the head of the family is still the prevailing norm and practice in the majority of Chilean families. In 2002 in the 89% of the two-parent families, the man was announced to be in charge of the family.<sup>179</sup> This reflects the prevailing conception of the head of the household in the Chilean society according to the male bread-winner model. However, in 2002 85% of single-parent families in Chile were managed by women. In contrast, 68% of the persons living alone were men.<sup>180</sup> This brings out the typical tendency of Chilean women to take the responsibility of the family and children in the case of separation. Single mothers are usually responsible for working and maintaining their children alone, although their legal status has improved since the law of the maintenance of minor aged children is effective. The average family size has been also decreasing during the years: the fertility rate of women 15-49 years old is relatively low in Chile, and on average each woman gives birth to two children.

The education expansion during the past decades has especially benefited women, who during the 1990s have reached equal or even superior levels of education as men depending

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<sup>178</sup> SERNAM/INE: "Mujeres Chilenas. Tendencias en la última década (Censos 1992-2002)", SERNAM/INE, Santiago de Chile, 2004, p. 61

<sup>179</sup> SERNAM/INE, 2004, p. 20

<sup>180</sup> SERNAM/INE, 2004, p. 20

on the age group. In 1992 43 percent of the population over 19 had over eight years of education, whereas in 2002 the same figure was only 67 percent.<sup>181</sup> In 1990 only 11,7% of women completed the secondary school (*enseñanza media*) and 3,3% a higher level of education, whereas in 2002 the same figure stood at 13,2% for secondary school and 7,3% for higher level education.<sup>182</sup> Unfortunately the higher education among women has been insufficient to equalize gender relations in the economical and political spheres of power in the Chilean society. Even though the women are better qualified, they cannot compete with the labor opportunities for men. Surprisingly, despite the high socio-economical development of the recent decade, the proportion of Chilean women who are participating in the working life is quite low compared to other Latin American countries. Whilst in Chile 44% of the women contribute to the labor force, the same figure for example for Colombia lie at 56% and in Peru at 55%.<sup>183</sup> Today Chilean women represent only 37,7% of the *total* labor force, whilst the participation rate for men is 71,3%. In 1990 women represented only 31,7% of the total labor force which shows that during the past 15 years women have in all regions of Chile constantly improved their labor participation.<sup>184</sup> Secondly, the wage level of the Chilean women is lower than that of the men. Women receive on average 79,2% of the salary for the same job when done by a man. This rate has been significantly improving during the past ten years, because for example in year 1995 women received only 62,4% compared to men's wages. In addition to these facts, in 2006 the rate of unemployment for women lay at 9,5%, over two percentage points higher than that of men (7,1%).<sup>185</sup> The explanation for the women's weaker situation in relation to the wage and the unemployment rate can found in the segregation of working spheres in the horizontal level according to different labor sectors, which are divided into more male-dominated (private sector, industry) and more female-dominated sectors (health and education sectors, seasonal jobs). The vertical segregation divides the work according to hierarchical positions, where men tend to achieve higher positions than women.

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<sup>181</sup> SERNAM/INE, 2004, p. 84

<sup>182</sup> Calculated based on the data of Chilean Education on the web-pages of SERNAM "Base Mujer : Cobertura y matrícula según nivel educacional", available at: <http://www.sernam.gov.cl/basemujer/> (rev. 6.2.2007)

<sup>183</sup> World Bank: The Summary of the book "Challenges and Opportunities for Gender in Latin America and Caribbean", available at: <http://wbln0018.worldbank.org/LAC/LAC.nsf/ECADocByUnid/98CC1A5B56B2733985256CDF006DF094?Opendocument> (rev. 8.2.2007)

<sup>184</sup> SERNAM: „Base Mujer: Tasa de participación en la actividad económica de la población de 15 años y más (Nivel Nacional)", available at: <http://www.sernam.gov.cl/basemujer/> (rev. 6.2.2007)

<sup>185</sup> SERNAM: „Base Mujer: Tasa de Desempleo (Nivel Nacional)", the internet data base of SERNAM, available at: <http://www.sernam.gov.cl/basemujer/> (rev. 6.2.2007)



These socio-economical facts reveal that even though Chilean women have made some significant advances, their access to the public sphere and the occupational and political opportunities remains restricted. The main obstacle to the professional activity of women is the traditional social division of work according to the patriarchal gender ideology. The image of a woman as a mother and as a lady of the house appears to be transforming more slowly in conservative Chile than in the other countries of the region. Franceschet affirms that the Chilean neoliberal model tends to reinforce the prevailing social dichotomy, the division of labor in formal and informal sphere and the exclusion of women from the political sphere.<sup>186</sup> A relatively high level of women, 62,8%, cite domestic work as their principal activity (2005) and this figure increases in proportion to the age.<sup>187</sup> This demonstrates that Chilean society is not taking full benefit of its human resources in productive activities. Another reason for a relative weak participation of women in the work force, in addition to the gender ideology, could be the lack of incentives on the part of the employers and the state. However, the fact that Chilean women are slowly increasing their participation in the professional life improves their chances of entering into the political sphere as well. It can be assumed that the low rate of women's participation in the economic life and relatively dominant gender roles have been blocking the possibilities of women to enter into the political sphere in bigger numbers. The distinction between public and private has acted as a powerful factor in the exclusion of women from the decision making processes. The majority of Chileans perceive the formal political sphere as political and the informal arena, where the most women are active, is assumed as "non-political". Based on the Chilean case the hypothesis could be formulated that the level of women's labor participation affects women's political participation and consequently also the possibility of quota adoption.

The Latin American countries inherited a Roman law system from their colonizers that was based on the model of paternal order (*pater familias*). This characteristic of the Roman law regime has broadly influenced the cultural nature of Latin American societies. A formal equality between men and women has been included in the past 30 years in almost every Constitution in Latin America, but the rights of women are formulated in different ways and to different extents. The Chilean Constitution of 1980 recognizes the formal equality

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<sup>186</sup> Franceschet, 2001, p.224

<sup>187</sup> Calculated based on the data on the web-pages of SERNAM "Base Mujer : Trabajo no remunerado: Distribución por sexo del trabajo total", available at: <http://www.sernam.gov.cl/basemujer/> (rev. 6.2.2007)

between all individuals. In 1999 articles number 1 and 19 were modified with the objective of reinforcing the equality between men and women. The word “men” was substituted with the word “persons” and to the article 19.2 there was added the clause “*Men and women are equal in front of the law*”<sup>188</sup>, was added, thus constitutionally confirming the equality of sexes.

