View metadata, citation and similar papers at core.ac.uk

brought to you by CORE

provided by SSOAR - Social Science Open Access Repository

SSOAR

Open Access Repository

www.ssoar.info

Crisis of representation in Chile?: the institutional connection

Siavelis, Peter M.

Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

Zur Verfügung gestellt in Kooperation mit / provided in cooperation with:

GIGA German Institute of Global and Area Studies

Empfohlene Zitierung / Suggested Citation:

Siavelis, P. . M. (2016). Crisis of representation in Chile?: the institutional connection. *Journal of Politics in Latin America*, *8*(3), 61-93. https://nbn-resolving.org/urn:nbn:de:gbv:18-4-10047

Nutzungsbedingungen:

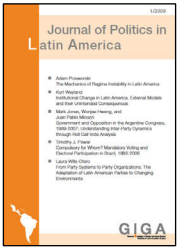
Dieser Text wird unter einer CC BY-ND Lizenz (Namensnennung-Keine Bearbeitung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:
https://creativecommons.org/licenses/by-nd/3.0/deed.de

Terms of use:

This document is made available under a CC BY-ND Licence (Attribution-NoDerivatives). For more Information see:
https://creativecommons.org/licenses/by-nd/3.0

gesis Leibniz-Institut für Sozialwissenschaften

Mitglied der Leibniz-Gemeinschaft



Journal of Politics in Latin America

Political Representation in Contemporary Chile

Siavelis, Peter M. (2016),
Crisis of Representation in Chile? The Institutional Connection, in: *Journal of Politics in Latin America*, 8, 3, 61–93.

URN: http://nbn-resolving.org/urn/resolver.pl?urn:nbn:de:gbv:18-4-10047

ISSN: 1868-4890 (online), ISSN: 1866-802X (print)

The online version of this article can be found at: <www.jpla.org>

Published by
GIGA German Institute of Global and Area Studies, Institute of Latin American Studies and Hamburg University Press.

The *Journal of Politics in Latin America* is an Open Access publication.
It may be read, copied and distributed free of charge according to the conditions of the Creative Commons Attribution-No Derivative Works 3.0 License.

To subscribe to the print edition: <ilas@giga-hamburg.de>
For an e-mail alert please register at: <www.jpla.org>

The *Journal of Politics in Latin America* is part of the GIGA Journal Family, which also includes *Africa Spectrum*, *Journal of Current Chinese Affairs* and *Journal of Current Southeast Asian Affairs*: <www.giga-journal-family.org>.

STAATS- UND UNIVERSITÄTS-
BIBLIOTHEK
HAMBURG
CARL VON OSSIETZKY

GIGA
German Institute of Global and Area Studies
Institute of Latin American Studies

Crisis of Representation in Chile? The Institutional Connection

Peter M. Siavelis

Abstract: This article analyzes the challenges to democratic representation in contemporary Chile, with an institutional focus. I argue that the post-authoritarian model of politics was deeply constrained by institutions and practices inherited by democratic authorities and reinforced by the model of transitional politics and its series of informal institutions, which first facilitated, but then hindered democratic performance. While this does not point to a regime-threatening crisis, there are deep challenges to representation and a desire for a different model of politics that is more capable of resolving conflicts and satisfying citizen demands. I posit that, until now, Chile's formal and informal institutions have privileged stability over representation, accountability, and legitimacy. Consequently, it has fallen to social movements to set the agenda for change aimed at addressing Chile's deeper problems of political and social inequality. I argue that institutional reforms are a necessary, yet insufficient, antidote to current challenges of representation.

■ Manuscript received 5 October 2016; accepted 29 November 2016

Keywords: Chile, democratic representation, democratization, informal institutions

Peter M. Siavelis is a professor in the Department of Politics and International Affairs at Wake Forest University, Winston-Salem, NC, where he is also the director of the Latin American and Latino Studies program. He received his PhD from Georgetown University. He has researched and published widely on many aspects of Latin American and Chilean politics, including candidate selection, presidencies, and informal institutions. His most recent edited book is *Democratic Chile: The Politics and Policies of a Historic Coalition* (with Kirsten Sehnbruch) and he has published in such journals as *Comparative Politics, Comparative Political Studies, Latin American Research Review*, and *Electoral Studies*. Personal website: <http://users.wfu.edu/siavelpm/>
E-mail: <siavelpm@wfu.edu>

1 Introduction

In recent years, countless academic papers, conferences, and symposia have dealt with "crises of representation" around the world. While Chile is no exception, discussion of a crisis of representation in Chile might surprise long-time followers of the country's politics. Chile's "model" democratic transition, clean government, and remarkable stability made it the poster child of democracy for the first decade and a half following the transition to democracy that formally began with the 1988 plebiscite that effectively ended the dictatorship of Augusto Pinochet. In sharp contrast, Chile is now making headlines with the emergence of scandal after scandal, almost constant protests by students and representatives of other active social movements, plunging levels of public confidence in political parties and state institutions, and a generalized sense of permanent political crisis without exit (Siavelis 2015). How do we explain this starkly changing political dynamic? Is there a crisis of representation in Chile? Does it matter whether what is occurring in the country is correctly classified as a crisis of representation or not? What role do formal and informal institutions play in explaining this political crisis?

This article[1] seeks to answer these questions through an analysis of formal and informal institutions in Chile since the return of democracy. Fundamentally, I argue that the post-authoritarian model of politics was deeply constrained by institutions and practices that were inherited by democratic authorities and reinforced by the model of transitional politics and its series of informal institutions, which first facilitated, but then hindered democratic performance. This is territory that has been previously covered in the literature on Chile's formal institutional structure and the informal institutions that grew up around it (Siavelis 2000; 2009). However, in terms of the contemporary challenges facing democracy in Chile, and in line with the assertions of most of the authors in this special issue, I argue that Chile is not currently facing a regime-threatening crisis of representation. The point of this article is to go a step further to analyze the deep challenges to representation and point to a desire for a different form of representation and a model of politics that is better capable of resolving conflicts and satisfying citizen demands. The new contribution of this article is to underscore that there are multiple dimensions of democracy and that, to date, Chile's institutions (both formal and informal) have consistently privileged stability over representation, accountability, and legitimacy. It has been well established that

1 The author would like to acknowledge support from the Chilean Millennium Science Initiative (project NS130008) and Fondecyt Project 1160984.

within any democracy there are inherent tradeoffs between these goals (Pitkin 1967). However, the combination of Chile's formal and informal institutional structure has consistently reinforced stability at the cost of these other essential elements of democracy. Given this context, it has fallen to social movements to set the agenda for change, with the aim of addressing Chile's deeper problems of political and social inequality. Nonetheless, it is uncertain whether these social movements or other groups and actors can reassume the strong representational role that has historically been played by parties in Chile. The article concludes by noting that while significant institutional reforms are necessary to restore a sense of legitimacy to Chilean democracy, such reforms will not be sufficient, given how deeply these challenges of representation have become ingrained in Chile's body politic.[2]

2 Democratic Transition, Protected Democracy Formal Political Institutions

Chile's post-authoritarian political and party context have deeply shaped politicians' incentive structures and, in turn, the dynamic interaction between formal and informal institutions. First, in hindsight, it appears that the success of the democratic transition was guaranteed. This ignores real threats to democracy (including a number of military mobilization) and tense civil military relations at times (Weeks 2003). While democratic transitions in many Latin American countries have been preceded by the relative weakening of the military, in Chile the military remained an important actor and was able to dictate the institutional conditions of its departure (Linz and Stepan 1996: 205–218). Indeed, the first post-authoritarian president, Patricio Aylwin, noted that Pinochet "always thought we were going to fail and that the country was going to call him back to replace me."[3] Angell noted that, during this time "[t]here seemed to be two parallel systems of power in Chile, one democratic" and "another a carryover from the authoritarian past posing a veiled threat to the

2 Survey data shows some contradictions on this point, as support for democracy in the country has been moderately increasing at a time when these challenges to representation are growing and support for basic institutions is falling. Still, support for democracy is relatively low in cross-national perspective and much lower for the masses than for elites, as shown in several surveys (including the IDRC UDP project that measured elite vs. citizen opinions). See LAPOP (2012) and UDP-IDRC (2014).

3 Interview, 20 August 2008.

civilian authorities – in Pinochet's words, a sleeping lion" (Angell 2007: 147).

