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A comprehensive approach to the study of electoral reform: An analysis of Chile's road to electoral reform (1989-2015)

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A Comprehensive Approach to the Study of Electoral Reform:

An Analysis of Chile's Road to Electoral Reform (1989-2015)

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A Comprehensive Approach to the Study of Electoral Reform:
An Analysis of Chile's Road to Electoral Reform (1989-2015)

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Table of Contents

Index of Tables	v
Acronyms	vi
Acknowledgements	viii
Introduction	1
 Chapter 1	
A Comprehensive Approach to the Study of Electoral Reform: Assessing, Building and Broadening Traditional Approaches	22
 1.1 The Value and Weight of History in Institutional Development: Historical Institutionalism, Institutional Change and Electoral Reform	23
1.2 Change and Continuity: The Two Possible Roads of Institutional Development	26
1.3 HI and Institutional Change: The Approach's Conception of Type and Frequency of Change	27
1.4 Punctualist, Discontinuous or Disruptive Change: A Shock Associated Form of Institutional Change	29
1.4.1 Critical Junctures: Short Lived Windows of Institutional Change	30
1.4.2 Path Dependence: The Weight of Previous Choices in the Construction of New Institutional Arrangements	31
1.5 Incremental, Gradual or Cumulative Change: The Slow - Sometimes Invisible- Form of Institutional Change	33
1.6 HI's Approach to Electoral Reform: How, When and Why Reforms Develop Over Time	35
1.7 RCI's Conception of Institutional Change and Electoral Reform: Rational Actors and Calculated Choices	36
1.8 Electoral Institutions as Formal Constrains in Electoral Reform Research	39
1.8.1 Institutions: The Field of Action for Political Actors	41
1.8.1.1 Electoral Laws: The Formal Constraints for Political Actor Behaviour	41
1.8.1.2 Party, Party Leaders, and Coalitions: The Other Institutional Constraints for Individual Preference Formation and Behaviour	42
1.8.1.3 Non-Institutional Motivations and Constraints: Values, Ideology, Culture and Other Determinants of Legislator Preference and Behaviour Regarding Electoral Reform	46
1.9 An Overview of Existing Multi-Approach Frameworks in the Study of Electoral Reform	47
1.10 Electoral Reform Literature Review	50

Chapter 2

Rethinking Electoral Reforms: Building Blocks for a More Comprehensive Understanding of Electoral Reform 58

2.1 Defining Electoral Reform: Ups and Downs of Previous and Current Conceptualization Approaches	59
2.1.1 Electoral Laws as the Object of Electoral Reform	61
2.1.2 Traditional Approaches to the Definition and Study of <i>Major</i> Reforms	64
2.1.3 Tracing the Development of the Concept of Electoral Reform: From Exclusively Major to Comprehensive Conceptualizations	67
2.1.3.1 The Founding Conceptualizations of Electoral Reform: Douglas Rae and Arendt Lijphart	67
2.1.3.2 Other Conceptualizations of Electoral Reform	69
2.1.3.3 Richard Katz and the Identification of Minor and Technical Reforms	71
2.1.4 Major Reforms: The ‘Big’ Type of Electoral Reforms	72
2.1.5 Minor and Technical Reforms: The Smaller, Less Visible Type of Electoral Reforms	73
2.1.5.1 Minor Reforms: Modifying Within the Electoral Formula	73
2.1.5.1 Technical Reforms: The Smallest Type of Electoral Reform	74
2.1.6 Moving Forward: A (more) Comprehensive Definition of Electoral Reform	75
2.2 Determinants of Electoral Reform: The Inherent and Contingent Causes of Electoral Reform	83
2.2.1 Electoral Reform Determinants in Light of the Theoretical Framework	84
2.2.2 Determinants of Electoral Reform: Insights from HI	85
2.2.2.1 Enabling Reforms: The Gradual Construction of the Inherent Conditions for Electoral Reform	86
2.2.3 Determinants of Electoral Reform: Insights from RCI	87
2.2.3.1 Improvement of Re-election Prospects: A Motive for Individual Legislators, Parties and Coalitions	91
2.2.3.2 Culture, Values, Experiences and Ideologies as Other Motivations for Legislators	95
2.2.3.3 Parties: Values and Ideology as Motives (For or Against Reform)	96
2.2.3.4 Coalitions and Non-Instrumental Motivations	96

