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Gender and the Politics of Rights and Democracy in Latin America

Edited by

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Engendering the Right to Participate in Decision-making: Electoral Quotas and Women's Leadership in Latin America

Mala N. Htun and Mark P. Jones

Since elite women mobilised around suffrage rights in the nineteenth century, gaining access to decision-making power has been a central objective of women's movements in Latin America. Today these demands appear to have been realised. Between 1991, when Argentina became the first democratic state in Latin America to establish a strict women's quota, and 2000, when Colombia became the most recent country in the region to do so, 12 Latin American countries enacted national laws establishing a minimum level of 20 to 40 per cent for women's participation as candidates in national elections. The regional trend toward the enactment of quota laws is unprecedented in world history. Only Belgium and Taiwan have similar quota legislation. Today (December 2000), women occupy 13 per cent of the seats in the lower houses of parliament in Latin America. The region ranks behind Northern Europe (at 39 per cent), and compares with the world average, the rest of Europe, as well as the United States (all at 13 per cent).¹

This chapter analyses whether quotas have achieved the goals invested in them by women's movement activists. We develop two arguments about the effects of quotas on the election of women and on gender-related policy outcomes. First, we show that quota laws have been only mildly effective in increasing women's presence in legislatures. Many of Latin America's electoral systems make it hard to apply a women's quota, and political parties tend to comply with quotas in a minimalist manner. Data from the most recent round of elections show that, on average, quotas helped to boost women's presence in national congresses by five percentage points. Next, we present preliminary evidence suggesting that when quotas work, women's greater

presence in politics serves to shift the terms of legislative debates. Yet quotas alone do not generate the political alliances necessary to change policy.

Quotas, like other policy measures addressed to women in the 1990s, represent an unprecedented breakthrough in the state's recognition of certain rights, such as the right to participate in decision-making, the right to be free from domestic violence and the right to decide on the number and spacing of children. International agreements such as the 1995 Platform for Action endorsed by governments at the Fourth World Conference on Women were instrumental in diffusing these broader understandings of rights. Yet, the dilemmas engendered by quotas are representative of difficulties in making concrete women's new formal rights in general. Quotas have produced small and uneven gains in women's leadership because of a failure to reform the institutions necessary to make quotas work. Institutional pathologies – corruption, inefficiency, low accountability – help to explain the low enforcement not only of quotas but also a wide array of women's other 'new rights'.

Background

The quota laws passed in twelve countries – Argentina, Bolivia, Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, Mexico, Panama, Paraguay, Peru and Venezuela – are the product of women's movement demands at the national and international level for governments to take action to increase women's participation in politics.² The growth of women's movements in the 1970s, and the roles played by women in the struggle against authoritarianism, placed the question of women's representation on the policy agenda of new democratic governments in the 1990s. Meanwhile, international agreements such as the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the Beijing Platform for Action, contributed to the spread of global norms and understandings of gender equality in decision-making. Latin American leaders responded by adopting new laws and public policies aimed at furthering women's equal opportunities in the polity, economy and society. Governments created women's agencies to propose, advise, and coordinate public policies on women; modified discriminatory parts of civil and criminal codes to grant women equal rights and obligations; incorporated principles of equality in new or reformed constitutions; and adopted policy initiatives targeted at women such as microcredit programmes, literacy drives and daycare for children (Htun 1998, 1999, n.d.).

Why and how did Latin Americans opt for quotas over another policy mix? Women activists in Latin America argue that democracy, equality and fairness demand that women participate in political decision-making on equal terms with men. The gender biases of political institutions, reinforced by decades of women's exclusion, mean that more gradualist forms of affirmative action will only produce results in the very long term. By guaranteeing a certain level of women's representation in congress, quotas aim to close the gap between women's presence at the bottom and their representation at the top. Women make up over half of the eligible voters in most Latin American countries, and amount to approximately one-third of political party members. Women's presence in congresses (at an average of 13 per cent) is high by world standards, but lags behind women's participation in the public sphere at large. As Brazilian congresswoman Marta Suplicy put it: 'In Brazil today, [the quota] is more than a new instrument in women's struggle for equality and the construction of true democracy, it is an imperative of justice' (Suplicy n.d.: 1).

Other arguments for quotas focus on anticipated outcomes. Women leaders are seen to better represent the interests of women citizens and to introduce women's perspectives into policy-making. Having a 'critical mass' of women in power facilitates debate and legislation on women's issues (Staudt 1998). Mexican Senator María de los Angeles Moreno reports that only when at least one quarter of the people in the room are women is it possible to conduct a civilised debate on issues of concern to women, such as rape and domestic violence.³ A final argument centres on the symbolism of quotas. Quotas help to educate the public about gender equality and demonstrate that society is inclusive and egalitarian. As Peruvian congresswoman Beatriz Merino explains: 'When women opine on important public issues – like the management of the economy – civil society sees that women are able to face the challenge of leading the country' (PROMUJER 1998: 44).

The quota movement gained momentum at regional and international meetings, particularly the September of 1995 United Nations fourth World Conference on Women in Beijing. Earlier in the year, Latin American congresswomen gathered at the Latin American Parliament in São Paulo to discuss Argentina's quota experiment and quota politics around the world. The regional meeting 'was the spark that ignited a call to action' for many of the women politicians present (Suplicy 1996: 9). Then, the Platform for Action endorsed the notion that women had a right to participate in decision-making. It called on governments to ensure 'women's equal access to and full participation in power

structures and decision-making', and to consider adopting affirmative action policies to achieve equal representation of women and men.