Formally the Constitution can be defined as a classical liberal model of citizenship, because it guarantees all general civil and political rights, but ignores other rights such as economical, social and cultural rights. The Constitution fundamentally emphasizes individual rights including the theme of equality, but only in a general sense. This type of model considers that all citizens should be treated equally in every sense of the word. The second paragraph of Article 19 specifies that “*in Chile there are not any privileged persons or groups [...] there are no slaves and the one who enters its territory is free, there is neither law nor an authority that can establish arbitrarily the differences [...]*”<sup>189</sup>. This article guarantees the equality of all persons in front of the law and condemns all type of arbitrary discrimination. But the arbitrary discrimination can be interpreted to be justified, if there are good reasons for this. This interpretation, of which the *Concertación* government has been taking advantage during the years in power, creates a possibility to perform positive discrimination in the form of an affirmative action. Briefly, the Chilean Constitution does not recognize the affirmative action as a mechanism to compensate disadvantaged groups, but due to different interpretation possibilities of the law, the positive discrimination of disadvantaged groups is possible. In this sense the Chilean Constitution does not prohibit the adoption of a quota law. Considering women’s political representation directly, the Chilean Electoral Law states that, based on the principle of merit, women have the same chance as men of becoming political representatives. In other words, this type of liberal model of citizenship basically denies that gender patterns might have a different kind of influence on the political representation and in this way rejects the adoption of any types of quotas.

In countries like Chile, where the liberal individualism is the dominant ideology in the society, the gender quotas usually confront a great resistance, even when suggested as legally-binding requirements or as voluntary party commitments. However, political parties sometimes develop their own sub-models of citizenship within their party ideologies. The

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<sup>188</sup> Constitución Política de la República de Chile (1980), Art. 19.2, available at the web-site of the Library of the National Congress: <http://www.bcn.cl/leyes/pdf/actualizado/242302.pdf> (rev. 7.2.2007)

<sup>189</sup> Constitución Política de la República de Chile (1980), Art. 19.2

Chilean leftist parties clearly favor a more equal type of citizenship idea than the prevailing constitutional citizenship model, whereas the rightist parties prefer to advocate the liberal model. These different types of sub-models of citizenship explain why some political parties are in favor and others against quota adoption. Other country examples with a similar citizenship model show that in many cases softer measures of affirmative action, such as training programs for female aspirants, awareness-raising among the electorate and lobby campaigns to convince the political leadership, are preferred.<sup>190</sup> Despite the citizenship model, the general effectiveness of the legal system might also affect the adoptability of a quota law. Paulina Veloso characterizes Chile as a legalist country, meaning that the national legislation is strictly obeyed and that both individuals and institutions are subordinated under the law.<sup>191</sup> One of the consequences of this feature is that whenever there any kind of provision is passed as a law in Chile, the law is effective and it must be complied with. In relation to the approval of a quota law in Chile, this would mean that the quota law would also be immediately effective and strictly implemented.

## 11. Role of the Executive

Besides the variables researched until now, other related political factors might influence the gender quota adoption process as well. One of these is the position of the Executive towards quotas. Examples from other Latin American countries like Argentina and Peru show that the significance of political leadership might be essential for the break-through of a quota law. Although in these countries the Presidents, Menem and Fujimori, tended to use the quota provision as a strategy to win legitimacy and to improve their public image, the gender quotas brought positive results in increasing the levels of women's representation. In Chile the number of women in high ranking positions has been slowly increasing throughout the years, but a women as the highest executive person of the country was unforeseen. The report of *Fundación Chile 21* reveals that 89% of Chileans interviewed in December 2003 indicated that they would vote for a female candidate in the presidential elections, if they agreed with her ideas and campaign program.<sup>192</sup> Proof of this was the

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<sup>190</sup> Gallican, Yvonne; Tremblay, Manon: "Sharing Power. Women, Parliament, Democracy", Ashgate, Burlington, 2005, p. 236-7

<sup>191</sup> Veloso, Paulina: "Etude sur la faisabilité d'une loi de quotas dans l'ordre juridique chilien", in Marques-Pereira, B., Stoffel, S. (ed.): "La représentation politique des femmes au Chili", Chaniers du GELA-IS, No. 5, l'Harmattan, Paris, 2005, p. 76

<sup>192</sup> *Fundación Chile 21*: „Mujer y Política“, Opinion Publica No. 12, Fundacion Chile 21, Santiago, Dicimembre 2003, p. 2

election of Michelle Bachelet as the first female President of Chile in January 2006. She won the second round of the presidential elections in January 2006 with 53% of the votes against the RN's candidate, Sebastian Piñera. Bachelet contradicts the general characteristics of a typical Latin American president by being a woman, socialist and divorced. Right from the beginning of her presidential campaign, social equality and gender issues played a central role in her agenda. Straight after her inauguration, Bachelet appointed a paritary cabinet of ministers with 10 male and 10 female ministers. This was the first clear demonstration of her commitment to gender equality.

The selection of Michelle Bachelet as the main presidential candidate of *Concertación* can be explained through various developments. The government of Ricardo Lagos had already made efforts in order to improve women's participation, but the corruption scandals of his government had contributed to reducing the public support of *Concertación*. As a woman Bachelet symbolized a "softer option", due to the public perception of women as less corrupt and more honest than men. Despite this, Bachelet was among the most popular politicians and enjoyed wide support in the Chilean society. By selecting her as a presidential candidate *Concertación* was hoping to benefit from these kinds of considerations and to make an important change to its politics.<sup>193</sup>

During her first year in power Michele Bachelet has created another kind of way of conducting politics by being gentle but firm in her decisions. The public appreciates her loyalty, credibility, her natural way of being and her proximity to the public. She has shown that a woman is able to govern the country and in this way she combats the traditional gender stereotypes and contributes to the cultural changes in Chilean society. According to a survey conducted by *MORI* in June 2006, 21% of the interviewees saw that Chileans had elected a female president above all "in order to make change". The second most frequent answer (17%) was "because women can do things better". Many women identify themselves with Bachelet in her role of a divorced, single parent and as a victim of the military terror.

