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Comparative Political Studies 2012 45: 1323 originally published online 5 March 2012
DOI: 10.1177/0010414012437165

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Comparative Political Studies
45(11) 1323–1350
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DOI: 10.1177/0010414012437165
http://cps.sagepub.com

Does the Quality of Democracy Matter for Women's Rights? Just Debate and Democratic Transition in Chile and South Africa

Denise M. Walsh[1]

Abstract

Gender scholars have found that democratization is rarely associated with advances in women's rights and offer a range of reasons why. This article offers a new explanation that targets the quality of democracy in the leading institutions in the public sphere. The author argues that open and inclusive debate conditions, or women's access, voice, and capacity for contestation in the legislature, civil society, and the media, enable them to shape debate content and pressure the state to respond with legislative reform. The author tests this claim through a structured, focused comparison of Chile and South Africa during the period prior to the transition to democracy, when the public sphere expanded and debate conditions were dynamic. The author finds that different levels of openness and inclusiveness coincide with different outcomes in women's rights. This suggests that the quality of democracy in the public sphere shapes women's rights and that it may shape the outcomes of rights for other marginalized groups and in long-standing democracies as well.

[1]University of Virginia, Charlottesville, VA, USA

Corresponding Author:
Denise M. Walsh, University of Virginia, S185 Gibson Hall Room S454, P.O. Box 400787, Charlottesville, VA 22904, USA
Email: denise@virginia.edu

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Keywords

Chile, democratization, deliberative theory, gender, public sphere, quality of democracy, South Africa, women's rights

Democracy promises equal rights to all citizens, yet a range of women's rights outcomes is found in democratizing states. Why? To answer this question scholars focus on the passage of women's rights legislation after the first democratic election and offer a number of reasons, including variations in the strength of the women's movement, the political ideology of the democratic opposition, and international support.[1] However, changes in women's rights often occur before the first election, when states prepare for the transition to democracy.

This was true in Chile, where outcomes on women's rights were modest, and in South Africa, where outcomes were unusually impressive. Just prior to the 1989 democratic election in Chile, Augusto Pinochet advanced women's rights by approving minor reforms to the Civil Code and by agreeing to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The prodemocracy opposition endorsed antidiscrimination and violence against women legislation. In contrast, just prior to the 1994 democratic election in South Africa, the apartheid government passed the 1993 Prevention of Family Violence Act, repealed discriminatory legislation with the 1993 General Law Fourth Amendment Act, extended the 1983 Basic Conditions of Employment Act to domestic and farm workers, and signed CEDAW. The South African prodemocracy opposition endorsed violence against women legislation that included safe houses and survivor services, as well as antidiscrimination legislation, affirmative action, job creation, training, and day care.

This article offers a new explanation for women's rights outcomes that explains the pretransition divergence in these two cases. Drawing on critical deliberative theory, my approach targets the quality of democracy in the leading institutions in the public sphere, or the "space" where citizens exchange ideas about issues of common concern. I argue that if women can speak out in the leading institutions in the public sphere, the content of public debate will expand to include demands for women's rights. That will prompt political elites who need votes and want to avoid being labeled sexist to respond by supporting gender reform.[2] This approach, which I call just debate, is applicable to the pretransition period because during this time the public sphere is rapidly expanding and popular demands are directed toward political leaders running for election.

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I test the causal weight of my approach through a structured, focused comparison of pretransition Chile (1980–1989) and South Africa (1985–1994), where the leading indicators explaining variations in women's rights were comparable, yet outcomes diverged. I find that just debate has causal traction: The quality of democracy in the public sphere was better in South Africa than Chile, paralleling outcomes on women's rights. That suggests that just debate shapes outcomes on women's rights during the pretransition period and that it may shape rights outcomes for other marginalized groups and in long-standing democracies as well.

Comparability and Existing Explanations

Prior to democratic elections, Chile and South Africa were "semi-peripheral, middle income countries" with authoritarian regimes conservative on women's rights (Waylen, 2007, p. 42). Although differences in racial politics, religion, and levels of militarization existed, these differences did not prevent their prodemocracy oppositions from defying the regime, expanding the public sphere, and winning democratic elections.

In 1973 Pinochet led a coup against Salvador Allende's democratic government and imposed a military dictatorship. The junta broadened military jurisdiction over citizens, terrorizing the population with murder, torture, and more than 3,000 disappearances (Loveman, 1991). Chileans protested the dictatorship during the severe economic crisis of the 1980s and the military fiercely repressed their activism. However, the Roman Catholic Church nurtured grassroots organizations while protecting labor unions and political parties and promoted human rights. As the level of political violence declined mid-decade (Heinz & Fruhling, 1999), political parties reemerged and the public sphere expanded. Although class divisions in Chile were extreme, all Chileans had the opportunity to organize and demand democracy.[3]

In 1948 the National Party imposed apartheid in South Africa, denying Black Africans citizenship and creating separate homelands for Black ethnic groups.[4] Economic crisis and resistance to apartheid in the 1980s prompted the South African regime to militarize, increase armed forces in Black areas, and detain more than 30,000 people. Although racial, class, and regional divisions in South Africa were extreme, mass protests led by trade unions, civics, and religious organizations occurred throughout the country. The South African Council of Churches supported the liberation movement (Borer, 1998). In both cases the population was divided and the military repressed dissent, yet opposition forces gained support from religious organizations and exploited a political opening.

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Chile and South Africa also shared similarities on the leading factors that gender scholars believe shape outcomes on women's rights after a transition to democracy. Although important, these factors cannot explain the divergent outcomes in these two cases. Gender scholars argue that if a vibrant international human rights community provides material resources and moral support, it can advance women's rights legislation, especially if the country is "vulnerable" to international pressure (Htun & Weldon, 2010, p. 212; Molyneux, 1994; Paxton, Hughes, & Green, 2006). In both Chile and South Africa, international nongovernmental organizations, donors, and the international women's movement facilitated women's organizing, prompting them to demand their rights. Both countries also were open to international pressure. These similarities mean international factors cannot explain the divergent outcomes.