Second, despite some limited reforms in the early years of democracy and substantial reforms in 2005, Chile is still ruled by the 1980 Constitution it inherited from the dictatorship. The Constitution has been consistently criticized for its origins, given that its drafting commission was comprised of handpicked regime representatives. In addition, the plebiscite in which it was approved has been criticized for its questionable probity and tight government control over the process. The origins of the constitution regularly led scholars and politicians to characterize Chilean democracy as "limited," "low-intensity," "protected," or "tutelary" (Huneeus 2014; Roberts 1998; Shain and Linz 1992). Analysis of Chilean politics during the transition rarely came without qualifying adjectives, even entering popular debates on the nature and quality of Chilean democracy (Tanner 2001). While some have objected to this characterization (Rabkin 1992), most analysts recognize the strong limits to representation embodied in the 1980 Constitution.

Consequently, while elites in most political systems craft institutions to serve their own interests, actors with strong political agendas have imposed institutions. The major elements of Chile's 1980 Constitution were designed to enhance stability, but simultaneously provide limits on the scope of actions of democratic. In keeping with the arguments of this article, while the Constitution undoubtedly enhanced stability, it did so at the cost of other important dimension of democracy like representation, accountability, and legitimacy. Because these elements of the Constitution have been analyzed in depth elsewhere, I will only provide broad outlines as they impact the argument of this article.[4] The 1980 Constitution provided for exaggeratedly strong presidential systems; effective veto power for the armed forces; the establishment of a strong and military-dominated National Security Council; a military insulated from civilian control with respect to hiring, firing and promotions; a Constitutional Tribunal with the ability to derail legislation at any point in the legislative process; and a provision that nine of 39 senators would be appointed by the military or other forces sympathetic to the right for much of the transitional period.

Third, one the most essential elements of the military government's exercise in constitutional engineering was the design of a new legislative election system that aimed to transform the party system and reduce the

4 For a fuller discussion of these features of the constitution, see Siavelis (2000: 1–42) and Barros (2002).

power and influence of the left. The military-designed system (which became known as the binomial system) provided that each coalition could present two candidates on open lists. Although voters chose a candidate, votes were pooled to determine whether lists won one or two seats. The highest polling coalition in a district could only win both seats if it more than doubled the vote total of the second-placed list – providing effective thresholds of 33 percent for a one seat victory and 66 percent for a two seat victory. It was rare for a list to reach the 66 percent threshold, so one seat effectively went to each of the two coalitions. Because the *Concertación*'s level of electoral support has hovered around 55 percent and the *Alianza*'s at around 40 percent, in functional terms the coalitions simply divided seats in most districts, providing an electoral bonus for the right (winning 50 percent of the seats with only 35–40 percent of the vote). The system also succeeded in marginalizing the non-*Concertación* left, or any small party that failed or refused to strike an electoral bargain with one of the two major coalitions (Navia 2005; Rahat and Sznajder 1998). Although there is substantial evidence that the election system was specifically designed to favor right-wing parties (Polga-Hecimovich and Siavelis 2015), other analysts have pointed to the broad proportionality of the election system (Zucco 2007). However, it is important to note that this proportionality did not grow out of the dynamics of the electoral system, but was actually manufactured by the alliance system and the process of candidate selection, whereby larger parties made room for smaller ones on joint electoral lists for strategic reasons (Polga-Hecimovich and Siavelis 2015). Although the binomial system was abandoned in 2015 to be replaced by a moderate PR system for the 2017 elections, it has deeply shaped post-authoritarian political competition.

While some of these features of the constitution stand out for their blatant intention to limit representation or favor the right, others may seem not too far removed from constitutional norms, in a cross-national perspective. Nonetheless, in Chile it is the *combination* of all these features that really provided a "constitutional straightjacket" for democratic authorities, making it difficult to govern (given the party system and limits on Congress) and almost impossible to reform this difficult framework. Undoubtedly, and as Fuentes (2014) correctly noted, there were important constitutional reforms. In this sense, the institutional rigidity noted here did not impede the approval of some significant political transformations. However, these were largely due to the structure of incentives that prompted the right to support some reform initiatives as it stopped benefiting from the rules of the game it had designed.

Fourth, despite the military's effort to transform Chile's multiparty system, it emerged with many of the same characteristics and a similar number of parties that it had before the dictatorship. A distinctive feature of the post-authoritarian system is the existence of two main coalitions that have contested the six presidential and congressional elections since the return to democracy. The center-left *Concertación* coalition (which grew from the "No" forces in the 1988 plebiscite) comprised the Partido Demócrata Cristiano (PDC), the Partido Socialista (PS), the Partido por la Democracia (PPD), and the smaller Partido Radical (PR) and Partido Social Demócrata (PSD). The latter two parties merged in 1994 to form the Partido Radical Social Demócrata (PRSD). In 2013, the alliance was redubbed Nueva Mayoría and continued to have the four traditional parties (PDC, PS, PPD, PRSD), but also included the Partido Comunista de Chile (PCCh), Izquierda Ciudadana (IC), and the Movimiento Amplio Social (MAS). On the right, the *Alianza* coalition was composed of two major parties – Renovación Nacional (RN) and the Unión Demócrata Independiente (UDI) – with the exception of the 1993 election when the Unión de Centro (UCC) also joined the *Alianza*. The UDI was more closely associated with allies of the dictatorship and is considered more conservative than RN, whose roots lie in Chile's traditional aristocratic right.

A key point about this type of party system is that it exists within the context of presidentialism. The Chilean case has occupied a central role in the debate on the performance of presidentialism. The executive–legislative deadlock and immobilism that brought Chilean democracy to an end in 1973 made it the poster child for opponents of presidential systems (Linz and Valenzuela 1994). With the return to democracy, Chile remained emblematic as its widely heralded formula for power sharing within the context of the democratic transition also made it a model for cross-party coalition-making under presidentialism (Siavelis 2000).

In essence, Chilean elites faced a delicate and potentially precarious democratic transition with a strong military headed by the dictator who headed the outgoing government. They did so within an institutional framework that was not of their own design and was unquestionably awkward, both with respect to the tensions created by presidentialism in a multiparty context and in terms of the incentives for interparty cooperation. Furthermore, a multiparty system continued to exist in an institutional configuration and electoral system designed to limit the number of parties and representation. Constitutional and institutional reform was an essential imperative, but one made difficult for most of the transitional period by the institutional straightjacket that was the legacy of the dicta-

torship. The way in which elites constructed mechanisms to deal with this complex context was key to the success of the democratic transition, but also key to understanding the disaffection with parties and institutions (and potentially the crisis of representation) that exists in Chile today. Indeed, the two are intimately related.

3 Informal Institutions and Democratic Governance

How did the *Concertación* deal with these manifold challenges within the context described here? Formal institutions were clearly inadequate to build the kind of consensus necessary to govern Chile and avoid conflict in the immediate post-authoritarian period. Political elites constructed a series of informal institutions to deal with these challenges.

The development of literature on political institutions has been rich. Analysts of institutions in Latin America have uncovered robust and convincing relations between particular sets of institutions and the types of behaviors they are said to encourage. In recent years, there has been increasing recognition of the importance of informal institutions in Latin American politics (Helmke and Levitsky 2006). Although the notion of "informality" has long been present, it is most often expressed in terms of the negative consequences of nepotism, patron–client relations, corporatism, and patrimonialism (Hagopian 1993; Hillman 1994; Wiarda and Kline 1996, among many others). Nonetheless, newer literature has gone beyond the usual negative litany to recognize that informal institutions can play a positive role. Indeed, without informal institutions it is likely the Chile's democratic transition would not have been as successful. What are informal institutions and what role have they played in politics in Chile since the return of democracy?

Helmke and Levitsky defined informal institutions as "socially shared rules, usually unwritten, that are created, communicated, and enforced outside officially sanction channels" (2006: 5). They went on to emphasize that, contrary to some earlier definitions, it is important that there is a form of credible sanction in order for an informal institution to be considered as such. They provided a typology of informal institutions, reproduced in Table 1, based on whether or not effective formal institutions exist and whether the outcomes of the informal institutions converge or diverge from those that would occur with the simple operation of formal institutions. It should be noted that effectiveness signifies the extent to which rules and practices that exist on paper are complied with or expected to be enforced (Helmke and Levitsky 2006: 13).