In the presidential campaign of Bachelet the quota law initiative was mentioned in the electoral reform as one of the priorities for the presidency. In the Presidential Message on

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<sup>193</sup> Franceschet, Susan: "El triunfo de Bachelet y el ascenso político de las mujeres", Nueva Sociedad, No. 202, Mayo/Abril 2006b, Friedrich-Eberhart Stiftung, Santiago, p. 7

the 21st of May 2006, Bachelet underlined the importance of gender issues within the government program. She emphasized that the main goals of her government are to improve the rights of women and to eliminate all discrimination against women through measures such as the abolition of segregation in working life. Amongst other goals she also emphasized the promotion of equality between the sexes, the reduction of violence against women, the abolishment of sexual segregation in the social security and pension system, the improvement of the law on sexual assault and a guarantee that pregnant women would be able to continue their studies. Bachelet also emphasized the importance of modifying the electoral law and underlined that women are a disadvantaged group and are under-represented in the political system, especially in the Chilean Congress. However, she did not directly refer to gender quotas as a measure to deal with this problem, but recommended that action in order to increase the women's political representation be taken. On the 9th of June 2006 president Bachelet sent a law initiative to the Congress in relation to the reform of the electoral system in Chile with a special focus on women's representation. The necessity of a mechanism that would contribute to women's political participation was emphasized again, but it was left open for the parliament to decide which type of measure would be the most appropriate one. This tactic of choosing not to specify the method used can be seen as a means to allow for the prevailing attitudes towards quotas among the political actors and for the formulation of the law initiative in a more moderate way in order for a consensus about the issue to be more easily reached.

In the first place it is the polarized political atmosphere that is complicating the progress of a quota law in Chile. Bachelet is obviously confronting obstacles when trying to put her political agenda into action. Up until now promises about a quota law have remained mainly on the rhetorical level. Even though Bachelet explicitly emphasized her support for gender quotas in her presidential campaign agenda, in her role as the highest Executive she has to take into consideration the interests and opinions of other political actors and try to maintain a political balance. At least in this area Bachelet has left the quota law project in the background, but she might raise it higher on the political agenda when a convenient opportunity arises. An example of this kind of controversial issue is the divorce law, which was debated for years before it was finally pushed through by President Lagos as one of the promises of his presidential campaign in the last third of his presidency in 2004. In general Bachelet has been enjoying relatively high public approval during the first year of her

presidency. According to the opinion polls of *ADIMARK* at the beginning of the presidency in April 2006 Bachelet achieved her highest rate of approval with 62% and in January 2007 the figure stood at 47,2%.<sup>194</sup>

Bachelet has maintained the general political alignments of *Concertación* in the areas of economic and social politics. For this reason there are no radical changes to expect in relation to the modification of the neoliberal economic model, which is one reason for huge socio-economical inequalities in the society and which also contributes to the inferiority of women in the segregated labor life. It is therefore unrealistic to expect that Bachelet's Presidency would automatically change the situation of Chilean women, although she is definitely contributing to a cultural change in the political sphere, at least on a symbolic level.<sup>195</sup> The new political constellation with a female President and her “pro-gender governmental agenda” has shifted the government’s focus to a more gender friendly direction and the political leadership of Bachelet is bringing positive political changes to the attitudes towards women's rights. Nonetheless, although the significance of Executive in supporting these issues is decisive, the interest of other “critical actors” and the public support decides the final outcomes.<sup>196</sup>

## **12. Discourse Analysis – Chile**

### **12.1 Chilean Gender Quota Debate**

The media can be seen as a forum for political opinions and a debate ground between the different actors involved. The way the political issue is presented in the media has considerable influence on the public opinion regarding the issue. Therefore the media also plays a significant role in the political debate about gender quotas. The period in which there was the most public interest in gender quotas was during April and May 2006, when the presidential agenda was put together and the planning of the proposal on electoral reform was on course. The president's introduction of a bill for electoral reform gained huge public attention. The issue of women’s political representation, which was also handled in the proposal, was also discussed in the debates, but received lower media presence than the electoral reform itself. After the proposal of the Boenigner Commission

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<sup>194</sup> ADIMARK: “Evaluación de Gestión de Gobierno, enero 2007”, ADIMARK, Santiago de Chile, January 2007, available at: <http://www.adimark.cl/noticias/eggenero2007.act> (rev. 10.2.2007)

<sup>195</sup> Franceschet, 2006b, p. 17

<sup>196</sup> Franceschet, Susan: „Continuity or Change? The Significance of Chile’s first female President”, paper prepared for a presentation at the Latin American Studies Association Meeting, San Juan, Puerto Rico, 15-18 March 2006a, p. 3

rejected in the Chilean Congress in August 2006, *Concertación* called all the parties into a round-table to discuss the electoral reform. Another theme also being hotly disputed at the same time was the legalization of the “morning after pill” for all women over 14-years-old without the consent of their parents. This initiative introduced a major conflict between the government and the conservative sector of the country including the rightist parties and the Catholic Church. Although the theme was not directly to the quota debate, the presence of such a morally loaded theme such as this “watered down” the importance of gender quotas in the political discourse by this time.

As sources for the discourse analysis I evaluated 57 newspaper articles considering gender quotas from the Chilean newspapers, mainly from *El Mercurio*, *La Nacion*, *La Tercera* and *La Mostrador* in the period between January 2006 and January 2007. The majority of the information collected from the newspaper’s internet versions was qualified as news about the national politics, but amongst them were also some editorial notes and letters from the readers. I also analyzed some official documents such as the documents of the Boeninger Commission, the law proposals previously made on gender quotas and official speeches of some of the actors involved. I have also been actively following the development of the electoral reform from the point of view of different actors. Although it is not possible to claim that I have found all articles that relate to gender quotas in the period of time mentioned, I think my sources are sufficient to allow me to form a general picture of the situation surrounding the quota debate in Chile. I read the articles through to begin with and then built analytical categories according to their discursal contents, which I classified according to the various actors in the debate. I then concentrated on interpreting the meaning of the discourses of the different actors and their relation to each other.

When making a discourse analysis, which is based mainly on newspaper articles, I had to take into consideration the capacity of the written media to manipulate the discourses into a certain direction. In this sense the discourse analysis cannot be assumed to fully reflect the reality. For example, even though Chile’s most important newspaper *El Mercurio* has been publishing articles both for and against gender quotas, it is known for its rather more conservative position. Newspapers like *La Tercera* and *La Nación* are more laic and pluralist in relation to gender issues in general and tend to publish more gender related information than other Chilean newspapers. The study made by FLACSO in September 2006 about the media coverage of the electoral reform reveals that not all the political actors involved in the debate received an equal amount of space in the newspapers. The

opinions of the right wing parties, especially of RN, were presented in the columns more frequently than of the others.<sup>197</sup> This can be explained through the fact that the Chilean media is concentrated in the hands of the conservative political elites which helps them to portray the debate in the media in a manner which benefits them. The official statements and speeches as sources on their side are more reliable in expressing the real position of the actor.