Many analysts argue that leftist political parties advocating individual rights are sympathetic toward women's rights and advance their passage (e.g., Caul, 1999; Mazur, 2002). In 1988 Chilean parties formed the Concertacion de Partidos por la Democracia. The coalition excluded communists but included the Socialist Party, the Social Democratic Radical Party, and the Christian Democrats. The latter was the leading party in the coalition and held a centrist position influenced by neoliberalism. In South Africa the African National Congress (ANC) dominated the opposition and was a left-of-center movement with a strong socialist wing. However, members of the left were "foot soldiers," not party leaders (Kader Asmal, as quoted in Russell, 2009, p. 72). Furthermore, the demise of the Soviet Union and the rise of neoliberalism pushed the ANC to the liberal center (Lodge, 2002). Similar political ideologies in both cases mean this factor cannot explain the divergent outcomes in women's rights.

Political alliances can also shape outcomes. Mounira Charrad (2001) and Mala Htun (2003) argue that if political elites align with religious or tribal leaders, they will not advance gender reform that threatens the core principles of their allies. In Chile, the commitment of the leading party to Catholic dogma did not bode well for legalizing abortion or divorce. In South Africa, ANC alignment with powerful chiefs who could direct millions of votes and incite violence did not bode well for legalizing rural women's right to own land. Opposition alliances can explain policy divergences on these select gender issues but cannot explain the larger patterns of modest advances in Chile and impressive advances in South Africa.

Lisa Baldez (2002) argues that a united opposition facilitates advances in women's rights as divisions hinder the formation of a national women's movement. In both Chile and South Africa, the opposition grappled with

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daunting divisions. In Chile, opposition parties were numerous and polarized. Factionalism declined in 1988 as the Concertacion brought party cohesion. In South Africa, the ANC dominated the opposition. However, it was not a unified political party but a dispersed political movement in exile. Unbanned in 1990, the ANC struggled to integrate hundreds of domestic opposition groups into its organization. Furthermore, the regime instigated violence between the ANC and the Inkatha Freedom Movement that reached civil war proportions. In both cases, deep divisions challenged women's ability to establish a broad-based movement.

Nonetheless, a strong national women's movement emerged in Chile and South Africa. A relatively slow, negotiated transition in both countries gave women the time they needed to organize. In Chile, women had nearly 2 years, from the 1988 plebiscite to the first democratic election in 1989. Women in Chile also had historical advantages because they had built a strong women's movement early in the decade. In South Africa, the time frame extended to 4 years, from 1990 to the 1994 election. This longer period facilitated a movement of comparable strength to the one in Chile, as South African women's organizing lacked deep roots.

As analysts like Maxine Molyneux (1998) recommend, both Chile and South Africa had autonomous and cohesive women's movements well connected to opposition elites, and both promoted a feminist agenda that aimed to get more women into positions of power. Chilean women were deeply divided by class and ideologically fractured, but a strong women's movement emerged early and promoted feminist goals. Just prior to the transition, the Coalition of Women for Democracy (CMD) wrote a gender program to influence the policies of the Concertacion and campaign for its presidential candidate, Patricio Aylwin. In South Africa, divisions among women ran deeper and women's organizations were weak. However, in 1990 the ANC agreed to an independent women's movement, and 2 years later one emerged. The Women's National Coalition (WNC) wrote a women's charter to influence the transition negotiations and the future democratic state.[5] The WNC made "aspirational" demands for equality of results that exceeded the CMD's demands for equality of opportunity (Hassim, 2006, p. 152). Why? Htun and Laurel Weldon (2010) argue women's demands increase with state capacity, but the Chilean state had a history of high capacity (Marcel, 1999). Hence, neither state capacity nor the strength of the women's movement can account for the lesser demands in Chile or the divergent outcomes.[6]

Looking beyond gender scholars, analysts of democratization like Larry Diamond and Leonardo Morlino (2005) argue that the "quality of democracy" shapes rights outcomes in posttransition states. They believe that socioeconomic

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inequality and social exclusion—along with limits to the rule of law, poorly designed electoral systems, and incompetent political parties—can disrupt the link between citizens and representatives, impeding state responsiveness. Although variations in the quality of democracy may explain outcomes on women's rights, existing models that link legislative policy and the quality of democracy are complex to apply across time and space (Powell, 2005, p. 63). Moreover, pretransition Chile and South Africa were not democracies but authoritarian regimes undergoing liberalization and regime breakdown. I argue nonetheless that variations in the quality of democracy explain the divergent outcomes in these two cases.

Just Debate

Just debate focuses on a core feature of democratic quality: the openness and inclusiveness of debate conditions in the leading institutions in the public sphere. Critical deliberative theorists like Iris Marion Young (2000) and Nancy Fraser (1996) insist civil and political rights, the rule of law, and a public sphere do not ensure subaltern participation in public debate. Instead, public debate and policy making reflect the competing interests of elites. To avoid this foreclosure, critical deliberative theorists argue that public debate must be open and inclusive, with a broad array of demands and people. Fraser argues that counterpublics, which create institutional space for the subaltern to discover and articulate their interests, debate their collective goals, and develop strategies for advancing their interests, can insert the voices of the marginalized into the public sphere.

Building on the logic of critical deliberative theory, I focus on the openness and inclusiveness of debate conditions in the leading institutions of the public sphere: the legislature, social movements, trade unions, political parties, and the media.[7] Open and inclusive debate conditions in these institutions require women's participation, as women are the majority of the population in most countries. To be sure, all women who participate will not promote women's rights. However, open and inclusive debate conditions ensure that those who wish to can do so.

As illustrated in Figure 1, I hypothesize that open and inclusive debate conditions will alter the positions of the leading institutions in the public sphere on women's rights, pressuring political leaders facing election to endorse reform. Because the public sphere expands during liberalization and public participation peaks as the first democratic election looms, just debate applies to democratizing states, including the pretransition period.