Table 1. A Typology of Informal Institutions

Outcomes	Effective Formal Institutions	Ineffective Formal Institutions
Convergent	Complementary	Substitutive
Divergent	Accommodating	Competing

In the Chilean case, most of the informal institutions that emerged or were constructed were complementary and accommodating. Because Chile's democratic institutions were imposed, elites had enhanced incentives to create informal institutions to enable them to achieve goals within an ill-fitting institutional framework that militates against many of their fundamental interests. This has led to a proliferation of informal institutions that both contravene the unquestionably inflexible formal institutions and enable politicians to work within them. Indeed, the comparative institutional literature suggests that Chile's exaggerated presidential system, majoritarian electoral formula, timing and sequencing of elections, and other institutional variables combine for a very undesirable configuration and should create disincentives for cooperation and political accommodation (Jones 1995; Mainwaring and Shugart 1997). Nonetheless, scholars and political leaders in the region have recognized that Chile's democratic transition and record of governability are among the most successful on the continent. This is due largely to the development of informal institutions. However, as will be further developed in this article, the perseverance of these institutions also explains some of the discontent with current forms of representation that we see today in Chile.[5]

3.1 *El Cuoteo* and Joint Electoral Lists

Coalition maintenance was recognized as central to governing success in Chile – so central, indeed, that the future of the democratic transition rode on it. A memo circulated by the first general secretary of government read:

5 A good portion of the analysis presented here is based on previously published works and arguments (Siavelis 2009). However, that work presented four of these elements of informality as "enclaves" of the democratic transition rather than informal institutions as presented here. While discussed as "enclaves" as part of that previous work, they still fit the definition of informal institutions and are considered as such here.

> The fear of a military regression, and the understanding of the risk of such an event occurring, will be directly determined by the level of conflict that exists between political parties. (Boeninger 1989)

To avoid this type of problem, *Concertación* leaders created two sets of power sharing arrangements. First, at the level of the executive branch, *Concertación* leaders struck an informal agreement known as the *cuoteo*, which endured throughout all of the post-authoritarian governments from the Patricio Aylwin administration (1990–1994) until the two Bachelet administrations (2006–2010 and 2014–present). Dávila's (2011) comprehensive study outlined the basics of this informal institution. *Concertación* elites agreed on three points: (1) that cabinet positions would be distributed proportionally in line with parties' electoral weight in legislative elections; (2) the major parties would be underrepresented to provide space for representatives of smaller parties that were needed to hold the coalition together; and (3) that the principle of *transversalidad* would be employed – meaning that cabinet ministers would be from a different party than vice ministers where feasible.

Transversalidad was respected by all four of the administrations analyzed by Dávila: (with the minister and sub-secretary being of a different party in 78 percent of the cases for Aylwin, 71 percent of the cases for Frei, 87 percent of the cases for Lagos, and 96 percent of the cases for Bachelet). Furthermore, throughout the ministries, and particularly in the "political" ministries, each of the post-authoritarian administrations sought to balance the representation of the complete constellation of members of the *Concertación* coalition in the upper-level staffs of each of the ministries (Dávila 2011; Rehren 1992).

Second, elites also faced a power-sharing dilemma at the electoral level. The reality that there were many parties in the coalition and only two seats available in each of the country's 60 electoral districts complicated coalition building and maintenance. This puzzle led to a series of informal institutions and rules that respond to the well-understood incentives created by the electoral system. In general terms, the number of seats each party received was tied to performance in past elections; therefore, logic would dictate the simple division of candidacies based on the percentage of vote a particular party polled in previous elections. However, the system created a good deal of strategic complexity. With district magnitudes of two, a minor party candidate paired with a major party candidate often stands to lose. At the same time, those minor parties are crucial in order for coalitions to rally sufficient support for them to pass thresholds nationally and be sure of maintaining single coalitional presidential candidacies. Thus, minor party candidates are often paired with

weaker party partners; this logic is counterintuitive, but makes sense. It means that candidates capable of garnering the highest number of votes in a particular district may not be placed on electoral lists.[6] Even major party candidates will lobby to be placed either with very strong coalition partners that will allow them to pass the 66 percent threshold, or with weak partners who will contribute enough votes to pass the 33 percent threshold without outpolling them. Thus, these strategic pairings, which evolved into informal institutions, contravened the mechanical tendencies of the electoral system, effectively providing for the representation of the full range of the coalition's parties in Congress and allowed parties and candidates to simultaneously achieve divergent goals.

3.2 Electoral Insurance for Good Losers

In addition to making candidate selection complex, the binomial system also presents a risk distribution problem, whereby the collective goals of an electoral coalition diverged from the goals of candidates.[7] Given that a coalition can win two seats by arriving at 66 percent, coalitions will naturally seek to win both seats whenever they can. However, this is really quite difficult.[8] Coalition leaders identified districts where doubling is possible and targeted electoral resources at such districts to attempt cross the critical threshold. If the possibility of doubling is there, coalitions place their two strongest candidates in that district. This coalitional goal conflicts directly with individual candidate goals because candidates seek to avoid strong competition from within their own list in order to concentrate on beating the opposing list. The possibility of miscalculation is high, as is the risk of loss for a candidate running with a strong partner. In addition, in order for a coalition to receive the highest number of votes possible that will allow it to double, it must choose the strongest candidates, whose qualities and popularity make it possible to push the coalition across the 66 percent threshold. Thus, the coalition wants two very strong and popular candidates, while an individual candidate has every reason to prefer a weak list partner. Even in a more common district, where a coalition is willing to settle for the one-one split

6 Siavelis (2002) provided a complete discussion of the differing incentives for candidate selection related to party size.

7 This section draws heavily on Carey and Siavelis (2005).

8 In the seven elections since the return of democracy, coalitions have been able to achieve "*doblajes*" the following number of times for the House of Deputies: 1989 – 12; 1994 – 11; 1997 – 11; 2001 – 4; 2005 – 6; 2009 – 1; 2013 – 11.

between first- and second-place lists, candidates still need partners to maximize list votes.

So how do coalitions provide incentives for candidates to run in risky elections or ones in which they are almost guaranteed to lose? Carey and Siavelis (2005) argued for an informal institution where parties provide rewards or consolation prizes for those losing candidates willing to incur risk on behalf of the coalition in the form of the awarding of government positions following the election; this would again allow parties and coalitions to simultaneously achieve their divergent electoral goals.

While this electoral insurance was central to maintaining the coalition and easing the transition to democracy by providing a consensus building dynamic, it has unintended consequences related to the central argument of this article. The reality that incumbents and major candidates on each list consistently had high expectation of winning, and even losers were exposed to low levels of risk, meant that candidates were effectively insulated from the reality of changing citizen demands. The electoral insurance provided enough stability in the upper levels of each party for candidates to rarely fear for their survival, and stability again trumped representation.

3.3 The Partido Transversal

The *partido transversal* was an informal group of politicians in the first democratic governments who defined themselves more as "leaders of the *Concertación*" rather than leaders of their individual parties. Despite the *partido transversal*'s lack of formal organization, the actors themselves knew who they were and structured informal relationships among themselves, between their parties and the coalition, and, as discussed later, with social actors. During the first three *Concertación* administrations, the policy-making process was dominated by executive branch elites belonging to the *partido transversal*. Ignacio Walker, who served in the Ministry of the General Presidency (SEGPRES) under President Patricio Aylwin, noted that the *partido's* members

> correspond to informal networks that have […] exercised a strong influence under the three administrations of the *Concertación*, both in terms of strategic design and the set of public policies that have been pursued. (Walker 2003: 5)

It played a crucial role in structuring myriad relationships: between ministries, between ministries and congressional leaders, and between the government and social groups with whom negotiations were undertaken

to strike agreements that would be acceptable to powerful social actors. Towards the end of the Frei administration, however, the *partido transversal* ceased to function. This was testament to the deteriorating condition of the *Concertación* coalition and the reality that the precariousness of democracy was less daunting, which allowed cracks to emerge in the coalition. Still, in the early and sensitive years of the transition, it served as important political wiring to ensure communication and elite policy coordination.

3.4 *Democracia de los acuerdos*

Concertación leaders faced a difficult legislative scenario. On one hand, there were demands for profound change and transformation in relation to the most egregious elements of economic and social inequality, which were a product of Pinochet's two-tiered legacy in the area of social provision. Democratic authorities inherited profoundly unequal health, education, and retirement systems, where the wealthy had access to high-quality services while the poor were left to rely on underfunded and inferior public services. In addition, a reactionary labor code and regressive tax code further contributed to inequality, which was arguably the country's most pressing problem. However, at the same time, veto players on the right, including the military, parties of the right (who were institutionally overrepresented), the business community, and large economic conglomerates provided clear and stated limits on the extent of acceptable change. Unsettling Chile's growing economy or fundamentally challenging the market economic model were strictly off-limits and could provide a potential rationale for renewed military intervention. At the same time, although trade unions and other popular organizations had been gutted during the dictatorship, there were also demands for change on the left, putting *Concertación* governments in a difficult position.

