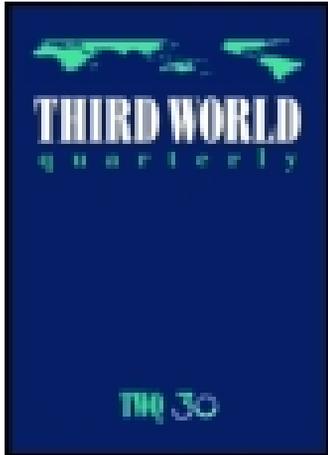


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Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office:
Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Third World Quarterly

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/ctwq20>

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Virginia Guzmán^a, Ute Seibert^b & Silke Staab^c

^a Centre for Women's Studies, Santiago de Chile

^b Universidad Academia de Humanismo Cristiano, Chile

^c United Nations Research Institute for Social Development (UNRISD), Palais des Nations, 1211, Geneva 10, Switzerland

Published online: 15 Sep 2010.

To cite this article: Virginia Guzmán, Ute Seibert & Silke Staab (2010) Democracy in the Country but not in the Home? Religion, politics and women's rights in Chile, *Third World Quarterly*, 31:6, 971-988, DOI: [10.1080/01436597.2010.502730](https://doi.org/10.1080/01436597.2010.502730)

To link to this article: <http://dx.doi.org/10.1080/01436597.2010.502730>

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Democracy in the Country but not in the Home? Religion, politics and women's rights in Chile

VIRGINIA GUZMÁN, UTE SEIBERT & SILKE STAAB

ABSTRACT This article explores the influence of religious actors on the elaboration of two public policies that are key to the advancement of women's rights and have long formed part of the women's movement's agenda in Chile: the introduction of sexual education in secondary schools in the 1990s and the distribution of emergency contraception in the 2000s. Our analysis of how different actors—from a variety of ideological and power positions—have influenced the two policy debates suggests that their discourses and strategies are highly contingent on the political environment. While conservative religious forces retain an enormous capacity to hinder policy making and implementation in the arena of family and sexuality, the government's determination to confront such interference seems to have grown in a context of fewer authoritarian enclaves, a more pluralist society and a strong sexual and reproductive rights movement. The diversification of religious positions on issues of family and sexuality has also affected the room for manoeuvre in the policy arena.

With the return to democracy in Chile in 1989, emancipatory movements and a more pluralist civil society have pushed for policies that address gender and social inequalities and strengthen women's citizenship. At the same time the hierarchy of the Catholic Church has asserted its role as a moral authority—building on its opposition to military rule—and fervently opposed the fulfilment of key women's rights demands, such as divorce legislation, sexual education and greater reproductive and sexual rights. While Chile is still predominantly Catholic,¹ the country has witnessed a diversification of religious belongings as well as the emergence of more varied positions within different faiths. Over the past 20 years this has led to repeated confrontations and tensions between conservative and progressive currents of thought across and within social movements, political coalitions and religious organisations over family and sexuality issues.

Virginia Guzmán is at the Centre for Women's Studies, Santiago de Chile. Email: virguzman@gmail.com. Ute Seibert is at the Universidad Academia de Humanismo Cristiano, Chile. Email: utemar2002@yahoo.com. Silke Staab is at the United Nations Research Institute for Social Development (UNRISD), Palais des Nations, 1211 Geneva 10, Switzerland. Email: silkestaab@web.de.

During the first half of the 1990s the actors representing these currents operated in a political environment characterised by fears of authoritarian setback and the persistence of authoritarian enclaves.² The coalitional dynamics resulting from the electoral system further fomented a political culture that privileged broad agreements and compromise. Thus the governing coalition *Concertación*³ itself included different ideological currents with different views on issues such as abortion and divorce. It acted in a politically unstable and unpredictable environment where conservative sectors and rightist parties maintained important veto powers. In this fragile balance of power the support of the Catholic Church, which maintained strong ties in particular to the Christian Democrats, played a major legitimising role for the newly elected democratic coalition. These factors in turn contributed to *Concertación*'s slow and timid response to the demands of progressive social movements during the first years of democratic transition.⁴

However, from the mid-1990s onwards and with more impetus after Pinochet's detention in London in 1998, different actors—within and outside the state—have worked on a more progressive legislative and policy agenda. This development was supported by two consecutive administrations under the secular socialist leadership of Ricardo Lagos (2000–06) and Michelle Bachelet (2006–10), who have been less willing to accept the influence of the Catholic Church on the policy-making process.

Far from abandoning their political role, however, religious actors have reconfigured their alliances and deployed new strategies and discourses in opposition to policies which are perceived to be contrary to religious doctrine. As a result, the political influence of the Catholic Church and its alignment with conservative forces within and outside the political system continues to be problematic for the democratisation of the 'private sphere' in post-authoritarian Chile—a key demand articulated by the women's movement in its struggle against the dictatorship.⁵

The fact that the Church's official stance on issues of sexuality, reproduction and the family is increasingly out of tune with social reality and public opinion contrasts sharply with the continuing power that conservative religious leaders levy over the policy-making process. Indeed, conservative religious actors and their allies have effectively blocked, forestalled and delayed progress on women's rights throughout the 1990s and 2000s. Despite widespread public support for a change in the law on divorce, for example, legislation on this issue was delayed for 14 years until a (rather restrictive) law was passed in 2004.⁶ Abortion is still illegal under all circumstances, and its discussion remained beyond question even under the comparatively woman-friendly government of Michelle Bachelet, although opinion polls show broad public support for therapeutic abortion and in the case of rape.⁷

While the political importance of the Catholic Church dates back to colonial times, there are three main factors that contribute to its powerful role in contemporary Chilean politics. First, the historical role of the Church in opposing the military dictatorship (1973–89) strengthened its position as a moral authority and created close ties to the political parties governing the

country after its return to democracy. Second, the Church has pursued new post-transitional alliance-building strategies, successfully rallying with parties on the political right around 'moral issues'. Third, 'integralist Catholic'⁸ movements, broadly belonging to the Catholic Church, selectively subscribing to its doctrine and nurturing a thriving network of educational institutions, think-tanks, civil society organisations and (politically and economically influential) individuals, have gained power and visibility in recent years.

The first section of the article briefly describes these trends, arguing that they have not only allowed conservative religious forces to build a cohesive opposition against the advancement of sexual and reproductive rights, but also put forth a problematic notion of democracy. One of the main contradictions in the Church's role over the past 30 years is its salient role in the struggle for the recuperation of democracy in the country versus its fierce opposition to the democratisation of gender and intergenerational relations in the family. Further, its insistence on an indisputable 'natural law' that governs social relations is at odds with pluralist notions of democratic deliberation and decision making. It also completely ignores more progressive positions within the Catholic and Evangelical churches, whose advocates have grown in numbers, but do not enjoy the same level of visibility and political weight as their conservative contenders.

