Introduction

Most executives are still male dominated. The majority of prime ministers and presidents are men, and to date, there have been few parity cabinets, or administrations that have contained large numbers of women or produced gender sensitive policy in a wide range of areas. But recently interest in women in executive positions has increased within gender and politics scholarship, reflecting both the increase in the numbers of women in executives in the real world; and a realization that, although there had been a great deal of research on legislatures (including on the levels of women’s representation, quotas, critical mass, and descriptive versus substantive representation), there had been little on the executive. As a result, we have seen a big growth in the last few years in feminist scholarship on women in executives (for example see Jalalzai 2013, Krook and O.Brien 2012, Bauer and Tremblay 2011, Murray 2010, Annesley and Gains 2010).

But much of this work still has limitations, in part because it has utilized a model developed for legislatures. To date, most has been relatively narrowly focused, looking at (and counting) women actors and asking questions about who they are and how they get there (pathways to office), what they do and whether they promote gender equality policies. While useful, this can only get us so far. To get answers to some important questions like: what difference can women or gender actors in the executive make; under what circumstances; and in what ways can executives contribute to gender friendly policy outcomes, we need a different approach. In particular, we need to look at more than women actors.

It is an institutionalist approach, focused not just on (women) actors but also on the interaction between actors and structures/institutions and on the institutions themselves, that can do this. Such an approach will help us to understand how executives can become more gender friendly (not just including more women) and contribute to achieving positive gender change (not just implementing gender equality policies), thereby feeding into bigger questions in feminist political science (FPS) about how to achieve change.

Through an examination of the inner workings of one particular executive over a short period of time, we elaborate this approach, looking both at how the executive itself was gendered; and also at how the policy-making processes and their outcomes were gendered. This is undertaken through an in-depth qualitative analysis of a single case study: Michelle Bachelet, the first female president to be elected in Chile, who came into office with a commitment to change, including making the executive more gender friendly and promoting a number of gender
sensitive measures. However, because the paper is framed comparatively the single case analysis can contribute to wider debates on the gendered nature of the executive and institutional change.

We use an approach informed by feminist institutionalism (FI). The main tenets of a feminist institutionalism are now well rehearsed so do not need to be elaborated in any detail here (Krook and Mackay 2011; Mackay et al. 2010). Suffice to say, in keeping with other recent institutionalisms, FI sees institutions as gendered rules, norms and processes that have both formal and informal guises, and examines how these shape actors’ strategies and preferences. It sees institutions as the products of gendered power struggles and contestation, understanding that change is possible and can also come from within institutions themselves. Rules are central in any effort to achieve change. Some institutional change can come about through the creation of new rules, while in contexts where the creation of new rules is not possible, actors, including critical gender actors, can sometimes exploit any slack and leeway in existing rules and their implementation, or ignore, reinterpret or break those rules (Mahoney and Thelen 2010; Streeck and Thelen 2005). We therefore need to understand the role of rule making, breaking and bending, as well as the informal practices that can come into play to either promote or block change (Chappell and Waylen 2013, Waylen 2014).

An FI approach to the executive therefore recognises it as a panoply of different institutions and actors, both male and female (including critical gender actors) that are involved in executive decisions. And it recognises the importance of examining both formal and informal gendered practices and networks and whether they operate to undermine or bolster efforts to introduce change. Therefore in order to explore how an executive operates in gendered ways (not just who gets recruited and whether they implement gender equality policies), it is important to examine the internal workings of array of institutions, looking for example by studying how policy change emerges. Does it happen through the creation of new rules? How is it contested – through formal or informal processes? What room is there for rule change, rule breaking and manipulation within these institutional processes? How do different actors, including critical gender actors (both male and female), operate within these constraints? What strategies and alliances can they deploy? It is also helpful to broaden the analysis to include formal and informal networks linking those inside the executive with others - both in other parts of the government and bureaucracy - and outside the state. Feminist scholarship, for example, has already examined how alliances of gender actors – including politicians, activists, and academics - have worked together to achieve change (Haas 2010, Vargas and Wieringa 1998, Hassim 2006).

We deploy this FI approach primarily to analyse Michelle Bachelet’s first presidency between 2006-2010, arguing that it provides an excellent case study of gender, power and executive office. Bachelet’s first administration faced both challenges and opportunities and garnered mixed results in its efforts to change the executive and introduce gender friendly policy. As a result, it has already been the subject of some scrutiny by gender and politics scholars who have focused primarily on her pathway to office, parity cabinets and classic areas of feminist

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1 And although it could be argued that we are falling into the same trap as some of the existing literature by focusing on a key woman actor (and so selecting on the dependent variable) because there are few executives that have tried to promote gender friendly institutional change, it is perhaps not surprising that these are headed by or contain large numbers of women.
analysis such as policies on gender based violence and reproductive rights (Franceschet 2006; Stevenson 2012; Thomas 2010). Taking a broader view, in this paper we will first examine how the Chilean executive operated, looking at both the formal and informal rules, norms and practices, before considering the strategies that Bachelet and other key actors deployed to make it more gender-friendly in terms of both its actors and structures. The second part of the paper will look at policymaking processes/outputs during her administration - not just at gender equality measures - but also at other areas with significant gender implications. We examine three areas of policy – health, pensions, and childcare - that were cornerstones of Bachelet’s social protection agenda forming a central pillar of her reform agenda. The paper ends with a short discussion of Bachelet’s second presidency, using the insights gained from the analysis of her first presidency to inform our understanding of her second period in office and the potential for change.