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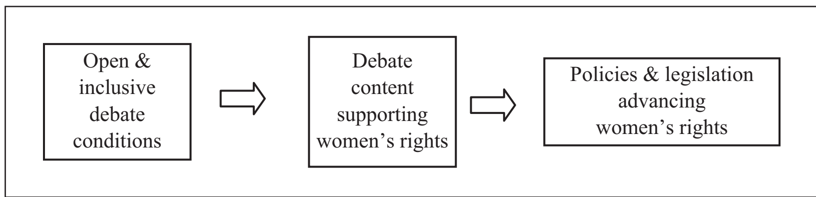

Figure 1. The just debate hypothesis

I use three criteria to evaluate the openness and inclusiveness of debate conditions: access, voice, and the capacity for contestation (Walsh, 2006). Access refers to women's presence. If women from different races and classes occupy the full range of available positions, then a range of interests is present and women are not ghettoized. Voice refers to the ability to speak and be heard with respect. If women speak in a variety of styles on diverse topics and receive thoughtful responses, they have voice. The capacity for contestation signals women can challenge institutional rules, such as hiring or electoral procedures and committee structures. Common challenges include demands for quotas and women's forums.

Although a range of obstacles prevent just debate, counterpublics within the leading institutions in the public sphere can help women to overcome them. Sexist attitudes, women's lack of skills and confidence, cultural norms that ignore the sexual division of labor, and women's greater susceptibility to violence and sexual harassment limit debate conditions. A range of factors, including class, race, and motherhood, marginalize some women more than others, preventing a full range of claims from being heard. Counterpublics, such as women's forums and caucuses, enable women to work together across these differences. I find that counterpublics can improve debate conditions even when other political actors, such as political parties, aim to limit debate over women's rights. The most successful counterpublics are more open and inclusive, work over a protracted period of time to improve debate conditions, and make alliances with other women's counterpublics across the public sphere.

To assess debate conditions I rate them on a spectrum from limited to just. Limited debate conditions indicate that women are present but few hold rank with decision-making power; peers regard women as tokens, and the majority of women are audience to the proceedings. Women's presence is symbolic, their voice conforms to routine responses, confirming they know their place;

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segregation is common. Women express their interests indirectly or not at all. For example, when women members sit silently during meetings, they are present but lack voice.

Moderate-level debate conditions indicate some women are present and speak when it is their turn. Most assimilate to conventional norms of speech and behavior, meaning colleagues listen when women speak. Under these conditions, women participate and occasionally challenge institutional procedures. Challenges are tolerated because they are not regarded as feasible threats to institutional priorities. A reform may adjust but does not shift the status quo. As challenges are infrequent, women recall them in detail.

When debate conditions are good, a diverse array of women no longer conform to expectations but openly confront established norms and values. They object forcefully to procedures that threaten their discursive freedom. Challenges are not brushed aside; they are heard. Under these conditions, women not only express comfort in their institutional setting and insist that men listen to them but also can offer numerous examples of how their interventions shaped decisions and shifted institutional practices.

After assessing debate conditions, the independent variable, I turn to debate content in the public sphere, the causal mechanism that triggers political responsiveness. Public opinion on gender norms is diverse. Nonetheless, all societies have a body of gender norms individuals and institutions advance, challenge, ignore, or reject, confirming that public standards exist. Politicians in democratizing states must be attentive to these standards to win votes. To track debate content on women's rights across my cases, I investigate what the leading institutions in the public sphere said about women's rights. I do not assume that one institution is more important than another or that the same institution will have equal prominence in both cases or even across time within cases. Instead, I attend to the dynamic power relations among them.

Women's Rights

For the dependent variable, women's rights, I focus on the responsiveness of the authoritarian regime and opposition movement to demands for gender justice. To define gender justice I turn to Iris Marion Young, who argues social justice requires an end to domination, exploitation, and oppression. Domination means individuals must follow rules they do not participate in making; exploitation means one's labor is undervalued and material needs are unmet; oppression means limits on individual autonomy constrain self-development (Young, 1990, pp. 37-38). The just debate hypothesis posits that when debate conditions in the leading institutions in the public sphere

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are open and inclusive, domination dissipates and women can shape institutional policies and procedures and hence alter the content of public debate. Domination is associated with the independent variable, debate conditions; oppression and exploitation are associated with the dependent variable, women's rights legislation.

I conceptualize exploitation as material interests and oppression as autonomy. To assess women's material interests I examine legislation toward women's work status. Women's work refers to paid employment and domestic labor. Antidiscrimination legislation, affirmative action for women, and state-supported child care are central. To assess women's autonomy, I examine legislation and policies toward violence against women. Violence against women refers to male control over women via physical and sexual abuse. It can involve intimate partners and women's status in the family. Men's marital power over their wives, rape, and sexual harassment are central concerns.

Violence against women and women's work were comparable in Chile and South Africa in three ways: Their meanings were analogous, key conservative groups had similar views toward these two issues, and public policy legacies were equally conservative at the outset of each period. First, women in Chile and South Africa experienced exceptional levels of violence, political as well as "domestic."[8] In both cases, forced resettlements and housing crises contributed to this violence. Women's work status also was similar: They were concentrated in the informal and secondary labor markets; men were regarded as the primary wage earners.[9] Second, traditional groups opposed to women's rights shared similar attitudes toward these two issues. Although the Catholic Church in Chile and the chiefs in South Africa regarded marriage as the foundation of society and believed that women should be subservient to men, neither viewed these issues as a threat to their core principles. Third, no national legislation on violence against women existed in either case. Legislation on women's work status was conservative: Employers could fire pregnant women from their jobs, state-supported child care was minimal, and family allowances were extended only to the most impoverished. Discriminatory employment practices such as "protective" legislation forbidding women to work at night were common.

To assess debate content and women's rights outcomes, I scale variance on a spectrum from *limited* to *good*, identifying three levels of gender justice that correspond to the three levels of debate conditions discussed earlier. My comparison of women's rights outcomes includes the level of gender justice, not only the amount of legislation passed. A limited level refers to policies and legislation that sustain inequalities of power. For example, a limited level of gender justice recommends women avoid venturing into public spaces

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without male protection. Although the goal is to enhance women's safety, the means entrench women's subordination by limiting their autonomy. Moderate levels indicate support for women's formal equality. For example, legislation making it illegal for employers to fire pregnant women secures equality of opportunity. A good level of gender justice does more. It promises equality of results, meaning substantive equality. For example, a state may eliminate maternity leave and pass parental leave policies, or it may implement comparable pay for comparable work. The former would increase women's autonomy; the latter would improve their material well-being.

