

# *Gender, Parties, and Support for Equal Rights in the Brazilian Congress*

*Mala Htun  
Timothy J. Power*

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## ABSTRACT

This article analyzes a dataset of policy views of members of the Brazilian Congress to assess the nature of support for gender-related policy issues. It makes three core claims. First, liberal and progressive opinions on gender correspond to party membership more than to sex. Left parties have consistent and programmatic policy positions on controversial gender issues. Women and men are more divided, as are parties of the center and the right. Second, coalitions supporting change differ across policy issues. Support for gender quotas, for example, does not translate into support for more liberal abortion laws. Third, there is a large gap between legislators' attitudes toward gender-related policy and actual policy outcomes. Institutional deadlock and executive priorities explain this discrepancy. This article concludes that although women may share some interests by virtue of their position in a gender-structured society, these interests may be trumped by partisan, class, regional, and other cleavages.

**B**razilian culture is often stereotyped as sexually permissive and tropically sensual. The country's laws, however, have been more conservative. For decades, the civil code endorsed male authority in the family and banned divorce, while the criminal code forbade abortion and considered rape a crime against "custom," not against a person. Since the transition to democracy in 1985, the country has succeeded in changing many, but not all, of these old laws regulating gender relations and women's rights. The 1988 Constitution declared that men and women are equal, a new civil code revoked provisions upholding patriarchy in family, and reform of electoral laws in 1996 created a candidate quota for women. But many proposals—including abortion reform, an overhaul of the criminal code, and permission for same-sex unions—have languished in the halls of Congress.

What explains the lingering conservatism of Brazil's laws? Do members of Congress oppose reform? How does congressional opinion divide on gender issues? This article analyzes the beliefs of members of the Brazilian Congress in the 51st Legislature (1999–2003) to investigate their role in policy reform. Overall, this study finds that Brazilian legis-

lators are supportive of a feminist agenda, but levels and bases of support vary by issue. Probing deeper, the study investigates the determinants of legislator views on different policy issues, including abortion, maternity leave, gay rights, and gender quotas. Against conventional wisdom about the importance of gender, this research finds that party membership is the most consistently significant predictor of legislative policy preferences. If feminists and liberals want to build a coalition for change, their best strategy is to mobilize the left, not a parliamentary caucus of women.

Yet these findings suggest that progressive opinion in Congress is not enough to explain or guarantee policy change. Though Brazil's laws are conservative, legislative attitudes are not. Accounting for the policy stalemate on abortion, the criminal code, and same-sex unions therefore demands additional analysis of the country's weak political institutions. Policy changes reflect executive action; rarely do they result from congressional initiatives. The country's "deadlock of democracy" (Ames 2001), combined with the executive's hierarchy of priorities, explains the lack of legal innovation not just on gender equality but on a range of other issues.

Its limited predictive power notwithstanding, legislative opinion still merits close investigation. The contours of policy attitudes suggest where and how progressive coalitions could be built. Alliances would ideally be constructed issue by issue rather than around an omnibus "gender equality" package. This diagnosis of legislative opinion also sheds light on the potential and limitations of women's presence in power. Some people support measures to increase women's numbers (such as gender quotas) because they believe that descriptive representation is valuable for fairness and symbolic reasons; others stress the possible effects on policy. The findings of this study suggest that having more women in power is unlikely to change policy dramatically. Instead, this study emphasizes the key role of political parties in the aggregation of progressive interests. Support for change clusters not among women legislators but within gender-progressive partisan coalitions. This finding may come as somewhat of a surprise to female parliamentarians, to feminist NGOs and lobby groups in Brazil, and to the parties themselves.

## **THEORETICAL BACKGROUND AND HYPOTHESES**

States legitimate social norms, create incentives for behavior, and redistribute both effective and symbolic power. They have the potential to be major engines for change in gender relations. Gender equality laws, for example, help ensure that women enjoy the same opportunities as

men. Maternity leave policies further the idea that motherhood and child-rearing are not private burdens but public goods. Liberal abortion regimes, the possibility of divorce, and recognition of same-sex unions send a message that citizens may exercise discretion over their intimate decisions and relationships. Gender quotas and other forms of affirmative action compensate for historic disadvantages, attempting to translate formal into substantive equality. People who are concerned about gender equality must therefore turn their eyes to the state: its laws and policies constitute a significant force inhibiting, or accelerating, social transformation.

How does state policy change? Grand approaches in political science attempt to identify and explain patterns of bias in state behavior. According to Marxism, the state reflects the preferences of dominant social classes. Feminist theories of patriarchy propose that governing institutions promote the interests of men, including their control over women. Pluralism argues that policies are decided through a push and pull among organized social groups. Polity-centered and historical-institutionalist approaches look at the intersection between state structures and social forces. They show that the configuration of state institutions provides distinct opportunities for different social groups, empowering some and disabling others (Skocpol 1992; Skocpol et al. 2000).

Recent studies of gender and politics offer more specific hypotheses about the causes and mechanisms of gender-progressive policy changes. This study subjects those propositions to empirical testing against actual legislative attitudes.

### **The Role of Women Legislators**

Scholars have hypothesized that having more women in power will accelerate the adoption of laws and policies promoting equality and women's interests. By virtue of their positioning in a gender-structured society (as opposed to their "essential nature"), women have different beliefs and interests than men. They will raise issues that men would not, and, perhaps more important, they will have the intensity of interest required to shepherd feminist-oriented bills through the legislative process.