### **12.1.1 Framing of Quotas**

In political debates, where the framing of the phenomena occurs, the competing actors offer their definitions and views about the issue at hand. In the Chilean quota debate the way in which the category of gender is framed depends to a great extent on the actor who defines the concept. The actors with more gender awareness have a clearer understanding that the term gender corresponds to a social construct and the social categorization related to this, whereas the “less experienced” actor’s discourse reveals that they see gender more or less as a synonym for women. The definition of the central concepts in the debate influences further the actor’s opinion and arguments about the political representation about gender quotas in Chile until now has mainly concentrated on normative debates about whether the political women’s under-representation should be seen as a political problem and whether gender quotas are an adequate mechanism to resolve the issue. The fact that women are under-represented in the Chilean Congress is recognized by all parties, but there are varying opinions about the importance of the problem. The defenders of the quotas see the under-representation of women as a political problem, because they define gender as one of the main characteristics of political representation. The opponents agree with the fact that there are fewer women in the formal political level than men, but do not see it as a problem. According to their view the people should be represented in relation to ideas rather than social characteristics. Therefore, the under-representation of women is not portrayed by them as a political problem.

The definition of gender quotas appears to be unanimous, at least among those actors who have publicly defined the meaning of gender quotas. The most common framing of gender quotas emphasizes the value of gender quotas as a means of increasing the political representation of women in the form of candidate quotas, more specifically on the national political level. The supporters of gender quotas define gender quotas more often than their

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<sup>197</sup> FLACSO Chile: “Cobertura mediática del debate sobre reforma electoral”, Bóletin No. 2 del Programa de Estudios de Gobernabilidad, FLACSO, Santiago de Chile, Septiembre 2006, p. 5



opponents. Among the deputies of *Concertación* the definition of gender quotas similarly concentrates on the candidate quotas in the electoral party lists. As a quota percentage 40/60% has been suggested, which some have defined as gender-neutral, whilst others see the quotas as exclusively focused on women. Some of the deputies of the rightist parties who oppose the introduction of quotas have offered a more critical definition of quotas as “a mechanism of a forced equality”. Until now there has been no general discussion about the specific form of the gender quotas, on which levels they would be applied, the quota percentage and whether the quotas would be applied only to women or in a gender-neutral form. Apparently the quota debate has not developed this far yet, because the focus of the discussions has mainly been on the normative level.

### **12.1.2 Normative Debate**

In the Chilean debate the initial impulse to the discussion came from the side of the actors wishing to introduce gender quotas. The political discourse coming from side of the actors opposing gender quotas can be seen as a response to this. The defenders of quotas also seem to have analyzed the causes for the political under-representation of women more thoroughly than their opponents. Among the barriers which are the most often mentioned to the representation of women are the social, economical and cultural structures of the Chilean society. Some of these features are specified as a part of the binominal electoral system, the candidate selection process of the parties and the high costs of the electoral campaigns. The main arguments presented most often in favor of quotas in the Chilean debate are the normative arguments of the inequality and injustice represented in the discrimination against women in the political sphere. The defenders claim that quotas will ensure that both women and men will be able to contribute to political decision-making by forcing the political parties to take the capacities of women into consideration. Further arguments that are often mentioned are the symbolic value of quotas in enhancing democracy and the legitimacy of a higher number of women on the political level. Arguments for the benefits offered by quotas are based on the positive experiences of quotas from other countries, as well as on the international treaties recommending mechanisms of affirmative action on behalf of women. Another aspect that is often emphasized is that only women can represent women, and that many important laws on women’s rights would not have been passed without sufficient numbers of women advocating their rights on the political level. Briefly, the defenders of quotas try to

emphasize the positive effects of gender quotas and are convinced that with more women in politics, the gender relations in the political sphere will also change.

For their part, opponents of quotas see the fact that women are not interested in politics as a main cause for the weak representation of women. They claim that women prioritize other issues in their lives and in addition to this, have no time for politics. One deputy of UDI argued that the reason for under-representation of women was not the lack of opportunities, but the lack of social networks on the part of the State that could connect women to the political sphere. The strongest argument of the opposition against quotas is definitely the merit argument, referring to the undemocratic nature of quotas. Opponents believe that the selection of political representatives should instead be based on the individual's skills. They emphasize further, that the women's traditional role as a mother and a wife is very important and that women are not ready to compete for candidacies, because this is too big a personal sacrifice for them. Opponents claim in addition to this that quotas could even increase discrimination against women because they classify them as "representatives of a second class", leading to the danger of them not being taken seriously by their colleagues. A further negative feature of the quotas, according to their argument is the fact that they pose "a floor and also a ceiling" for the representation of women and argue that if the representation of women were to rise higher than the quota-percentage, the quotas would block any natural development. UDI's political leader Joaquin Lavín criticizes the provisional nature of gender quotas by claiming that they do not resolve the real reason for social discrimination. Another deputy has suggested that gender quotas could even generate a cultural conflict between men and women. The opposition emphasizes that there are currently other more important women's issues to be resolved in Chile than the gender quotas. Further they appeal on basis of the unconstitutional nature of quotas.

### **12.1.3 Actors in the Quota Debate**

In the Chilean quota debate it is possible to identify two categories of key actors who have been participating in the gender discourse in the media by dividing them into state and civil society actors. The main state actors visible in the quota debate have been the Executive with the backing of the government and the National Women's Agency SERNAM in particular. Other important state actors are the main political coalitions, *Concertación* and *Alianza*. On the part of the civil society the most active sectors are various NGOs and academic research institutes, which often have strong connections to the political parties.

Within these actor groups some “critical actors” can be identified, whose interests are more important in the quota debate than of the others, due to their ability to bring in resources that give them leverage in the process of building alliances and influencing the final policy outcomes.<sup>198</sup> Especially inside the political parties some groupings of deputies or campaigners for women's rights have engaged with the issue. Individuals have also been actively contributing to the quota debate in some cases. The academic research institute *FLACSO* has provided new insights into the debate and has gained remarkable media presence. The international actors have been largely absent on the national level debates, although the experiences from other countries and international treaties on women's rights are certain to have had a positive influence on the debate.