To shed light on the interaction of different actors who—from a variety of ideological and power positions—try to exert their influence on the policy process, we analyse two policy debates in section two: the introduction of sexual education at secondary schools in the 1990s and the distribution of emergency contraception in the 2000s. The cases document the shifts in discourses and strategies used by religious actors in a changing political and socio-cultural environment. We argue that conservative religious forces retain an enormous capacity to hinder policy making and implementation, even in areas beyond the 'big issues' such as abortion and divorce and in the face of strong civil society movements and favourable public opinion. At the same time the government's determination to confront religious interference seems to have grown in a context of fewer authoritarian enclaves, a more secularised and pluralist society, a strong sexual and reproductive rights movement and a social-democratic, woman-friendly leadership. The diversification of religious positions *vis-à-vis* issues regarding the family and sexuality has both limited and increased the government's room for manoeuvre in these policy areas. While political opposition by ultra-conservative religious forces has gained strength, moderate religious actors (both Catholic and Evangelical) have assumed a mediating role between government and the conservative clergy in the policy process. Both trends expose the heterogeneity of religious positions on these issues and ultimately undermine political ambitions based on a single interpretation of religious doctrine.

The third section concludes and presents a cautionary outlook on what may be ahead in terms of religion, politics and gender equality after the change in government in 2010.

The changing role of the Catholic Church in Chilean politics

Catholic conservatism was not always dominant in Chile. Indeed, historically different currents of religious and laic, liberal and conservative thought have coexisted and shaped political struggles ever since the country's independence in 1810. Tensions increased under the governments of Christian-Democrat Eduardo Frei Montalva (1964–70) and Socialist Salvador Allende (1970–73). While equity issues and the inclusion of marginal sectors became important political goals under Frei Montalva, conceptions of the family and gender relations remained largely traditional. Nevertheless the government launched a publicly financed family planning and birth control programme, pushed by the medical community's concern over high maternal mortality rates and complications following clandestine abortions.⁹ The Popular Unity government under Allende more forcefully pursued an equality agenda, including women's autonomy, apparent in its attempts to change family status laws and to broaden the reasons for accessing legal abortion. The struggle for social justice spurred increasing resistance and was brought to an abrupt halt by the military in 1973. Under military rule (1973–89), public health services did not offer family planning as a regular service, responding only to individual requests.¹⁰ Family planning was removed from medical and obstetrical curricula and, as one of its last measures, the military regime banned therapeutic abortion in 1989 (introduced as early as 1931)—a move that was welcomed by the Chilean clergy, which had otherwise been in opposition to the regime.

Indeed, the Catholic Church vocally opposed the human rights violations inflicted by the military and gave support and protection to victims of political persecution, repression and torture. The creation of the Academia del Humanismo Cristiano in 1975 provided intellectuals with a space to conduct and disseminate research on the economic, political, social and cultural reality in the country. It also provided a first safe haven for a nascent feminist movement which would combine the struggle against military rule with one for women's rights and gender equality.¹¹ The Catholic Church's involvement in the struggle for human rights, democracy and social justice not only granted it significant moral authority in the country, but also allowed it to maintain close ties to the opposition forces that came into power in 1989, particularly the Christian Democratic Party (PDC). These forces felt indebted to the Church for its support, and were reluctant to endorse policies that would cause conflict with the clergy.¹² The alliance between anti-dictatorship activists and progressive parts of the Catholic Church was less straightforward in the case of the women's movement, for whom equality had to go hand in hand with the recognition of women's *individual* rights (to political and economic autonomy as well as bodily integrity)—a demand that put it at odds with the Church's doctrine.

These historical ties and tensions, together with the political instability of the first democratic years, explain what has been labelled 'left-wing timidity' on contentious issues, such as abortion and divorce.¹³ At the same time changes in the Vatican had also led to a conservative turn within the Catholic

Church in Chile. In an attempt to curtail the influence of liberation theology in Latin America, Pope John Paul II had replaced many of the progressive bishops in the region, including in Chile. As a result, most of the post-authoritarian Chilean clergy had no record of direct involvement in the struggle against human rights violations. This has not, however, stopped the new officials of the Church from 'collecting the debt' of their predecessors, by pressuring political parties, individual legislators and the executive to adhere to Catholic doctrine.¹⁴ More than 20 years later the Church's discourse continues to capitalise on its defence of human rights during the dictatorship, now (re)defined as the right to life from conception, to privacy and to parental primacy in decisions over a child's education.¹⁵

The Catholic Church has also actively sought new allies to consolidate its power in the restored democratic system, proving to be 'a savvy political actor, capable of building alliances with both liberals and conservatives to meet its varied goals'.¹⁶ Among these new allies are right-wing political parties, which historically supported the dictatorship and either denied or justified human rights violations, as is the case of the Independent Democratic Union (UDI) and, to a lesser extent, National Renovation (RN). The Church's ideas have also found support among a thriving network of anti-choice activists in civil society, which maintains 'its intellectual, organizational and financial base in the highly centralized Chilean upper class'.¹⁷

The case study on emergency contraception, in particular, will show that this fiercely anti-choice and self-proclaimed pro-life movement consists of a complex web of institutions and individuals unified by conservative or revisionist stances on reproductive rights and family law, operating both outside and inside the state. It includes pro-life NGOs and youth movements, lawyers and academics working out of or in collaboration with confessional universities, political think-tanks and members of right-wing political parties, as well as parts of the business community. Many of them maintain close ties with integralist Catholic communities such as Opus Dei and Legionarios de Cristo. Both organisations are strongly represented in Chile. Opus Dei—whose 2500 members in Chile are mostly lay people (so-called *super-numerarios*)—in particular, has a strong foothold among Chilean economic and political elites. The movement counts some 35 priests in the country and currently supplies two Chilean bishops. It owns and runs several educational institutions, among them the influential Universidad de los Andes founded in 1990, polyclinics and student residences. Thanks to early proselytising, it also has a strong base in the Chilean business world.¹⁸ UDI is the political home of many of its members and sympathisers, the most famous being Joaquin Lavín, ex-mayor of Santiago, presidential candidate of the Alliance for Chile in 2005 and recently (2010) appointed minister of education under the new right-wing government. All these sectors (confessional universities, civil society movements, business and politics) provided support to pro-life protagonists in the struggle over emergency contraception.