Studies conducted in Latin America have unearthed evidence to validate this proposition. A survey of legislators in Argentina, Costa Rica, and Colombia revealed sex differences in views toward gender equality; the same study also showed that women were more likely than their male counterparts to introduce bills to promote it (1.5 percent of bills presented by men tackled the issue compared to 6 percent of bills introduced by women) (Schwindt-Bayer 2003, 117). Male-female views did not differ, however, on other social issues, such as education, health, poverty, housing, and the environment (Schwindt-Bayer 2003, 108); and

men as well as women said that gender equality was an important legislative priority. What's more, in contrast to theories asserting that women and men have different leadership and management styles (Kathlene 1994; Rosener 1990), the same study found little variation between the sexes in public behavior and priorities. Women and men were equally likely to report that they speak during floor debates and in committee hearings, as well as give speeches or presentations to the general public, speak to the press, or attend formal ceremonies and celebrations (Schwindt-Bayer 2003, 179).

Evidence from the United States attests to women's agency on some gender issues but finds that men, too, are protagonistic. In her analysis of the 103rd and 104th Congresses, Swers found that women were more likely to be active on feminist issues such as reproductive rights, affirmative action, and domestic violence than their male partisan colleagues. On other issues, such as welfare, women's health, and education, however, men were equally active. The importance of gender also varied at different stages of the legislative process: it mattered most for bill sponsorship and agenda setting but less for voting and committee behavior, where party loyalty and institutional seniority were more constraining (Swers 2002). Still, gender does not always determine views or behavior. Surveys of men and women in foreign policy positions find little difference in views on particular issues; indeed, in terms of general political orientation, women were significantly more conservative than men (McGlen and Sarkees 1993).

In Brazil and in Latin America generally, much activity on women's rights in the 1990s and early 2000s owes its impetus to the initiative of women politicians. Legislators from different parties formed formal and informal women's caucuses to promote change on the issues of domestic violence, rape, and electoral quotas; to share information; and to offer mutual support. As a result of their efforts—as well as the influence of international agreements, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Inter-American Convention on Violence Against Women, and the Beijing Platform for Action—some 16 Latin American countries adopted laws to assist victims of domestic violence. Twelve countries introduced quotas for women in politics (though Venezuela has since revoked its law).

Several countries made rape the subject of a public criminal action (as opposed to a private suit), criminalized marital rape, removed provisions permitting rapists to be acquitted by marrying their victims, and reclassified rape as a crime against a person, rather than against good customs or honesty. This evidence suggests that, particularly when they are organized into caucuses that meet regularly, female politicians have the potential to serve as agents of change on some gender issues (Htun 2001, 2003b).<sup>1</sup>

## The Role of Political Parties

Women, however, are not a homogeneous group. Their interests, beliefs, and behavior may vary considerably. An alternative hypothesis for the basis of gender-related change would therefore focus not on women politicians *per se*, but on the parties they belong to. Whereas ideology, social class, and ethnicity divide women, these same factors often unite parties. What's more, parties are the central actors in a legislature. In the United States, party affiliation has historically been the most reliable predictor of a legislator's voting behavior; party loyalists are rewarded with powerful committee assignments; and party leaders largely set the congressional agenda (Cox and McCubbins 1993). Party is the biggest determinant of a legislator's support for African-American interests, more than region and the size of the black population in the district (Swain 1993, 16). In Brazil, some recent studies have found that coalitions of ideologically similar parties are highly disciplined legislative actors (Figueiredo and Limongi 1999, 2000; for an alternative perspective see Ames 2001). This hypothesis predicts that parties, particularly those of the left whose ideology and platforms endorse gender equality, are the main agents of gender-related change.

Indeed, Latin American women politicians report that party affiliation often trumps gender identity. After interviewing 80 Mexican women in politics, Victoria Rodríguez concluded that "women's political loyalties, first and foremost, rest with the political party or organization to which they belong. Gender loyalty, for all practical purposes, comes in a (distant) second. Even among women from the same party, it is noticeable that their solidarity and loyalty rest with policies and programs, political patrons and mentors, career plans and ambitions—not with the other women in the party" (1998, 8). Another study on Mexico found that caucuses of women politicians achieved their objectives only when these coincided with party interests (such as domestic violence). Women's caucuses were unable to advocate issues such as workplace protections and abortion, which contradicted party interests (Alatorre 1999). Indeed, abortion was explicitly kept off the agenda in order to preserve unity among women.

Leftist parties have initiated legislation on controversial gender issues. Virtually all of the proposals to remove restrictions on abortion have originated from lawmakers on the left. Socialists in Spain and Portugal have tried to liberalize the practice there, as have their counterparts in Brazil and Mexico (Htun 2003a). Leftist parties were the first to introduce quotas for women in their internal statutes. Comparative studies have found, furthermore, that the strength of the left is significantly related to numbers of women occupying political office (Caul 2001; Reynolds 1999). Leftist discourses of egalitarianism and support for the

welfare state have an elective affinity with feminist proposals for equal pay, maternity leave, and gender quotas; moreover, anticlerical aspects of socialist and communist ideology reject religious doctrine on abortion and contraception.