Chapter 3

The Role of the Enabling Reforms: Modifying Chile’s Binominal System	99
3.1 The 1980 Constitution and the Construction of the Binominal Electoral System	100

3.1.1 The Military Regime's Political Diagnosis and their Institutional Design	101
3.1.2 The Making of the 1980 Political Constitution and the Binominal Electoral System	102
3.1.2.1 The Ortúzar Commission	104
3.1.2.2 The Council of State Commission (1976–1990)	110
3.1.2.1 The Fernández Commission	114
3.1.2.4 The 1980 Political Constitution	115
3.2 The Binominal System	119
3.2.1 Constitutional Organic Law N° 18.700	120
3.2.2 Constitutional Organic Law N° 18.799	120
3.2.3 The 1988 National Plebiscite	121
3.3 The Enabling Process of the Binominal Electoral System Reform	123
3.3.1 The Enabling Reforms: The Gradual Development of the Inherent Conditions for Reform (1989-2014)	124
3.3.1.1 The 1989 Reforms	125
3.3.1.2 The 2005 Constitutional Reform	130
 Chapter 4	
The Last Stage of Reform: The Role of Contingency	137
 4.1 Social Unrest and Conflict Within the Right-Wing Coalition: The “Alianza” and the Piñera Administration (2010–2014)	138
4.2 President Bachelet's Government Program and First Year in Office: The Fruits of the Honeymoon Effect	145
4.2.1 The Reform: Presidential Message N° 076-362	148
4.3 The Reform Congress	151
4.3.1 The Senate	153
4.3.2 The Chamber of Deputies	154
4.4 The Parties and Coalitions of the Reform	155
4.4.1 The Pro-Reform Parties	155
4.4.2 The Anti-Reform Parties	161
4.4.3 The Pro-Reform Coalition	163
4.5 The Last Stage of Chile's Electoral Reform Process	165
4.6 The New Electoral System	169
4.7 The Motives and Objectives Behind the Electoral Reform	170
4.7.1 Improvement of Legislator Re-election Prospects	177

4.7.2 Improvement of Party Seat-Share Prospects	178
4.7.3 The Coalition's Prospects	180
Conclusion	183
References	198
Annex	214
Samenvatting	215
Curriculum Vitae	225

Index of Tables

Table 1: Conceptualization of Minor Electoral Reforms	74
Table 2: Conceptualization of Technical Electoral Reforms	75
Table 3: Identified Dimensions of the Electoral Law	77
Table 4: Composition of the Chilean Senate by Political Coalition from 1990-2018	132
Table 5: Party Alignments in Congress (2014)	153
Table 6: Party Alignment Evolution in the Senate (2010-2014)	154

Acronyms

AMP:	Amplitude/ Amplitud
CA:	Constitutional Acts
CEP:	Centro de Estudios Públicos
CJ:	Critical Junctures
COL:	Constitutional Organic Law / Ley Orgánica Constitucional
COSENA:	National Security Council / Consejo de Seguridad Nacional
CPD:	Concertation of Parties for Democracy / Concertación de Partidos por la Democracia
D.L.:	Decree Law
GQ:	Gender Quotas
HI:	Historical Institutionalism
IC:	Citizen Left / Izquierda Ciudadana
LDP:	Liberal Democratic Party
M:	Magnitude
MAS:	Broad Social Movement / Movimiento Amplio Social
MD:	District Magnitude
MMP:	Mixed Member Proportional
MWC:	Minimal Winning Coalition
NM:	New Majority / Nueva Mayoría
PC:	Communist Party/ Partido Comunista
PDC:	Christian Democrat Party / Partido Demócrata Cristiano
PL:	Liberal Party / Partido Liberal
PPD:	Party for Democracy / Partido Por La Democracia
PR:	Proportional Representation
PRI:	Independent Regionalist Party / Partido Regionalista Independiente
PRSD:	Radical Party / Partido Radical Social Demócrata
PS:	Socialist Party / Partido Socialista
RCI:	Rational Choice Institutionalism