Far from being defensive about its comparatively restrictive framework around women's reproductive rights, this network counts proactivity and political aggressiveness among its central features.¹⁹ Integralist movements

do not represent the majority of Chilean Catholics and they differ significantly from the official Church hierarchy. However, the conservative stance of the official Catholic Church on sexual and reproductive rights has made them ‘natural’ allies—with the Episcopal Conference providing their political actors with tremendous discursive support. The political connections and enormous visibility (partly supported by conservative media) of this conservative alliance have marginalised more progressive priests, both Catholic and Evangelical, and effectively silenced critical voices within the Church, presenting its intransigent vision as the unique point of reference. While progressive religious forces have enjoyed less visibility,²⁰ they did play a role in legitimising government policies and bridging the divide to the conservative camp, as the case studies will show.

The Catholic clergy’s support for democratisation stands in stark contrast to its opposition to post-authoritarian legislation and policy making on ‘moral matters’, which were repeatedly argued to be above and beyond democratic discussion and decision-making. By insisting on a ‘natural order’ that, if challenged, would inexorably lead to chaos, decadence and destruction, the Church constructed these issues as ‘best protected from the turbulence and unpredictability of the democratic process’.²¹ As the cases below illustrate, this conception deeply infringes women’s and adolescents’ rights to make informed and autonomous decisions on their sexual and reproductive life.

Contested rights and ‘moral panics’: the conflict over sexual education and emergency contraception

Civil society has been the driving force in getting women’s sexual and reproductive rights onto public and institutional agendas. The period of dictatorship saw the formation of numerous grassroots health-related organisations and movements, which increasingly took on issues of reproduction and sexuality. With democracy restored, these movements demanded greater policy attention to what was largely perceived as ‘private issues’. However, in taking up these issues, the government confronted a powerful alliance of conservative forces—backed by religious leaders and their doctrine.

The following two sections document the changing patterns of interaction between religious forces and the political system by looking at two policies on sexuality and reproductive rights which have been hotly debated in the country: the introduction of sexual education in schools in the 1990s, and the availability of emergency contraception both on the market and in public health centres in the 2000s. Both are crucial for a democratisation of gender and intergenerational relations in the home; and both have been challenged by religious and conservative actors on the grounds of being immoral and undermining the family.

No talk about sex: the conflict over sexual education in the 1990s

In order to address high rates of teenage pregnancy and the rising incidence of sexually transmitted diseases, demands for a programme on sexual

education in schools were quick to emerge on the new democratic agenda. The creation of the National Women's Service (SERNAM), the Youth Institute and the Women's Programme of the Ministry of Education (MINEDUC) were decisive factors in putting the issue on the agenda, as were civil society organisations in the fields of health and education, which had played a role in the anti-dictatorship democratic movement and now brought their experience with educational programmes to bear in public policy making.²² This also included the work of more progressive religious organizations, such as the Jesuit Vicaría de la Pastoral Juvenil, whose work with pregnant high school students had led to a MINEDUC norm establishing their right to attend regular classes.

Indeed, moderate religious forces played an important mediating role in the Consultative Commission set up by the government in 1991 in order to develop a framework for a national policy on sexual education.²³ Its composition reflected the attempt to create consensus among stakeholders with conflicting interests and ideologies, including representatives of the Ministry of Health (MINSAL), the National Aids Commission, SERNAM, the Youth Institute, the United Nations Population Fund (UNFPA), several NGOs, different sectors of the Catholic Church, and the Freemasons.

Government representatives, many of whom had been active in democratic and feminist movements, considered sexuality to be an area of concern with regard to human rights and the individual's autonomy in decisions on relationships, sexuality and fertility. They held that the state must ensure equal educational opportunity for all of these rights to be realised and in order to reduce the enormous inequalities in the incidence of teenage pregnancy.²⁴ While representatives of SERNAM and the Ministry of Health were institutionally committed to overcoming gender inequalities and addressing the issue of young people's sexuality—and therefore favoured educational programmes providing precise and concrete information—MINEDUC representatives were more cautious and fearful about jeopardising consensus.

As a major moral authority and a strong institutional presence in the educational system through religious schools, the Catholic Church played a powerful role in shaping the document. Concerned about the government's initiative on the issue, the clergy reacted with a Pastoral Letter on 'Morality, Youth, and Permissive Society', warning of a 'crisis of sexual morality' and characterising government proposals on sex education as 'merely a pretext to give respectability to the promotion of promiscuity'.²⁵

The final policy document, issued in 1993 after prolonged negotiations and heated public debate, represented a settlement that favoured conservative positions.²⁶ The state's role was downplayed and the human rights of children and young people de-emphasised as a guiding principle. The definition of the content of sexual education programmes was left to individual schools (together with students and their families), privileging the school's autonomy over students' equal-opportunity right to sexual education. Further, parents remained entitled to keep children from participating in sex education classes.²⁷

The document was followed, two years later, by the launch of a UNFPA-supported pilot project aimed at imparting basic knowledge about relationships and sexuality, as well as at opening and strengthening a dialogue on these issues among young people, families and teachers. The *Jornadas de Conversación sobre Afectividad y Sexualidad* (Conversation Workshop on Relationships and Sexuality—JOCAS) were implemented more widely in 1996, and they could have been an important step towards (democratically) defining the ways in which sexuality would be integrated into each school's curriculum.

The JOCAS represented a landmark for the schools that participated, especially for municipalised and non-Catholic private schools, where more open discussions took place. Participation on the part of young people was broad and enthusiastic, and helped them to articulate specific demands and concerns relating to sexual behaviour and relations.²⁸ The programme's relative success in breaking the silence about sexuality needs to be seen, however, in relation to its limited (longer-term) impact. By 1998 only 37 per cent of publicly funded schools had carried out conversation workshops and the integration of sexual and reproductive issues in to the schools' curricula remained wanting.²⁹ This is unsurprising, given that the JOCAS's modest goal—to make people *talk* about sex—had already triggered fierce reactions from conservative sectors, which eventually led the government to modify the programme.

In September 1996 *El Mercurio*, Chile's oldest and largest national newspaper (allied with conservative sectors and the Catholic Church), published a report showing images of primary school students in Puente Alto (southern Santiago) with condoms in hand, allegedly involved in a JOCAS event. The report claimed that JOCAS was a venue for discrediting the Church's positions on fertility regulation, masturbation and abortion.³⁰ It revived fears of the loss of parental control over children's sexual behaviour, the de-linking of sex from relationships and spirituality, and the encouragement of early sexual activity.