Politics

Michelle Bachelet was elected president for the Concertacion, the centre-left coalition, that had won every presidential election since Chile’s transition to democracy. The coalition, dominated by four main parties (with Christian Democrats and (varieties of) democratic socialists as key players), contained different positions on social and economic policy. The ‘market friendly sector’ had enjoyed a dominant position, advocating maintaining the free market model introduced by the Pinochet dictatorship that brought the privatization of state assets and welfare provision, but ameliorating it with additional social spending, although in ways that would not challenge dominant vested interests. Despite some changes within wider society, Chilean politics remained conservative with the Catholic Church retaining significant influence over issues like divorce, contraception and abortion (Blofield 2001; Haas 1999, 2010; Htun 2003). From 1990 Chile also saw increasing detachment from and disillusionment with politics, combined with a decline in political participation and party membership, and a fractured women’s movement. As a consequence of all these factors, gender policy reform had been hard to achieve (with controversial gender issues like abortion largely kept off the agenda). And levels of women’s representation, both in the legislature and the executive were low as parties selected few women to run for office in the upper or lower house and there were few women within the party hierarchies.

As the first female Concertacion presidential candidate in 2005, Bachelet claimed to represent ‘continuity and change’ promising new forms of politics, with new faces, at a time when Concertacion was seen as increasingly tired, out of touch and in need of revitalization and a new image (Siavelis and Sehnbruch 2009). Bachelet was a long-term militante of socialist party (she had both been imprisoned and spent time in exile during military rule) (Fernandez 2009). But according to Fernandez (Interview 2013), she was both ‘in and out’ of the party - not an insider but also not an outsider either. She had never held senior office in the socialist party or been part of male-dominated cupula de varones (male party leadership). She also had not held any elected office and had an almost serendipitous route to the presidency. She trained as a doctor and had become health minister (some say because Lagos, the previous socialist president had wanted more women in cabinet than his predecessor Frei and Bachelet was suggested by a party leader). She then came to prominence as the first female defence minister
(she had the requisite military background but unusually was also a victim as her father had been murdered by the dictatorship).\footnote{But she did not follow a family route to power as has sometimes been suggested e.g. by Jalazai (2013)} It was her support in the opinion polls (and particularly from women) rather than support from the party elites that enabled her to become the Concertación candidate (Rios 2009). As a moderate socialist, she particularly emphasized increasing equality, including gender equality, and advocated greater social spending to create a more comprehensive umbrella of social protection. She was not widely considered to be a feminist - in the sense of having a feminist movement background - but rather as a woman with a developed gender consciousness, and gender concerns figured prominently in her electoral programme (Rios 2009).

When Bachelet took office in 2006, even although her room for manoeuvre, both politically and fiscally, was comparatively greater than previous Concertación administrations, Chilean political institutions were still constrained by legacy of the dictatorship (Carey 2002; Siavelis 1997, 2000). The constitution of 1980 (despite some constitutional reform that eliminated some of the most overtly anti-democratic practices in 2005) remained in force. It had created a political system that enhanced the power of right as well as encouraging centrisms (through the ‘binominal’ electoral system), incentivizing coalition formation. It also created a powerful executive, particularly with regard to policymaking. Presidents have a number of tools, such as urgencies, to get policy through the legislature as well as considerable veto power (the legislature in turn has relatively little power to initiate policy making). But the institutional structures also limit the feasibility and capacity for changing the political system ('super majorities' are needed in the legislature), making any policy change likely to be gradual rather than radical (Siavelis and Sehnbruch2009). Also strong elite dominated parties in which overwhelmingly male party bosses could exert a great deal of control (for example over candidate selection) remained. In the face of these constraining formal rules and entrenched institutions, a number of informal institutions and mechanisms had also emerged to maintain coalitional cohesiveness and facilitate broad based agreements between different groupings within this particular institutional framework (Siavelis 2006).

Bachelet had to contend with the formal and informal structural constraints of Chilean politics. Much attention, for example, has been paid by gender scholars on their implications for cabinet formation in her first presidency (Franceschet and Thomas 2013). As promised in her election campaign, Bachelet appointed a gender balanced parity cabinet (with high numbers of women also appointed to Subsecretaria and Intendente positions). Three of the six top ministerial jobs went to women (Secretaria General de la Presidencia, Secretary to the President (SEGPRES), Defence and Economy, with Interior, Finance and the Secretary to the Government in male hands) so there was a woman in the key political team (comprising the interior minister and the two secretaries) based in La Moneda. But Bachelet faced a difficult task appointing a parity cabinet that included equal numbers of men and women at the same time as including new faces and ‘no second helpings’ ie people who had held those posts before. She also had to contend with the entrenched power of party leaders and the ‘cuoteo’, a informal mechanism that had evolved to ensure that party elites within the coalition negotiated the distribution of candidacies and executive posts between them (posts even alternated between parties at ministerial and subministerial level in each department ie ‘portfolio sharing’) (Siavelis 2011). Party bosses would suggest names for ‘their’ cabinet posts and few women were likely to have
the requisite elite party background to be in the frame (PNUD 2010). Bachelet’s female ministers were therefore more likely to be ‘technical women’ or ‘invisible militants’ rather than members of the party elites (PNUD 2010). Bachelet initially ignored some of the choices of party leaders. Many of the 7 Christian Democrats (including 2 women) were not from CD party president’s faction and Bachelet brought in previously excluded secular socialists into the cabinet. Three of the four socialists were women – Paulina Veloso (SEGPRES), Clarissa Hardy, (Planning) and Soledad Barria (Health) – renowned by feminists for their history of campaigning for gender equality (Estrada 2006).

Trying to balance the demands of the cuoteo, parity and new faces proved particularly hard in the first 2 years of Bachelet’s presidency which was beset with crises (such as the Transantiago bus crisis and the wide spread education protests) that considerably weakened her position. The inexperienced first cabinet was seen as weak and divided (particularly the political team). As a result, after numerous reshuffles in which the commitment to parity and new faces was diminished, her cabinets began to look increasingly ‘old style’ (Franceschet and Thomas 2011). A number of women were removed (such as the female defence minister and Veloso (SEGPRES)) and replaced by long-standing male party heavy weights as Bachelet’s power vis a vis the party elites declined. As the balance of the parties had to remain the same, outgoing women ministers were often replaced by men from the same party and the 6 top ministries became an all-male team. Therefore despite her expressed initial intentions (and although cabinet numbers returned to near numerical parity by 2010), Bachelet could not completely sidestep/avoid the informal mechanisms that had determined previous cabinet choice.