I argue that debate conditions in the public sphere shape the content of public debate and state policy. Empirical evidence and the logic of democratic politics support the causal direction of this claim. Gender reform in Chile and South Africa occurred just prior to democratic elections; changes in debate conditions preceded these reforms. Although legislation and policies advancing women's rights can alter debate conditions, for example by encouraging women to enter the leading institutions in the public sphere, the logic of democratic politics and existing research indicate this is a feedback effect (Kittilson, 2010). The first requirement is public support for gender policies to trigger the cycle.

Method

Qualitative data and interpretive analysis allow for careful evaluation of the independent variable and causal mechanism. Data sources included governmental and nongovernmental organization (NGO) reports, policy documents, press releases, and alternative print media. I also drew on an array of expert secondary sources, many of which include interview data. I did field research in South Africa and 20 interviews on the pretransition period between 2001 and 2006 (sources for this case were less plentiful than for Chile). Using a snowball sampling technique, I met with politicians, academics, activists, trade unionists, and journalists. Interviews were semistructured and aimed for saturation.

I used interpretive tools to analyze my variables. I began with coding and memoing. For example, I labeled and categorized the data for indicators of access, such as the number of women in an organization and their rank, class, and race. To ensure adequacy, scope, and consistency, I used cross-checking and searched for similarities and differences, as well as for different modes of evidence. First-level analysis prompted the writing of memos containing ideas, thought experiments, and concept maps that became the basis for draft text with tables and diagrams (Miles & Huberman, 1994). Constant comparison

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sharpened the coding and theoretical analysis further. For example, to explore whether some types of institutions favored better debate conditions than others, I compared coded data from each type of institution across my cases.

For the causal mechanism, public debate, I collected qualitative data on the positions of the leading institutions in the public sphere on each of my gender issues. To code positions I analyzed word choices, looking for contradictions and silences. I focused on words like "motherhood" and "our women," using thematic analysis to identify narrative framing patterns that shaped normative positions, scoring them following the spectrum of limited to good.

Although this single cross-regional comparison of pretransition Chile and South Africa cannot confirm widespread causality, it does demonstrate the feasibility of assessing the quality of democracy using the just debate approach, even during pretransition periods.

Pretransition Chile

During the 1980s a public sphere emerged in Chile despite tremendous obstacles. Pinochet's military regime committed massive human rights violations, banned political parties, cracked down on labor unions, put the Church under surveillance, censored the media, and closed parliament. Yet grassroots organizations emerged in the 1980s and demanded democracy. Initially, women's organizations led the charge, and openness and inclusiveness were impressive. However, over time reemerging political parties undermined debate conditions, which did not expand with the public sphere. As Table 1 indicates, at the end of the period debate conditions were moderate.

Debate Conditions

The Chilean legislature was closed during the 1980s. However, civil society offered women remarkable opportunities to organize and shape the public agenda. Urban, rural, poor, and middle-class women formed groups in response to human rights violations and a severe economic crisis. Their organizations were internally participatory and informally run (Franceschet, 2005; Frohmann & Valdes, 1995). As Communist Party leader Fanny Pollarolo of Women for Life (MPLV) recalls, "[W]e put a lot of value in trust, in terms of transparency in our relations with one another and rejection of the things that we women have criticized so much, the men's way of doing politics, the manipulation, the machinations" (as quoted in Baldez, 2002, p. 157). By 1983 women's organizations had multiplied, and they affiliated in a diverse array of coalitions, including the Committee for the Defense of

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Table 1. Debate Conditions in Chile

Institution	Debate conditions
Legislature	NA
Women's organizations	Moderate
Leading opposition parties	Moderate
Trade union federation	Limited
Media	Limited

Women's Rights and the Movement of Shantytown Women. Political tensions within these coalitions were pervasive, yet members successfully worked together, overcoming class and ideological divisions to challenge the regime and advance women's rights (Dandavati, 2005; Valenzuela, 1995). Given the absence of conventional institutions in the public sphere, women's new way of doing politics quickly moved to the forefront of public debate.[10]

However, as political parties revived mid-decade partisan tensions within women's groups eroded their openness and inclusiveness. The parties took the lead in framing the political agenda and prompted women's coalitions to reorganize along party lines, narrowing the ideological diversity of their membership. For example, MPLV became "paralyzed by partisan conflict and tensions" and split in 1988 over whether to campaign against Pinochet in the plebiscite (Franceschet, 2005, p. 75). The parties encouraged these divisions, insisting that party loyalty trumped gender interests. One activist explains, "[The political parties] exerted pressure on us as a social organization so that we would do those things that they wanted as a party" (as quoted in Gaviola, Largo, & Palestro, 1994, p. 155). Some women's groups, like the Feminist Movement (MF), remained independent, but the most prominent succumbed to party pressure.

Political parties did not offer women open and inclusive debate conditions to offset these losses. Women made up half of the rank and file of the leading political parties but held only 12% to 14% of national party offices (Chuchryk, 1994; Dandavati, 2005; Valenzuela, 1995). In response, women militants established counterpublics in several parties, but these groups remained weak; few of their challenges to the status quo succeeded. For example, women in the Socialist Party and Party for Democracy won quotas in the party structures, but the parties did not consistently implement the quotas. Throughout the period, women from across the political spectrum expressed dissatisfaction with their inability to participate as equals (Franceschet, 2005; Frohmann & Valdes, 1995; Valenzuela, 1995; Waylen, 2007).