The strategy of forming alliances between different agencies and movements for women's rights is essential for pushing through the quota demands. An organized action of female party members together with women's movements can have significant influence on the law formulation process and pressure the parties to put the law into effect.<sup>199</sup> However, the cooperation between campaigners for women's rights between the parties has complicated the polarized political constellation and divisions along party lines about the gender issues in Chile. The government has consciously made efforts to strengthen a unitary position within the governing parties and to make alliances with the organizations of the civil society in order to gain wider public support for the theme. The opposition has been less active in the search for alliance relations with one another. Although this should not come as a surprise, it is worth pointing out that the main actors taking part in the political debates about gender quotas in Chile tend to be women. Among the rightist parties it also tends to be female actors who are involved in the debate or who have expressed the party's position concerning the issue. Perhaps the use of female actors by the rightist parties was a conscious decision because negative expressions on gender issues on the part of male members of the rightist parties could make a bad impression with the public. Even within *Concertación* there are only a few male deputies who have actually publicly expressed themselves considering the quota issue. For the first time in history in May 2006 a group of

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<sup>198</sup> Macaulay, 2005, p. 5

<sup>199</sup> García, Quesada, Ana Isabel: “Conditions determining the level of representation of women: The experience of quota system in Latin America”, paper prepared for the Expert Group Meeting on Equal participation on women and men in decision-making processes, with particular emphasis on political participation and leadership, 24-27 October 2005, EGM/EPWD/2005/EP.2 (12 December 2005), United Nations, p. 8

male deputies of *Concertación* formed a group in favor of women's inclusion in all social spheres and to support the President in realizing her gender agenda.

#### **a) The Executive**

In her Presidential Message on the 21<sup>st</sup> of May 2006 President Bachelet promised to remove all those barriers which have represented an obstacle to women's access to the public sphere throughout Chilean history. Bachelet has consciously used her identity as a woman as a springboard to promote the issues of women and she appears to be very convinced about the positive effect that women's participation in politics would have. However, even though Bachelet explicitly emphasized this issue in her presidential campaign, during the first year of her presidency she has been more careful about directly propose quotas as a means for achieving more equality. This demonstrates the way in which Bachelet has tended to leave the details in different political issues for the government to and the neutrality that this demands. Her strategy has been to emphasize her position as a leader of the state rather than a leader of the government. Although she has not hesitated to use her position of power, this neutrality appears to be an intelligent solution and it is due to this that the opposition has not been able to attack her directly regarding the more controversial issues.

The government has correspondingly taken gender equality as one of the main principles when forming state institutions and redefining the public conception about the issue. They have been displaying some indications during the past months that their first priority is to discuss the electoral reform and that only after this do they have plans to consider possibilities for the inclusion of a quota law. The critics of the introduction of gender quotas have forced the government to come up with alternative mechanisms for increasing the political representation of women such as the promulgation of the protocols from the side of the political parties in which they pledge to include more women in the candidate lists.<sup>200</sup>

The state body for women's issues, National Service for Women (SERNAM), is responsible for promoting gender equity in Chile. Since its creation in 1991, SERNAM has introduced legislation initiatives and policy programs in issues related to domestic violence, women's rights within the family and the increase of women's participation in different social spheres. During the first years following the transition when the Christian Democrats

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<sup>200</sup> Estrada, Daniela: “Avances hacia la paridad política de género”, article published on the 17. July 2006 in Diario Digital RD, IPS (Santiago), [www.diariodigitalRD.com](http://www.diariodigitalRD.com) (rev. 10.9.2006)

were in power, SERNAM tended to follow a more conservative position in the controversial women's such as the adoption of quotas, divorce and abortion. SERNAM's study about the women's political participation in 1999 attacked for the first time the theme of positive discrimination. During the government of Lagos (2000-2006) SERNAM put gender quotas onto the political agenda as a necessary solution for the inclusion of women in the decision-making bodies. However SERNAM's possibilities of acting were also limited at this point, because it had to obey the preferences of the governing parties in relation to women's issues. During the government of Bachelet SERNAM has made the quota issue one of the highest priorities on the agenda and the head of SERNAM Laura Albornoz confirmed that she received a mandate from the President to push forward with the quota theme. During 2006 SERNAM has been significantly contributing to the quota debate inside the government and cooperating with different actors from the civil society. In this way it has clearly tried to adapt a role of an intermediary between the different actors involved. At the moment it is aiming to pre-negotiate the issue with the different parties involved in order to ascertain the standpoints and interests of the actors in the issue, and to this end has been preparing the actors to be willing to discuss the issue at a round table later on. In addition to the political parties, SERNAM has also been participating in the events organized by different NGOs and other academic institutions.

### **b) Political Parties**

The opinion poll made by *Corporación Humanas* in June 2006 in the Chamber of Representatives (111 of 120 deputies participated) reveals that the majority (50,8%) of the deputies agreed on the necessity of a law correcting the political under-representation of women whilst 40,8% were against such a law.<sup>201</sup> The main political party blocks have very divergent opinions and interests in the debate and the normative arguments that they bring forward for or against quotas tend to correspond to their political ideologies and their principles of political representation. Most of the deputies of the *Concertación* parties were in favor of such a mechanism, whereas most deputies of the right wing parties were against this. However, the greatest disparity is revealed when considering the attitude toward the introduction of such a law: 66,7% of the female deputies were for the proposal whilst most of the men (55,9%) were against it. When asked how they would vote in the law project for

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<sup>201</sup> Corporación Humanas: "Encuesta en la Cámara de Diputados. Opiniones en torno a mecanismos de corrección del déficit de representación femenina en cargos de elección popular", Representación de Power Point, Corporación Humanas, Santiago de Chile, Junio 2006a, available at: [www.humanas.cl](http://www.humanas.cl) (rev. 10.12.2006)

the women's political participation, 36,9% answered that they would vote against it whilst 35,1% said that they would vote in favor. 22,5% were unsure and 5,4% preferred not to answer the question. Again, the majority of the deputies in the *Concertación* parties answered that they would vote in favor, and the majority in *Alianza* answered that they would vote against. The great majority (77, 6%) of the deputies interviewed agreed that a quota law should be introduced as an integral part of the electoral reform.<sup>202</sup>

### **Concertación**

During the years of consolidation *Concertación* has created a new policy-dialogue-model for Chile, which includes elements such as consensus-finding, round-tables and balanced institutions. These have made the political system stronger and more visible to the public. *Concertación* has consciously adapted this kind of political strategy and course of action, which is in generally a more tolerant approach towards different views and interests, especially in the case of women's issues.<sup>203</sup> Past experiences with gender issues in Chile have shown that it has often been easier for *Concertación* to gain support for women's or family issues than for progressive feminist proposals in the conservative political climate. Therefore *Concertación* has used this strategy to re-formulate its proposals in a more modest direction on more controversial issues, in order to reach a consensus in the issue. Also in relation to gender quotas *Concertación* has also been trying to raise public support for the quota campaign through increased public presence and the government has even proposed the organization of a plebiscite to test the level of public support for the electoral reform. The aim of this kind of strategies is to increase the participation of the public in the political issues and so increase the pressure on the opposition.