Bachelet therefore had an uneasy relationship with the political parties and party bosses of the Concertacion. She was accused of not engaging with them (according to one ex-minister, she only once held the customary ‘reunions’ with party leaders (Bitar interview 2013). But she also claimed that the parties were hostile and did not listen to her (Rios interview 2013) while others argue that she was not anti-party but instead tried to rise above them (Fernandez interview 2013). The Concertacion also lost its majority in Congress as a result of splits within some parties in Concertacion which made it more difficult to get legislation through.

Although she left office with unusually high popularity ratings, Bachelet’s leadership style was also the subject of some controversy and debate. Supporters liked her warmth, humour and empathy. But detractors disliked what they saw as a ‘carinocracia’ and branded her as weak and indecisive (particularly at the beginning) (Siavelis and Sehnbruch 2009). Supporters claimed this was in part due to sexism and the expectation of a more masculine, macho leadership style instead of ‘liderazgo femenino’; and was compounded by her efforts to promote inclusion and citizen participation in policymaking through the use of commissions and advisory councils (even if many of these were seen as ineffectual) (Valdés 2010).

However, the Bachelet government also continued other trends seen in the previous Concertacion administrations. Technocrats played a dominant role in government (many of whom were US trained economists). The finance ministry is often held up as exemplifying this trend and finance minister, Andres Velasco, an independent and relatively orthodox US trained economic drawn from academia, played a key role throughout Bachelet’s first government.

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3 Estrada cites Virginia Guzman, a leading feminist and commentator.
Policy measures, (including gender equity ones), were unlikely to succeed if the finance ministry, arguably the most powerful ministry, opposed them. Indeed Bachelet relied heavily on a small number of friends and advisers (Siavelis and Sehnbruch 2009). She had initially said that there would be no ‘Segundo Piso’ (an informal practice that Lagos had used, referring to the presidential advisors housed on the second floor of the Moneda presidential Palace) during her period of office. But she resorted to using a similar mechanism, as a way of side-stepping her divided political team, cabinet and political parties. Her small group of loyal advisors (which although it contained some women, was dominated by Velasco and other ‘hombres fuertes’ (Fernandez 2013)) famously met for dinners in the Moneda on Sunday evenings.

**Policymaking**

These formal and informal rules, norms and practices put important constraints on policymaking. The post transition norm of top-down technocratic government by agreement and the informal norm of negotiating policy change with the opposition meant that few controversial proposals could appear on the agenda. The center-left governments between 1990 and 2006 were unwilling to push measures that had little likelihood of success in the face of right-wing opposition. As a result, many classic feminist demands for example around reproductive rights were generally the first to fall off the agenda (Franceschet 2011). And ambitions to reassess the economic and social model inherited from the dictatorship - which assigned a predominant role to market-based social provision - were minimal, with important gender implications which we discuss below (Castiglioni 2005).

Aware of the constraints that the political system imposed on socially progressive policy agendas, Bachelet set up an electoral reform commission to examine options for changing the rules of the game in Chilean politics, including the electoral system, through the creation of a more democratic political system. However, its proposed reforms (including gender quotas), were not pushed by the executive that could see that they stood little chance of success in the Legislature. Thus, the political balance of power between the two political blocks did not experience any significant shifts and policymaking continued to be subject to many of the same constraints that had characterized the administrations of Bachelet’s predecessors. As a result, other potentially important reforms sponsored by the executive were downgraded after negotiations with the Right-wing opposition in Congress and Senate. So for example the measures contained in an equal pay act were rendered ineffectual (from equal pay for work of equal worth to equal pay on its own) after opposition from the Right. In other cases, even when controversial reforms were approved after Bachelet invoked special presidential powers like decrees, the Right used constitutional provisions to challenge them (as happened with the morning-after contraceptive pill).

However, legislative and policymaking activity around gender equality and women’s rights issues increased significantly under the Bachelet government (Blofield and Haas 2013). Bachelet used a number of mechanisms to ensure that gender concerns were incorporated into policymaking from problem-definition through to policy adoption and dissemination. SERNAM, the women’s policy agency, was given significant amounts of additional funding. She also ensured that SERNAM was present during inter-ministerial negotiations that had important gender implications, such as pension and childcare reform discussed further below. And even though SERNAM did not play a leading part in these processes, it had greater influence than
under previous administrations simply because gender equity was known to be something the President believed in.

Bachelet also raised the profile of gender issues at the broader cabinet level in a number of other ways. First, she used pre-existing institutions, like the Council of Ministers for Equality of Opportunity that had been created under her predecessor, as a vehicle for furthering her gender equality agenda. By altering the Council’s informal rules of operation she deliberately tried to enhance its significance. In contrast to her predecessors, Bachelet personally attended Council meetings and expected ministers to do the same. Thomas (2010) reports that ministers and officials started to behave differently, knowing that gender issues were more important for Bachelet than previous governments. Ministers who might have previously been late or absent from Council gave it a higher priority once Bachelet started attending meetings and asking them questions. One economy minister told Thomas (2010): 'when the person who appointed you and can dismiss you makes gender equality a priority, her ministers pay attention no matter what their personal politics’. Second, she created new mechanisms to enhance progress on gender equality goals at the cabinet level: a team of gender advisors, coordinated by SERNAM, would monitor progress on the achievement of ministerial gender commitments within each ministry (Matamala 2010). Finally, she ensured that these commitments were directly followed up and evaluated by SEGPRES. Occasionally, Bachelet also used her own presidential prerogatives such as urgencies in order to ensure that certain gender equality measures became law promptly, as in the case of the bill to designate femicide as a crime.