Feminist interest groups share more common ground with left-wing parties than with the aggregate of women in Congress. Many women politicians are conservative. Particularly in Latin America, women politicians are often elected from conservative parties, poorer regions, and traditional families.<sup>2</sup> They lack connections to the largely middle-class, second-wave feminist movements that arose in urban areas beginning in the mid-1970s. Often enough, they eschew the label “feminist,” which they associate with a denial of sex difference, lesbianism, and man hating. As this finding suggests, men on the left may be more feminist than women on the right.

The two hypotheses may not be incompatible. Party and gender loyalty do not always conflict. Women’s caucuses and party leaders supported change on domestic violence and rape; most parties have incorporated elements of feminist agendas (Rodríguez 2002). Gender quotas, too, have been an issue of party consensus in many countries. In France and Peru, votes to approve gender quota laws were virtually unanimous. Argentine and Costa Rican legislators from all parties supported quotas in their respective countries. Party leaders, moreover, tend not to enforce party discipline on controversial issues. During votes on the legalization of divorce in the Southern Cone, for example, they applied the principle of *voto de conciencia*, freeing each legislator to vote her heart, not the party line.

### **The Role of Issue-Specific Coalitions**

The foregoing considerations suggest a third hypothesis: the importance of party and gender as determinants of policy beliefs is likely to vary according to issue area. Gender equality is not one issue but many. Each policy invokes diverse ideas, mobilizes different sets of actors, and thus engenders distinct political dynamics (Htun 2003a). Abortion and contraception, for example, mobilize the cleavage between religious and secular interests in a way that debates on gender quotas and maternity leave do not. To defend church principles, Catholic bishops contest change on abortion. But they do not oppose, and may not even participate in, deliberations over gender quotas. Mandatory maternity leave and daycare facilities, on the other hand, are not sectarian issues, but they activate economic cleavages between the fiscally conservative right and the pro-welfare state left.

The bases of support for change will therefore differ from issue to issue, suggesting that distinct explanatory models may be required.

Theodore Lowi first suggested this idea in his classic *World Politics* article of 1964. He proposed that disaggregating policy into three types (distributive, redistributive, and regulative), and found that different political theories characterized decisionmaking on each type. Whereas pluralist theories worked for regulative issues and power elite models for redistributive ones, the formation of log-rolling or bandwagoning coalitions best explained policymaking when it came to the distribution of state resources (Lowi 1964). Peter Hall (1993) has similarly argued for the application of different theoretical tools depending on the issue at hand. Ideas, the media, and actors in civil society are likely to be influential when what is at stake is the underlying paradigm guiding a policy. When it comes to changes in the instruments of policy, or in the settings applied to them, bureaucrats will exercise more autonomy. This implies that the factors affecting legislator beliefs and behavior will vary with the policy issue. What cements a coalition for change in one area will not necessarily translate to others.

### **Socioeconomic Modernization**

A final hypothesis derives from modernization theory. In this view, it is not gender or party that best determines legislative views and behavior but income and education. As people get wealthier and better educated, they become more liberal, tolerant, and supportive of social equality. This parallels the shift described by Inglehart from materialist to post-materialist values, and is supported by recent results of the World Values Surveys (WVS). In their book analyzing the 1999–2001 WVS, Inglehart and Norris find that people in advanced industrial societies, people who are better educated, younger, and less religious, tend to be more supportive of gender equality. Differences in views between women and men are far smaller within societies than across them. Men in postindustrial and industrial societies are more egalitarian than women living in agrarian nations (Inglehart and Norris 2003).

Latin American countries tended to rank relatively high in their beliefs about gender equality. Finland, Sweden, and Germany topped the ranking of 61 countries in the survey, while Egypt, Bangladesh, and Jordan were at the bottom. The United States was in ninth place, followed by Colombia in tenth. Argentina, Peru, the Dominican Republic, Venezuela, and Chile were in positions 12 to 15 and 17, respectively.

Within individual countries, however, views vary according to education. One study of public opinion on divorce, premarital sex, and women working outside the home in Chile found, for example, that 67 percent of people with fewer than 3 years of schooling found premarital sex unacceptable, compared to 19 percent of those with 3 or more years (Hinzpeter and Lehman 1995).

The present study tests these hypotheses about the coalitions behind policy change against a dataset that records the expressed beliefs of Brazilian legislators on several gender policy issues, plus several questions related to gay rights. With these data, the study tests the relationships between policy views, on one hand, and sex, party, education, and region of origin, on the other. What justifies using this evidence? Why study the opinion of legislators, as opposed to bureaucrats, and why measure opinion instead of actual behavior, such as bill introduction, lobbying, or voting? In the first place, the national legislature is arguably an important, if not the crucial, site of policymaking on gender issues. Whereas interest rates or public utility regulation are issues that can be managed through closed-door decisionmaking by bureaucratic agencies, policies determining the roles of men and women, sexuality, and the status of unborn life require heated public deliberation among elected representatives. Not just inflation rates but the entire moral order may be at stake (Htun 2003a). To understand the outcomes of such deliberations, and the policies that may result, we need to know how the views of legislators cluster.

Second, though the study assesses the potential bases of support and the characteristics of coalitions for change, these data do not offer measures of behavior. A more complete study would test the effects of sex, partisanship, and other variables at all stages of the legislative process, including bill introduction, committee behavior, and voting. The present survey is limited in another respect: though it assesses preferences that offer some indication of behavior, it does not capture the intensity of those preferences (Swers 2002). Intense preferences justify the labor, risk, and opportunity costs involved with advocating policy reform in Congress.