The Beijing Platform legitimised the idea of quotas at the international level and served as a focal point for domestic mobilisation. To generate support for the quota, Mexican deputy María Elena Chapa recalled, 'we travelled around the entire country organising meetings about women's participation in diverse areas and women's common concerns: health, education, employment, politics, poverty, self-image, environment, violence, children, among others, in line with the issues granted global attention by the Beijing Platform for Action.'⁴ The fact that many Latin American female politicians went to Beijing served to unite women around the idea of the quota.⁵ The Beijing conference also provided normative leverage: since governments had already endorsed the Beijing Platform, activists could argue that quota laws furthered governmental compliance with commitments made in international forums.

Although pressure from women politicians and international norms were the central causes of quotas, presidential interest has also been important. Presidents and other senior male officials supported quotas for a variety of reasons: out of embarrassment over the low levels of women's representation in their countries; the desire to court women's votes and the support of women politicians; the need to meet commitments enshrined in international agreements.⁶ These politicians responded rationally to the way that principles of gender equality have been gradually incorporated into prevailing understandings of democracy and modernity.

There is no consensus on the desirability of quotas, however. Opponents of quotas, many of whom are women, argue that they discriminate against men, will elevate underqualified women to power, and above all, are unnecessary, since qualified women will rise to power on their own merits. They are also concerned that women beneficiaries of a quota will be stigmatised as owing their position to the quota and not to their own efforts.

To sum up, advocates of quotas make three claims. The first is *normative*: fairness and equality require that women be present in decision-making affecting society at large. Quotas, which guarantee women's presence in the short term, are the most effective means of achieving this objective. The second is *consequentialist*: quotas, which mean that more women are in power, will place fresh items on the political agenda and change policy outcomes to better reflect women's concerns. The last is *symbolic*: quotas educate the public about gender equality and

demonstrate society's commitment to a democracy based on inclusiveness. The rest of the chapter evaluates the effectiveness of quotas in meeting these expectations.

Preliminary evaluation of quotas

The enactment of laws establishing a minimum level of women's participation as candidates in national elections in 12 Latin American countries is a truly novel phenomenon. Rarely have so many countries adopted strikingly similar legislation on women's rights within such a short period of time. The quota trend reveals an unprecedented commitment to women's participation in decision-making on the part of the region's leaders. Do quotas work? In this section, we analyse Latin American quota laws along three dimensions. First, we show that features of a country's electoral system and institutions determine whether quotas help more women get elected. A closed-list system, a placement requirement, large district magnitude and good-faith compliance by political parties are the factors that make quotas work. Second, we explore the consequences of quotas. Preliminary evidence from Argentina suggests that quotas have spillover effects and that women elected with a quota have different policy priorities than their male counterparts. Nonetheless, quotas do not seem to make women's political alliances, the key factor in enacting gender-related legislation, any stronger. The final section offers a few remarks on the symbolic dimensions of quotas.

Quotas and the election of women

In general, quotas have been only mildly effective in increasing the number of women elected to Latin American legislatures. In the 11 countries with quotas, women made up an average of 9 per cent of the legislature prior to the quota. Following the implementation of the quota, this increased to 14 per cent. In other words, the quota served to boost women's presence by five percentage points. In historical perspective, a five-point gain is an impressive jump from one election to another. Still, in very few instances did women's presence actually reach the level of the quota. To make sense of these results, we must examine the interaction of quotas and national electoral systems. Women's presence approximated the level of the quota only in the Argentine Chamber of Deputies and the Paraguayan Senate. The success of quotas in these two countries owes to the closed-list system, placement mandate,

moderate to large-sized electoral districts and good-faith compliance by political parties.⁷

All 11 countries with quota laws elect their legislators from party lists in multimember districts using proportional representation (PR), although in some countries a fixed percentage of the legislature is elected from single member districts.⁸ Beyond these basic features, the laws vary significantly (see Table 2.1). The table shows that the minimum level of women's presence (or quota percentage) varies from 20 to 40 per cent. Whether this quota is actually reached by the election of women legislators depends in large part on three institutional factors: the type of party list (closed or open), the existence of a placement mandate, and the size of the districts from which the legislators are elected (the district magnitude).

Type of party list

The type of party list (closed or open) is highly consequential for the effectiveness of a quota law. When party lists are closed, political parties present a rank-ordered list of candidates in each of the multimember districts where they are contesting seats. Voters cast a ballot for the entire list; they cannot alter the ordering of the candidates. Once a party's seat allocation has been determined (using a proportional representation allocation formula), its seats are distributed based on the list's rank ordering. For example, if a party wins three seats, the first three people on its list are elected: Argentina, Bolivia, Costa Rica, the Dominican Republic, Mexico, Paraguay and Venezuela use closed lists.

Although parties present a list of candidates in an open-list system, there is no rank ordering. Voters are required to select a candidate on the party list (also called exercising a preference vote).⁹ The seats are allocated among the parties based on the percentage of the vote each party received (similar to the closed-list systems). However, the seats are distributed among the party's candidates based on the number of 'preference' votes received, not based on their ordering on the list. For example, if a party wins three seats, the three party candidates who obtained the most preference votes are elected: Brazil, Ecuador, Panama and Peru use open lists.