The leaders among the *Concertación* parties have officially described themselves as supporting the government in its efforts to resolve the problem of women's political representation. There also seems to be a general uniformity in the opinion about the necessity to reform the electoral system before introducing the gender quotas. However, it seems that opinions about quotas are strongly affected by deputies' individual attitudes towards these. It is principally PPD and PS, who have the highest party quotas, who have

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<sup>202</sup> Corporación Humanas, 2006a

<sup>203</sup> Chávez; Fernandez, Chávez, Albarrán, Miguel; Fernandez, Darraz, Enrique: "Ist eine vierte Regierungsperiode der Concertación möglich?", Ein Vorbericht zu den Präsidentschaftswahlen in Chile im Dezember 2005, Ibero-Analysen, Heft 16, November 2005, p. 10

been expressing themselves positively on this issue.<sup>204</sup> In the beginning of February 2007, the PRSD, the smallest *Concertación* party, also confirmed its official support for the quota project and expressed its hope that the issue would be debated more intensively during the second year of Bachelet's presidency.

A small group of deputies inside the *Concertación* who are linked by the theme of gender quotas are regarded as having made a great impact on the issue of gender quotas. They have made great efforts inside the coalition in order to find a unitary position towards these and use this unitary position to give them more strength in the negotiations. Among the *Concertación* the most visible deputies in the quota debates who have "gone public" have been Maria Antoineta Saa (PPD), Adriana D'Albora Munoz (PPD), Carolina Toha (PPD), Flavio Rossi (PPD), Ximena Vidal (PPD), Clemira Pacheco (PS) and Isabelle Allende (PS). This core group has a wide background in promoting women's issues and the most of these deputies have been sponsoring the gender quota law proposals. They have been emphasizing the importance of classifying the quota law as urgent and of appealing to parties to define their standpoint on this issue.

### **Alianza**

Generally both rightist parties, RN & UDI, are reluctant to prioritize gender issues in their agendas and tend to exclude the controversial issues such as gender quotas or reproductive rights. Their strategy is to avoid the politicizing of the issue of political participation of women, and to introduce instead gender issues family related topics. However, it is significant that both RN and UDI have declared the necessity of a further inclusion of women into the political sphere. RN has declared that it does not fully reject the idea of gender quotas, but it rejects laws that define the women's participation in public positions, because these kinds of laws do not improve the composition of the parliament and serve only to fulfill the public post. UDI for its part has officially declared itself as against the introduction of any type of quotas, because they do not correspond with their political ideology. The most active actor in the quota debates from the part of the right wing parties has been the deputy María Angélica Cristi (UDI). UDI's leader Joaquin Lavín has also officially taken a personal position on the issue and other deputies from UDI have also commented on the issue. From the rows of RN, the deputy Lily Pérez has been the most vocal in expressing the party line on the issue.

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<sup>204</sup> SERNAM: "Percepción de los líderes políticos y sociales sobre la ley de cuotas: Contenidos y Factibilidad", Documento de Trabajo No. 79, SERNAM, Santiago de Chile, octubre 2002, p. 42

By introducing criticisms of the quotas *Alianza* as the political opposition is demonstrating its rejection to quotas and thus trying to undermine the efforts of the government to introduce this issue in the political agenda for further negotiations. *Alianza* is also trying to emphasize its role as another type of political leadership by appealing to the more conservative values of the Chilean population. The deepest fear of *Alianza* is the reform of the actual binominal system in a more proportional direction, because as the second strongest coalition it benefits the most from the actual binominal system. The *Alianza* has always emphasized that there are more important political problems to resolve than the problems related to the political elites of the country, referring to the fact that the electoral reform and quotas would in primarily benefit the political elites and thus accusing *Concertación* of only being interested in issues related to political power. The RN has been more open to discussion of these themes in a round table with the government than UDI. It has also stated that the binominal system could be “perfectionalized” through additional modifications, in order to include the hitherto excluded social sectors.

### **c) The Civil Society**

Since the end of the 1990's there has been an increasing emergence of academic institutions specialized in gender studies in Chile. They have contributed positively on numerous women's issues and opened new channels for feminists. The principal role of the academic institutions and NGOs is to support the quota debate by providing information about women's representation in general and the affirmative action as a mechanism for establishing this. They have also been actively participating in the quota debate in the public media. Depending on the public recognition of these institutions, their capacity to affect the public opinion differs. However, not all academic institutions are in favor of gender quotas. The institutions often have close connections to political parties, which may support and finance their work. From the side of the *Concertación* especially *FLACSO Chile* and *Corporación Humanas* have actively conducted researches on this field in order to provide the government with academic data. The *Alianza* has close connections with and the backing of institutions such as *Fundación Chile Unido*, *Centro de Políticas Públicas* and *Fundación Jaime Guzman*.

Since the return to democracy the Chilean women's movement has been largely absent from politics. However, during the past few years there new dynamics within the women networks have been emerging and the women's movement appears to have taken more professionalized forms as academic institutions and professionalized NGO's on women's



issues. The Chilean feminist movement actively promoted the electoral campaign of Bachelet and has been encouraging the government to take action in favor of a quota law. When considering the women's organizations involved in the process, the NGO's like *Instituto de la Mujer, La Morada, Centro de la Mujer (CEM)* and the network of women's organizations called *Grupo Iniciativa* have been supporting the introduction of quotas. These institutions have strong connections to SERNAM and have been contributing the process through discussions with SERNAM. Unfortunately until now the women's movements are lacking the contacts and access to the media to make their interests more visible. The "grassroot" level women's organizations have been largely absent in the debate. These types of community organizations tend to prioritize other type of women's issue like the violence against women and the participation of women in working life.

Only a few opinions related to quotas coming directly from the civil society could be found in the newspapers. The public has not been responding to this theme very actively. This could be interpreted as a consequence, either of the fact that the public does not have enough information about what gender quotas are and how they work, or of a general public disinterest in the theme or a lack of awareness of its political importance. However, the study of *MORI* (2006) reveals that in the metropolitan region of Santiago, 75% of the people interviewed approved the concept of gender equality and 65% supported gender quotas.<sup>205</sup> These figures reveal that the majority of the Chilean people are in favor of affirmative action on behalf of women in the form of a quota law. However, there is clearly a necessity to make this theme more visible to a larger public and thus to contribute to the possible introduction of the quota law.