The Catholic Church demanded an immediate end to the programme. It accused the government of attacking families' right to make decisions about their children's education, thus exceeding the state's legal role in education.³¹ The Federation of Catholic Private Schools and right-wing members of Congress joined the critique, the latter threatening to cut JOCAS's budget for the following year in nine of the country's (then) 13 regions. The Church's totalising claim of an 'objective moral order' (unaffected by democratic majorities), to which public policy needed to adapt was embraced by the political right. Leading UDI politician, Joaquín Lavín, for example, dismissed favourable public opinion *vis-à-vis* sex education, arguing that 'there are values at stake'.³²

Thoughtful voices in support of the sexual education policy emerged from the evangelical churches, but did not gain a significant foothold in the media. In a public statement on sexual education a number of evangelical churches affirmed the importance of the parental role in sexual education, but recognised parents' limitations in this area, concluding that the state does

have a legitimate role to play.³³ Students of Puente Alto, together with the municipality's mayor, demonstrated in defence of the programme. Teachers and principals defended JOCAS on television, while public opinion polls revealed massive support for sexual education programmes.³⁴

Despite public support, the government ended up modifying the JOCAS programme, eliminating the component in which the students would arrive at—and express—their individual conclusions, concerns and recommendations, and replacing it by an exchange between parents and children. Thus, pressure from the most conservative sectors of the Catholic Church succeeded in distorting the purpose of the programme—namely, to serve as a forum for learning among peers. The spontaneous support of students, parents' organisations, the women's movement, and favourable public opinion were not sufficient to defend the model against conservative forces. JOCAS continued in around 200 schools with this new format.

In 2004 MINEDUC convened an expert commission to review progress since the 1993 policy on sexual education, most clearly exposing the decade-long stalemate that the country had experienced in this field.³⁵ However, the provisional triumph of religious conservatism did not succeed in pushing the issue off the agenda. In 2005 a new National Plan on Sexual Education, Affection and Gender was launched and a Technical Secretariat was created within MINEDUC.

The tug-of-war over emergency contraception in the 2000s

When emergency contraception became an issue in the early 2000s the political environment was in many ways more favourable than that surrounding the JOCAS debate, characterised by fewer authoritarian enclaves, a consolidated democracy, a more pluralistic society and a more rights-aware citizenry. The election of two consecutive socialist presidents helped strengthen progressive and secular positions, and President Bachelet was particularly committed to women's rights.³⁶

Meanwhile, both 'pro-life' and 'pro-choice' movements in civil society had gained strength. Pro-choice organisations had consolidated a network around campaigns for the decriminalisation of abortion and the monitoring of compliance with Chile's international commitments (CEDAW, Cairo and Beijing).³⁷ Partly through the experience of opposition to sexual education, the conservative camp had also consolidated its political alliances and developed into a complex network able to mobilise young people from Catholic schools, members of Congress, rightist mayors and members of the judiciary.³⁸

The introduction of emergency contraception can be broadly divided into three phases: 1) the ministerial authorisation to sell the drug on the market (2001) and the obligation of pharmacies to stock the drug (2006), when it became clear that despite its authorisation it was not readily available; 2) the obligation of emergency facilities to make the drug available to rape victims (2004); and 3) the launch of the Health Ministry's Norms on Fertility Regulation, which included the distribution of emergency contraception

through public health centres (2006). Each step provoked intense reactions by the Catholic Church and its pro-life allies in political parties, local government and civil society.

The first wave of pro-life activism was spurred by the authorisation of the emergency contraceptive drugs *Postinal* and *Postinor-2* by the Institute of Public Health (ISP) in 2001 for sale against medical prescription. The Catholic hierarchy reacted immediately, claiming that the remedies were abortive and hence their distribution illegal. This was followed by intense activity on the part of pro-life groups, which filed legal claims against the commercial distribution and engaged in intense campaigns against the pharmaceutical companies distributing the drugs. Lawsuits against ISP dragged on until 2005, when the Supreme Court unanimously declared that the authorisation of *Postinor-2* was legal and constitutional. However, several pharmaceutical companies withdrew their drugs from the Chilean market as a result of pro-life pressure.³⁹ Thus, Recalcine withdrew its drug Tace in 2006, following an intense email campaign by the pro-life group Muevete Chile calling on consumers to boycott Recalcine products, while the Gruenenthal laboratory, which had been sued by the youth organisation Centro Juvenil AGES, cancelled the registration of *Postinor-2* with the ISP in 2006.⁴⁰ Clearly, the companies were not willing to risk commercial losses on pharmaceutical products that were more profitable than the morning-after pill.⁴¹

In 2005 MINSAL added emergency contraception to the National Formulary, meaning that all pharmacies in the country were now obliged to stock the drug. By 2006 clear signs of undersupply on the national market led the government to import the drug in order act as an intermediary supplier to pharmacies. However, emergency contraception turned out still to be widely unavailable in the country's largest pharmacies (controlling 90 per cent of the national market). One of the chains, owned by a well-connected Opus Dei member who presented himself as a 'conscientious objector', received immediate backing by the Catholic clergy.⁴² Finally, the government levied fines against the three chains after a preliminary inspection in Santiago had confirmed the lack of stock in 2007—a move that was scrutinised by the Church alongside politicians from both UDI and PDC who demanded 'freedom of conscience' for pharmacists.⁴³ Another search in September 2009 revealed that the remedy was still largely unavailable.⁴⁴

In the meantime the Health Ministry had established that emergency services must provide the pill to victims of sexual violence. The Church had already argued that 'not even in the harrowing case of rape, does the legitimate repudiation of the aggressor justify the elimination of a new and innocent life'.⁴⁵ Armed with arguments about the abortive character of the pill, a new cast of actors entered the scene; rightist mayors vocally refused to distribute the drug through the public medical services of their municipalities, based on the autonomy of municipal government.

Finally, in 2006, MINSAL published a set of new fertility regulation standards which foresaw the extension of contraception, including emergency contraception, to all women and girls who required it (ie beyond victims of

sexual violence) through the public health system.⁴⁶ The standards were elaborated in collaboration with experts from the Chilean Institute of Reproductive Medicine (ICMER) and the Association for the Protection of the Family (APROFA) under the leadership of Socialist Party health minister, Soledad Barría, who maintained close ties to sexual and reproductive rights activists.