These limitations notwithstanding, the findings here still suggest interesting relationships among sex, party, and policy views in Brazil's Congress. Because gender-progressive opinion clusters more by party than by sex, the effects of women's representation will be largely cultural or symbolic. Whatever substantive effects appear will be mediated via parties. By exposing the gap between opinions and outcomes, moreover, the conclusions lend more credence to institutional deadlock interpretations of Brazilian politics.

## **DATA AND VARIABLES**

This study is based on a survey conducted in late 1999 by the Centro Feminista de Estudos e Assessoria (CFEMEA), a Brasília-based non-governmental organization that lobbies Congress on feminist issues (Rodrigues 2001). Founded in 1989, CFEMEA has carried out attitudinal surveys in the Brazilian Congress since 1994. These data show that



about two-thirds of federal legislators in Brazil are familiar with CFEMEA and its work. As an advocacy organization, CFEMEA is identified with progressive positions on women's and gay rights (Macaulay 2000).

The survey was applied to all 594 members of the Brazilian National Congress (81 senators and 513 federal deputies). Except for the two-thirds of the Senate (54 senators) that had been elected in 1994, these legislators had all been elected in the national elections of October 1998, and were serving in the first year of the 51st Legislature (1999–2003). Of the 594 legislators, 313 replied to CFEMEA's written questionnaire, producing a response rate of 52.7 percent. This overall response rate, however, conceals significant differences by sex. The response rate for the 36 female legislators (30 deputies and 6 senators) was 100 percent, while the men's response rate was just under 50 percent (277 of 558 male legislators). This means that all 281 nonrespondents were men. If these 281 individuals intentionally avoided the survey (e.g., based on their reluctance to disclose conservative positions on gender issues to the openly feminist CFEMEA), the sample would be biased, because respondents would espouse more progressive positions than the Congress as a whole. It is doubtful, however, that deliberate self-exclusion affects more than a handful of male legislators. Frequently, nonresponse in legislative surveys is due to time pressures on professional parliamentarians, insufficient staff support, a general policy of not responding to any questionnaires whatsoever, or some combination of these three factors.

In what other ways could the CFEMEA dataset be biased? Previous survey researchers on the Brazilian National Congress (e.g., Power 2000) have found that legislators from leftist or progressive parties have consistently higher response rates than those from conservative parties. Leftist legislators have higher rates of attendance in Congress, and are also more likely to have committed (that is, partisan) staffers, rather than aides drawn randomly from the common, technical pool of support staff provided by the respective chambers. Not surprisingly, the CFEMEA survey conforms to this pattern. For example, in 1999 the conservative Party of the Liberal Front (PFL) held 22 percent of the seats in Congress but made up only 18 percent of the CFEMEA sample, while the progressive Workers' Party (PT) controlled 11 percent of the congressional seats and provided 19 percent of the questionnaire responses. To correct for this problem, the present study weighted the CFEMEA data according to the partisan distribution of seats in the Brazilian Congress in late 1999.

The questions posed in CFEMEA's lengthy questionnaire include attitudes toward sex education in public schools, the federal budget and spending programs for women's initiatives, and laws on sexual harassment and violence against women. On many of these issues, legislators gravitated toward a single option or a narrow range of opinion. To

reveal interesting cleavages within legislative opinion, the study sought out issue areas that are contested and that have high levels of contemporary policy relevance. Ultimately, four clusters of variables were chosen: gender quotas, labor market regulation, abortion rights, and gay rights. Three of these are connected to gender and one to sexual orientation. To provide for a comprehensive analysis of each cluster, two or more CFEMEA questions were used for each issue area and combined into additive indexes. Reliability analysis using Cronbach's alpha shows that for each index, the component variables load together to form a distinct underlying dimension of opinion in Congress. The four indexes are the following.

- The Index of Support for Gender Quotas is based on the answers to three questions: whether the respondent supports the maintenance of gender quotas for female candidates to the legislative branch (legally mandated in Brazil since 1996) and whether the respondent would support extending this policy to the executive and judicial branches, respectively. For each question, opposition is scored as 0 and support as 1, creating a four-point additive index ranging from 0 to 3.
- The Index of Support for Labor Market Regulation in Favor of Women (from here on called Women's Labor Rights) is based on answers to two questions. First, respondents were asked whether they would support the adoption of affirmative action quotas to maximize women's participation in the labor market. Second, respondents were asked whether they would support a reform requiring the social security system (*Previdência Social*) to provide women 100 percent of their salary during their constitutionally mandated 120-day maternity leave (under the current system, benefits are capped at 10 minimum wages). These questions are scored similarly to the gender quotas index, creating a three-point index ranging from 0 to 2.
- The Index of Support for Abortion Rights is based on responses to three survey items. The first concerns the respondent's view of Brazilian abortion laws (currently, abortion is permitted only in the event of rape or threat to the mother's life). The possible responses ranged from tightening the law (prohibiting abortion under any circumstances) to widening it to allow abortion on demand, and were coded from 0 to 3, with higher values representing greater support for reproductive freedom. The second question concerns whether abortion (which is widely practiced in Brazil without much legal interference) should be considered a crime. Support for criminalization in all cases of abortions was scored as zero, criminalization in some cases was scored 1, and

opposition to any criminalization whatsoever was scored 2. The third question considered the legalization of abortion. This was scored as 2 if the respondent favored legalization with public funding for abortion in all cases, 1 if the respondent favored legalization but with restrictions on the use of public funds, and 0 if the respondent opposed legalization. These three questions were then combined into an additive index ranging from 0 to 7.