In a closed-list system, parties compete against one another for votes. Every candidate has an incentive to maximise the vote for his or her party since seats are allocated based on the party's total vote. In an open-list system, there is fierce intra-party competition in addition to the inter-party competition. Because a candidate's preference votes determine whether he or she is elected, candidates from the same party

Table 2.1 Quota laws in Latin America

Country	Year adopted	Legislative branch	Quota percentage	Open vs. closed list	Placement mandate	Average district magnitude
Argentina	1991	Chamber of Deputies	30	Closed	Yes	5
Bolivia	1991 (2001) ^a	Senate	30/50 ^a	Closed	Yes	3
		Chamber of Deputies	30 ^b	Closed	Yes	7
Brazil	1997	Senate	25	Closed	No	3
Costa Rica	1997	Chamber of Deputies	25/30 ^c	Open	No	20
		Chamber of Deputies	40	Closed	No ^e	7
Dominican Republic	1997	Chamber of Deputies	25	Closed	No	5
Ecuador	1997	Chamber of Deputies	20/33 ^c	Open	No	6
Mexico	1996	Chamber of Deputies	30	Closed	No	40
Panama	1997	Senate	30	Closed	No	4
Paraguay	1996	Chamber of Deputies	30 ^{b,d}	Open	No	4
		Chamber of Deputies	20 ^d	Closed	Yes	4
Peru	1997	Senate	20 ^d	Closed	Yes	45
Venezuela	1998	Chamber of Deputies	30 ^c	Open	No	5
		Chamber of Deputies	30 ^b	Closed	No	4
		Senate	30	Closed	No	2

^a The first Senate election where quotas will be used takes place in 2001. Since each list can elect a maximum of two senators, the *de facto* quota is 50% (the *de jure* quota is 30%). Combined with the electoral rules governing the Senate election (two seats for the plurality party and one for the first runner-up), the quota law insures that at a minimum 33% of the senators will be women.

^b Approximately one-half of the Chamber legislators in Bolivia and Venezuela, three-fifths in Mexico, and one-third in Panama, are elected from single-member districts (SMD). The quota law does not apply to these SMD elections. The district magnitude data are based on the multimember district seats governed by the quota law. All Venezuela data are for the pre-2000 period. In the 2000 Venezuelan election (for a unicameral legislature) no quota law was in force.

^c The Brazilian quota percentage was 25% for the 1998 election (it will be 30% in future elections). The Ecuadorian quota was 20% for the 1998 election (it will be 33% in future elections). The initial Peruvian quota was 25% (the quota used in the free and fair 2001 elections was 30%). The Ecuadorian quota was 20% for the 1998 election (it will be 33% in future elections).

^d The Panamanian and Paraguayan quotas are for the party primary elections.

^e A placement mandate will be in force for the next election, to be held in 2002.

compete against one another for preference votes in the general election. As relative newcomers, women generally have fewer resources than their male colleagues, a major handicap in intra-party competition.

Placement mandate

The second factor shaping the effectiveness of quota laws is the existence of a placement mandate in closed-list systems. The purpose of this mandate is to prevent parties from clustering women at the bottom of the party list where they have no realistic chance of getting elected. For example, the Argentine Ley de Cupos (1991) requires that women account for a minimum of 30 per cent of the candidates on the party list and that these women be placed in *electable* positions. The second requirement has been interpreted to mean that every third (and sixth, ninth, etc.) candidate on the party list must be a woman (except in districts where a party is renewing two seats, where the second candidate, at the minimum, must be a woman). The Bolivian law is similar to the Argentine Ley de Cupos since at least one of every three positions on the list must be occupied by a woman. The Paraguayan law establishes a 20 per cent quota (for the party primaries) and mandates that at least one of every five candidates on the lists presented in these primaries be a woman.

The quota laws in the Dominican Republic, Mexico and Venezuela respectively stipulate that women occupy at least 25 per cent, 30 per cent and 30 per cent of the positions on the party list. Yet, these laws say nothing about the location of women on the list. As a result, parties tend to place women at the bottom of the party list, where they have little chance of getting elected. Costa Rica's quota law (40 per cent) originally contained no placement mandate. In 2000, however, the country's Supreme Electoral Court ordered political parties to comply with the quota by placing women in *electable* positions, thereby establishing a placement mandate. To be effective in a closed-list system, quota laws must include a placement mandate.

District magnitude

Small district magnitudes, particularly when combined with a large number of parties winning seats in the legislature, severely limit the effectiveness of quotas, since parties normally win only one or two seats in a district. In closed-list systems, the top positions on the party list (which are the only electable positions) are generally occupied by men. The larger the district magnitude, the more effective quotas are likely to be.

The average district magnitude varies considerably across these 11 countries. At the low end are the Argentine, Bolivian, Mexican and Venezuelan Senates and the Panamanian Chamber of Deputies with average district magnitudes of less than five representatives. At the other end of the continuum are the Brazilian Chamber of Deputies, Mexican Chamber of Deputies and the Paraguayan Senate. The average Brazilian and Mexican constituency (district) elects 20 and 40 legislators respectively, while Paraguay uses a single national district (with 45 legislators). The remaining cases occupy an intermediate position between these two extremes.¹⁰

In most countries, the absence of a placement mandate, the use of open lists, and/or the employment of small legislative districts reduced the effectiveness of quotas. With one exception (the Paraguayan Senate), the percentage of women elected with quotas did not reach the minimum percentage established by the quota in any country (see Table 2.2). After the Paraguayan Senate, the Argentine Chamber of Deputies came closest to reaching the minimum threshold (two percentage points lower than the quota). The Bolivian Senate, Costa Rican Chamber of Deputies and Venezuelan Senate remained the furthest from this minimum goal (each 21 percentage points lower than the quota). The Bolivian and Venezuelan results are not surprising, since a party can elect a maximum of two senators from each district and there is no placement mandate requiring the parties to locate a woman in one of the first two positions on the party list. In Costa Rica, the law stated that women must comprise 40 per cent of each party's district level lists, but did not regulate the placement of these women on the lists. The lack of a placement mandate was also the reason (along with a low district magnitude) behind the limited success of the quota laws in the Dominican Republic and Venezuela (Chamber of Deputies).