The Catholic Church openly rejected the new standards and positioned itself as championing a 'culture of life', defending the rights of the unborn against the 'culture of death' allegedly promoted by the government and reproductive health movements.⁴⁷ The Standing Committee of Chile's Episcopal Conference issued a declaration entitled, 'Where is Chile heading?', which focused on three issues: 1) the alleged abortive character of the pill; 2) the 'authoritarian' character of the norms in trying to regulate private life; and 3) the fact that adolescents (from the age of 14 onwards) would be able to access it without parental authorisation. The committee asserted that the standards militated 'against fundamental social goods such as parents' freedom to control the education of their children'.⁴⁸

The Church's declaration caused immediate reverberations in the political system. The Christian Democrats hastily issued a declaration, rejecting the norms on several grounds (including pro-life reasons), arguing that the Chilean state 'should promote maternity and help [people] to opt for it'.⁴⁹ Exposing the divisions among Christian-democrats (characteristic of the conflict as a whole), several PDC members were swift to declare their dissent from this position, arguing that the pill was a good way to prevent abortion. Right-wing mayors in several communities announced non-compliance, and a group of 32 pro-life parliamentarians, the so-called Frente de Parlamentarios por la Vida,⁵⁰ took the norms to the Constitutional Court in October 2006.

The arguments put forth by the conservative side centred on the violation of the right to life (based on the Catholic conception of the beginning of life from conception) and the right of parents to decide their children's education. For both reasons, the conservative camp argued, the standards were contradicted the Chilean constitution.⁵¹ SERNAM, MINSAL, the presidential office and progressive politicians, in turn, insisted that the drug was not abortive, referencing the position of the World Health Organisation (WHO) on that matter. They accused the opposition of maintaining a deeply unsocial 'double standard' by denying lower-income women access to emergency contraception through the public system, while affluent women were (at least theoretically) able to purchase the drug on the market.

The Episcopal Conference sided with the conservatives, publicly supporting right-wing mayors and parliamentarians in their quest to stop the standards. In early 2007 the 'the option for life [taken] by parliamentarians of different political groupings' was explicitly acknowledged in a declaration entitled 'To welcome and to promote life'.⁵² The declaration cited 'scientific' and scholarly evidence—both medical, advancing its conception of the beginning of life, and judicial, underlining the idea of contradicting the country's constitution—and even put forth demographic arguments to

make a case for ‘incentivising’ rather than ‘regulating’ fertility. While still present, invocations of ‘natural law’ figured less prominently than medical, judicial and instrumental arguments. The excessive use of a human rights language is particularly striking.⁵³ ‘Speaking of procreation’, the document argues, ‘is speaking of a human right’, and, alluding to the Catholic Church’s historical role it states: ‘Yesterday, the defence of human rights demanded solidarity in being with the victims of all kinds of violence; today, it demands the defence of the most defenceless’.

Internal dissent was voiced by Jesuit priests who criticised intransigent positions within the Church, comparing it to the Taliban.⁵⁴ The Catholics for the Right to Decide movement rendered support to the government position, arguing that it gave Catholic women the option of making ‘informed choices based on freedom of conscience which is what we consider best for our lives’.⁵⁵ Several evangelical churches, congregated in the Christian Brotherhood of Churches (Confraternidad Cristiana de Iglesias—CCI), overtly took issue with the conservative stance of the Catholic hierarchy and expressed support for the government policy.⁵⁶ While the voices of progressive religious forces were not as audible as those of the conservative camp, they did play an important legitimising role for the government’s policies, by emphasising the role of the state (as separate from the church), by removing the debate from the polarising rhetoric that pitted church and religion against the state, and by testifying to the diversity of religious positions on family and sexuality issues.

The conflict reached its preliminary peak in April 2008, when the Constitutional Court, in a five to four vote, effectively declared the public distribution of the pill unconstitutional on the grounds of its abortive character. One of the votes came from a leading Christian Democrat, another from the vice-rector of the Opus Dei-linked Universidad de los Andes, who had previously supported pro-life organisations’ legal action against the commercial distribution of the pill.⁵⁷ Thousands of people protested on the streets against the court ruling and in support of the fertility regulation standards, while the government was trying to figure out alternatives to make the drug available.

This time the controversy in the political system started to cut more clearly across party affiliation. Several PDC parliamentarians rejected the ruling, arguing that ‘the Catholic Church was wrong’⁵⁸ in claiming that the pill was abortive.⁵⁹ Disagreement with the court ruling also spread in the opposition. An RN member of parliament lamented the ‘bad news for Chilean women’,⁶⁰ and party leaders met women’s minister, Laura Albornoz (PDC), to explore ways in which the ban could be lifted.⁶¹ The UDI split into two fronts—those who continued to support the lawsuit and the ban even in the face of its unpopularity, and those who started to perceive the political costs of the endeavour.

Indeed, with municipal elections ahead in September 2008, some of the right-wing mayors who had vocally opposed the standards now proved more open to discussing ways of distributing the drug at the municipal level—a makeshift measure proposed by the Association of Chilean Municipalities.⁶²

Most PDC mayors also agreed to make the drug available in their municipalities and senator Soledad Alvear, who had led Christian Democratic opposition to emergency contraception in 2006, now called for a national law to be submitted to Congress.⁶³ Makeshift solutions in municipalities included distribution via NGOs, agreements with private clinics and the reimbursement of pharmacy bills, until June 2009, when the Contraloría General de la República⁶⁴ ruled out these practices as well. The executive was left with no other option than submitting a bill to Congress. By then, with national election campaigns in full swing, emergency contraception entered presidential debates, and *Concertación* candidate Eduardo Frei (PDC) urged his conservative opponent Sebastian Piñera (RN) to take a stance on the issue. Frei himself declared that he would 'enthusiastically vote' for the bill,⁶⁵ and, despite criticisms by members of the party coalition he represented, Piñera followed.⁶⁶

In both Congress and Senate several right-wing parliamentarians who had supported the 2006 lawsuit now openly supported the bill. Finally, the bill passed Congress with the support of several RN and five (decisive) votes by UDI members. Senate followed with a 21 to 12 vote, including the support of two UDI senators. With the exception of one Christian Democrat member, *Concertación* voted unanimously in favour of the bill. Decisions in both chambers were preceded by heated debates during which civil society from both the pro-life and pro-choice fractions was audibly present.⁶⁷ The final hurdle was taken in January 2010, when the Constitutional Court approved the bill.

After a battle of almost four years emergency contraception was to be included in public health provisions for all women requiring it, maintaining full confidentiality for girls aged 14 years and older, with parents of younger girls to be informed ex-post. The fact that the government held its nerve, the visibility of public support, aggregated and articulated by a strong reproductive rights movement, and its coincidence with local and national elections finally tore down the wall of conservative opposition and institutional constraints.