- The Index of Support for Gay Rights is based on responses to two questions. Article 3 of the Brazilian Constitution prohibits discrimination based on “race, sex, color, or age”; respondents were asked if they favored adding the words *sexual orientation*. Attempts to insert this language into the Constitution failed in 1988 and again in 1993. This question was scored as 0 for opposition and 1 for support. A second question asked whether legislators would support legal recognition of civil unions for gays and lesbians, and was scored similarly. Thus, the gay rights index is additive across the two survey items and ranges from 0 to 2.

Turning to independent variables, the study sought to know whether the partisan affiliation of federal legislators would predict their positioning on the four indexes. Unfortunately, there is no widely accepted interval-level measure of ideology that would distinguish among the Brazilian parties, the majority of which are fluid and non-ideological (Mainwaring 1999; Ames 2001). What’s more, the large number of parties means that the use of binary variables for each party would reduce the degrees of freedom in any regression analysis. Brazilianists therefore tend to group the parties into three clusters, left, right, and center. In line with this practice, this study created a dummy variable to represent whether the respondent came from the centrist parties PMDB or PSDB. It then created a second binary variable representing respondents from the “family” of left-leaning parties: PT, PDT, PPS, PC do B, and PSB. In the regression analyses, the conservative parties, PFL, PPB, PTB, and PL, become the excluded category, meaning that the regression coefficients will compare the left and center to the conservative bloc. Given that all the indexes were coded so that higher values represented more progressive positions on gender issues and gay rights, we would expect the signs on the center and left coefficients to be positive—especially so for the left.

Each model employs four basic control variables. Age is included because older respondents are expected to have more conservative views on women’s and gay rights. Education is included because we expect it to be correlated with progressive views on these issues. Education is measured on a four-point ordinal scale, ranging from less than a high school education to a postgraduate degree. A dummy variable is

included representing regional differences, scored as 0 when the respondent comes from the eight most socioeconomically developed Brazilian states and 1 when the respondent hails from a less developed region.<sup>3</sup> We expect that the coefficient on this variable will be negative, reflecting the more traditional value systems of northern, northeastern, and center-west Brazil.

A final dummy variable indicates whether the respondent is a woman ( $N = 36$ ). According to much of the literature on gender and politics, female sex should be positively correlated with all four of the composite indexes. Though gay rights is not directly a “feminist” issue, there is evidence that women are more sensitive than men to the concerns of other historically oppressed groups.

## MODELS AND RESULTS

Most Brazilian legislators support a feminist agenda. Table 1 describes the distribution of legislative opinion on the issues in this study.

The table shows that most legislators support the existing legislative quota law but oppose extending it to the executive or judicial branches. With regard to women’s labor rights, there is consensus in favor of affirmative action but more division on paid maternity leave. Abortion generated more intermediate responses (see table notes). There is strong support for expanding the conditions of legal abortion and for public funding for these abortions (in the *Sistema Unico de Saude*, or SUS). On the other hand, most respondents believe that some abortions should be considered a crime (though they oppose criminalizing all abortions). In addition, the number of legislators who support adding language protecting sexual orientation to the constitution is greater than the number who endorse same-sex civil unions.

To evaluate the hypotheses discussed earlier, the study estimated OLS models regressing each of the four indexes on the six independent variables discussed in the preceding section. The maximum  $N$  for these models is 313 (the total number of respondents reached by CFEMEA), but for practical purposes the effective  $N$  is smaller. Although some data on demographic variables were missing, listwise deletion was most often triggered by the use of additive indexes. If a legislator failed to respond to any component item of an index, that person was counted as a missing case and excluded from the regression model. Thus, only cases in which a legislator expressed an opinion on every component variable of the additive indexes were included.

The first model (column 1 of table 2) estimates support for gender quotas. The model shows that the sex of the respondent is a strong predictor of positive attitudes toward these institutional changes. On the other hand, the educational level of the respondent is a negative and

Table 1. Overall Legislative Support for Women's and Gay Rights (percent)

Policy	Agree/ Support	Disagree/ Oppose
<b>Gender Quotas</b>		
Maintain existing gender quota for legislative branch	63.3	30.0
Introduce gender quotas for executive branch	32.3	45.4
Introduce gender quotas for judicial branch	35.1	44.4
<b>Women's Labor Rights</b>		
Introduce affirmative action policies in the workplace	78.3	7.7
Guarantee 100% of salary during maternity leave	54.3	34.9
<b>Abortion Rights</b>		
Broaden conditions for legally permissible abortion	64.4	26.1
Abortion should not be criminalized	26.5	6.4
Public health system should pay for abortions permitted under existing law	87.9	8.6
<b>Gay Rights</b>		
Constitutional language protecting sexual orientation	65.2	15.0
Legal recognition of civil unions for gays and lesbians	47.3	30.4

Notes: Maximum N = 313. Nonresponses, such as "no opinion" and "don't know," are excluded. For the first abortion question, the "agree" column represents the sum of the 51.9 percent of legislators who support expanding the legal conditions for abortion and the 12.5 percent who support elective abortion. For the second abortion question, 6.4 percent believe abortion should be considered a crime in all cases. The majority response is not shown in the table: 58.1 percent of legislators believe abortion should be a crime in some but not all cases.