Successful cases

The Argentine and Paraguayan Senate cases highlight three elements that are crucial to the success of the quota: the utilisation of a placement mandate in a closed-list system, a moderate to high average district magnitude, and party compliance. The Argentine Ley de Cupos of 1991 contains two important requirements: a minimum of 30 per cent of candidates on the closed party lists in all of the country's 24 electoral districts must be women, and these women must be placed in electable positions on the lists and not in 'ornamental' positions from which there is no chance of election. Party lists that fail to comply with the law are rejected.¹¹

Table 2.2 Quota laws and the election of women

Country	Legislative branch	Percentage of women prior to law	Percentage of women after law	Change (in % points)	Minimum percentage established in the quota law
Argentina	Chamber	6	28	22	30
Bolivia	Chamber	11	12	1	30
Bolivia	Senate	4	4	0	25
Brazil	Chamber	7	6	-1	25
Costa Rica	Chamber	14	19	5	40
Dominican Republic	Chamber	12	16	4	25
Ecuador	Chamber	4	17	13	20
Mexico	Chamber	14	17	3	30
Mexico	Senate	13	15	2	30
Panama	Chamber	8	11	3	30
Paraguay	Chamber	3	3	0	20
Paraguay	Senate	11	20	9	20
Peru	Chamber	11	18	7	30
Venezuela	Chamber	6	13	7	30
Venezuela	Senate	8	9	1	30
AVERAGE		9	14	5	28

In Argentina, the political party has control over access to the party list and the location of candidates on the rank-ordered list. In Chamber of Deputies elections, the quota law means that if a party wins six seats in a district, a minimum of two of the winning candidates will be women. If the open-list method were used, the quota law would provide no such guarantee. In the four open-list countries with quotas (Brazil (25 per cent), Ecuador (20 per cent), Panama (30 per cent), Peru (30 per cent)), the laws say nothing about placement. While these laws guarantee that there will be a significant increase in the percentage of women candidates, they provide no guarantee that there will be a corresponding increase in the percentage of women elected. The same conclusion also holds for the closed-list countries that lack a placement mandate in their quota laws (i.e. Costa Rica, the Dominican Republic, Mexico and Venezuela).

Second, a large district magnitude (combined with a one-in-five placement mandate) explains the relative success of the quota law in the Paraguayan Senate election of 1998. In Paraguay, the combination of the large single national electoral district (from which 45 senators are elected) and the strong performance by the two largest parties, *Asociación Republicana Nacional* (ANR) (which won 24 seats) and the *Alianza Democrática* (which won 20 seats) allowed women placed low on the list to get elected. No woman occupied one of the first ten positions on the ANR list, but four held positions between 11 and 20. On the *Alianza's* list, only one woman was located in the first ten slots (eighth), but three women occupied positions between 11 and 20. In all, nine women were elected to the Paraguayan Senate, five from the ANR and four from the *Alianza*.

The third crucial element for the success of the quota in getting women elected is good faith compliance by political parties. Compliance with the quota law has become routine in Argentina, and problems of non-compliance are virtually non-existent for Chamber elections. This present norm of compliance was only achieved by the tremendous efforts of women activists from across the political spectrum during the 1993–95 period. These women took parties to court to force them to comply with the law. Although parties eventually complied, it is important to note that they have largely done so in a minimalist manner, placing women in the lowest positions permitted by law. In the four Chamber elections held since 1993, three-quarters of the major party lists complied with the quota law in this way. In contrast to the success in Argentina, Brazil has experienced significant difficulties with compliance. There, women represented a mere 10 per cent of the Chamber of

Deputies candidates in 1998, in spite of a quota law that requires parties to reserve 25 per cent of candidacies for women.¹²

In sum, the combination of the use of open lists, the lack of explicit legislation mandating placement, small district magnitudes, and lack of good faith compliance contributed to the meagre advances in the election of women in most of the 11 countries. Given the features of each country's electoral system, the disappointing results should have been relatively easy to predict. In other words, adoption of the quota law in most countries never posed a major threat to the aspirations of male politicians. This might help to explain the relatively smooth and trouble-free passage of many of the quota laws in the 1996–2000 period.

Quotas in political parties

Many Latin American political parties have voluntarily adopted quota rules that establish minimum percentages of women to be included on the party lists. The first use in Latin America (and as far as we are aware in the world) of party quota rules occurred in Argentina in the early 1950s. Due to lobbying by Eva Perón, the Peronist Party applied a women's quota to congressional elections (Molinelli 1994). Combined with the electoral success of the Peronist Party, the quotas gave Argentina an impressive level of women's representation in the Chamber of Deputies (15 per cent between 1952 and 1954 and 22 per cent in 1955) (Inter-Parliamentary Union 1995). In 1955, Argentina (where deputies were chosen in contested elections, albeit under somewhat strained circumstances) had the world's fourth highest percentage of women national deputies, trailing the communist countries of East Germany, the Soviet Union and Mongolia. In Finland, the democracy with the most women legislators in 1955, women amounted to a mere 15 per cent of the legislature. Today, party quota rules are the most common form of positive action employed to increase the representation of women outside of Latin America, and are in large part responsible for the high levels of women's representation in Northern European countries (Caul 1999, Dahlerup 1998, Inter-Parliamentary Union 1997).

Several major political parties in Latin America use quotas for internal elections and to construct lists for general elections.¹³ The use of a party quota rule by the *Frente Farabundo Martí para la Liberación Nacional* (FMLN) for the 1997 Salvadoran Legislative Assembly election and by the *Frente Sandinista de Liberación Nacional* (FSLN) for the 1996 Nicaraguan

National Assembly election provide evidence of the potential of party quota rules. In El Salvador and Nicaragua, deputies are elected from a combination of multimember districts and a single national level district using closed party lists. The FMLN and FSLN quotas specify that a minimum of 35 per cent and 30 per cent of the candidates on the party's lists for public offices be women.