Within this context, leaders had to find a way to legislate while maintaining consensus between agents of change and veto players. The *Concertación* struck a bargain with veto players on the right, which included a tacit agreement that the president should negotiate with powerful economic actors and leaders on the right, such as business associations and producer groups, to craft agreements before legislation was introduced in Congress. This model, dubbed *democracia de los acuerdos* (democracy by agreement), was used in reforming the tax code, expanding social welfare and anti-corruption legislation, and in the comprehensive constitutional reforms of 2005 (Boylan 1996; Silva 1992). Negotiated agreements outside Congress were the norm between the *Concertación* and its

allies, such as trade unions, aimed at securing the democratic transition by avoiding potentially destabilizing demands.

This model facilitated the transition and the legislative agendas of presidents. However, it also sidelined voters, providing little opportunity for citizen input, projecting the image of democracy by inter-elite negotiation. In addition, and as will be stressed below, by avoiding controversial legislation it is likely that elites also neglected necessary reforms and are paying the price today with high levels of popular dissatisfaction.

3.5 Informal Presidential Advisory Networks

It seems logical that presidents would appointment members of their inner circle to ministerial positions in order to be able to rely on trusted advisors and initiators of policy. However, the *cuoteo* limited presidents' choices of advisors, given that they had to take more variables into consideration when appointing ministers. It was not just a case of ensuring that the *cuoteo* and *transversalidad* were respected; presidents also increasingly had to take into account variables of age, gender, and previous ministerial service (that is, as time progressed there were increasing demands to appoint new faces). Facing fewer of these limits and really only thinking of party parity, Patricio Aylwin appointed ministers who were also his trusted advisers, within SEGPRES (the Ministry of the General Secretary of the Presidency) at the center coordinating inter-party relations across ministries. Eduardo Frei respected the formal *cuoteo* for ministerial appointments, but relied on a just a few key ministers, who became known as his *círculo de hierro* (iron circle) with less consultative relations. President Lagos opted to abide by the formality of the *cuoteo*, but moved his most important advisers to a newly created unit of informal advisers known as the *Segundo Piso* (or "Second Floor," named after the location of their offices in the Moneda presidential palace near the president's office). Finally, Michelle Bachelet, who faced a far more complex constellation of variables in respecting the *cuoteo* (given its additional complex constraints related to age, service and gender, which emerged with the passage of time), could rely on few trusted advisers within or outside of the ministries, for a variety of reasons; this resulted in less than complete cross-party consultation (Siavelis 2016).

3.6 National–Local Accommodative Mechanisms

Valenzuela's (1977) seminal study of pre-authoritarian Chile puzzled over how political parties in a country as ideologically divided as Chile could find common cause to avoid complete disintegration of the political system and the emergence of polarized pluralism common in highly divided party systems. He identified a series of accommodative informal mechanisms that enabled parties to work together. In the context of Chile's hyper-centralized political system, all power radiated from Santiago. Under the guise of exchanging favors for political loyalty and voting, local officials functioned as power brokers to facilitate the distribution of resources between national political leaders (deputies and senators) and voters. Likewise, local leaders (mayors and councilors) benefited from national-level brokers by getting resources from them to meet constituent demands. Networks of personal relationships built between brokers and national level politicians and between brokers and voters helped moderate potential ideological conflicts.

However, in the post-authoritarian period, the 1980 Constitution specifically proscribed the ability of legislators to propose particularistic proposals that aimed to extract resources for their districts, effectively eliminating what had been an important tool of accommodation. Toro (2013) underscored the changing nature of local–national connections under the 1980 Constitution, given the lower capacity of members of Congress to promote *leyes particulare*s and extract resources. Under this new schema, however, mayors still have the ability to satisfy the demands of the electorate without legislative action. In essence, local officials now contact legislators to plead for selective intervention in the ministries to gain favors and extract resources, and legislators comply because they want to maintain an electoral connection to their districts and be able to claim credit. This is the case despite the fact that Article 57 of the Constitution specifically proscribes legislative intervention in the bureaucracy. Still, this evolving informal institution has eased what is still excessive centralization of the political system and has mediated potential conflict between local and national politicians (Toro 2013).

4 Democracy, Informal Institutions, and Political Crisis in Chile: *La otra cara de la moneda*

Faced with manifold challenges, Chilean elites were able to successfully construct informal institutions of accommodation and consensus build-

ing that, for a while, made the Chilean transition a model in the region. All of the informal institutions outlined here were functional and contributed to the success of the democratic transition and the relative stability of post-authoritarian governments. That was the case until around 2006, when student protests abruptly erupted followed by increasing mobilization and activism of a variety of social movements. An almost constant stream of corruption scandals followed, creating the generalized sense of permanent crisis that characterizes Chile today. This crisis is also reflected in a precipitous decline in support for Chile's institutions, and its party system and political parties in particular. Table 2 presents an evaluation of political institutions in the country, showing a general lack of support for any type of institution. Even the top-rated institutions (like the generic "church" and the particular "church parish") only rate at the top end of "a little" and do not really approach "a lot."

Table 2. Mean Confidence in Chilean Institutions

	Confidence (Rated 1 to 4) (1 = none, 2 = a little, 3 = some, 4 = a lot)
Political Parties	1.74
The Senate	1.85
The Courts	1.86
The Chamber of Deputies	1.87
Ministers	1.97
Businesspeople	1.98
Your Senator	1.98
Your Deputy	1.99
The Government	2.09
Journalists	2.13
The President of the Republic	2.18
The Media	2.22
Unions	2.28
Local Government	2.28
The Catholic Church	2.29
Your Mayor	2.30
The Police	2.40
The Armed Forces	2.45
Your Church	2.66
Your Church Parish	2.74

Source: PNUD (2014).

While political parties are at the bottom of the barrel when it comes to the evaluation of institutions, other national-level institutions are equally poorly rated, including both legislative chambers, the courts, and ministers. Indeed, even businesspeople – who are relatively highly rated in

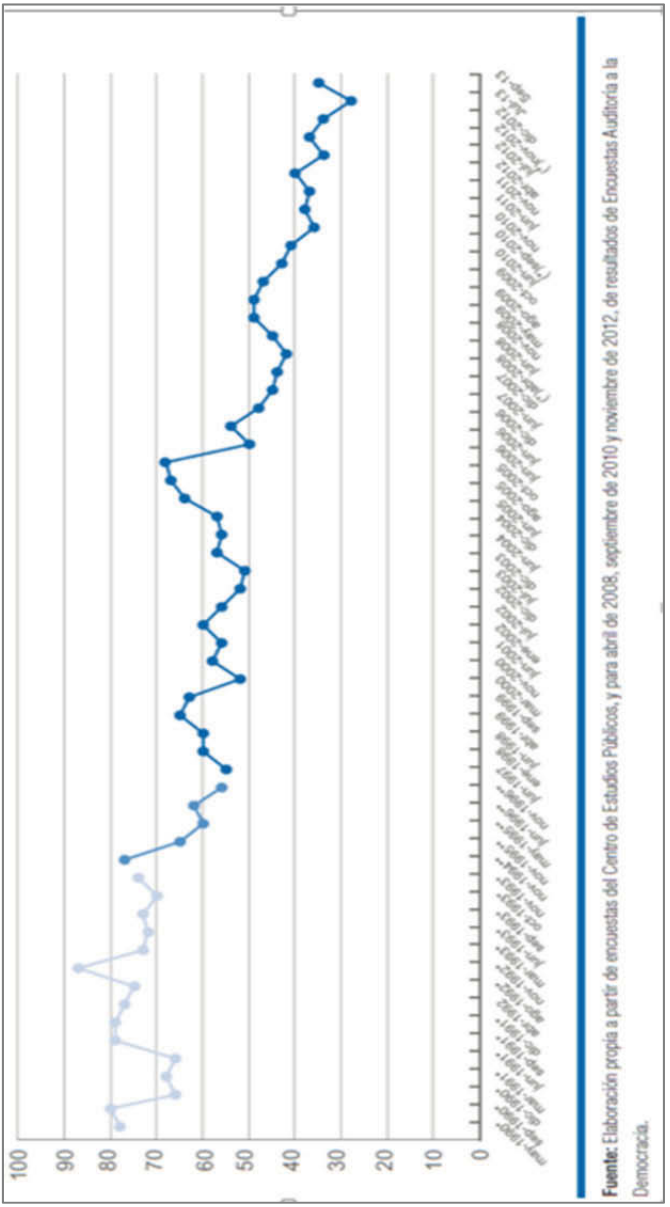
some industrial democracies like the United States – rank low, along with Congress and ministers.