Source: Rodrigues 2001.

significant predictor. Belonging to a centrist party (PMDB or PSDB) has no effect on the respondent's position, but membership in a left-wing party contributes positively and significantly. (Recall that the excluded category is made up of conservative party members.) The model suggests that the most important difference on gender quotas is between the left and all other parties in Congress. The center is not statistically different from the right in this index.

Table 2. Multivariate Models of Legislative Support for Women's and Gay Rights

Variable	Gender Quotas	Labor Market	Abortion Rights	Gay Rights
Female	1.412***	0.4748*	0.2647	0.2524
Age	-0.0027	0.0088	-0.0079	-0.0037
Education	-0.2633**	-0.0163	0.0201	0.0758
Less-developed region	-0.2622	0.0812	0.2369	0.0889
Center party	0.1276	0.3060**	0.2077	0.3469***
Left party	0.9157***	0.6769***	0.8733***	0.8389***
Constant	1.9969***	1.2679***	3.6180***	0.9157***
Adjusted $R^2$	.206	.074	.034	.184
N	208	211	233	176

Note: Entries are OLS coefficients.

\* $p < .10$ , \*\* $p < .05$ , \*\*\* $p < .01$

When the gender quota index was disaggregated, it found uneven support across areas of government (see table 1). Sixty-three percent of the respondents expressed support for gender quotas in legislative elections, while only 45 percent supported the prospect of quotas in the executive branch and the judiciary. This is somewhat surprising, because we might expect male legislators (who make up 88 percent of the CFEMEA sample) to prefer to impose quotas on the other two branches of government. It could also signal that legislative quotas have been in use in Brazil since 1996 and have produced only minimal effects at the federal level (effects were greater at the state and municipal levels) (Htun 2002).<sup>4</sup>

The second model predicts support for labor market regulation to promote substantive gender equality; specifically, affirmative action quotas and guarantees of paid maternity leave.<sup>5</sup> Gender is found to be significant, but only at the relaxed .10 confidence level. With regard to partisanship, again, membership in the left is a strong positive predictor of the dependent variable; but in this case, so is membership in the center parties (PMDB and PSDB). This suggests that the primary cleavage on women's labor rights is between the conservative parties and everyone else in Congress. This finding is consistent with the claim of Mainwaring et al. (2000) that despite their nonideological, clientelistic reputation, right-wing parties in Brazil do espouse a socially conservative agenda.

The third model (table 2, column 3) examines support for abortion rights. Although the coefficient for female sex suggests support, it does not reach statistical significance. The only variable in this model that is

significant is left party. Note, however, that the explained variance in this model is by far the lowest of the four models. The weak fit implies that legislative attitudes on abortion rights are considerably more variable and unpredictable than the other issue dimensions tapped by the CFEMEA survey. This may reflect the reality that views on abortion rights are deeply personal and more morally controversial than those on other public policies. It could also suggest that personal religious beliefs are counteracting or obscuring the effects of some of the other independent variables in this model.<sup>6</sup>

The fourth regression model estimates support for gay rights. As with abortion rights, none of the demographic variables comes close to statistical significance. The only variables that matter here relate to partisanship. Whereas in the abortion rights model, only the left was significant, here the center is as well. This is similar to the pattern observed in the model for women's labor rights, implying that the excluded partisan category—incorporating the PFL, PPB, PTB, and PL—is significantly more hostile to gay rights than the other two party “families” in the Brazilian National Congress.

When the two components of the gay rights index were examined separately, using logistic regression models (results not shown), sex proved significant for one issue but not the other. In a logit model predicting support for “sexual orientation” as a category worthy of constitutional protection against discrimination, being a woman was a positive and significant predictor. In a model predicting support for civil unions for gays, however, sex was not significant. The results suggest that women legislators in Brazil are sympathetic to antidiscrimination legislation but not to legal recognition of gay partnerships, net of all other variables. This is not surprising, because antidiscrimination legislation is far less controversial. Even Catholic bishops, in their public statements, have said that homosexuals should not be discriminated against, though they staunchly oppose civil unions.

Taking the four regression models together, what patterns emerge? The three sociodemographic variables of age, education, and region are mostly irrelevant. These variables appear a total of 12 times in table 2, but in only one case (education as a negative predictor of support for gender quotas) does a demographic factor reach statistical significance. Female sex is significant in only two of three models that pertain directly to women's rights, the exception being the highly personal issue of abortion. Membership in the two center parties (PMDB and PSDB) is significant in only two of the four models overall. The only finding that is consistent in all four models is belonging to a left party (which flags the respondent as a member of the PT, PDT, PPS, PC do B, or PSB).