Women amounted to 29 per cent of the FMLN Assembly candidates in El Salvador, 10 per cent more than that of the country's other major party, the Alianza Republicana Nacionalista (ARENA) (Luciak 1997). Thirteen women deputies were elected in 1997: nine from the FMLN (33 per cent of its 27 deputies) and four from ARENA (14 per cent of its 28 deputies). Neither of the country's two other relevant parties, the Partido de Conciliación Nacional (11 deputies) and the Partido Demócrata Cristiano/Partido Demócrata alliance (ten deputies), nor any of the four minor parties that won seats (eight total) had any women elected. In Nicaragua, 36 per cent of the National Assembly candidates presented by the FSLN were women. This figure dwarfs that of Nicaragua's other major political force, the Alianza Liberal (AL), where women represented a mere 9 per cent of candidates. Ten women deputies were elected in 1996: eight from the FSLN (22 per cent of its 36 deputies), one from the AL (2 per cent of its 42 deputies) and one from one of the nine minor parties that garnered a combined total of 15 seats. The relatively high percentages of FMLN and FSLN women deputies show that party quotas can work for parties who employ them.¹⁴ Unlike a national law, however, they are not mandatory for all parties.

Quotas and policy outcomes

If quotas work, more women will get elected to public office. Does having more women present produce changes in law and policy that are more favourable to women's interests? To answer this question, we first consider evidence from Argentina. There, the most prominent effect of the national quota law has been to encourage the adoption of quotas at other levels and branches of government. Argentine evidence shows that women legislators have different policy priorities than men, although many women politicians demonstrate little interest in gender-related legislation. Next, we analyse the role of women's political alliances in getting legislation passed. Law and policy advances in the 1990s have been brought about by political alliances uniting women from different political parties. Yet, quota laws are neither necessary nor sufficient for the formation of such alliances.

Policy consequences of quotas: the Argentine case

Most Latin American quota laws were adopted between 1996 and 1999, making it premature to evaluate their effects on public policy. The Argentine law, however, dates from 1991, and was first applied in 1993. Data from Argentina suggest some preliminary generalisations about the policy consequences of quotas.

The most visible effect of the Argentine quota law has been the adoption of quota laws for provincial and municipal elections since 1991. Twenty-one of Argentina's 23 provinces, as well as the federal capital City of Buenos Aires, currently use quotas in the election of provincial and, in most cases, municipal legislators. This legislation has in many instances resulted in a dramatic increase in the percentage of women provincial and municipal legislators. In the 12 provincial legislatures elected using closed lists, the average percentage of women legislators increased from 7 per cent to 21 per cent. Some jurisdictions have gone even further with quotas. The 1996 Constitution of the City of Buenos Aires stipulates that members of appointed bodies with three or more members (such as the Judiciary and the Public Services Commission) should include no more than 70 per cent of the same sex. The city's constitution was itself drafted by a constituent assembly elected using quota legislation (women made up 32 per cent of the assembly).

Evidence from Argentina also suggests that women's legislative behaviour differs from men's. Two indicators of legislative behaviour are committee membership and bill introduction (Crisp *et al.* n.d.). Following consequentialist arguments for quotas, we would expect women to be over-represented on committees that deal with issues related to women's rights or issues of traditional interest to women, such as children and families, education, the elderly, the environment, health care, and housing (Dodson and Carroll 1991). Table 2.3 contains information on committee membership in the Argentine Chamber of Deputies in 1997, at which time 72 of the 257 legislators were women. The table shows that women were significantly over-represented on most committees of traditional interest to women (e.g. Education, Elderly, Family, Women and Minorities, Public Health and Social Action). Committee posts in Argentina are assigned by the party leadership based on the requests of legislators (Jones 1998).¹⁵

A second measure of legislator behaviour is bill introduction. The distribution of bills across thematic areas provides a good indicator of the policy priorities of a legislator. Table 2.4 displays information on bill introduction by legislators during the 1993–94 period in the Argentine

Table 2.3 Composition of ordinary committees in the Argentine Chamber of Deputies, 1997

<i>Committee</i>	<i>Women overrepresented</i>	<i>Men overrepresented</i>	<i>Equal representation</i>
Agriculture and livestock			x
Budget		x	
Commerce			x
Communications			x
Compliance with tax and social security norms			x
Constitutional affairs			x
Cooperative and mutual aid affairs			
Culture	x		
Drug addiction	x		
Economy		x	
Education	x		
Elderly	x		
Energy and fuel			x
Family, women and minorities	x		
Finance		x	
Foreign affairs		x	
General legislation			x
Housing			x
Human rights	x		
Impeachment			x
Industry		x	
Justice			x
Labour legislation			x
Maritime, river and fishing interests			x
Mining			
Municipal affairs			x
National defence		x	
Natural resources			x
Penal legislation			x
Pensions and social security			x
Population and human resources			x
Public health and social action	x		x
Public works			
Regional economic development			x
Rules			x
Science and technology			x
Sports			x
Tourism			x
Transportation			x

Note: Overrepresentation signifies that the sex difference was significant at the .05 level for a Chi-Square test, and that the members of that sex were overrepresented.

Source: Elaborated by the authors using data provided by the Centro de Estudios para el Desarrollo Institucional de la Fundación Gobierno y Sociedad.

Chamber of Deputies, when 36 of the 257 deputies were women. The results indicate that while women differed from men in their bill introduction in two of the highlighted areas (Women's Rights and Children and Families), no significant priority differences between male and female legislators were observed for any of the other categories often identified as of traditional interest to women (i.e. Health Care/Public Health, Education, Welfare/Social Security, Environment).