The decline in levels of partisan self-identification deserves special mention. Historically, Chile was said to resemble Europe more than Latin America when it came to political parties. Political parties were central actors in Chilean political life, with high levels of institutionalization, permanence, and citizen identification. Parties were the main interlocutors between citizens and elites (Garretón 1989; Valenzuela 1978). Indeed, immediately following the democratic transition, several analysts noted that Chile emerged barely transformed from the dictatorship with respect to the role of political parties (Scully and Valenzuela 1997; Siavelis 1997). Indeed, throughout the early years of the transition, parties continued to play their traditional roles, with high levels of popular support, allowing them to remain major political interlocutors. However, as Figure 1 shows, levels of identification with parties rapidly started to erode from 1992 on. While support for and identification with political parties has decreased cross-nationally, the speed and magnitude of the decline in Chile is remarkable.

It is no coincidence that this steep erosion in partisan identification occurred at the same time as increasing evidence of a developing *partidocracia* and signs of the cutting of historical connections between citizens and parties (Luna and Altman 2011). This decline in self-identification can partly be explained by the dynamics in the evolution of politics in Chile outlined here. By abandoning their historic representational roles, citizens began to view parties as corrupt, less than honest, and overly concerned with internal partisan struggles (Carlin 2014). Adding to the mix, an ideology of maintaining coalitional and transitional stability, combined with an electoral system that minimizes the importance of citizens' electoral choices, limited the ability to hold politicians accountable and ultimately undermined the legitimacy of the party system.

What explains the stark contrast between Chile's "model" democratic transition and a country plagued by a sense of permanent crisis and low levels of satisfaction? Objectively and superficially, one might think that Chileans should be among the most satisfied with their political system. Chile has experienced remarkable levels of economic growth and is the only South American country in the OECD. Given its relatively higher levels of development, a long-standing reputation (until recently challenged) of clean politics and political institutions with a high degree of effectiveness, one might think Chileans would be satisfied. What is wrong with Chile?

Figure 1. Evolution of Citizen Self-Identification with Political Parties in Chile



Source: PNUD 2014: 289.

Undoubtedly, and as other analyses have shown, part of Chileans dissatisfaction certainly rests with frustration at high levels of inequality. However, it is probably incorrect to tie the roots of increasing dissatisfaction and social mobilization solely to inequality. After all, inequality has been historically high in Chile. Such a univariate explanation, in the context of the analyses presented here, ignores two vital realities. First, while inequality is not new since the transition, societal perceptions regarding justice and injustice have changed. Increasingly arguments about justice and fundamental fairness are wrapped up in discussions about inequality. The most visible result of the paucity of reforms was glaring inequality and an enduring sense that there are "two Chiles." One consists of a minority that benefited from the post-transition economic boom and is able to rely on privatized health, education, and retirement systems. The other, though undisputable richer than it was and successfully wrenched from poverty, has not shared equally in the economic largess of Chile's boom years and cannot take advantage of higher-quality privatized social support schemes. As Chileans realize the fruits of the Pinochet reforms, these perceptions of unfairness have only been reinforced.

For example, college admission in Chile is based almost exclusively on the *Prueba de Selección Universitaria* (PSU) (Chile's version of the US's SAT), generally with a required score of above 600 points (out of a possible 850) for entrance to the most desired programs and elite universities. Nonetheless, while fee-paying private high schools graduate only about 9 percent of Chilean students, they make up roughly 60 percent of those that receive this score, meaning that both sets of elite universities are fed by equally elite private high schools (Elacqua 2013). The deck is further stacked against disadvantaged students by the fact that around a million university students have taken advantage of funding scheme like the state-financed *Crédito con Aval del Estado*. This system was put into effect in 2006 with the noble intentions of enhancing educational access for middle-class and poorer Chileans by providing a system of state-sponsored subsidized loans. However, university graduates then often found themselves un-employed, under-employed, and deeply in debt. Indeed, the recently adopted plan for free education for the poorest university candidates has only raised the ire of these students and led to demands for debt forgiveness. It is probably no coincidence that student protests intensified once the first payments came due. Perceptions of unfairness have been further reinforced as police repression has been employed to counteract these demonstrations based on legitimate claims of injustice.

Second, politics is about more than content; it is also about the process. I contend that part of Chile's political crisis is explained by the perseverance of a political model that is left over from the transition, but has outlived its usefulness. Indeed, I would go even further and argue that the actual informal institutions that have been at the root of the success of the Chilean transition have also contributed to the erosion of support for the country's political institutions and processes. In essence, all the informal institutions outlined here were functional and contributed to the success of Chile's model democratic transition, but they represent a double-edged sword. The success of the *Concertación* coalition (and, in turn, the democratic transition) was based on a complex and negotiated power-sharing formula. This facilitated cooperation, consensus-building, and coalition maintenance. However, these very same arrangements in the long-term brought charges of elite domination and politics by quota. The binomial election systems provided strong incentives for coalition formation, but in the process provided Chile's two major coalitions with an effective lock on power. Citizens increasingly perceived that voting mattered little because each major coalition was given an effective assurance of one of the two seats in each electoral district. The sharing of electoral spoils through negotiated assignment of legislative candidacies guaranteed peace between Chile's parties, but could only be undertaken through elite selection of candidates and precluded significant citizen input. The *cuoteo* was an ingenious power sharing arrangement that provided widespread input into policy making, legislative success for president, and relative cross-party peace. However, the *cuoteo* increasingly came to have a bad name, as Chileans perceived it was political connections rather than talent determining who would be named to head ministries. Evidence of consolation prizes for electoral losers only reinforced this image. Indeed, all of the political process analyzed here also play into the justice and fairness argument, as these political processes are seen to have reinforced injustice and the status quo.

Chile's highly institutionalized parties are credited with underwriting the success of the democratic transition and the stability of Chilean democracy. However, while party institutionalization provided presidents workable legislative majorities, strong parties, and powerful party leadership, party elites dominate decision making and candidate selection, with little citizen input. With respect to the policy-making process, party elites, in concert with the president, bypassed Congress to strike legislative deals with major social actors and veto players before they were presented to Congress. This promoted an image of less-than-transparent deal-making and *politiquería.* This image was reinforced by cozy relations

between members of Congress and local politicians that aimed to extract resources. Finally, when it comes to economic change, given this political model, elites avoided destabilizing change, but have been loath to address deep public dissatisfaction by engaging in any reform of any of the fundamentals of the economic system inherited from Pinochet.[9]

5 A "Crisis of Representation" or Demands for a New Form of Representation? …… and the Limits of Institutional Reform

Representative democracy is defined by the existence of mechanisms to channel public will into policy by way of a smaller number of elected representatives, mediated by intermediate-level groups and primarily political parties. For most of Chile's democratic history, representation took place by way of mass-based ideological parties that sought to mobilize the citizenry (Gil 1966). Citizen commitments to parties tended to be consistent with established cleavages in society and correspond to identifiable socio-economic or other types of social divisions. Parties relied on hierarchical structures that employed party organizations and party activists to carry out the functions scholars and citizens associated with political parties, including interest representation, interest articulation, political recruitment, and political communication.

This model of representation no longer exists in Chile. In the last five years, major issues have not been put on the table by political parties, but rather through the vocal demands of social movements. While *Concertación* leaders often avoided controversial reforms or came to the table with incremental reforms, more substantial reform initiatives have been forced on to the agenda by more assertive social movements and protests. While this dynamic is most notable in the area of educational reforms, it has also been the case for gender-progressive legislation, divorce, birth control, abortion, and gay marriage. This suggests that the pattern of *democracia de los consensos* and inter-elite accommodation no longer satisfy the Chilean public, and nor do the resultant reforms that have emerged from this pattern of politics.

This account of changing patterns of representation points to a central contradiction. One could conclude that parties in Chile have been weakened. However, parties and considerations of party identification are central in determining which posts people receive, where parliamen-

9 This section draws heavily on Siavelis (2009).

tary candidates run, and how the spoils of Chile's coalition government are distributed. In writing on pre-Chavez Venezuela, Coppedge contended that "the institutions that make Venezuela a stable polity also tarnish the quality of its democracy" (Coppedge 1994: 2). Coppedge noted that Venezuela's highly institutionalized parties had come to completely dominate the political system in the form of a "partyarchy" or *partidocracia*. Similarly, while parties in Chile are strong and influential at the elite level, they increasingly lack the deep roots in society that characterized parties in the past and have been recognized as central to effective party representation (Luna and Altman 2011). *Partidocracia* may well be emerging in Chile.