#### **12.1.4 Electoral Reform Debate**

Electoral reform has been on the agenda of *Concertación* since their early years in power. But it is only now, with the presidency of Bachelet and the majority that her party holds for the first time in history in both chambers of Congress that the possibilities to success are so favorable. The outcome of the electoral reform debate in Chile is of great importance for the success of the bill for gender quotas. On the one hand, if the bill for electoral reform is successful, its close relation to this other highly important political theme may have a positive effect on debates concerning this matter. On the other hand, the quota theme is in

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<sup>205</sup> Arias, Patricia: "Reunion de Especialistas: La perspectiva de género en los indicadores del milenio", presented at the "Panel Autonomía de las mujeres, participación política y paridad." of ECLAC, 12-13. June 2006, SERNAM, Santiago de Chile, p. 28

danger of being downplayed if presented in the frames of a theme of such great political significance as the electoral reform. On the discursive level and in relation to the actual political context, the condition for the adoption of the gender quotas depends on the outcome of the political negotiations over the electoral reform. Concerning the electoral reform, the government first needs to find a consensus with the opposition. The government sees the best method for introducing quotas as pushing them through together with the law for the reform of the electoral system. The first reason for this is that gender quotas can be better applied in a modified electoral system. A second reason is that this type of pact will be of great political importance. If the quotas are negotiated separately the process will take even more time to negotiate and the chances of its being approved are poorer than when it is regarded as one part of the electoral reform bill. But only if the negotiations about the electoral reform have a positive outcome, will it be possible to begin discussions regarding the quota law. Even if some kind of modification of the actual electoral system were possible under these circumstances, the *Concertación* would still have to leave the inclusion of the quota law until a later point of time. The demand to include a quota law might be too much for the opposition, and in the fear that the Right could abandon the negotiations the government might have to accept a more modest electoral reform proposal without a quota law. The quota issue has been losing its political relevance with the rejection of the electoral reform initiative since the end of August 2006.

Since September 2006 *Concertación* has opened a round table for discussions about the issue. RN and even the Communist Party (PC), which has been excluded from the electoral system since the transition, are participating in the negotiations. The RN has even introduced its own proposal for the electoral reform during the first negotiations for the reform. The discussions were started without UDI, which has constantly rejected any type of electoral reform. At the moment the most probable outcome of the negotiations and the option over which all the parties seem to agree, is to “perfectionize” the actual binominal system and to include the hitherto excluded societal sectors into the electoral system. There have been no indications as to whether the inclusion of the excluded societal sectors also applies to women. Each party has their own conception about this. However, other parties consider it likely that at some point UDI will have to compromise on its stance and approve the electoral reform negotiated. Towards the end of year 2006 the negotiations were interrupted, but the political leaders have expressed their willingness to continue the negotiations again in March 2007.

In summary, it can be noticed that there is clearly a coordinated strategy from the side of the government to combine the interests of the different political key actors and their actions in order to reach the best possible outcome in the quota issue. The quota law has strong backing from the President, SERNAM and from the *Concertación*. In addition, the government has developed a strategic partnership especially with *FLACSO*, which has been providing data on the quota and electoral reform issues. In this light the likelihood of a quota proposal being accepted does not seem to be bad at all. However, the changes of a quota law or some other kind of affirmative action on behalf of women according to the actual political context depend to a great extent on the development and outcome of the negotiations about the electoral reform. The government appears to be very convinced of including some type of quota law into the electoral reform, but the reform will not be possible without some kind of compromise with the opposition. Even though a compromise over the quota issue wouldn't be achieved during the Presidency of Bachelet, the mere fact that the political debate over the issue has been started is significant. There is a need for a strengthened common position in the quota law issue inside the *Concertación* parties. The main difficulty appears to be raising the public awareness for this issue. There is an obvious need for a broader societal debate around this on the issue of gender equality in the political sphere order to create a wider public awareness about women's political representation and to mobilize the population to adopt a viewpoint on the issue.

### **13. Conclusion**

This dissertation has focused on exploring the possibilities for introducing a quota law in Chile. The amount of women in the political sphere has been slowly increasing after the transition, but the low participation rate demonstrates that some structural barriers are blocking the natural growth of women's representation. In this sense the Chilean women continue to be excluded from full citizenship rights. Affirmative action in the form of gender quotas presents a viable solution for a more equal political participation between women and men in the short term. The adoption of quotas depends on a combination of factors such as the formulation of the quotas themselves, the institutional framework and the outcome of political debates about the issue. However, the procedure of adoption is always country-specific and this is why the enabling variables such as electoral system, political parties and the socio-cultural factors must be examined in relation to the political context.

The main difficulties for Chilean women when trying to enter into the formal political sphere lie in the binominal electoral system, candidate selection procedures of the parties, the liberal citizenship model and their low participation in labor life. An examination of the institutional framework shows that the most important quota variable which overwhelmingly affects the other dimensions is the Chilean binominal electoral system. The most restricting variable affecting the introduction of gender quotas is the small district size. Due to the small number of candidate positions available, the parties tend to position strong candidates on the electoral lists, who are considered to be the most likely to secure a seat for the party. The male candidates tend to correspond better to the ideal candidate image of the male-biased parties and this hinders the likelihood that women will get into eligible positions. The Chilean open-list system does not pose a problem itself, since there is no evidence that an open-list arrangement would necessarily be harmful for female candidates.

In principle, the candidate gender quotas should be applicable in Chile, but the actual electoral framework does not provide ideal conditions for the adoption of quotas. Under the actual binominal electoral system, the only possibility would be to introduce gender quotas on the national level determining the total number of female candidates that the parties have to nominate for elections. Although it cannot be denied that the introduction of a quota law to the actual binominal system would have a certain positive effect, this solution would not resolve the restricted number of candidacies per district. For Chile a more proportional

electoral system with a higher district magnitude would afford better conditions for the application.

The attitudes and actions of political parties towards women's representation significantly affect how the issue is perceived in the society and which kinds of measures are considered as appropriate. This Chilean case study confirms that the Chilean left parties with more egalitarian political ideologies are more open to gender quotas than the right-wing parties with ideologies tending to liberalism. In addition to this, the left parties, which are more committed in relation to gender issues, also show a higher degree of institutionalization with clearer power structures and party rules than the *Alianza* parties. The degree of centralization varies according to the party and the candidate selection practices, but in general the party elites are dominating the important decisions e.g. by defining the position of the party towards quotas.

For their part, the socio-cultural factors do not have a direct influence on the applicability of quotas. Rather, they should be considered as pre-conditions influencing the quota adoption. The low rate of women's participation in the economic life and relatively dominant gender roles have been blocking the possibilities of women to enter into the political sphere in larger numbers in Chile. The resistance to quotas is often interpreted as a result of a prevailing ideology of liberalism, which can be found in the Chilean Constitution and political development of the past few decades. A significant additional factor affecting the issue of quota adoption is the inauguration of President Bachelet, who has shifted the political agenda into a more gender friendly direction. She has been actively promoting the equality of representation in the political sphere and expressing her support for affirmative action on behalf of women.