The administration promoted a number of specific gender policies and programs particularly with regards to women’s physical integrity and reproductive choice (Valdés 2009). Responding to long-term pressures by women’s organizations and SERNAM, Bachelet released an unprecedented amount of fiscal resources (primarily through the increase in SERNAM’s budget) to better protect women against domestic violence (Franceschet 2010). As a result, the number of special legal assistance centers doubled from 54 to 100 and the number of shelters for victims rose from 1 to 90 (Haas 2010). In the area of reproductive rights, Bachelet promoted and defended access to emergency contraception against staunch opposition by the Catholic Church, pro-life groups, conservative legislators and Constitutional Court judges (Guzmán et al. 2010). After a prolonged political battle, free and confidential access to emergency contraception at the primary care level was established by law in early 2010 (BCN 2010). Hitherto, the morning-after pill had only been available for purchase against medical prescription and for rape victims seeking help at one of the country’s public health facilities. In addition to policy initiatives from the executive, a wider ‘Bachelet effect’ has also been detected (Stevenson 2012) as far more legislative initiatives around gender equality emerged from the left-dominated congress between 2006 and 2010 than had done previously. But because of the need for executive support within the Chilean political system, few of these parliamentary initiatives were successful.

There were also important efforts to integrate gender concerns into broader reform endeavors, most notably in the area of social protection. The creation of a comprehensive social protection system was the bedrock of the Bachelet’s first programme (Bachelet 2005; Navia 2005; Valdés 2010). The need for greater state engagement, solidarity and redistribution through

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4 These goals were defined in the Agenda de Género 2006-2010 (SERNAM 2007).
progressive social policies was framed by the recognition of multiple and intersecting inequalities. The reforms were part of a longer-term strategy aimed at (re)building the state, (re)establishing solidarity, and strengthening the social rights of citizenship.

Given the significance of this reform agenda for the Bachelet presidency, the extent and ways in which it addressed gender inequalities needs to be at the center of any feminist analysis. However many existing studies of gendered policymaking in Chile have focused primarily on policies that fall under the auspices of SERNAM. But taking a broader approach, we examine how gender concerns were integrated into health, pension and childcare policy highlighting both the opportunities and constraints for gender positive change in each one. The Bachelet administration confronted a complex and variegated set of vested interests, institutional resistances and ideological opposition in each area. Against this backdrop, the strategic navigation of issue-specific opportunity and constraint structures resulted in important progress. Yet, it also entailed compromises in the extent and ways in which gender inequalities could and would be addressed through Executive action. In the discussion of the three case studies we will demonstrate the achievements and trade-offs of the Executive strategies in each policy area.

Health

Upon taking office in early 2006, Bachelet assigned her long-term collaborator María Soledad Barría—an avowed feminist—to head the Ministry of Health. Both women had worked together in the Health Ministry in the 1990s and during Bachelet’s short-lived tenure as a health minister under the Lagos government (2000-2006). Indeed, during the early Lagos years, when health reform ranked high on the agenda, Bachelet and Barría had attempted to push for a more progressive and gender-sensitive reform aimed at strengthening the role of the state in health financing and service provision (Ewig 2008; Gideon 2012). Through the massive roll-out of civil society consultations and the creation of a ministerial advisory group on gender issues they had also established links to women’s health groups. While the policy impact of this insider-outsider coordination proved relatively futile under the Lagos administration5, Barría’s appointment as health minister provided women’s health groups with renewed access to health policy and programming processes.

Barría significantly raised the profile of gender issues in the Ministry’s work, facilitated by invaluable technical and political support from gender advisor María Isabel Matamala, a long term feminist activist. Indeed, important parts of the Bachelet government’s responses to key women’s rights issues—including domestic violence and reproductive rights—were engineered and implemented by the Health Ministry with significant input from women’s organizations. Examples include the free and confidential access to emergency contraception mentioned above; the implementation of health staff training and pilot programs for the detection and

5 Lagos deliberately bypassed Bachelet in the course of health reform design by creating a parallel body to elaborate reform recommendations. This so-called Technical Commission for Health Reform was headed by a close personal friend of his and operated largely in isolation from the Ministry’s staff. Given her disagreement with the government’s mainstream approach to reform, Bachelet was removed as a health minister in 2002. Her departure closed down whatever limited opportunities had existed for women’s organizations to channel their claims to the Executive (OPS 2007).
treatment of victims of domestic violence at the primary care level (Provoste 2007); efforts to measure unpaid care work and integrate its contribution into health accounting via satellite accounts; the launch of a support program for home-based caregivers, including small stipends and access to training (MINSAL 2006); and attempts to “humanize” the process of childbirth, pre-partum and post-partum care (MINSAL 2008). The participation of women’s organizations in the planning and execution of these policies was facilitated by the creation of a consultative body, the Consejo Consultivo de Género y Salud de las Mujeres—part of Bachelet’s broader attempts to create more channels for citizen participation in political decision-making (Gideon 2012; Maira 2010). Significantly, virtually all of these changes could take place at the ministerial level—via guidelines, decrees and health programming—and hence did not require legislative approval.

The exception was the provision of free emergency contraception in public health centers which started out as a ministerial guideline, but eventually had to go through Congress when it was challenged by a coalition of right-wing parliamentarians (Gúzman et al. 2010). The struggle to get this provision approved also draws attention to some other major issues in women’s health that were left unaddressed. As a concession to Christian-Democratic coalition partners, for example, abortion—even on therapeutic grounds—remained firmly off the agenda. Indeed, the same law that facilitated access to emergency contraception further buttressed the ban on abortion. On the initiative of Christian-Democratic Senator Soledad Alvear, an article was included in the new law to ensure that “all methods whose objective or direct effect is to provoke an abortion will not be considered contraceptives; neither will they form part of public policies regarding fertility regulation” (BCN 2010:474; Maira 2010). In this case, religious doctrine together with the consensus model that sustained Concertación since the return to democracy prevented more far-reaching changes.