This reality suggests that regardless of whether a crisis of representation exists, there are deep challenges to representation and Chileans are clearly seeking new forms of representation.[10] What these new forms might look like is subject to disagreement. They might include popular mobilization, social media, referenda, or a rehabilitation of parties so they can return to reassume their past functions. (A complete discussion of new forms of representation is beyond the scope of this article.) In this sense, Hagopian's argument from almost two decades ago seem prescient and still relevant (1998). She pointed to the decline of corporatism and electoral dealignment in Latin America as challenges to traditional forms of representation, noting the difficulty that NGOs and mobilized voluntary organizations have had in assuming the representational roles previously played by parties. Indeed, she noted a good degree of uncertainty about whether the institutions and organizations noted above would be able to replace parties in performing this representational function. Tellingly, that uncertainty still remains.

Given the challenges to the resurrection noted here, is there any potential way out of this representational conundrum? Because the focus of this article is institutions, what sort of institutional transformations have the potential to address these new demands for representation? Are institutional solutions enough? What role will political parties play?

---

10 It is true that, despite low identification with parties, Chileans continue to form new ones. Two realities probably explain this proliferation of new parties. First, it is well documented that it is difficult in a modern democracy to organize representation via any other structure than political parties. Second, this is also a function of disgust with current parties and the reality that new parties are forming in anticipation of the additional space for parties that the new PR system will provide.

5.1 Constitutional Reform?

From the most basic perspective, many people (including many sitting politicians) have argued that constitutional reform is the answer. Because Chile's current constitution is illegitimate in origin and not designed by the elites that must work within it, constitutional reform must be a central ingredient to spawn new forms of more legitimate representation. A constitutional reform under the Lagos administration in 2005 made some important changes, including the elimination of appointed senators, the striking of the provision for a senate seat for life for past presidents, and the restoration of the president's ability to dismiss commanders in chief of the armed forces. However, the basic structure of the Pinochet constitution remains, with continuing limits on representation for particular groups, for trade unions, and strong guarantees on the sanctity of property. This structure forms the outline for an extraordinary centralized form of strong presidentialism, where the legislature continues to be limited in its scope of action. It contains no guarantees for ethnic groups, nor does it provide many mechanisms for direct popular input in decision making. All of these elements have made it difficult for elites to respond to the demands of social movements. Perhaps most importantly for the process, the constitution provides for a two-thirds quorum for reform.

The constitutional reform process currently involves two central questions: content and process. In terms of content, concrete reforms to enhance legitimacy and representation reform do not need to depart widely from Chile's long constitutional tradition. However, from the most basic perspective, legitimacy rests on removing all of the vestiges of the military regime from the Constitution in order to provide legitimacy of origin. Moderating Chile's strong and exaggerated presidentialism, with fewer powers for the president and enhanced powers for Congress, would be a good place to start. In addition, the current constitution provides for super-majorities that have incentivized extra-institutional negotiations behind the scenes. Lower majorities for the passage of legislation and constitutional reform would help bring this process back into the realm of formal institutions.

Proponents of deeper change have called for institutionally mandated representation for implicitly or explicitly marginalized and underrepresented groups. They also want to take on Chile's glaring inequalities by including measures that guarantee socioeconomic rights including health care, social welfare, education, and access to a secure retirement, effectively challenging the current strong constitutional guarantee of property rights. It seems clear that no constitutional reform will result

in the re-making of what has become known as the "Chilean model" of market economics.

In terms of process, President Bachelet has proposed an eight-step reform process that includes programs of civic education and popular dialogue, followed by the formulation of a draft constitution. However, the choice of the actual mechanism for reform has been delayed and will ultimately be determined by Congress. The four options are: (1) a bicameral draft commission of deputies and senators; (2) a mixed constituent convention made up of members of Congress and the public; (3) a constituent assembly; and (4) a plebiscite to choose which of the three above options will be employed.

The decision to proceed with the reform in this way is strategic. Each option is controversial depending on the political sector. Advocates of a constituent assembly contend that if reform is left to Congress the constitution will not be sufficiently changed to reflect the demands of social movements and include language that somehow expands socioeconomic rights to respond to Chile's glaring inequalities. Opponents of a constituent assembly fear the opposite: that such an assembly will fall into a Chavista dynamic, creating chaos and threatening the economic model at the root of Chile's success. Opponents of the constituent assembly point to similar processes in Ecuador and Bolivia as evidence that these sorts of processes can get carried away. However, proponents of a constituent assembly have actually lauded these two processes as providing a politics of inclusion in societies where the exclusion of major social groups had been the norm since their foundation. These proponents contend that such a process is the only one that will simultaneously take into account the demands of new social movements in Chile and include more representation for regions and localities, students, indigenous groups, trade unions, and the representatives of these same social movements.

The outcome of this process is fraught with uncertainty, not least in terms of how the composition of Congress will be transformed as a result of electoral reform. Also, important veto powers remain. The right is opposed to deep reforms, and powerful economic groups, including business conglomerates and the mining sector will resist any efforts to challenge property rights. On the other hand, the sense of permanent crisis in Chile will not be resolved until some concrete action is taken to ameliorate the sense of injustice and unfairness that has grown out of Chile's extraordinarily unequal society.

5.2 Reform of the Binomial Electoral System

The discussion here, and a great deal of academic work, has shown that the binomial system both helped the transition succeed, but also helped cement the post-transitional model of politics. Demands for electoral reform often overlook the reality that the binomial system served as a double-edged sword by forcing political accommodation, at the same time as pushing negotiations into the hands of elites, with minimal citizen input. In essence, it reinforced and maintained the informal institutions analyzed in this article. Thus, two primary and interrelated variables were at the heart of the maintenance of informal institutions: the binomial electoral system and the post-authoritarian structure of party competition. Under the binomial system, for multiple parties to compete and to win, pre-electoral alliances had to be formed. These pre-electoral alliances made single party non-coalition presidential candidates impossible. From a policy perspective, this dynamic necessitated and forced consensus building and negotiated policy outcomes. Practically no policy progress could be made without complex power sharing arrangements at the elite, cabinet, and electoral levels, which could only be negotiated by powerful party actors (Siavelis 2009).

Thus, because this article has argued that informal institutions are both at the heart of what made the Chilean transition a success, but also a driver of dissatisfaction with politics as usual, a transformation of the binomial system will likely lead to a transformation of the informal institutions outlined here, because the incentive structure driving politics will be fundamentally different. President Bachelet was successful in navigating the passage of a reform to the binomial system, which will be replaced for the 2017 elections with a moderate proportional representation system. The new electoral formula relies on current districting, but reduces the number of districts to 28 by merging existing ones. Each district will elect between three and eight members for a total of 155, increasing the number of total deputies from 120 under the binomial system. For the Senate, each of Chile's 15 regions forms a Senatorial constituency that elects between two and five senators depending on population. Candidates will run on open party lists and winners will continue to be determined using the D'Hondt counting method. The new law also provides a gender quota for the first time in Chilean history. Neither gender is allowed to constitute more than 60 percent of the candidates on a list.

The Chilean binomial electoral system needed to be reformed. It was among the most visible institutional legacies of the Pinochet dictatorship and one of the most egregious examples of electoral engineering

among third-wave democracies.[11] As this article has stressed, the lack of confidence in political institutions and political parties that characterize the Chilean citizenry today can in part be traced to the binomial system, as it distorted representation, put power of candidate selection completely in the hands of elites, and made it virtually impossible to remove incumbents. While it helped spawn the informal institutions that were successful for the restoration of democracy, it also exacted a high cost on accountability, representation, and legitimacy.

The potential impact of the reform is uncertain. The increase in district magnitude has injected a high level of uncertainty for parties and voters (Cox 1997). The incentives for coalition formation and maintenance outlined throughout this article will be much weaker, or may even disappear. This provides the potential for more fluid forms of coalition formation (with the possibilities of the re-emergence of the three-bloc pattern of center, left, and right politics that characterized Chile for so long (Gil 1966; Valenzuela 1978)), and potentially a less elitist form of policy making. Now coalition building can take place after elections instead of before them because parties can present their own independent lists and still win seats, given that the threshold for victory will be much lower. What is certain is that the Chilean partisan landscape is likely to experience a period of significant uncertainty and change until a new dynamic of party competition emerges.