The preceding debate in the country also affects the conditions for the adoption of quotas – in some countries the outcomes are very different than in others. The analysis of the Chilean quota debate reveals that on the discursive level in the actual political context the conditions for the adoption of gender quotas depend on the outcome of the political negotiations of the electoral reform, which is currently under discussion. However, the outcome of the negotiations still appears quite unclear at this point. Until now the political debate has been mainly focusing on the normative debate about quotas as a mechanism for affirmative action. The normative debate between the defenders and the opponents of quotas has been very similar to the experiences of other countries. The defenders of quotas

try to emphasize the positive effects of gender quotas and are convinced that with more women in politics, the gender relations in the political sphere will also change. The opponents have concentrated on emphasizing the undemocratic nature of quotas by arguing that the distribution of political posts should be based on merit rather than social characteristics of the candidate. The government sees the best means of pushing the quota measures through as including them within the reform of the electoral system. The first reason for this is that gender quotas can be better applied in a modified electoral system. The second reason is that this type of pact will be of great political importance. There is clearly a coordinated strategy from the side of the government to combine the forces of different political key actors and their actions in order to reach the best possible outcome in the quota issue. By introducing negative arguments against quotas *Alianza* the political opposition is demonstrating its rejection of the adoption of quotas and is thus clearly trying to downplay the efforts of the government to introduce this issue in the political agenda for further negotiations.

The explanation of policy changes in gender-related issues such as quotas depends precisely on the political occasions that make the change possible by allowing the critical actors in favor of quotas to push their interest through. However, the results depend on the current political climate and the actors' positions towards quotas at the moment of negotiations. The reform of the Chilean electoral system is a necessary condition for the quota adoption. However, even though the majority of the parties have agreed to negotiate the reform, the ideas of the different parties on how the electoral system should be modified, are widely differing from each other. Although the government is clear that it wishes to include a quota law as part of the electoral reform, they might have to leave it until another political occasion. In this case the adoption of quotas might take even longer. For this reason *Concertación* should make efforts to adopt a common position on the issue and aim to formulate the conditions for electoral reform and quota law in a less radical fashion so that all the parties taking part in the discussions feel that their interests are being considered. The *Concertación* needs the support from the right-wing deputies for this type of constitutional modification and for this reason has to make compromises in the negotiations even though the outcome may not correspond to its initial vision. After the form of the electoral reform has been established, the possibilities of including a quota law or other mechanism for affirmative action can be discussed. However, the adoption of a quota law requires that the binominal character referring to the district magnitude is

changed by adopting a higher number of available seats per district. Further restrictions are posed by the political ideology and the positioning of party elites from mainly right-wing parties towards gender quotas.

Even if gender quotas were adopted in Chile, they are not in themselves sufficient to increase the women's political participation possibilities and neither is there a guarantee that women's substantive representation would increase. It is mainly the changes in political practices of the parties that are essential for a deeper change of political gender patterns. This is a question of a willingness to improve women's participation in the politics. In order for political parties to work for the advancement of gender-related causes they must encourage women's participation in their political life and they should endeavor to change their internal practices so as to account for women's particular needs. This could be performed for example in the form of incentives for the inclusion of women into different levels of the party structure and gender education of the party leadership, in order to achieve a better gender consciousness. The assignment of the campaign finance according to the number of female candidates on the party list would be a good idea as well.

The government's other proposal of a common protocol that would compel the parties to promote women's candidacies is also worth considering, if clear rules and sanctions for the non-compliance were included. If all the parties were to adapt internal party quotas, even within the binominal system, and actually stick to them, the positive outcomes in the women's representation would probably be assured. Another type of solution could be to apply gender quotas on the composition of different assemblies on different political levels. Further, since there is a relatively high level of women representation in the local level in Chile, a mechanism that would facilitate women to access from the local to national level decision-making forums could bring some positive results as well.

The problem with the framing of the research question was the fact that the quota law, which is planned to be implemented as a part of the electoral reform, is part of an on-going central debate in the actual Chilean politics. In this sense my study aims to predict possible developments and to examine the conditions that would enable such a change leading to the adoption of gender quotas. At this point it is not clear whether the electoral reform will be enacted and how far-reaching a form it will have, or whether it will be implemented with or

without a quota clause. For this reason it was not possible to carry out a full-scale discourse analysis about the issue, because the debate had mainly remained on the normative level and the certain actor positions were not yet clearly defined. Despite this fact the analysis has made it clear on which possible conditions the outcome of the negotiations depends. In contrast to this, the enabling conditions within the Chilean institutional framework were relatively easily tested. The result that the binominal character of the electoral system restricts the quota implementation is not a surprising finding, since the aspect of representativity is not one of the strongest features of the system and there are also other problems linked with this aspect. Although the importance of the electoral system for quotas was clear for me right from the beginning, I was still surprised by the finding, which showed that it has such an overwhelming influence on the other variables involved and is basically the most important quota variable in the Chilean case study. Further study of the political parties revealed the importance of the general positioning of the parties towards gender issues plays a central role in the promotion of women candidacies. The data for the research was easier to find and there was also more material directly from Chilean sources available than I had initially assumed on the basis of the novelty of gender quotas as a political issue.

I think in general my research project is quite systematically developed following the logic of the two analytical levels posed in the beginning of the research. The theoretical introduction highlights the reasons for the women's under-representation in the political sphere from the point of the view of the feminist theory and explains the essentials for affirmative action in form of gender quotas. In the empirical part the institutional variables in relation to gender quota adoption are thoroughly examined. Following on from this, the discursive part complements the analysis by studying the frames of the actual quota debate. I think the results of my research project affirm the impediment of low district magnitude for women's political opportunities and the necessity to reform the Chilean electoral system in order to include a gender quota law. The Chilean quota conditions have never been analysed on the discursive level. These types of attempts are necessary in explaining specific quota outcomes, because the decision as to whether quotas are adopted or not does not merely depend on the institutional settings, but equally on the framing and actor positions of the quota debate.



It can be concluded that the mere fact that the quota issue has been prioritized in the political agenda can be seen as an important advance in the adoption process. It is likely that the political right will continue to oppose controversial issues, such as some of the women's rights and the modification of the electoral system until the right manages to find new political spaces and until the Chilean Right is reformed with new political forces. In addition to the political will, there is a need for a wider public support and further discussion about the issue. Most importantly, women's movements should dedicate themselves more visibly to support the introduction of quotas, in order to awake a general public's interest for the issue.

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