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When the leading political parties united in 1988, women formed new coalitions to advance their interests in the public sphere. Debate conditions improved but did not recapture the openness and inclusiveness of the early 1980s. The CMD was the most prominent women's organization. Its membership was limited to educated, middle-class party militants, independent feminists, and activists dedicated to the election of Aylwin. The CMD did not include women's organizations from the far left or right, and it excluded poor women's organizations.[11] It also focused on formulating pragmatic gender policies that it believed the Concertacion would support, assiduously avoiding an "exacerbation of partisan tensions" (Chuchryk, 1994, p. 86; Dandavati, 2005).

Although the CMD was limited to professionals and carefully moderated its policy recommendations, it nevertheless became a counterpublic within the Concertacion, challenging assumptions about male dominance. The CMD lobbied for a 30% quota in government posts, drew up a list of women candidates from across the political spectrum for the 1989 election, and proposed a women's ministry for the new democracy. Party leaders agreed to a women's ministry but were "infuriated" by the CMD's intervention in candidate selection and rejected the 30% quota (Baldez, 2002, p. 176; Franceschet, 2005). Although the CMD did challenge debate conditions, male party leaders retained their dominance as gatekeepers.

Debate conditions in the trade unions were less open and inclusive than in the political parties; they did not provide a platform for women to shape debate content in the public sphere. Chilean unions were not interested in improving debate conditions, but they did want supporters. In 1976 the National Union Coordinator, a trade union umbrella organization, established the Women's Department (DF) for women workers and workers' wives. Women members accessed union positions like secretary or treasurer, but they did not gain decision-making power. As one woman noted, "I'm the chairperson but I make the coffee, serve it, wash-up, of course you do everything . . . you're a woman" (Galvez & Todaro, 1990, p. 132). Women members reported being silent in meetings. However, the DF gave women a space to voice complaints. Women commiserated over male chauvinism and the sexual division of labor and resolved to improve training opportunities. By the end of the period the DF began challenging limited debate conditions in the trade unions and demanded an increase in women's leadership roles. That signaled a potential for future advances (Galvez & Todaro, 1990; Stephen, 1997; Valenzuela, 1995).

Debate conditions in the media were worse. The public sphere in this sector was narrow: Government censored mass media and the dominant press of

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the period, *El Mecurio*, supported the dictatorship. As censorship declined at the end of the decade women's access increased and more of them became journalists. However, their diversity and rank did not improve. Most women journalists continued to come from elite urban families. A few women became midlevel editors, but the majority of managers and editors were men. Women journalists complained men made all the decisions and ignored them, stifling their ability to speak out and be heard. Editors directed women toward feminine topics and assigned men to "hard" news. Media spokesmen publicly praised women workers as good mothers who retained their femininity in a male-dominated workplace, justifying women's support role (Castellon & Guillier, 1993; Cruz, 1995; Montgomery, 1996).

Debate conditions in Chile were moderate at best. A women's movement with open and inclusive debate conditions emerged in the early 1980s. However, as political parties revived, they pressured women's organizations to toe the party line and undermined their openness and inclusiveness. Debate conditions in the trade unions and the media were limited. The emergence of the CMD at the end of the decade ensured that debate conditions within the most prominent institution in the public sphere, the Concertacion, were in the moderate range, and put women's rights on the public agenda.

Debate Content

Early in the decade women's organizations took the lead in prying open the public sphere and demands for women's rights exploded in public debate. MPLV organized a rally of 10,000 women to defend "life" against the regime's human rights violations and created an opening that demonstrated the power of the women's movement. That same year, middle-class feminist groups linked demands for democracy to gender justice, calling for "democracy in the country and in the home." Poor women's groups soon joined them, criticizing sexual harassment and employment inequalities (Baldez, 2002; Franceschet, 2005; Noonan, 1995; Tinsman, 1997). At this moment, challenges to patriarchy were at the forefront of the women's movement.

However, political parties soon seized the lead in the public sphere and pressured women's groups to prioritize party aims. Although women continued to advocate for their rights, party aims often trumped. For example, during the 1988 plebiscite campaign a number of women's organizations promoted human rights, peace, and life; the linkage between authoritarianism and patriarchy slipped from view. In 1988, when intense partisan discord and regime opposition threatened activities for International Women's Day, the Concertacion warned its female supporters "to subordinate their gender-specific

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demands to other concerns and to participate in broader movements" (Baldez, 2002, p. 173; Dandavati, 2005; Frohmann & Valdes, 1995). Independent groups like the MF continued to publicize feminist goals, but the parties denounced these demands (Franceschet, 2005, p. 79).

The results of the 1988 plebiscite encouraged the parties to expand the space for women activists to assert their interests. The 7% gender gap in the vote demonstrated women were not stalwart conservatives but a key electoral group that could decide the 1989 election, encouraging the parties to court women (Baldez, 2002; Valenzuela, 1995). Seizing this opportunity, the CMD advocated a domestic violence bill and demanded the elimination of workplace discrimination but avoided the most radical demands made by the MF (Chuchryk, 1994; Franceschet, 2005). The CMD publicized this agenda through networking, workshops, press releases, discussion groups, and a convocation for the Concertacion presidential candidate (Baldez, 2002; Dandavati, 2005). At the moment of transition, women's demands for formal equality were prominent in the public sphere. That suggests the opposition movement and the regime would respond in kind.

Women's Rights

Prior to 1989, state actions toward women's role in the family and paid workforce entrenched their subordination. Pinochet advocated inequitable power relations in the home, glorifying women's roles as defenders of the family, urging them to be self-sacrificing mothers. Yet in 1989, Pinochet approved amendments to the Civil Code that granted women full civil rights and formally ended men's marital power over their wives. The reforms repealed provisions requiring a wife to obtain her husband's consent to enter into contracts, pay debts, accept inheritance, and acquire deeds. (Men retained the right to administer community property, meaning they continued to control their wives' assets and remained the de facto heads of household.) In 1989 Pinochet ratified CEDAW, which his government signed in 1980. CEDAW mandated the monitoring of violence against women and an end to discriminatory employment practices.[12] Thus, on the eve of democratic elections, the regime reversed course and advanced women's formal equality.