6 Conclusions: Institutional Reform as an Antidote to Challenges of Representation

As has been repeatedly stressed throughout this article, democracy is multidimensional, involving tradeoffs between its various elements. At its core, democracy should be representative with the policy preferences of elected officials reflecting those of the electorate. While there are debates on the optimal form of representation, there is reason to believe that a model of "mandate representation" (with congruence between the policy preferences of the population and politicians) is more likely to facilitate the positive functioning of democracy (Kitschelt 1999). However, democracy also entails accountability. Voters must be provided opportunities via elections to award or punish (that is, re-elect or remove) elected officials based on the quality and nature of the representa-

11 For a debate on the intentions of the designers of the system and its practical outcomes with respect to benefiting the right, see Zucco (2007) and Polga-Hecimovich and Siavelis (2015).

tion provided. In short, "Governments are 'accountable' if citizens can discern representative from unrepresentative governments and can sanction them appropriately, retaining in office those incumbents who perform well and ousting from office those who do not" (Manin, Przeworski, and Stokes 1999: 10). Finally, democracy entails governability or the "ability of governments to make policy decisively" (Coppedge 2001: 8), which is "mostly a top-down phenomenon" that entails "governing effectively" (Mainwaring and Scully 2010: 2). Governability provides stability and assurance that the rules of the game are known. Finally, democracy needs legitimacy, with the citizenry seeing democratic outcomes and institutions as the accepted arbiters of conflict. In essence, legitimacy grows from the successful functioning of the other dimensions of democracy.

The relationship between dimensions of democracy is complex. Leaders regularly opt to privilege one dimension of democracy over another given their view of the optimal form of democracy. For example, it is well known that single-member districts limit representation, but that limitation is often perceived as a price to pay for enhanced stability. Nonetheless, while this might be the perception, there is also something of a false dilemma in these tradeoffs. To use the same example, the limitation on representation caused by single-member district systems may actually create instability because they exclude important political actors from representation.

Therefore, although it is not a simple or zero-sum game, what is clear is that political leaders regularly opt for one dimension of democracy knowing that there is a potential cost in terms of other dimensions. The most important imperative facing Chilean elites at the outset of the transition was of course governability, because their political futures and the future of democracy depended on it. They faced a series of difficult to navigate institutions that militated against cooperation and successfully crafted informal institutions to maintain governability and stability. However, these informal institutions became part of a wider formula that constituted an ideology of stability that limited other dimensions of democracy, as well as the audacity of reforms (Sehnbruch and Siavelis 2014). At its core, the argument of this article is that in terms of institutions (both formal and informal), Chilean political leaders have consistently opted for stability and governability with a high cost in terms of representation, accountability, and ultimately legitimacy. This is perhaps the best way to characterize the challenges to representation facing Chile today: a crisis of legitimacy of the institutions of the dictatorship and the political model of the transition.

How likely is it that institutional reform can respond to the challenges of representation set out here? The answer is uncertain and raises three additional questions: (1) Is this the optimal time for reform? (2) What are the possible unintended consequences of reform? (3) Is it too late for reform?

In terms of timing, Morgan has argued quite straightforwardly that "crisis conditions and institutional reforms do not mix" because they challenge "linkage maintenance by requiring the parties to adapt to new institutions at the same time that they" face "other stresses from economic crisis and social change" (Morgan 2011). This argument makes intuitive sense, but raises several other questions regarding Morgan's theoretical approach and its application to Chile. How far along in its crisis is Chile? At what point should institutional reform attempts be abandoned? Is such a decision likely to be made with some degree of agency and a realization of its potential effects? If institutional reform efforts are out, what are the changes that can confront crisis that is fundamentally based in institutions? Surely the status quo cannot. In this sense, if Chile has not entered the period of terminal crisis, perhaps institutional reform can make a difference.

In terms of the unintended consequences of reform, we know that reform measures do not always unfold in the ways intended and often reflect the short-term political interests of politicians. For example, Chile's ill-conceived reform to shorten its presidential term to four years (without the possibility of immediate reelection), as of 2006, has created a short shadow of reform possibilities for presidents and the immediate initiation of the next presidential campaign the minute a president is sworn in. This was clearly not a good formula for setting up an incentive structure for the support of presidents. The *Reforma Procesal Penal*, which empowered district attorneys to investigate corruption, blew the lid off the campaign finance system, but has also had the unintended consequence of creating uncertainty and threats to governability. Similarly, debates on the process of electoral reform, and the ultimate reform were, both in form and content, often related more to the interests of sitting deputies and senators than to the enhancement of democracy. Constitutional reform could also fall victim to these dynamics.

The bigger question, however, is whether it is too late for institutional reform to be the antidote to what ails Chile. In terms of the binomial system reform, although the reform is welcome, it has come too late and in the wrong form. Had it come earlier when Chile's parties enjoyed high levels of citizen approval and deep connections to the populace, the type of moderate proportional representation (PR) adopted may have

functioned better, with more engaged voters and more responsive parties. It is certainly possible that the genie is already out of the bottle and simple electoral reform alone will be insufficient to reestablish citizen support for political parties. In addition, because the new PR system employs open lists, it will likely cultivate personalist politics when Chile really needs better institutionalized parties. Earlier adoption and better design would have been optimal for Chile's sorely needed electoral reform. In the end, ironically, even the strongest proponents of electoral reform may realize it matters less than they suspected.

On the positive side of the ledger, campaign finance reform that establishes greater transparency and bans corporate donations can help recover some citizen confidence in parties. In addition, public opinion survey data consistently shows that Chileans have much greater confidence in local institutions like the mayor and municipality compared with national political institutions. The new law that establishes the direct election of regional intendants is a positive first step in the reconnection of citizens with sub-national institutions, providing the possibility of rebuilding confidence in institutions and parties from the bottom up. This possibility echoes another argument made by Hagopian (1998), who noted the potentially positive effect that decentralization has on enhanced representation. In terms of deeper constitutional reform, it may also be too late. Without deeper changes to the socioeconomic system, it is doubtful whether a simple change in the constitution will solve challenges to representation in Chile and satisfy deeper demands for reform. However, constitutional reform remains a necessary, though perhaps not sufficient, prescription to change Chile. Constitutions are frameworks within which policy change is made. They set the framework for balancing the various dimensions of democracy outlined here, but also what is in the realm of the possible and who has a voice in policymaking. In this sense, in order to transform the sources of Chile's representational challenges on a deeper level, constitutional change is a necessary first step. Chile's formal and informal institutional structure in large part created the challenges to representation it faces today. While institutional changes alone will not be enough to reset the balance of Chilean democracy, without institutional reform it is doubtful that it can be reset at all.

References

Barros, R. (2002), *Constitutionalism and Dictatorship: Pinochet, the Junta, and the 1980 Constitution*, New York: Cambridge University Press.

Boeninger, E. (1989), *Gestión de gobierno y proceso de decisiones púbicas*, Santiago: Unpublished Memorandum.

Boylan, D. (1996), Taxation and Transition: The Politics of the 1990 Chilean Tax Reform, in: *Latin American Research Review*, 31, 1, 7–31.

Buquet, D., and D. Chasquetti (2004), La Democracia en Uruguay: Una partidocracia de consenso, in: *Política y Gobierno*, 42, Fall, 221–247.

Carey, J., and P. Siavelis (2005), Insurance for Good Losers and the Survival of Chile's Concertacion, in: *Latin American Politics and Society*, 47, 2, 1–22.

Carlin, Ryan E. (2014), What's Not to Trust? Rubrics of Political Party Trustworthiness in Chile and Argentina, in: *Party Politics*, 20, 2, 63–77.

Coppedge, M. (2001), *Party Systems, Governability, and the Quality of Democracy in Latin America*, paper presented at the conference "Representation and Democratic Politics in Latin America", University of San Andrés, Buenos Aires.

Coppedge, M. (1994), *Strong Parties and Lame Ducks. Presidential Partyarchy and Factionalism in Venezuela*, Stanford: Stanford University Press.

Cox, Gary W. (1997), *Making Votes Count: Strategic Coordination in the World's Electoral Systems*, Cambridge: Cambridge University Press.

Dávila, M. (2011), *Governing Together: The Concertación Administrations in Chile (1990–2009)*, (PhD), University of North Carolina at Chapel Hill.

Duverger, M. (1959), *Political Parties: Their Organization and Activity in the Modern State*, New York: John Wiley & Sons, Inc.

Fuentes, C. (2014), Democratizing Chile Through Constitutional Reforms, in: K. Sehnbruch and P. Siavelis (eds), *Democratic Chile: The Politics and Policies of a Historica Coalition, 1990–2010*, Boulder, CO: Lynne Rienner, 69–102.

Garretón, M. A. (1989), *The Chilean Political Process*, Boston: Unwin Hyman.

Gil, F. G. (1966), *The Political System of Chile*, Boston: Houghton Mifflin.

Hagopian, F. (1998), Democracy and Political Representation in Latin America in the 1990s: Pause, Reorganization, or Decline?, in: F. Agüero and J. Stark (eds), *Fault Lines of Democracy in Post-transition Latin America*, Miami: North-South Center, 99–145.

Hagopian, F. (1993), After Regime Change: Authoritarian Legacies, Political Representation, and the Democratic Future of South America, in: *World Politics*, 45, 464–500.