A different set of interests prevented change in the discriminatory practices of private health insurance companies, the so-called Instituciones de Salud Previsional (Isapres), a legacy of the 1980s market reforms carried under military rule. As part of her election platform Bachelet had proposed to “eradicate discrimination against women in reproductive age offered by the Isapres” (Bachelet 2005:89) responding to long-standing criticism by gender advocates. Indeed, it is well known that privately insured women in reproductive age either pay significantly higher premiums than men and/or are forced to choose plans with limited maternity coverage (Pollack 2002). Yet, just like the previous government, the Bachelet administration shied away from challenging the practices of private health insurance providers which would have required change through legislation. As a result, women’s health premiums remain much higher than men’s (Ewig and Palmucci 2012; Tegtmeier et al. 2009). One possibility to taper gender inequalities in private health premiums without a direct ban of risk discrimination would have been through the inclusion of maternity care among the package of specially guaranteed health conditions created in 2004—the so-called Plan AUGE. Plan AUGE

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6 The attempt to humanize the childbirth process was aimed among others at reducing disproportionately high cesarean rates—29% in the public system and 64% in the private system (Matamala et al. 2005)—as well as at facilitating the presence of fathers or other individuals the mother chose to accompany her in the process.

7 Isapres are private health insurance companies that cater to the higher-income, lower-risk population which has tended to opt out of public insurance. Although the Isapres collect social security contributions, they determine the cost and coverage of their health plans based on individual risk, including sex, age, and pre-existing conditions.
applies for both publicly and privately insured and is set up to pool risks and resources among Isapre affiliates for selected conditions. Plan AUGE also specifies state-of-the-art treatment protocols for each of the conditions covered and would have had the potential to improve the quality of maternity care in both the public and the private system. Aware of these benefits, Health Minister Barría did indeed commission a study on the issue. Yet, the inclusion of maternity care among the AUGE conditions was eventually discarded as the implementation of new treatment protocols in the public health system was considered too costly. Here, it was the reluctance to confront private sector interests as well as the persistent commitment to fiscal restraint that limited positive gender change in health policy.

Finally, it is important to underline that progress in integrating gender into health planning and programming depended to a significant degree on the presence and commitment of key individuals in the Ministry and was hence only weakly institutionalized (emergency contraception being the exception). When Barría was removed as health minister in 2008, for example, the dialogue with women’s organizations once again stalled.

Pensions

While changes in health policy took place largely at ministerial level with the introduction of new guidelines (followed by presidential decree in cases like emergency contraception), the reform of the pension system was one of the Bachelet administration’s flagship projects that required legislative approval by parliament. This was an area where gender inequalities were particularly manifest and well documented. In the mid-2000s, 62% of the population aged 65 and older received an old-age pension in the mid-2000s; yet, this share was much lower among women (55%) than among men (71%) (Mesa-Lago 2009). Women’s pensions were about a third lower than men’s even if both retired at the same age (Arenas de Mesa et al. 2006). The roots of unequal pension outcomes are both exogenous and endogenous to the pensions system. On the one hand, differences in men’s and women’s employment patterns translate into different contributory capacities and hence shape pension outcomes in later life. On the other hand, the negative impact of lower labor force participation, lower earnings and more frequent employment interruptions is compounded by rules that are endogenous to the pension system. Thus, individual capital accounts establish a particularly tight link between life-time contributions and pension entitlements. In addition, gender-differentiated (rather than unisex) mortality tables are used to calculate monthly benefits. This means that due to their greater expected longevity women receive lower monthly benefits than men even if they accumulate the same amount of contributions in their individual accounts.

Ideas about pension reform emerged essentially from within the bureaucracy where officials started building up systematic evidence on the system’s shortcomings from the early 2000s onwards (Staab 2012).8 This evidence not only helped to gradually debunk industry claims that the system was functioning well, but also drew attention to gender inequality by making women’s pension status blatantly clear. In the words of a former high-ranking SERNAM official, “the base line assessment was so obvious, it was so clear that those who were most

8 The state-sponsored creation of a Social Protection Survey, carried out since 2002, was repeatedly cited as a crucial input by providing auto-reported data on contributory behavior that existing datasets had failed to capture.
disadvantaged were women that I believe this didn’t allow much of a discussion” (Andrade interview 2011). In the run-up to the 2005 presidential election campaigns, state bureaucrats successfully lobbied Concertación party leaders as well as Michelle Bachelet herself to place pension reform onto the presidential agenda.

In contrast to health, the Ministries in charge of taking the reform forward—Labor and Finance—were not headed by individuals who were particularly sympathetic to feminism but by technocrats and party leaders. However, within the Ministry of Finance, pension reform was firmly in the hands of the Budget Office headed by Socialist Alberto Arenas identified not only as a loyal follower of Bachelet but also as sympathetic to a gender equality agenda (Cárcamo interview 2011). Arenas’ exposure to gender equality issues goes back to the mid-1990s when he pursued a doctoral degree at the University of Pittsburgh and co-authored a publication on the gender effects of pension privatization with Verónica Montecinos, a well-known gender scholar of Chilean origin teaching at Pennsylvania State University (Arenas and Montecinos 1999; Arenas 2010). Arenas, described as the “ideologue of the reform” (Díaz interview 2011) was therefore, not only an important male ally for engendering pension reform, but at the epicenter of political and fiscal power.

Bachelet also used other ways to ensure that women’s pension status was of central concern to the reform project: thus, the Advisory Council in charge of providing recommendations for reform was explicitly tasked with finding ways to eliminate gender discrimination; women’s organizations were invited to participate in public hearings; and SERNAM formed part of the Inter-Ministerial Committee charged with translating reform recommendations into the legislative proposal presented to Congress in December 2006. The result of this process was a significantly strengthened pillar of state-sponsored, non-contributory benefits targeted broadly to 60% of low-income households. Given gendered patterns of poverty and employment, these non-contributory entitlements implicitly benefit women who are overrepresented among the recipients of newly created benefits. In addition, the reform enacted a series of entitlements in order to improve women’s pensions more explicitly: it created a flat-rate maternity grant (bono por hijo) credited to the pension accounts of mothers; it made changes to the Disability and Survivor’s Insurance that are likely to raise women’s pension levels; and it authorized pension-splitting upon divorce or annulment—a long-standing concern of SERNAM which had failed to make it into the 2003 divorce law. Following the 2008 reform, the main (usually male) spouse’s pension funds accumulated during marriage can now be split upon separation, if the judge considers that one of the parties faces economic disadvantage.