These data reveal that membership in a left-wing party is the only consistent predictor of support for women's rights and gay rights among

Table 3. Intercorrelations of the Policy Indexes

Indexes	Gender Quotas	Labor Market	Abortion Rights	Gay Rights
Gender Quotas	—	.23*** (202)	.14* (190)	.33*** (148)
Labor Market	.23*** (202)	—	.12* (220)	.22*** (173)
Abortion Rights	.14* (190)	.12* (220)	—	.48*** (178)
Gay Rights	.33*** (148)	.22*** (173)	.48*** (178)	—

N in parentheses.

\* $p < .10$ , \*\* $p < .05$ , \*\*\* $p < .01$

federal legislators in Brazil. Progressive views on feminist and gay rights reflect partisanship more than they do sex. In the parliamentary arena at least, the Brazilian left is distinct: it exhibits programmatic policy positions on controversial issues, and does so consistently. Women legislators are less predictable, as are legislators from the center parties. These findings do not allow us to claim unequivocally that “parties matter” when it comes to elite attitudes on gender and gay rights issues, but, adding an adjective, we can say confidently that “leftist parties matter.”

What about Lowi’s 1964 hypothesis that the bases of support for change will differ from issue to issue? Table 3 shows the correlation matrix of the indexes. It expresses the extent to which a respondent’s position on one index predicts the response on another index. The closer the number to 1, the greater the correlation; the closer to zero, the more unrelated the two indexes.

In general, these results bear out the expectations of Lowi and confirm the findings of Htun (2003a), who examined the distinctiveness of different gender issues in Latin America. The correlations between the different indexes and policy agendas are mostly quite weak. Support for abortion rights and for gay rights—the two indexes that best tap dimensions of personal morality (and possibly religious beliefs) among legislators—have the closest fit. But the two most “feminist” indexes, gender quotas and abortion rights, are almost completely unrelated to one another. Nor is abortion strongly correlated with support for women’s labor rights. Pervasive assumptions that feminist issues “go together” therefore turn out to be wrong. Abortion, in particular, has a unique status. This suggests that multiparty coalitions to advocate quotas and labor market regulation may be undermined by disagreement on abor-



tion. Indeed, some networks of women politicians in Latin America have explicitly decided to keep abortion off the agenda in order to maintain unity to lobby for other issues (Htun 2003b).

## DISCUSSION AND CONCLUSIONS

Brazil's laws remain conservative in many respects, but legislative opinion does not. While deputies and senators have some reservations about gay civil unions and quotas for women in the executive and judiciary, they express considerable support for labor market regulation in favor of women and for relaxation of the country's restrictive laws on abortion. This suggests that progressive views are no impediment to getting elected. Disaggregating legislative opinion by party membership and demographic criteria reveals that party explains a great deal more of the variance than sex. Leftist parties, not groups of women, are the most consistent advocates of a feminist policy agenda. Yet the bases of support for such an agenda are not consistent. Positive views toward change on one issue, such as gender quotas, do not translate into support for others.

This study of elite attitudes offers only a preliminary understanding of the role of legislative politics in the evolution of gender-related policy and gay rights. A more complete analysis would tackle the contradiction between legislative attitudes and policy outcomes: why do widespread progressive views not translate into legislative output? An adequate answer to this question is beyond the scope of this article, for it would require a lengthy detour into Brazilian macropolitics and institutional design. Nevertheless, two preliminary arguments about the gap between preferences and outcomes can be offered to guide future research. Neither is exclusive to the legislative debate on gender issues.

The first proposition begins with the fragility of political institutions, an argument well known to consumers of the literature on Brazilian politics.<sup>7</sup> Political parties are held to be weak, undisciplined, and unrepresentative (Mainwaring 1999); the electoral system creates an individualistic and inefficient Congress (Ames 2001); and executive-legislative relations are characterized by conflict and paralysis (Lamounier 1996). According to these claims, the low rate of legislative output is simply a reflection of the overall crisis of governability. Since the late 1990s, this view has been vigorously challenged by scholars such as Figueiredo and Limongi (1999) and Santos (1997), who claim that presidential agenda-setting power and centralized leadership in the legislature provide for reasonable levels of predictability and efficiency in executive-legislative relations. Though the debate continues, there is important evidence that many legislative initiatives languish for years, dying in committee or never coming to a floor vote.

Consider the example of the bill to reform the civil code, which waited 26 years for sanction by Congress. Originally adopted in 1916, the code entrenched patriarchal authority in the household, contained demeaning portrayals of women, and justified the differential treatment of children born out of wedlock. It had scarcely been modified by the time democracy returned in 1985. Comprehensive attempts had been made to update the code in light of social changes and developments in legal theory, particularly under military rule in the 1960s and 1970s (Htun 2003a, 72, n. 12). In 1975, during the presidency of General Ernesto Geisel, a bill was presented to Congress and a special commission created to consider it. Though few people voiced principled objections to the reform, the bill stalled in the lower house and was finally ratified only in 1984. It suffered more delays in the Senate, gaining sanction in 1997, at which point the bill returned to the lower house. Only in 2001 did the full congress approve an overhaul of the civil code, under which women gained full equality in marriage (Htun 2003a). Although this was an issue of profound importance for its influence on legal judgments across the country, Brazil's weakly programmatic parties and patronage-thirsty politicians had few incentives to champion the public good of the new code.