Religion, politics and women's rights in Chile

What is the bottom line of these evolving conflicts in terms of the role of religion in democracy and women's rights in Chile? On the one hand, the case studies show that religious conservatism (in different disguises) remains an utterly powerful political force in competition and confrontation with progressive political actors pursuing women's rights and secularisation. The religious-conservative alliance was able to achieve important modifications of the initial government proposal on sexual education and significantly delayed the roll-out of emergency contraception (which probably remains difficult to come by despite the recent legislative victory). Apart from the discursive and political authority of the Catholic Church, this reflects a very uneven balance of power within civil society. As Merike Blofield has documented, 'interest groups with a conservative agenda are more organised, have more resources and tighter networks, and maintain better access to

political parties' than women's rights advocacy groups with more progressive agendas.⁶⁸ While progressive sectors of the Catholic and Evangelical churches increasingly challenge conservative doctrines from within, they lack the visibility and political weight of their contenders.

On the other hand, the currency of extremist positions seems to have weakened over the years, forcing the Church into moderating, if not its position, at least its discourse. The socio-cultural transformations in the country, the emergence and fortification of the sexual and reproductive rights movement within the feminist movement and the appearance of different discourses and social practices with regard to family and sexuality have and will further debilitate the hegemony of the Catholic Church.⁶⁹ This is already evident in its move away from the totalising discourse of 'natural law' and towards a justification of its position in terms of constitutional provisions and alleged scientific expertise. In the case of emergency contraception sexual and reproductive rights advocates were able to counter these narratives and to effectively mobilise public opinion. When the public debate reached the stage of intense deliberation in Congress and Senate, extremist positions were increasingly marginalised and political representatives succumbed to accepting a policy designed to address an important social reality—not least, in the face of a clear-cut public opinion and national elections ahead. Enacting a law on fertility regulation after a long political debate is a major achievement. And the drawn-out and noisy battle may have had the unintended consequence of creating broader societal awareness of sexual and reproductive issues than would a simple top-down ministerial directive (which could also be revoked more easily).

While the democratic process eventually helped women's rights advocates to win the day, our case studies also suggest that the strength or weakness of executive sponsorship and continued support of the executive in the face of conservative resistance is a crucial ingredient for the success of women's rights initiatives in Chile. Let's not forget that civil society sided with the government (rather than opposing it) in its quest for emergency contraception; and that, in turn, the lack of government interest in sex education in the mid 1990s ended up marginalising the issue on the political agenda. This confirms the enormous power of the executive *vis-à-vis* other branches of government in Chile when it comes to agenda-setting and policy making.⁷⁰ Analyses of feminist policy making in the country found, for example, that, throughout the 1990s, bills sponsored by the executive enjoyed higher rates of success than congressional initiatives.⁷¹ Our case studies suggest that executive support for 'woman-friendly' policies was stronger under the administration of Michelle Bachelet in the late 2000s than under Christian Democrat leadership in the 1990s, allowing for significant progress in women's rights.⁷²

But a strong executive is a double-edged sword for women's rights activists, as sponsorship can turn into executive neglect or hostility when governments change. In Chile this change occurred in early 2010, when *Concertación* lost the presidential elections for the first time since the return

to democracy. With the victory of Sebastian Piñera and his 'Coalition for Change', the executive is now in the hands of the political right. If, as our analysis suggests, political will, a well organised sexual and reproductive rights movement and functioning insider–outsider connections—between this movement and the health minister, for example—were decisive in the past, the recent change in government raises questions and concerns about potential setbacks. Legal institutionalisation notwithstanding, the availability of emergency contraception in pharmacies and public health services hinges on adequate enforcement and funding. And the pending policy agenda is still long. But the decriminalisation of abortion, the reinstatement of a proper policy on sexual education, and the recognition of same-sex unions seem unlikely under a conservative government whose president, eager to give himself a modern image, may have paid lip service to some of these issues during the election campaign, but is dependent on political support from conservative allies.

Similar to most of his *Concertación* predecessors then, Piñera is unlikely to risk fissures in the coalition that backs him. Further, the new cohort of politicians moving into ministries and the bureaucracy lacks connections and a shared political past with progressive civil society movements, which may lead to the exclusion and neglect of the issues discussed in this article, while the incorporation of other, less controversial ones—such as the desirability of women's participation in the labour market—may continue. In a sense then, the determination of the Bachelet administration, albeit successful, may have been too little too late. The enormous political capital of 20 uninterrupted years in power is unlikely to return—and the next four years may be a time to be watchful and defend the ground that has been gained.

Notes

The authors would like to thank Anne Jenichen and Shahra Razavi for helpful comments on previous drafts of this paper.

- 1 In 2002 70 per cent of the population identified as Catholic, 15 per cent as Evangelical. Instituto Nacional de Estadísticas (INE), *Censo 2002–Síntesis de Resultados*, Santiago: INE, 2003.
- 2 These included, among others, the institution of appointed senators, the electoral system and a Constitution designed and buttressed under authoritarian rule.
- 3 The *Concertación de Partidos por la Democracia* is a centre-left party coalition including the Christian Democratic (PDC), Socialist (PS) and Democratic Parties (PPD). It governed the country in four consecutive administrations until 2010, when it was defeated in the presidential elections by the *Alianza por Chile*, a rightist-conservative coalition, composed of the parties National Renovation (RN) and the Independent Democratic Union (UDI) whose founder, Jaime Guzmán, was a fervent Pinochet follower and member of the Catholic-integralist group Opus Dei. The Chilean right combines a strong economic liberalism with conservative morals.
- 4 For example, A Dandavati, *The Women's Movement and the Transition to Democracy in Chile*, New York: Peter Lang, 1996; and A Matear, 'Desde la protesta a la propuesta: the institutionalization of the women's movement in Chile', in E Dore (ed), *Gender Politics in Latin America—Debates in Theory and Practice*, New York: Monthly Review Press, 1997, pp 84–100.
- 5 One of the key slogans of this movement was 'democracy in the country and in the home'. See A Frohmann & T Valdés, 'Democracy in the country and in the home: the women's movement in Chile', in A Basu (ed), *The Challenge of Local Feminisms: Womens' Movements in Global Perspective*, Boulder, CO: Westview Press, 1995, pp 276–301.
- 6 W Lies & MF Malone, 'The Chilean church: declining hegemony?', in PC Manuel, C Reardon & C Willcox (eds), *The Catholic Church and the Nation State: Comparative Perspectives*, Washington, DC: Georgetown University Press, 2006, pp 89–100.