9 The Ministry of Labor was headed by Socialist Osvaldo Andrade, while the Ministry of Finance was headed by Andrés Velasco.

10 In 2006, women were more likely (14.3%) to live in poor households than men (13%) (MDS 2006). Women’s labor force participation rates are among the lowest in the region (45% in 2006 vis-à-vis 73% for men). In the same year, women’s average earnings amounted to 70% of men’s (CEPALSTAT).

11 In 2011, roughly two thirds of these benefits went to women (SPS 2011).

12 The grant is equivalent to 10% of 18 minimum wages, corresponding to roughly 290,000 CH$ in 2009, and accumulates interests until mothers reach the age of 65. Simulations project the grant to increase final pensions by an average 7,279 CH$ (approx. 15 U$S-) per month (Podestà 2007:48).

13 Given that women’s average accident rates are lower and their life expectancy higher than men’s, parts of their contribution to disability and survivor’s insurance are now redirected to their pension account. This measure has been estimated to increase women’s final pensions by an average 5% (Podestà 2007:42).
Yet, other features of the pension system remained essentially unmodified. Most notably, the individual capital account system created under military rule in 1981 stayed firmly in place. Here, benefit formulas and gender-differentiated actuarial tables continue to conspire against more gender-egalitarian pension outcomes. The limits of gender-egalitarian policy change in this case were due to wider coalition politics. Indeed, there was a broad consensus among Concertación party elites that it was neither feasible nor particularly desirable to make major changes to the individual capital account system. According to Ewig and Kay (2011), policy feedbacks go a long way in explaining this reluctance. First, Chile’s integration into global capital markets and the importance of private pensions in the country’s financial system led reform entrepreneurs to believe that it was economically risky to meddle with the parameters of the private pension system. Second, reformers faced important political pressures from business interests, including private pension fund administrators who reap direct profits from the administration of individual accounts, as well as other business groups who benefit from the investment of pension funds in their activities. Finally, key actors within Concertación had embraced some of the assumptions on which the individual capital account system is based, including private sector efficiency, isolation from corporatist interests, individual responsibility, incentive structures, and budget constraint.

The early choice to leave the individual capital account system intact had important gender implications (Yáñez 2010; Staab 2012). In particular, it precluded the modification of gender-differentiated actuarial tables—one of the most evidently inequitable features of the pension system—even in the context of a strong Presidential mandate to eliminate gender discrimination. Although this issue was repeatedly raised by femocrats and women’s organizations, their efforts were of little avail. While compensatory measures—such as the maternity and the redistribution of funds from the Disability and Survivor’s Insurance—will certainly improve women’s pension outcomes, they are unlikely to make up for some of the more systemic gender biases. Indeed, although it constitutes an important recognition of unpaid care, the maternity grant is fraught with tensions. On the one hand, its categorical targeting to mothers explicitly reinstates their role as caregivers and hence misses the opportunity to send signals and set incentives that work towards transforming traditional gender roles. On the other hand, it is a rather low, flat-rate benefit that falls significantly short of compensating for the opportunity costs associated with the interruption of paid employment.

Childcare

The expansion of childcare services formed the second pillar of Michelle Bachelet’s social protection agenda. With Chile Crece Contigo (‘Chile Grows with You’), an integrated child protection strategy launched in 2006, the government committed to significantly expand public crèches (0-1 years) and kindergartens (2-3 years), particularly for children from low-income families (Mideplan 2007, 2010). By 2009, the program had become institutionalized in law, granting children from low-income families the right to a full-time crèche and kindergarten place if their mothers are working, studying or looking for work; and the right to a part-time kindergarten place with no further pre-conditions regarding parents’ activities (BCN 2009).

Similar to the case of pensions, ideas about childcare service expansion emerged from within the bureaucracy. Thus, during the second half of the Lagos government, officials in the Ministry
of Finance and the Ministry of Planning coalesced around a pro-(female)-employment / anti-(child)-poverty agenda. Ideas of social investment strongly underpinned the support for childcare expansion as an economically sound policy option which would increase children’s human capital as well as the employability of their mothers (Staab 2010). According to key actors, Bachelet herself as well as her campaign advisors thought that the childcare service agenda was a good fit. It resonated with Bachelet’s profile who—as a doctor and pediatrician—was concerned about child development as well as her claim to be closer to people’s needs than preceding administrations. It also promised fairly quick and politically uncontested progress given that there were few vested interests and the expansion did not require legislative approval. And indeed, official data sources point to the rapid roll out of childcare facilities, with the number of public crèches increasing from around 700 in 2006 to more than 4,000 in 2009 (Mideplan 2010). The number of available places for children up to two years old more than quintupled from around 14,000 in 2005 to 61,000 in 2008, and the number of places for 2-3 year-olds doubled over the same period (ibid.). While the universal right to a crèche or kindergarten place for children from lower-income families is still far from being realized, recent household survey data shows that coverage for children aged 0-2 years increased from 3.2 per cent in 2003 to 10.1 per cent in 2011, while coverage for 2-4 year olds increased from 19.8 to 41.5 per cent over the same period (MDS 2003, 2011).

Strong Executive support—including that of the Ministry of Finance—significantly contributed to turning childcare into a policy priority. The fact that service expansion for 0-4 year-olds did not require parliamentary approval further facilitated rapid progress in this area. Executive commitment was clearly reflected in the assignment of additional budgetary resources: not only did the childcare budget increase significantly between 2006 and 2009, but actual spending also tended to exceed the resources that were initially allocated through the budget law (meaning that additional resources from discretionary Executive funds were allocated to childcare institutions in order to meet their demanding goals). As a result, the executed childcare budget quadrupled between 2006 and 2010 after a period of relative stagnation in the early 2000s (DIPRES 2002-2012).