A second, related argument for the preference-outcome gap concerns the relative prioritization of legislative proposals. Ames's depiction of Congress as somewhat of a black hole for legislation would be less pernicious if bills submitted by all branches of government suffered equally high mortality rates. That is not the case, however. Since the return to democracy in 1985, more than 75 percent of the bills approved by Congress have originated in the executive branch. This discrepancy has had huge consequences for the nature of legislative output. Whereas the executive branch's agenda has emphasized economic stabilization, Congress has put higher priority on social action (Figueiredo and Limongi 1999). Executive dominance means that Congress spends most of its energy on macroeconomic policy and proposals for state reform. Gender equality and gay rights are not high priorities.

Consider the question of abortion. Brazil's criminal code permits abortion under two circumstances: when the pregnancy threatens the mother's life or when it results from a rape. Yet women who rely on the public health system actually do not have access to these abortions, even though the law permits them. Fearing criminal prosecution, doctors are reluctant to perform abortions on women who claim to have been raped. Without a judge's authorization, how can they be certain that the rape actually occurred and that the abortion is therefore legal (Htun 2003a, 156)? To expand the availability of abortion to poor women, then-deputy Marta Suplicy presented a bill in 1991 that would oblige the public health system to perform abortions on women who

had been raped. The CFEMEA study reveals that 87 percent of the legislators agreed with this proposal. Why, then, has the bill been stalled in Congress ever since?

Although only 6 percent of the legislators claim to disagree with this bill, its opponents have succeeded in blocking it from coming to a floor vote. Their efforts are abetted by the executive's impressive agenda-setting power and its use of that power to pursue goals it views as more pressing.<sup>8</sup> To be sure, fear of the wrath of Catholic bishops and evangelical churches also deters many legislators from jumping on an abortion bandwagon. Even the progressive PT, which initially embraced the cause of abortion rights in campaign platforms in the 1990s, dropped the issue under church pressure. PT legislators are still the strongest supporters of liberalizing abortion. Since gaining control of the presidency in 2003, however, the party has behaved like other recent administrations in prioritizing structural adjustment over social concerns.

In addition to emphasizing the importance of institutions, this research offers insights for people concerned about the consequences of women's leadership. Over the past couple of decades, international organizations and women's rights activists have advocated quotas for women in positions of power. They maintain that women's presence in decisionmaking is a vital part of a democratic and egalitarian society. It is also widely believed that installing more women leaders is a shortcut to policy changes that promote gender equality. Is this a reasonable expectation? Will women in power work on behalf of other women?

Women have some shared interests in light of their similar positioning in a gender-structured society. The durable institution of the sexual division of labor, for example, assigns to women (and not to men) primary responsibility for care work. It is therefore reasonable to expect them to find common ground in the search for child care, maternity leave, and other policies that ease the care work burden. Yet women are half of humanity: they are divided by class, region, race, ideology, party, and the numerous other cleavages that spawn political conflict. In certain circumstances, racial, class, partisan, or other structures will generate interests that outweigh those produced by the structures of gender. Indeed, this research confirms that party overshadows sex in determining opinions on major policy issues, even those related to gender.

To be sure, multipartisan coalitions of feminists and their allies have pushed for change on domestic violence, laws on rape, gender quotas, sexual harassment, and other feminist policies in Latin American legislatures in the 1990s and 2000s. Yet partisan divisions preclude similar coalitions on other gender equality issues, including abortion and reproductive rights. Activists seeking to form alliances around an omnibus feminist or gender equality agenda therefore face a difficult struggle.

They would do better to disaggregate gender-related policies and build bases of support issue by issue.

Bringing more women into power will increase support for some reforms. Yet women, like men, are included in politics through parties. As a result, partisan loyalty will often trump gender solidarity. Parties, particularly programmatic ones like those on the Brazilian left, are the relevant actors in legislative politics, not coalitions of women and men. People advocating a feminist agenda can only hope that the growth in women's leadership in parties will transform partisan interests.

## NOTES

1. This argument is made with relation to the Brazilian Congress by Tabak 2002, esp. 83–160.

2. For a discussion of this phenomenon in Brazil, see Avelar 2001.

3. The more economically developed areas (scored as zero here) are the three southern states of Rio Grande do Sul, Santa Catarina, and Paraná; the four center-south states of São Paulo, Minas Gerais, Rio de Janeiro, and Espírito Santo; and the Federal District (Brasília).

4. When gender quotas are used in closed-list proportional representation systems, the proportion of female candidates is almost certain to rise because the list is blocked and voters cannot alter the ranking of candidates; and because electoral campaigns are not personalized, meaning that individual resources and candidate characteristics matter less than the party's aggregate performance. Neither of these conditions obtains in the unusual open-list PR system used in Brazil. The personalized electoral system essentially neutralizes the effect of any type of candidate quotas. For a discussion of this phenomenon in the most recent (2002) elections, see Macaulay 2003.

5. We say "substantive" equality here because "formal" equality would imply treating men and women the same.

6. Unfortunately, the CFEMEA survey did not include a question on respondents' religious affiliation, making it impossible to test this hypothesis empirically.

7. For a useful review of some of the key works cited here, see Amorim Neto 2002.

8. Diniz (2005) has shown that Brazilian presidents have been willing to sacrifice long-term reforms in return for the immediate approval of bills that affect macroeconomic management. In her view, many apparent presidential defeats (e.g., when presidents withdraw controversial bills from Congressional consideration) simply reflect day-to-day changes in the presidential agenda, and many of the changes reflect changing financial and economic circumstances.

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