The opposition coalition also endorsed women's formal equality. Their position was a deviation from the parties' previous conservatism on women's rights. Leading opposition parties had long agreed with Pinochet that women should be self-sacrificing mothers (Noonan, 1995). Yet, as Table 2 indicates, in 1989, the coalition promised to "fully enforce women's rights considering the new role of women in society, overcoming any form of discrimination"

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(as quoted in Waylen, 2007, p. 76). Aylwin vowed to improve women's family rights, acknowledged parenting was also a man's job, and promised to pass domestic violence legislation and end employment discrimination.

Table 2. Women's Rights Outcomes in Chile

Regime	Amended Civil Code in 1989
	Ratified CEDAW in 1989
Opposition	Endorsed violence against women legislation
	Endorsed antidiscrimination legislation

CEDAW = Convention on the Elimination of All Forms of Discrimination Against Women.

The Concertacion also endorsed many CMD policies, but those commitments were modest. It promised to advance women's equality in the workplace and redress their subordination in the home but also pledged to "enforce the measures required to adequately protect the family" (as quoted in Valenzuela, 1998, p. 56). Aylwin rejected "equal sharing of domestic work among women and men" (Franceschet, 2005, p. 79). The Concertacion thus endorsed a modest level of formal equality. In contrast, the South African regime passed several bills addressing women's discrimination in the workplace and violence against women that signaled strong support for women's formal equality, and the ANC advocated substantive equality on both issues.

Pretransition South Africa

During the 1980s the ANC was banned and in exile, and three states of emergency followed in rapid succession. Despite this repression, a space for public debate existed. Alternative media flourished, labor organizers founded the Congress of South African Trade Unions (COSATU), and activists established the United Democratic Front (UDF), made up of 400 organizations. The public sphere and debate conditions in South Africa, in contrast to those in Chile, expanded in tandem. As a result, women's demands for substantive equality entered public debate, influencing the regime and the liberation movement.

Debate Conditions

In contrast to the Chilean legislature, the South African legislature remained open prior to the transition and engaged in public debate. However, parliament was for Whites only, and no more than six women were ever present. It also remained highly sexist (Ballington, 2002). The National Party's respect

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Table 3. Debate Conditions in Chile and South Africa

Institution	Debate conditions Chile	Debate conditions South Africa
Legislature	NA	Limited
Women's organizations	Moderate	Good
Leading opposition parties	Moderate	Good
Trade union federation	Limited	Moderate
Media	Limited	Limited

for parliamentary procedures enabled one representative, Helen Suzman, to challenge apartheid, but only as long as she played by the exclusionary parliamentary rules of the game. The racism of the apartheid parliament, its minimal numbers of women, and its limited space for contestation over institutional procedures meant debate conditions here were limited. However, that was not the dominant trend in civil society (Table 3).

Civil society offered South African women more open and inclusive debate conditions than the legislature and provided a platform for them to shape debate content. As in Chile, responding to human rights violations and a severe economic crisis, women activists across region, race, and class established their own open and inclusive organizations. They then formed cross-class and multiracial coalitions that challenged the regime, patriarchy in the home, and exploitation at work (Beall, Hassim, & Todes, 1989; Seidman, 1993). Many of these organizations were affiliated with the UDF. The UDF was multiracial, cross-class, and male dominated. Women made up 12% of its executive council. Like the political parties in Chile, the UDF urged women's coalitions to neglect "divisive" gender interests. Mavis Nhlapo reports the results: "In council it was stated that we had not lost members, rather we had broadened 'the struggle.' The reality was that UWO [United Women's Organization of the Western Cape] was weakened as an organization" (as quoted in Hassim, 2006, p. 70). Membership, enthusiasm, and the mobilizing capacity of women's organizations plummeted, limiting their ability to challenge debate conditions in the UDF or to shape debate content in the public sphere (Fester, 2005; Hassim, 2006).

Although one of the four leading principles of the UDF was nonsexism, the organization treated women's interests as coterminous with political liberation. Indeed, the UDF insisted that a national women's organization be formed to support the liberation movement and endorsed the formation of a Women's Congress within the UDF. The Women's Congress promptly

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condemned sexism in the UDF and demanded greater leadership roles for women. UDF leaders did not respond to these criticisms and their instrumental approach to women's organizing ensured the swift collapse of the Women's Congress (Fester, 2005; Hassim, 2006).

In contrast, debate conditions in the South African trade unions improved over time, affording women opportunities to speak out and be heard. In the 1980s affiliates to COSATU were male dominated. Women trade unionists demanded change, and several resolved to increase women's access (Barrett, 1993). In 1993, Connie September became the first woman national office bearer, and COSATU began discussing the possibility of a quota. At the same time, women workers established counterpublics to improve debate conditions in branches and affiliates. By the early 1990s, COSATU had a women's coordinator and gender forums in a few cities and regions, and solidarity among women increased. However, a series of problems prevented debate conditions in COSATU from becoming good. Women's demands were not successfully conveyed to the national leadership, coordination between regions was poor, women leaders were overextended, and gender forums did not attract senior women with the clout to shape union policy. Some men in the regions attacked the forums as divisive and dominated women's forums (Barrett, 1993; Dlamini, 2004; Telela, 1994). Although stymied at moderate levels, debate conditions advanced further in COSATU than in the Chilean trade unions.

A more significant divergence in debate conditions between Chile and South Africa occurred within the opposition movements (Table 3). In South Africa, women leaders in the ANC were acutely aware of their lack of power and worked assiduously for a decade to transform debate conditions within the movement. During the 1980s, women in the ANC became political activists and soldiers, and the Women's Section set up branches in 17 countries. By 1983 the section had won a spot within the National Executive Council (NEC) and was avidly seeking political power. However, ANC leadership did not reflect these advances: Out of 35 members on the ANC NEC, only 3 were women. The section persisted, demanding leadership positions. In a situation similar to that in Chile, the ANC responded by endorsing quotas in 1990 but did not implement them (Hassim, 2006).