Although significant gender differences were detected in the areas of Women's Rights and Children and Families, it is important to note that this does not signify that *all* women prioritise these issues. The data in Table 2.4 show that 33 per cent of the women legislators presented a third or more of their bills in the Women's Rights area and 11 per cent in the Children and Families area. On the other hand, 58 per cent of the women legislators presented no bills in Women's Rights and 61 per cent presented no bills in Children and Families.¹⁶

Argentine evidence suggests that quotas, by getting more women into Congress, have helped to place gender-related issues on the legislative agenda. Have these women succeeded in enacting gender-related legislation? The next section explores the role of women's political alliances

Table 2.4 Policy priorities in the first 'Post-quota' legislative period in Argentina, 1993-94

<i>Policy area</i>	<i>Significant differences in priority between male and female legislators*</i>	<i>Percentage of women who presented more than 1/3 of their bills in this area</i>	<i>Percentage of women who presented no bills in this area</i>
Women's rights	x	33	58
Children and families	x	11	61
Women's rights + children and families	x	50	39
Health care/public health		8	81
Education		11	83
Welfare/social security		8	83
Environment		6	86
Other	x	42	44

* Difference significant at the .05 level for a two-tailed test. For every policy area where there was a significant difference but 'Other', women prioritised the policy area to a greater extent than men.

Source: (Jones 1997).

in policy change. We will see that alone, quotas do not strengthen the political alliances necessary to get legislation passed.

Women's political alliances

In Argentina, women's higher presence in Congress led to the introduction of more bills on women's issues. Women legislators expressed policy priorities that were different from men's in some areas. What about getting legislation passed? In the 1990s, women politicians in various countries have joined in political alliances to lobby for legal and policy changes to benefit women. If we compare the results achieved by women's political alliances in countries with and in countries without quotas, however, the differences are not dramatic. Argentine women, in spite of the fact that they make up 28 per cent of Congress, have not achieved many more policy changes than women legislators in other countries where the numbers are smaller. Women politicians in Argentina were responsible for advances in the 1994 constitutional reforms, domestic violence legislation, and the Chamber of Deputies' approval of a reproductive health bill.¹⁷ In Chile and Colombia, where there was no quota and women's presence in Congress amounts to 11 and 12 per cent respectively, similar policy changes have been enacted. In Colombia, the 1991 constitutional reforms recognised the principle of gender equality, including the equal 'right to participate in the formation, exercise, and control of political power' (Morgan 1992: 381–2).¹⁸ By the mid-1990s Colombia had established around 250 family police stations nation-wide, and a domestic violence law was enacted in 1996. The Chilean Congress approved a domestic violence law in 1994 and major (though much-delayed) changes to family law in 1998.

Women's alliances have secured policy changes on some issues, but they have failed to produce change on all issues. Several factors mitigate the strength and the unity of such alliances. The first is the fact that gender issues are not the first priority of most women elected to public office. The vast majority of women who enter politics in Latin America do not campaign on women's issues (such as domestic violence, child care, equal opportunities or reproductive health), nor do they make such issues the central focus of their legislative careers. In Argentina, 58 per cent of women legislators did not present a single bill in the area of Women's Rights between 1993 and 1994. Rodríguez notes in the case of Mexico that 'gender concerns come in second within the majority of women's policy agendas, trailing behind whatever their principal policy

area may be' (Rodríguez 1998: 7). For some politicians, this stems from pragmatism. Political society and the electorate have not proven immediately responsive, and in fact have at times been resistant, to the promotion of a 'women's agenda' in politics. As one Argentine congresswoman remarked: 'men have convinced women that talking about women's issues is of little importance. Women, in order to be important politically, can't talk about gender issues.'¹⁹

The second factor is party loyalty. Party loyalty frequently trumps gender identity in politics. Based on interviews with 80 Mexican women in politics, Rodríguez concludes that

women's political loyalties, first and foremost, rest with the political party or organisation to which they belong. Gender loyalty, for all practical purposes, comes in (a distant) second. Even among women of the same party, it is noticeable that their solidarity and loyalty rest with policies and programs, political patrons and mentors, career plans and ambitions – not with the other women in the party. (Rodríguez 1998: 8).

Another recent study of Mexico concluded that gender-related policy changes came about only when they coincided with party interests, as in the case of domestic violence. When party interests contradicted women's strategic gender interests – in the case of quota laws, protection of women in the workplace, and abortion – women's alliances were significantly weakened and legislation was not enacted (Alatorre 1999).

The final reason that women's political alliances fail to form around all issues, concerns women's divergent interests and ideas. Some women subscribe to a more conservative or traditional view of women's interests. In this view, gender equality is desirable, as long as it doesn't question women's roles as wives, mothers and homemakers. According to a contrasting feminist position, the precondition to equal opportunities is the questioning and restructuring of traditional gender roles. There is enough compatibility between these two visions to permit the formation of political alliances around issues like domestic violence, equal treatment in the workplace, and protection of children. The two visions diverge most radically in issues surrounding reproduction. It is most difficult to form alliances of women to push for family planning programmes and for a liberalisation of laws punishing abortion.