RN:	Renovación Nacional
SI:	Sociological Institutionalism
SMD:	Single Member District
SMP:	Single Member Plurality
SNTV:	Single Non-Transferable Vote
T.D.:	Transitory Dispositions
UDI:	Independent Democratic Union / Unión Demócrata Independiente
UP:	Popular Unity / Unidad Popular

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Introduction

For a long time, electoral reforms were considered improbable events. The shared and dominating notion among scholars was that electoral institutions were *sticky* and that in the improbable scenario where electoral reform did occur, reform was likely to be major. As the only type of reforms in the academic radar for over 40 years, scholars focused on defining major reforms and analysing the few cases known at the time. The most “user-friendly” definition of major electoral reform (Jacobs and Leyenaar, 2011) was proposed by Lijphart (1994) and it conceived of (major) reforms as those that substantially modify three specific dimensions of the electoral law (among many others acknowledged by scholars): electoral formula, district magnitude, and/or the electoral threshold (p. 3). These three became scholars’ primary focus, which unavoidably limited the definition and study of electoral reform to those affecting the dimensions presented above. Focus on these put parties and their motivations at centre stage, making other dimensions of the electoral law, actors, and motivations remain out of the academic scope and, until mid-2000s, mostly ignored (Celis *et al.*, 2011; Rahat 2004; Van der Kolk, 2007). A good example of how this conceptualization of electoral reform affected the development of electoral reform research is gender quotas. As Celis *et al.* (2011) show, gender quotas have rarely been studied as electoral reforms, but rather as “a major development related to gender and candidate selection” issues (p. 515). It is not only a conceptual shortcoming that limits gender quota research as an electoral reform, but also the traditional literature’s proposal on actors and motives. Studying gender quotas (their incorporation or modification) as electoral reforms has contributed to the development of the field because it has forced scholars to look beyond traditional literature for tools to help them better understand these processes as electoral reforms. In doing so, gender quota (GQ) research has incorporated the need of a new expanded definition of electoral reform. It has also contributed to the development of a framework that recognizes an increasingly more diverse set of possible actors and motivations and, consequently, paths to reform (*idem*).

As a matter of fact, the introduction of GQ is one of the items pursued in Chile’s 2015 electoral reform, along with other measures devoted to increase women’s chances of candidacy and election. Inserted as a reform that would increase the electoral system’s representativeness (one of the reform’s main goals), this particular modification sought to increase the system’s ability to reflect society’s diversity. In addition, and in order to

promote the incorporation of female candidates in party lists, the reform included a state financed monetary incentive to parties with women candidates elected.

The details discussed above are relevant for many reasons. I will refer to two. The first has to do with the concerns presented by Celis *et al.* (2011): gender quotas and other gender themed modifications of the electoral law are rarely studied as electoral reforms. As a matter of fact, the 2015 reform in Chile was never discussed as a gender reform. At best, it was proposed as one of the many changes the project sought to increase representativeness and inclusiveness with. However, other reforms included in the project, such as the increase of vote equality, were payed much more attention and were discussed as the heart of the reform. In sum, Chile's 2015 electoral reform, exemplifies the issues surrounding gender quotas and gender-oriented reforms as electoral reforms, despite being identified and recognized as modifiable dimensions of the electoral law.

The second reason has to do with how the example evidences the current shortcomings of the dominating conceptualizations of electoral reform. The dimensions in which traditional definitions focus on simply do not include the incorporation or modification of GQ. Without current efforts to broaden the scope and dimensions of the electoral law, and with it, the conceptualization of electoral reform as the modification of these broader dimensions, changes in GQ would never become electoral reforms.

Returning to the previous discussion, not only did focus remain largely on major reforms (generating a strong bias in the literature) but were considered by many as the only type of electoral reforms. Until 2005, minor and technical reforms had not been mentioned or studied by scholars. Because they were academically non-existent, they remained unstudied for a very long time.