The Ministry of Finance’s interest in raising Chile’s comparatively low female labor force participation rates14 also suggested that services had to be expanded in ways that served the needs of working mothers, particularly regarding opening hours. Yet, full-day and extended schedules were by no means an obvious or uncontested policy choice. Indeed, during much of the 1990s and early 2000s SERNAM had faced significant resistance—both ideological and corporatist—in its quest to negotiate extended schedules with public childcare institutions. On the one hand, childcare workers resisted the idea of bowing to the needs of flexible capitalism—including excessively long and flexible working hours—by ‘institutionalizing’ children for extended hours. On the other hand, they dreaded organizational change without the corresponding adaptation of staff levels, resources and training that would allow them to fill additional service hours in ways they considered adequate for the children in their care. The fact that extra hours had to be covered by existing staff in a shift system, for example, was perceived as a degradation of working conditions. Gradually, however, changes were introduced at the margins of the limited existing public daycare network (through specific

14 With 45% in 2006, female labor force participation in Chile was significantly lower than in Argentina (52%), Mexico (51%), Uruguay (50%) (CEPAL 2008).
programs such as SERNAM’s female heads of household program and seasonal agricultural workers (temporeras) that targeted ‘vulnerable’ groups. The Bachelet administration built on SERNAM’s important groundwork, further cementing it with the appointment of new high level officials to head up service expansion. In contrast to preceding officials, they firmly supported the female employment agenda and so became critical actors in the women-friendly implementation of change.\(^\text{15}\) As a result, important progress was made in terms of institutional care for 0-3 year old children: coverage picked up significantly, class inequalities in access narrowed, and virtually all new services offer full-day schedules.\(^\text{16}\)

At the same time, however, the Executive shied away from reforming other features of childcare policy. Preschool services for 4-5 year-old children, for example, completely escaped reform. Here, service provision remained totally out-of-sync with the needs of working mothers, running mainly half-day programs with long school holidays. Similar to the case of the private pension system, there were important economic and political barriers to preschool reform (Staab 2012, 2013). Indeed, during the early 2000s, these services had successively been locked into the institutional structure of the broader educational system where private sector interests loom large.\(^\text{17}\) In addition, constitutional provisions required any modification in this area to be subject to legislative debate and approval (including quorum laws). For both these reasons, the Bachelet administration decided to focus its efforts on the less contentious expansion of daycare services for 0-3 year old children.

As we have seen many of the reforms now regarded as key successes of the first Bachelet administration, such as pensions and childcare, were already on the policy agenda but Bachelet (and some other key actors) managed to integrate gender concerns into them in ways that were unlikely to have happened without their presence. But her administration also stopped short of more radical gender reforms that would have challenged vested interests, fiscal rectitude and the social and economic model inherited from the dictatorship more fundamentally.

**Bachelet’s 2nd term**

At the time of writing Bachelet has been in office for only a couple of weeks so our analysis is inevitably limited. But there are some noticeable contrasts to 2005/6. When Bachelet returned from her time in New York heading the new international organization UN Women, to seek to become presidential candidate in 2013, the Chilean context was somewhat different from 2006. Widespread social protests in 2011, led by students, had changed the political agenda, bringing issues such as reform of the education system and of the constitution to the forefront. As a result, and in the face of a divided and unpopular right, the centre left coalition broadened to

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\(^{15}\) Estela Ortiz, a close personal friend of Bachelet, was put in charge of managing service expansion through the National Council of Kindergartens (Junta Nacional de Jardines Infantiles, JUNJI), while former SERNAM official Loreto Amunátegui came to head Fundación Integra which was also significantly involved in the extension of childcare coverage.

\(^{16}\) While only 28% of facilities run by the National Council of Kindergartens (Junta Nacional de Jardines Infantiles, JUNJI) offered extended schedules in 2006, this share had grown to over 50% in 2011 (JUNJI 2012a, b).

\(^{17}\) In 2006, fee-based private and subsidized schools absorbed almost 50% of the enrolment at the preschool level (4-5 years). At the day care level (0-3 years), in turn, private providers accounted only for 36% of enrolment. After the expansion of childcare services the share of public enrolment for 0-3 year-olds had risen to over 70% in 2011 (MDS 2006, 2011).
form Nueva Mayoría (NM), which included communists as well as former student leaders who successfully stood for parliament. The main political parties of the coalition, lacking support on the ground, also realized that they were dependent on Bachelet for election victory.

Catalyzed in part by the social protest, Bachelet campaigned on reforms in three areas – the education system, the constitution and tax system – using a more radical discourse of rupture and redesign. However gender issues had a lower profile in the campaign than in 2006. Significantly, Bachelet neither promised (nor delivered) parity at the cabinet level. There were also few women selected as candidates (around 18% of the total with women comprising only 13% of NM candidates) with party selection processes (both formal and informal) still operating against women (Valdés 2013). But among the 10 priority measures for women were: the conversion of SERNAM into a full ministry, the decriminalization of therapeutic abortion and the equal participation of men and women in political positions (rather than parity per se).\(^1^8\) Bachelet also promised to continue some of the key gender equality policies that had characterized her first term in office, among them the further expansion of childcare facilities and shelters for victims of domestic violence.