It is rare to find women politicians who openly identify as feminists, although there are important exceptions. The label 'feminist' carries a negative social stigma in Latin America because it is associated with a

denial of sex difference and a rejection of femininity. Many women politicians avoid associating themselves with feminism because they believe it limits their political opportunities. As one Argentine politician said, 'I make claims as a feminist, but I don't publicly identify as one because it would isolate me... In very male political parties, gaining access to decision-making positions as a feminist is impossible. One can practice politics with feminist principles... but astutely and surreptitiously.'²⁰

A common saying in Latin America goes '*cuerpo de mujer no garantiza consciencia de género*' ('being a woman does not guarantee having a gender conscience'). For those concerned about outcomes favourable to women's rights, what seems to matter the most is a '*consciencia de género*' (gender conscience), and not a '*cuerpo de mujer*' (being a woman). Limited comparative evidence suggests that the existence of broad political alliances joining women in politics and women in society, not a quota, is the most effective guarantee of a *consciencia de género*.²¹

Quotas as symbol

The final argument in favour of quotas focuses on the symbolic or cultural dimension. Quota laws help to educate the public about gender equality, introduce new items on the policy agenda and legitimise women's political leadership. In short, quotas help make culture more egalitarian and democratic. As Mexican Senator Amalia García puts it: 'The challenge of the minimum percentage [quota] is not its application as obligatory but rather to transform the collective conscience, the culture of both men and women' (Rodríguez 1998: 14). Camacho *et al.* (1997: 93–4) add that 'Quotas benefit all of society... [quotas] have deepened societal understanding of discrimination and clarified the need to seek alternatives to change the present reality.'

There is plentiful evidence to suggest that quota law proposals have succeeded in making gender parity in decision-making a national issue. By introducing quota bills in the national legislature, women legislators forced their male counterparts to formulate and defend opinions about gender equality. In many countries, media coverage surrounding the quotas stimulated debates about the history of women's leadership and introduced affirmative action in other areas. In Brazil, congresswoman Marta Suplicy proposed that ballots be gender neutral,²² that campaign literature feature women and men in equal proportions, that official agencies gather data about the sex of candidates, and that a fixed

proportion of party funds be allocated to finance women's political campaigns (Suplicy 1997). Quota proposals have served an important agenda-setting function among educated elites; as the Argentine experience shows, the national law spurred discussion about the adoption of quotas in other decision-making arenas.

On the other hand, most of the population remains ignorant about quotas. According to an opinion survey of 1850 Peruvians, conducted in late 1997 and early 1998, 75 per cent of the population is unaware of the existence of a quota law. Nonetheless, the vast majority of those polled in Lima declared that in politics, women are more honest than men, more concerned with poor people, better administrators, and less authoritarian (Blondet 1998).

Conclusion

In theory, the requirement that women comprise 20 to 40 per cent of political party candidates in national elections demands a radical sacrifice from male politicians and a dramatic restructuring of intra-party politics. The relatively speedy enactment of quota laws in many countries therefore gives reason to pause. Why would male politicians forfeit their historic monopoly on power without a prolonged and vicious struggle?

As we have shown in this chapter, factors such as the nature of the party list, the existence of a placement mandate, district magnitude, and good-faith party compliance determine whether quotas increase women's presence in parliament. Quota laws have achieved only limited success because of a failure to address all of these issues. As a result, male politicians have made few sacrifices on behalf of the quota. With the exception of Argentina, quotas have been a relatively painless way to pay lip service to women's rights without suffering the consequences.

Still, the enactment of quota laws in 12 Latin American countries is of tremendous symbolic importance. Since women gained the right to vote in the 1930s, 1940s and 1950s, no policy measure has stimulated such an intense debate about gender equality in politics and decision-making. The quota movement of the 1990s reflects the growth and strength of women's movements, the leadership of women politicians, and the influence of international norms and agreements pertaining to gender equality. Through their advocacy on behalf of quotas, women activists are forging fresh notions of equality, democratic legitimacy and women's citizenship.

When quotas work, women have an equal chance to participate. Preliminary data suggests that the presence of more women in power

produces spillover effects and introduces new items to the policy agenda. Yet, significant policy changes have been brought about by women's political alliances in countries without quota laws. Broad-based political alliances, not quotas, are what it takes to produce legislative action benefiting all women.

The quota debate pushed Latin American societies to confront gender inequality in the public sphere, but much work remains to be done to make quotas a truly effective policy tool for improving women's representation in decision-making. Laws adopted in 12 countries represent advances in women's rights, but in many cases quota laws lacked teeth. Quotas reflect the tendency of Latin American governments to grant citizens formal rights before modifying the institutional contexts where these rights are enforced. The lesson of quotas is that rights matter most when institutions change to make rights effective.