- 7 Corporación Humanas, *V Encuesta Nacional 'Percepciones de las mujeres sobre su situación y condiciones de vida en Chile'*, Santiago: Corporación Humanas, 2008.
- 8 The integralist current insists on a literal interpretation of Catholic doctrine, which it perceives as 'universal and non-negotiable' (p 40). The liberal Catholic view, in contrast, usually embraces the autonomy of the political realm within which decisions are made according to individual conscience. See M Blofield, *The Politics of Moral Sin: A Study of Abortion and Divorce in Catholic Chile since 1990*, Santiago: FLACSO, 2001.
- 9 B Shepard & L Casas, 'Abortion policies and practices in Chile: ambiguities and dilemmas', *Reproductive Health Matters*, 15, 2007, pp 202–210.
- 10 No explicit order to this effect has been found, but numerous women have testified to this.
- 11 Dandavati, *The Women's Movement and the Transition to Democracy in Chile*. This is the case of the Círculo de Estudios de la Mujer, founded by mainly middle-class women in 1979 under the aegis of the Academy. The circle was expelled from the Academy in the mid-1980s, when it publicised its positions on sexuality.
- 12 M Htun, *Sex and the State: Abortion, Divorce and the Family in Latin American Dictatorships and Democracy*, New York: Cambridge University Press, 2003.
- 13 Blofield, *The Politics of Moral Sin: Abortion and Divorce in Spain, Chile and Argentina*, New York: Routledge, 2006, p 23. See also MA Garretón, 'Balance y perspectivas de la democratización política chilena', in A Menéndez & A Joignant (eds), *La Caja de Pandora: El Retorno de la Transición Chilena*, Santiago: Planeta/Ariel, 1999, pp 49–88.
- 14 Blofield, *The Politics of Moral Sin: Abortion and Divorce in Spain, Chile and Argentina*.
- 15 This is particularly evident in the Church's campaign against abortion and emergency contraception. Several official documents establish a direct link between the Church's defence of 'life' now and then. See, for example, Comité Permanente de la Conferencia Episcopal de Chile, *Acoger y promover la vida*, Santiago: Conferencia Episcopal de Chile, 10 January 2007; and FJ Errázuriz Ossa, *El derecho a la vida: también hoy*, Santiago: Arzobispado de Santiago, 26 March 2001.
- 16 Lies et al, 'The Chilean church'.
- 17 Blofield, *The Politics of Moral Sin: Abortion and Divorce in Spain, Chile and Argentina*.
- 18 J Escobar, *Opus Dei: Génesis y expansión en el mundo*, Santiago: LOM, 1992.
- 19 Between 1990 and 2006 the parliamentarian right introduced four bills to impose higher sentences for abortion, for example, all of which were rejected. Shepard & Casas, 'Abortion policies and practices in Chile'.
- 20 The progressive Catholic camp includes new expressions of feminist theology (such as the *Con-spirando* collective and the Catholics for the Right to Choose movement) as well as some Jesuit priests. On the Evangelical side the Christian Brotherhood of Churches (CCI) has adopted a more moderate stance.
- 21 L Haas, 'The Catholic Church in Chile: new political alliances', in C Smith & J Prokopy (eds), *Latin American Religion in Motion: Tracking Innovation, Complexity and Change*, New York: Routledge, 1999, pp 43–66.
- 22 These include the Interdisciplinary Programme on Educational Studies (PIEE), the Centre for Research and Development of Education (CIDE), and Education for a Better Quality of Life (EDUK).
- 23 Jesuit Tony Mifsud, an expert on moral issues, would play a key role in this respect. He joined the committee as an advisor to co-ordinator María de la Luz Silva, helping her to frame discussions with the conservative sectors of the Catholic Church in ways that would be more acceptable to the latter.
- 24 Birth rates among girls aged 15–19 were high and rising throughout the 1990s, reaching 16.2 per cent of all live births in 1998. See Instituto Nacional de Estadísticas, *Población y Sociedad: Aspectos Demográficos*, Santiago: INE, 2008. The probability of having children in this age group was almost 20 per cent among girls in the bottom income tercile and seven per cent among girls in the highest income tercile in 2002. J Rodríguez, 'Adolescent reproduction: the case of Chile and its policy implications', *Cepal Review*, 86, pp 117–140.
- 25 Haas, 'The Catholic Church in Chile'.
- 26 Ministerio de Educación, *Política de Educación en Sexualidad para el Mejoramiento de Calidad de Educación*, Santiago: MINEDUC, 1993.
- 27 L Casas & C Ahumada, 'Teenage sexuality and rights in Chile: from denial to punishment', *Reproductive Health Matters*, 17(34), 2009, pp 88–98.
- 28 M Kleincsek, *Evaluación de impacto a largo plazo de las Jornadas de Conversación sobre Afectividad y Sexualidad (JOCAS) en la comunidad educativa y las familias en las regiones IV, VII y Metropolitana*, Santiago: ONG EDUK, 2004.
- 29 Casas & Ahumada, 'Teenage sexuality and rights in Chile'.
- 30 K Araujo, 'Sobre ruidos y nueces: debates chilenos en torno a la sexualidad', *Revista Iberoamericana*, 19, 2005, pp 109–126.
- 31 Comité Permanente de la Conferencia Episcopal de Chile, *Acerca de la educación sexual*, Santiago: Conferencia Episcopal, 10 September 1996.