Bachelet was in an unassailable position from the start, she was the clear winner of the primaries, led throughout the campaign and decisively defeated Evelyn Matthei (the third candidate of a significantly weakened Rightwing alliance). Her clear election victory, greater experience and the relative weakens of the political parties appears to have put Bachelet in a stronger position at the beginning of her second presidency. This has been demonstrated, for example, in her first cabinet. Although the cuoteo is still in force in terms of the initial division of cabinet posts between parties, Bachelet appears to have been able to disregard party choices to a greater extent and surround herself with more loyalists in key positions (several subsecretaries and high ranking bureaucrats from her last government as well as campaign team members are now ministers or subsecretaries). The traditional wing of the Christian Democrats appear to have been marginalized and Bachelet has a more coherent trio of ministers in the three key political posts this time. But the youth (and relative inexperience) of some of the team has been commented on as has the number of US trained economists (as well as of ‘hombres fuertes’ (Fernandez). There has also been some speculation about the impact these factors will have on the workings of informal mechanisms of governance (‘el circuito extra institucional de poder’) like the Segundo piso.\(^1^9\)

One other remarked upon difference to the first cabinet of 2006 has been the lower numbers of women (only 39% - although close to the ‘zone of parity’ of 60/40) appointed to ministerial positions (and even fewer in junior posts). And of those who have been appointed, few are in key positions. Only one of the 6 top jobs, (SEGPRES), is filled by a woman (Ximena Rincon, a senior Christian democrat but well-known Bacheletista). However there are a number of ministers who have a background in SERNAM or are identified as feminists (Patricia Silva for

\(^1^8\) Bachelet campaign leaflet ‘Las Mujeres votamos por Michelle’, August 2014

likely that these MPs vote in favor of reforms that move towards a more proportional system. The government also includes some male actors like Arenas, who masterminded the relatively gender friendly pensions reform in the previous administration, as the new finance minister, and who has recently appointed a gender adviser to the Finance Ministry.

What does all this mean for the prospects of (gender-egalitarian) policy change in the coming four years? While the context for more far-reaching changes seems more auspicious than before—including a comparatively strong legislative majority for the Center-Left, an increasingly mobilized and demanding civil society, and potentially supportive individuals in strategic Executive positions—Bachelet also assumed power with an extremely ambitious and contested agenda, particularly around education and constitutional reform. For example, there is no consensus within Nueva Mayoría regarding her promise of free education at all levels (primary, secondary, tertiary). Similar to health and pensions this is also an area that is rife with vested business interests and entrenched ideological positions. It will hence be extremely difficult to live up to the expectations of the student movement, which are widely shared by the population, including many feminist organizations. The extent to which gender issues—such as curriculum reform or gender segregation across different careers—will figure in educational reform is questionable. Our discussion of health suggests that these issues might be more successfully pursued at the ministerial level. The prospects for constitutional reform, especially with regards to the electoral system, are somewhat more promising, especially given the increasing fragmentation of the political Right. But again it remains to be seen whether any potential reform would include measures such as electoral quotas. However, even though any reforms (if approved) will not come into effect under the current administration, their potential impact on Chilean politics in the medium-term is huge.

With regards to other classic feminist movement demands, such as abortion, it appears that progress is likely to be gradual. Bachelet promised legislative change and SERNAM has already announced it will take the lead in this area, but its scope will be restricted to therapeutic abortion (to include risk to the mother’s life and the unviability of the fetus, as well as rape.) While for many feminists this proposal does not go far enough, it is likely to run into significant opposition even among more moderate right-wing and CD parliamentarians—like Karla Rubilar (RN)—who might vote in favor of therapeutic abortion, but not support the case of rape (La Tercera 2014). The implications for gender-friendly policy change of the transformation of SERNAM into a fully fledged ministry is also unclear. In sum, it is too early to draw any hard and fast conclusions about the overall prospects for gender-friendly change as yet.

Conclusions

Over and above Bachelet’s undoubted symbolic value as Chile’s first female president, enhanced by acts such as the appointment of a parity cabinet in 2006 (Fernandez 2011), we have argued that to have a more comprehensive understanding of Bachelet’s presidency and the gendering

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20 In early 2014, several recently elected MPs left the right-wing party Renovación Nacional to form a less conservative party on the center-right. Given that smaller parties face significant disadvantages under the current electoral regime, it is likely that these MPs vote in favor of reforms that move towards a more proportional system.
of the Chilean executive, we need to take a broad focus. This allows us to understand both the opportunities and constraints that circumscribed her first government enabling it to implement some reforms, particularly in the area of social protection, but preventing others.

Using an institutionalist analysis, we saw Bachelet as gendered actor situated within gendered institutional structures. During her first presidency, her pathway to office (not as part of the key male party elites) gave her a relatively weak position within political system. She was also constrained by both the formal and informal institutional structures that limited her room for manoeuvre (for example in cabinet formation) and impacted on her government’s capacity to achieve some important reforms. However, through an in-depth analysis of changes to pensions, health and childcare, we showed that although certain measures such as significant improvements in reproductive rights or the introduction of electoral quotas were not possible, other gender friendly reforms were implemented – often as part of a broader agenda of social reform. And these were often facilitated by the actions of key actors utilizing existing rules and processes, particularly at ministerial level. However we also demonstrated the important limits to these reforms.

Using this institutionalist framework we began to speculate about Bachelet’s second presidency. The changed political context and her different pathway to office appear to have given Bachelet more leeway in the face of some of the entrenched informal norms of government. Whether this is enough, however, to enable more fundamental change to some of the more contested formal rules such as the constitution remains to be seen. Overall, we argue that the role of pre-existing rules, norms and processes that impact on the capacity of critical actors within any government to alter existing or create new formal rules, have proved important for actors trying to institute change in Bachelet’s Chile and must be a key component of any analysis of the efforts of executives to implement gender-friendly institutional and policy change.
Bibliography


Fernandez, Maria de los Angeles (2011), ‘En el nombre de genero: el caso de Michelle Bachelet’ Desigualdade y diversidade, 9:135-56.
JUNJI (2012a) Respuesta a Solicitud de Acceso N°4647 (SAIP). Santiago de Chile, Junta Nacional de Jardines Infantiles (JUNJI).
JUNJI (2012b) Respuesta a Solicitud de Acceso N°4990 (SAIP). Santiago de Chile, Junta Nacional de Jardines Infantiles (JUNJI).


Valdés, Teresa (ed), (2009) *¿Género en el poder?* *El Chile de Michelle Bachelet*. Santiago Chile: CEDEM.


Yáñez, Sonia (2010) *La dimensión de género en la reforma previsional chilena (Ley No 20.255 de reforma de pensiones)*. Santiago de Chile: ECLAC.

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