Helmke, G., and S. Levitsky (eds) (2006), *Informal Institutions and Democracy. Lessons from Latin America*, Baltimore: The Johns Hopkins University Press.

Hillman, R. (1994), *Democracy for the Privileged: Crisis and Transition in Venezuela*, Boulder, CO: Lynne Rienner.

Huneeus, C. (2014), *La democracia semisoberana: Chile después de Pinochet*, Santiago, Chile: Taurus.

Jones, M. P. (1995), *Electoral Laws and the Survival of Presidential Demcoracy*, South Bend, IN: University of Notre Dame Press.

Kitschelt, H. (1999), *Post-Communist Party Systems: Competition, Representation, and Inter-Party Cooperation*, New York: Cambridge University Press.

LAPOP (2012), Latin American Political Opinion Project.

Linz, J. J., and A. Valenzuela (eds) (1994), *The Failure of Presidential Democracy. Vol. 2, The Case of Latin America*, Baltimore: The Johns Hopkins University Press.

Luna, J. P., and D. Altman (2011), Uprooted but Stable: Chilean Parties and the Concept of Party System Institutionalization, in: *Latin American Politics and Society*, 53, 2, 1–28.

Mainwaring, S. (1993), Presidentialism, Multipartism, and Democracy, in: *Comparative Political Studies*, 26, 2, July, 198–228.

Mainwaring, S., and T. R. Scully (2010), Democratic Governance in Latin America, in: S. Mainwaring and T. R. Scully (eds), *Democratic Governance in Latin America*, Palo Alto: Stanford University Press, 365–397.

Mainwaring, S., and M. S. Shugart (1997), Conclusion: Presidentialism and the Party System, in: S. Mainwaring and M. S. Shugart (eds), *Presidentialism and Democracy in Latin America*, Cambridge: Cambridge University Press, 394–439.

Manin, B., A. Przeworski, and S. C. Stokes (1999), Introduction, in: A. Przeworski, S. C. Stokes, and B. Manin (eds), *Democracy, Accountability and Representation*, New York: Cambridge University Press, 1–26.

Morgan, J. (2011), *Bankrupt Representation and Party System Collapse*, University Park, PA: Pennsylvania State University Press.

Navia, P. (2008), Legislative Candidate Selection in Chile, in: P. Siavelis and S. Morgenstern (eds), *Pathways to Power: Political Recruitment and Candidate Selection in Latin America*, University Park, PA: Pennsylvania State University Press, 92–118.

Navia, P. (2005), La transformación de votos en escaños: leyes electorales en Chile, 1833–2004, in: *Política y Gobierno*, XII, 2, 233–276.

Pitkin, H. (1967), *The Concept of Representation*, Berkeley: University of California Press.

PNUD (2014), *Auditoría a la Democracia: Más y mejor democracia para un Chile inclusivo*, Santiago: PNUD.

Polga-Hecimovich, J., and P. M. Siavelis (2015), Here's the Bias! A (Re-) Reassessment of the Chilean Electoral System, in: *Electoral Studies*, 40, 268–279.

Rabkin, R. (1992), The Aylwin Government and 'Tutelary' Democracy: A Concept in Search of a Case?, in: *Journal of Interamerican Studies and World Affairs*, 34, 4, 119–194.

Rae, D. W. (1967), *The Political Consequences of Electoral Laws*, New Haven, CT: Yale University Press.

Rahat, G., and M. Sznajder (1998), Electoral Engineering in Chile: the Electoral System and Limited Democracy, in: *Electoral Studies*, 17, 4, 429–442.

Rehren, A. (1992), *Organizing the Presidency for the Consolidation of Democracy in the Southern Cone*, paper presented at the Latin American Studies Association, Los Angeles.

Roberts, K. M. (1998), *Deepening Democracy?: The Modern Left and Social Movements in Chile and Peru*, Stanford: Stanford University Press.

Scully, T. R., and S. Valenzuela (1997), Electoral Choices and the Party System in Chile: Continuities and Changes at the Recovery of Democracy, in: *Comparative Politics*, 29, 4, 511–527.

Sehnbruch, Kirsten, and Peter Siavelis (eds) (2014), *Democratic Chile: The Politics and Policies of a Historic Coalition, 1990-2010*, Boulder, CO: Lynne Rienner.

Shain, Y., and J. J. Linz (1992), The Role of Interim Governments, in: *Journal of Democracy*, 3, 1, 73–79.

Shugart, M. S., and J. M. Carey (1992), *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, Cambridge: Cambridge University Press.

Siavelis, P. (2016), Cabinets and Informal Advisory Networks in Multiparty Presidential Systems, in: *Presidential Studies Quarterly*, 46, 3, 569–591.

Siavelis, P. (2015), *¿Crisis de representación o malestar?*, paper presented at the conference "¿Crisis de representación democrática en Chile?", Santiago, Chile.

Siavelis, P. (2009), Enclaves de la transición y democracia chilena, in: *Revista de Ciencia Política*, 29, 1, 3–21.

Siavelis, P. (2002), The Hidden Logic of Candidate Selection for Chilean Parliamentary Elections, in: *Comparative Politics*, 34, 4, 419–438.

Siavelis, P. (2000), *The President and Congress in Post-Authoritarian Chile: Insitutional Constraints to Democratic Consolidation*, University Park, PA: Pennsylvania State University Press.

Siavelis, P. (1997), Continuity and Change in the Chilean Party System: On the Transformational Effects of Electoral Reform, in: *Comparative Political Studies*, 30, 6, 651–674.

Silva, E. (1992), Capitalist Regime Loyalties and Redemocratization in Chile, in: *Journal of Interamerican Studies and World Affairs*, 34, 4, 77–117.

Tanner, E. (2001), Chilean Conversations: Internet forum Participants Debate Augusto Pinochet's Detention, in: *Journal of Communication*, 51, 2, 383–403.

Toro, S. (2013), *Redefiniendo el vínculo local de los legisladores: De la integracion vertical a la integracion autorreferencial*, paper presented at the Revisitando Political Brokers, Instituto de Ciencia Política PUC, Santiago, Chile.

UDP-IDRC (2014), *A Crisis of Legitimacy: Challenges to the Political Order in Argentina, Chile and Uruguay*, UDP-IDRC.

Valenzuela, A. (1994), Party Politics and the Crisis of Presidentialism in Chile, in: J. J. Linz and A. Valenzuela (eds), *The Failure of Presidential Democracy* (Vol. 2), Baltimore, MD: The Johns Hopkins University Press, 91–150.

Valenzuela, A. (1978), *The Breakdown of Democratic Regimes: Chile*, Baltimore: The Johns Hopkins University Press.

Valenzuela, A. (1977), *Political Brokers in Chile: Local Government in a Centralized Polity*, Durham: Duke University Press.

Walker, I. (2003), *Chile: Three Stories of Informal Institutions in a Limited Democracy*, paper presented at the conference "Informal Institutions and Políticts in Latin America", University of Notre Dame, South Bend, IN.

Weeks, G. (2003), *The Military and Politics in Postauthoritarian Chile*, Tuscaloosa: University of Alabama Press.

Wiarda, H., and H. Kline (1996), *Latin American Politics and Development*, Boulder, CO: Westview Press.

Zucco, C. (2007), Where's the Bias: A Reassessment of the Chilean Electoral System, in: *Electoral Studies*, 26, 303–314.

¿Crisis de Representación en Chile? La conexión institucional

Resumen: Este artículo analiza los desafíos a la representación democrática en Chile contemporáneo, con un enfoque institucional. Sostengo que el modelo político post-autoritario estaba profundamente restringido y limitado por las instituciones y prácticas heredadas por las autoridades democráticas y reforzadas por el modelo de la política transicional y su serie de instituciones informales, que primero facilitó, pero luego obstaculizó el desempeño democrático. Si bien esto no necesariamente señaliza una crisis amenazadora del régimen, hay retos profundos a la representación y el deseo de un modelo político diferente que tenga una capacidad mayor de resolver conflictos y satisfacer las demandas ciudadanas. Postulo que, hasta ahora, las instituciones formales e informales de Chile han privilegiado la estabilidad sobre la representación, la rendición de cuentas y la legitimidad. En consecuencia, corresponde a los movimientos sociales fijar la agenda de cambio encaminada a abordar los problemas más profundos de desigualdad política y social en Chile. Sostengo que las reformas institucionales son un antídoto necesario, pero insuficiente, para los desafíos actuales de la representación.[12]

Palabras claves: Chile, representación democrática, democratización, instituciones informales

12 El autor agradece el apoyo de la Iniciativa Científica de la Fundación Milenio de Chile (proyecto NS130008) y el Proyecto Fondecyt 1160984.