Notes

- 1 The Latin American average was calculated based on data from 18 countries found at: Inter-Parliamentary Union <<http://www.ipu.org/wmn-e/classif.htm>>.
- 2 Quota legislation was enacted by the Colombian Congress in 1999. As this chapter was going to press, the Constitutional Court verified the constitutionality of the legislation. As the exact details of the implementation of the law remain unclear, we do not include it in our subsequent discussion. The first congressional election under this new legislation will take place in 2002.
- 3 Interview with Senator María de los Angeles Moreno, Mexico City, 30 January 1998.
- 4 Personal communication with Mala Htun, 12 February 1998.
- 5 Interview with Marta Suplicy, Brasília, 7 August 1997.
- 6 In Argentina, the support of President Carlos Menem was decisive in passing the quota law. Although the law enjoyed the support of women from all major political parties, it was unlikely to be approved because of male resistance. Last-minute persuasion by President Menem and his Interior Minister, José Luis Manzano, was decisive in swinging the congressional vote in favour of quotas (Durrieu 1999).
- 7 Following adoption of the quota, women's presence in the Ecuadoran Chamber of Deputies jumped by 13 percentage points. However, the gain in women's representation is largely attributable to voters' lack of familiarity with the new electoral system, not to the success of the quota. Instead of utilising the preference aspect of Ecuador's block voting method, voters tended to vote for a party's entire slate of candidates, a behaviour encouraged by the parties which strategically placed their most popular candidates at the top, middle, and bottom of their respective lists. For example, in the province of Guayas where 18 deputies were elected, the Partido Social Cristiano won twelve seats with a mere 29 per cent of the overall vote, while two other parties each won 25 per cent of the vote but only three seats each. We thank Andrés Mejía Acosta for providing data and information on the 1998 Ecuadoran elections.
- 8 The one exception is Ecuador, which currently employs the block vote for the election of its provincial deputies. It is likely though that Ecuador will modify its electoral system, adopting one of the more common proportional representation allocation methods, prior to its next scheduled legislative election in 2002.
- 9 Some systems also permit voters to cast a vote for the entire list.
- 10 As indicated in Table 2.1, a large proportion of legislators in Bolivia (Chamber of Deputies), Mexico (Chamber of Deputies), Panama and Venezuela (Chamber of Deputies) are elected from single-member districts, where the quota law does not apply.
- 11 The implementation of the Argentine Ley de Cupos is regulated by Executive Decree 379/93 (as this chapter went to press in December 2000, a new, more progressive, decree was being drafted). Although the Ley de Cupos currently applies only to the election of the national Chamber of Deputies, starting in 2001 (when senators will be directly elected) it will apply to national Senate elections.
- 12 The Brazilian electoral law requires parties to reserve candidate slots for women, but does not require parties to actually fill these slots with women candidates. If a party fails to find women candidates to complete its list it may still contest the election. A failure to present the maximum number of candidates is unlikely to adversely affect the parties, as they are allowed to present a number of candidates in excess of the number of legislators being elected from the district (1.5 times as many for parties, and twice as many for coalitions of parties).
- 13 Parties that voluntarily adopted a women's quota include: Brazil's Partido dos Trabalhadores (30 per cent); Chile's Partido Socialista (30 per cent), Partido por la Democracia (40 per cent), and Partido Demócrata Cristiana (20 per cent); Costa Rica's Partido Unidad Social Cristiana (40 per cent); El Salvador's Frente Farabundo Martí para la Liberación Nacional (35 per cent); Mexico's Partido de la Revolución Democrática (30 per cent) and Partido Revolucionario Institucional (30 per cent); Nicaragua's Frente Sandinista de Liberación Nacional (30 per cent); Paraguay's Asociación Nacional Republicana (20 per cent); and Venezuela's Acción Democrática (20 per cent).
- 14 The relatively large number of FMLN and FSLN women deputies elected is due not only to the quota rules, but also to the relatively high level of women's participation within the FMLN and FSLN as well as the parties' historic commitment to the election of women.
- 15 Legislators make requests to the leader of their party's congressional delegation regarding which committees they want to serve on. While legislators do not always receive assignments on their preferred committees, with the exception of assignments on the most prominent committees (e.g., Budget, Constitutional Affairs, Foreign Affairs), legislators generally obtain assignments on the committees they requested.

- 16 Men and women did not differ significantly in the overall number of bills they presented. During this period women on average presented 3.6 bills while men presented 4.2.
- 17 The reproductive health bill, however, died in the Senate, where women occupy a mere 3 per cent of the seats. Women's high presence in the City of Buenos Aires Constituent Assembly was also responsible for the progressive character of the city's constitution. Among other things, the Constitution of the City of Buenos Aires recognises the 'right to be different', and proclaims that 'sexual and reproductive rights' are 'basic human rights' (Rodríguez 1997).
- 18 Article 40 of the 1991 Constitution also states that 'The authorities will guarantee the adequate and effective participation of women in the decision-making levels of Public Administration.'
- 19 Interview with Deputy Elisa Carrió, Buenos Aires, 4 August 1998.
- 20 Interview with the City of Buenos Aires Councillor Marta Oyhanarte, Buenos Aires, 31 July 1998.
- 21 For discussion of the importance of multi-sectoral women's political alliances in advancing women's interests in Latin American politics, see Alvarez (1990), Friedman (1997) and Stevenson (1999).
- 22 Instead of relying on the 'false gender neutrality' of 'governador', 'senador', or 'deputado' (Brazilian Portuguese for 'governor', 'senator', and 'deputy'), Suplicy proposed that ballots make reference to 'governador/governadora', 'senador/senadora', and 'deputado/deputada'.

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3

Getting Rights for Those without Representation: the Success of Conjunctural Coalition-building in Venezuela

Elisabeth Jay Friedman

Introduction

In 1990, the Venezuelan Congress passed a reform of the Organic Labour Law that, among other provisions, gave women workers equal rights with men and improved the rights of working mothers. This striking combination of equality and protectionism for women cannot be credited to the usual sponsors of legislative reform. Instead of relying on one of the then dominant political parties or the good auspices of the powerful executive branch, women came together in a 'conjunctural' coalition to lobby for the reform.¹ To establish and/or improve their rights they united across political arenas at a particular time around a particular set of issues, without demanding ongoing organisational or ideological coherence, and achieved their goal. But that goal was dependent on another crucial strategy: the use of a rights discourse that emphasised the familial and social benefits made possible by simultaneously asserting women's equality with, and difference from, men.

The use of national-level coalitions for the advancement of women's rights has become a common strategy across Latin America, given particular national and international opportunities. During the democratisation process in Chile and El Salvador, for example, women sought to assert a wide range of demands. In Chile the National Coalition of Women for Democracy (Concertación Nacional de Mujeres por la Democracia: CNMD) was created in 1989 as an autonomous women's coalition in support of the centre-left Coalition of Parties for Democracy (Concertación de Partidos por la Democracia), which won the first democratic elections in Chile following the Pinochet dictatorship.