- 32 Haas, 'The Catholic Church in Chile'.
- 33 Servicio Evangélico para el Desarrollo, *Orientaciones sobre sexualidad para los Establecimientos Educativos de SEPADE, Declaración pública sobre Educación Sexual*, Santiago: CCI/CTE/SEPADE, 1996.
- 34 Surveys showed that 90.5 per cent supported the idea that sexual education was necessary.
- 35 The topic made it to the front page of the country's largest newspaper. 'Cambios en educación sexual', *El Mercurio* (Santiago), 14 March 2004. The Minister of Education admitted: 'I am convinced we are behind. Sex education is an inhibited issue and the Ministry is not very active in this area'. 'Gobierno crea nuevo plan de educación sexual para colegios', *La Segunda* (Santiago), 14 May 2004.
- 36 M Ríos, 'Chilean feminism and social democracy: from the democratic transition to Bachelet', *NACLA Report on the Americas*, March–April 2007, pp 25–42.
- 37 These organisations include the Forum on Health and Sexual and Reproductive Rights, the Latin American and Caribbean Women's Health Network (RSMAC) and the Network Against Domestic and Sexual Violence, as well as many smaller groups and collectives.
- 38 The Network for Life and the Family (Red por la Vida y la Familia) congregates several dozens of small organizations, such as the Fundación Chile Unido, the NGO Investigación, Formación y Estudios de la Mujer (ISFEM), Muevete Chile and Centro Juvenil AGES, as well as notorious individuals, such as the lawyer and UDI-advisor Jorge Reyes. Several of them are connected with Opus Dei and the Legionaries of Christ.
- 39 L Casas, *La saga de la anticoncepción de emergencia en Chile: avances y desafíos*, Santiago: FLACSO/UNFPA, 2007.
- 40 The AGES law suit was led by an Opus Dei-affiliated lawyer of Universidad de los Andes.
- 41 'Ministerio de Salud importará píldoras para venderlas en farmacias', *La Nación* (Santiago), 6 February 2007.
- 42 'Conferencia Episcopal reivindica objeción de conciencia de las farmacias', *El Mostrador* (Santiago), 30 October 2007.
- 43 Pro-market voices were also raised, including from the Chambers of Commerce, criticising the government for violating economic freedom. 'Dorando la píldora', *La Nación*, 4 November 2007.
- 44 'Cursan sumarios a farmacias que no cuentan con la píldora', *La Nación*, 23 September 2009.
- 45 Errázuriz Ossa, *El derecho a la vida*.
- 46 Ministry of Health, *Normas Nacionales sobre Regulación de la Fertilidad*, Santiago: Ministry of Health, 2006.
- 47 C Dides, *Voces en emergencia: El discurso conservador y la píldora del día después*, Santiago: FLACSO/UNFPA.
- 48 Comité Permanente de la Conferencia Episcopal de Chile, *¿Hacia dónde camina Chile?*, Conferencia Episcopal, Santiago de Chile, 7 September 2006.
- 49 'Declaración pública del Partido Demócrata Cristiano', *La Nación*, 5 September 2006.
- 50 The Parliamentarians for Life Front was formed in 2006 by members of UDI, PDC and RN. The group rallies against abortion, contraception, medically assisted suicide and human cloning, and has initiated the formation of a Global Parliamentarian Front for Life, whose board includes politicians from Argentina, Chile, Mexico, Peru, Portugal and Spain.
- 51 The Constitution itself is inherited from authoritarian rule.
- 52 Comité Permanente de la Conferencia Episcopal de Chile, *Acoger y promover la vida*.
- 53 'Rights' are mentioned 24 times in the document.
- 54 'Gobierno respeta dichos de obispos pero seguirá entregando "píldora del día después"', *La Nación*, 11 January 2007.
- 55 V Díaz, 'Libertad de elegir', *La Nación*, 28 March 2007. Some evangelical organisations also took issue with the opinion of Catholic bishops and other conservative forces. See, for example, Confraternidad Cristiana de Iglesias, *Normas nacionales sobre regulación de fertilidad*, Santiago: CCI, 2008.
- 56 Confraternidad Cristiana de Iglesias, *Declaración pública: Opinión de la Confraternidad Cristiana de Iglesias (CCI) sobre las normas nacionales sobre regulación de la fertilidad*, 2008.
- 57 Pro-choice lawyer, Lidia Casas, had demanded his disqualification the grounds of this bias, without success.
- 58 'Parlamentarios DC manifiestan su rechazo a decisión de TC por píldora', *La Nación*, 6 April 2008.
- 59 This position was supported by several opposition parliamentarians who were medical doctors, independent of their party affiliation, including Karla Rubilar (RN), Osvaldo Palma (RN) and Juan Lobos (UDI).
- 60 'Gobierno en alerta por fallo adverso a píldora del día después', *La Nación*, 3 April 2008.
- 61 'Píldora: diputados RN apoyarán al gobierno', *La Nación*, 7 April 2008.
- 62 'Alcaldes dispuestos a entregar la píldora del día después', *La Nación*, 21 April 2008.
- 63 'DC llama a legislar sobre anticoncepción de emergencia', *La Nación*, 29 April 2008.

- 64 The Contraloría is a constitutional body of the state responsible, among other things, for supervising the legality of acts carried out by the public administration.
- 65 'Píldora del día después aprobada en general por el Senado', *La Nación*, 27 October 2009.
- 66 A side effect of this debate was that therapeutic abortion also became an issue during the campaign, with the three centre-left candidates favouring its reposition.
- 67 One congressman pulled out a Bible while arguing his case against the bill; observers from both fractions shouted slogans and were evicted from the discussion in the Senate.
- 68 Blofield, 'The politics of "moral sin"', 2001, p 29.
- 69 J Hurtado, S Pérez & C Dides, 'El debate sobre derechos sexuales y reproductivos en Chile: ¿Separación iglesia-estado?', in C Dides (ed), *Diálogos Sur-Sur sobre religión, derechos y salud sexual y reproductiva: los casos de Argentina, Colombia Chile y Perú*, Santiago: Universidad Academia de Humanismo Cristiano, 2004.
- 70 L Baldez & JM Carey, 'Presidential agenda control and spending policy: lessons from General Pinochet's Constitution', *American Journal of Political Science*, 43(1), 1999, pp 29–55; P Siavelis, *The President and Congress in Postauthoritarian Chile: Institutional Constraints to Democratic Consolidation*, University Park, PA: Pennsylvania State University Press, 2000.
- 71 M Blofield & L Haas, 'Defining a democracy: reforming the laws on women's rights in Chile, 1990–2002', *Latin American Politics & Society*, 47(3), 2005, pp 35–68; and L Haas, 'The rules of the game: feminist policymaking in Chile', *Política*, 46, 2006, pp 199–225.
- 72 Beyond sexual and reproductive rights, this included, for example, a gender-sensitive approach to pension reform as well as the rapid expansion of childcare services. See S Staab, 'Social investment policies in Chile and Latin America: towards equal opportunities for women and children?', *Journal of Social Policy*, 39 (4), 2010, pp 607–626.

Notes on Contributors

Virginia Guzmán is a member of the Centre for Women's Studies (Centro de Estudios de la Mujer), Santiago de Chile, and visiting professor at Universidad de Chile and Universidad Academia de Humanismo Cristiano. She has conducted and published numerous studies on social movements, public agendas and public policy from a gender perspective. **Ute Seibert** holds the UNESCO chair for Education in Human Rights at the Universidad Academia de Humanismo Cristiano, Chile. She is author of *Espacios Abiertos: Caminos de la teología feminista* (forthcoming), and co-editor of *Con-spirando: Revista latinoamericana de ecofeminismo, espiritualidad y teología*. **Silke Staab** works as a research analyst at the United Nations Research Institute for Social Development (UNRISD), Geneva. Among her recent publications is 'Social investment policies in Chile and Latin America: towards equal opportunities for women and children?', *Journal of Social Policy*, 39(4), 2010.