After the unbanning of political parties in 1990, ANC women leaders relaunched the ANC Women's League (ANCWL). In 1991 the ANCWL spearheaded a highly divisive attempt to win a 30% quota in the NEC that was rejected. Soon thereafter leadership divisions and lack of a clear membership base crippled the league. However, in 1992 the ANC established an Emancipation Commission that included the high-powered feminist Frene

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Ginwala, and soon thereafter the ANC approved the presence of one woman on each of its committees and a 30% quota for women on the 1994 electoral lists (Hassim, 2006; Josselowsky, 1993; Seidman, 1999).

The WNC facilitated these gains. Having learned from the bitter quota defeat not to rely on the ANC, women politicians, activists, and academics spearheaded a national women's coalition. Women's organizations from across the political spectrum joined the WNC, including women from COSATU and the women's wings of the National Party and the IFP. The WNC coped with this diversity through consensus building, assiduously avoiding ANC dominance (Cock, 1997). Under Ginwala's leadership, the coalition incorporated the demands of the country's women in a charter with the aim of influencing the transition negotiations. Drawing on the strength of its 90-plus affiliates, the WNC canvassed over 2 million women in a consciousness-raising campaign (Hassim, 2006). The coalition exemplifies a successful counterpublic: Leaders built an open and inclusive organization, and drawing on advances in debate conditions in COSATU and the ANC, they worked with women in these institutions to promote their interests in the public sphere.

The exception to this positive trend was the media. As in Chile, debate conditions here remained limited. Although white women journalists were increasingly present, few subeditors or editors were women. Few Black women became media employees or advanced up the ranks (Celile, Anderson, & Njanana, 1989). In 1993 the ANC gender activist, Dr. Ivy Matsepe-Casaburri, became the first Black and woman chairperson of the South African Broadcasting Corporation. However, women were not targeted in the quota established for Blacks in the media, and Black women filled the lower ranks, working in segregated sectors (Gender Links, 2000). Although camaraderie among journalists was high, the old boys' club tested white women's mettle and their ability to handle "macho" newsroom culture (Celile et al., 1989).[13] Frequently directed to "soft" news and operating in a sexist, racist environment where upward mobility was limited, women reporters rarely challenged the status quo. Nonetheless, debate conditions were good in the ANC and WNC and had improved in COSATU. That suggests debate content in South Africa would include substantive demands for women's rights.

Debate Content

At the outset of the period few demands in South African public debate focused on violence against women or women's work status. However, just prior to the election women placed these issues on the public agenda and demanded change. In the mid-1980s, UDF directives buried women's demands

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within an antiapartheid agenda. For example, organizations routinely neglected violence against women, treating it as an apolitical distraction. "[The Natal Organization of Women] said people should speak about the state of emergency, not about wife battering" (as quoted in Hassim, 2006, p. 58).

As debate conditions improved, demands for a response to violence against women and women's work status multiplied. In 1991, ANCWL members railed against gender inequalities in the workforce and in the home and protested sexual harassment (Agenda, 1990; Seidman, 1993). In contrast to Chile, just prior to democratic elections South African women participated in Take Back the Night marches that involved thousands and held work "stay-aways," bringing together a diverse array of women, from Black working-class trade unionists to white middle-class homemakers. Even the apartheid parliament debated marital rape (Fester, 2005; Meintjes, 1998; Seidman, 1993; Suzman, 1993). The WNC did more, attacking "similar treatment" while demanding equality of results. It called for equality in the family, improved legal protection, special facilities for reporting violence, shelters, counseling, and education for all administrators. The charter requested "accident and disability insurance, group housing schemes, sick leave, and maternity benefits" (WNC, 1994, Articles 3 & 10).

Unlike the trade unions in Chile, COSATU reinforced these demands, increasing pressure on political elites. It put women's work issues on the public agenda and recognized violence against women as a critical problem. The first COSATU women's conference in 1988 demanded training on gender-based violence, sexual harassment, and changes to the sexual division of labor in the household. Women members supported a resolution condemning sexual harassment at the 1989 congress; it was heatedly debated but rejected (Klugman, 1989). By the early 1990s COSATU backed demands for an end to violence against women and supported services for survivors and called for equal pay for equal work, child care, paid maternity leave, and affirmative action for women of all races (Dove, 1993; Isaacs, 1992; Van Driel, 2002). As debate content over women's rights expanded, political elites responded.

Women's Rights

In South Africa political support for women's rights increased, surpassing advances in Chile. This outcome was unexpected because the apartheid regime, much like the junta in Chile, was notorious for its conservatism toward women. Afrikaners glorified women's roles in the private sphere and celebrated suffering mothers of the Afrikaner nation (McClintock, 1993). Nonetheless, just prior to elections, the regime acted decisively against

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Table 4. Women's Rights Outcomes in Chile and South Africa

	Chile	South Africa
Regime	Amended Civil Code in 1989 Ratified CEDAW in 1989	1993 Prevention of Family Violence Act 1993 General Law Fourth Amendment Act Basic Conditions of Employment Act extended to domestic and farm workers in 1993 Signed CEDAW in 1993
Opposition	Endorsed violence against women legislation	Endorsed stronger violence against women legislation, safe houses, and education
	Endorsed antidiscrimination legislation	Endorsed affirmative action for women, job creation, training, and day care

CEDAW = Convention on the Elimination of All Forms of Discrimination Against Women.

gender-based violence and women's discrimination in the workforce. The government introduced a draft Prevention of Family Violence Bill and passed an amended version in 1993 (Table 4). Although the new law failed to provide a clear definition of domestic violence, it made violence against women a crime and put an end to egregious practices such as the denial of marital rape (Meintjes, 1998). In one fell swoop the government brought the country into line with the standards of long-standing democracies.

A similar pattern is evident for the second issue, women's work. As debate content expanded, the government addressed women as workers and passed legislation advancing their rights. It proposed a Promotion of Equal Opportunities Bill and Abolition of Discrimination Against Women Bill. The former was intended to eliminate sex discrimination in the workplace and addressed sexual harassment. However, it was not produced in consultation with women's groups, was technically complex, and had a simplistic approach to gender equality. In its stead, the regime passed a General Law Fourth Amendment Act in 1993 that removed a number of discriminatory workplace practices (Baden, Hassim, & Meintjes, 1998; Kaganas & Murray, 1994; Suzman, 1993). It also extended the 1983 Basic Conditions of Employment Act to domestic and agricultural workers and signed CEDAW.

As elections approached, the ANC increased its opposition to gender-based violence and promoted reforms advancing women's work status. That support was surprising because the ANC, much like the opposition parties in

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Chile, had long promoted motherhood and domesticity. The ANC's position began changing in 1990. The Emancipation Commission recommended education and training on violence against women in schools, the police, and the army and proposed safe houses for women. In contrast to the Concertacion, the ANC approved affirmative action for women and promised "special steps to remove the barriers to women participating fully in economic life."[14] It endorsed women's equality in the workplace via job creation, training, and day care and promised to recognize women's reproductive labor (Budlender, 1993). Unlike in Chile, debate conditions in South Africa improved simultaneously in several institutions in the public sphere, debate content expanded, and outcomes on women's rights advanced impressively.

Conclusion

Analysts of democratization argue that the quality of democracy is important for advancing equality. Just debate builds on this insight by targeting the openness and inclusiveness of the public sphere. I argue that as women's access, voice, and capacity for contestation in the leading institutions in the public sphere improve, the content of public debate will include more demands for women's rights. As a result, political elites facing elections will respond with legislation endorsing those demands.

I find debate conditions were more open and inclusive in South Africa than in Chile. That comparison confirms just debate has causal force, shaping the divergent outcomes on women's rights in these two cases. Women in the ANC and COSATU advocated improvements in debate conditions for over a decade, and talented women activists, politicians, and academics worked together across multiple divisions to create an open and inclusive women's movement. They expanded the content of public debate, demanding substantive equality. Women in Chile had less success prying open debate conditions in the trade unions and political parties, which meant the CMD had fewer institutional allies in the public sphere.

The comparison of pretransition Chile and South Africa suggests that when women leaders work over a protracted period to build counterpublics intent on expanding debate conditions and succeed within several leading institutions in the public sphere, their advances can become mutually reinforcing. Future research testing just debate in a range of contexts is needed to provide additional information about why counterpublics flourish and whether or not the quality of democracy in the public sphere consistently matters for women's rights, for the rights of other marginalized groups, and in long-standing democracies as well.

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Although outcomes on women's rights established during the pretransition period frequently persist after the first democratic election, debate conditions are dynamic. By 1999, ANC governing elites had centralized their control of the party and co-opted women's voices and capacity for contestation throughout the public sphere. In contrast, debate conditions in Chile have gradually improved as the culture of consensus dominant after the transition dissipated. It is not surprising that advances in women's rights in South Africa have stalled, whereas in Chile they continue to progress.

Acknowledgments

I would like to thank John Echeverri-Gent, David Waldner, Mala Htun, Nancy Fraser, Shireen Hassim, David Plotke, Maria Koinova, Jennifer Rubenstein, Allison Pugh, Jalene Schmidt, and the anonymous reviewers at *Comparative Political Studies* for their helpful comments on earlier drafts. The Dickey Center for International Understanding at Dartmouth College and the Politics Department at the University of the Witswatersrand provided research support.

Declaration of Conflicting Interests

The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: The Dickey Center for International Understanding at Dartmouth College and the Politics Department at the University of the Witswatersrand provided research support.

Notes

1. For an overview of this literature, see Waylen (2007). Mala Htun (2003) is one of the few scholars who has studied gender outcomes prior to democratic elections. Htun argues authoritarian regimes advance women's rights when advocates have "privileged access to power" (Htun & Weldon, 2010, p. 212). I do not reject this claim but argue that incentives common in democracies emerge in the pretransition period and can explain outcomes during the immediate pretransition period.
2. Several factors may account for this responsiveness, but the timing and reversal in long-standing positions suggest that votes are a primary incentive.
3. In 1989 the Gini coefficient in Chile was .5; after the 1994 elections in South Africa it was .59 (United Nations University–World Institute for Development Economics Research, 2008).

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4. I use *Black* to refer to three apartheid racial categories: Black, Coloured, and Indian. Approximately 86% of the South African population was Black. “Black African” refers to the Bantu-speaking population.
5. The transition negotiations in South Africa, unlike in Chile, included the writing of a new constitution. To maximize comparability across the cases, I do not include South African women’s constitutional victories in my assessment of women’s rights outcomes.
6. Htun and Weldon (2010) also argue policy legacies shape outcomes on women’s rights. I confirm the comparability of policy legacies below.
7. Deliberative theorists include the legislature because it is a “site for the discursive authorization of the use of state power,” unlike the cabinet or the judiciary (Fraser, 1996, p. 134). For the media, I focus on the press because it was the most influential in these two cases (Hudson, 1994; Jacobs, 1999).
8. Data on violence against women are scarce for these two cases but suggest it was high in both (e.g., Baden, Hassim, & Meintjes, 1998; Larrain & Rodriguez, 1993).
9. During the midpoint of these two periods, women’s labor force participation in South Africa was 42% and in Chile 33% (World Bank, 2009).
10. Not all women’s organizations were opposed to Pinochet, but those that were became prominent in the public sphere.
11. Poor women organized separately in the Coordination of Women’s Social Organizations; right-wing women organized under the first lady and feminine power.
12. Although the Convention on the Elimination of All Forms of Discrimination Against Women is an international document, domestic actors in both cases included it among their demands. Pinochet also criminalized therapeutic abortion. The Coalition of Women for Democracy assiduously avoided this issue in public debate.
13. Confirmed in interviews of women journalists conducted in 2006.
14. See “Our Plan: 5. Improving the Lives of Women,” *Sunday Times* (March 8, 1994).

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Bio

Denise M. Walsh is associate professor of politics and studies in women and gender at the University of Virginia. Her research focuses on democratic institutions, ethnicity, race, and gender. Her book *Women's Rights in Democratizing States: Just Debate and Gender Justice in the Public Sphere* was published in 2011 by Cambridge University Press.

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