Conceptual shortcomings were not the only limitations for the development of electoral reform research. Electoral reforms, mostly major ones, have generally been studied through single theoretical approaches. The most common, due to its neat and parsimonious nature, is the rational choice approach. Although the contributions it has made to the development of the field is indisputable, the approach has some shortcomings that I intend to address.

One of the risks of over-relying on conclusions derived from single case approaches is that it may lead to partial or incomplete understanding of the processes of the electoral reform under study. This means that for scholars who are trying to find the causes or

determinants of electoral reform, single approaches may leave some determinants out of the academic radar. The Rational Choice Institutionalism (RCI) approach has been criticized precisely for this. Scholars who adhere to this line of criticism argue that RCI alone is not always able to recognize all (or the correct) determinants of the electoral reform under study and that electoral reforms are not always pursued by self-interest motives (Rahat, 2004; Van der Kolk, 2007).

Rahat's (2004) view of RCI's limitations emanate from evidence left by the numerous reforms several countries underwent during the 1990s. Described as lessons, he argues that electoral reform should not be reduced to a simplistic model in order to be studied (p. 461). In most cases, the Israeli case included, electoral reform is a complex process in which political actors are not necessarily driven by clear and coherent motives. In addition, Van der Kolk (2007) argues that political parties do not always base their preferences on prospective seat share. As a matter of fact, both Rahat (2004) and Van der Kolk (2004) believe that RCI is a theoretical approach best suited to explain instances of electoral system continuity rather than reform.

However limited in some aspects RCI might appear, its contributions in other areas is undeniable (see Chapter 1). This dissertation's objective is to reduce limitations and barriers single approach frameworks may encounter when searching for the causes of electoral reform. In order to do so, it compliments tools and strategies from two of the most used theoretical approaches in the field: RCI and HI.

Another issue this dissertation wishes to illustrate is that the incorporation of other types of reform may need to be studied with new or different combinations of traditional or existing approaches that prove more adequate to the characteristics of these new reform processes. Because a large part of the existing literature on electoral reform focuses on major reforms, its tools and lenses are mostly tuned to study these. Perhaps it is like Jacobs and Leyenaar (2011) suggest, that "one size does not fit all" and that how we study major electoral reforms should be different from how we study minor or technical reforms. The goal is to create what Celis *et al.* (2011) have called a 'heuristic toolkit,' one that is able to incorporate multiple and varied determinants.

Considering all of the issues introduced above, this dissertation revisits existing questions in the electoral reform field and poses new ones that seek to push the boundaries of the

field itself. How can a reviewed concept affect already existing questions? And how can new theoretical frameworks lead us closer to the causes of electoral reform?

Among the many questions and puzzles electoral reform poses to scholars today, this dissertation seeks to provide viable answers from a novel perspective to questions regarding why electoral reform happens at all and why it happens when it does the way it does. New questions guiding this research inquiry about how electoral reforms in all their types could be better defined and studied and their causes unveiled.

Research on electoral reforms flourished later than other topics in the field of political science. Scholars attribute this to the apparent lack of electoral reforms. Up until the 1990s electoral reforms were considered a rare and unlikely event (Lijphart, 1985, 1992; Dunleavy and Margetts, 1995; Geddes, 1996; Bowler, Donovan and Karp, 2006; Rahat, 2011; Leeman and Mares, 2014). However, over the last thirty years, electoral reform research has increased substantially, mostly because of the emergence of several reform processes during the early 1990s, in countries like Israel (1992), Italy (1993), Japan (1993) and New Zealand (1993). These countries, with stable electoral systems since the post-war era, underwent major electoral reform, all of them eventually adopting mixed systems (Rahat, 2004).

In Israel, electoral reform triumphed in 1992 after years and many failed attempts. The old “Basic Law: The Government” was replaced by a new mixed system that combined direct elections of the head of the executive branch (prime minister) with a parliamentary government that had to survive the vote of confidence (Rahat, 2004).

The Italian electoral reform of 1993 began with an abrogative referendum enabled by the constitution. By eliminating 13 words from the existing electoral law, the referendum converted a highly proportional system of representation of the Senate to a system where $\frac{3}{4}$ of the senators were to be elected by a majority rule. Although Parliament was not bound to legislate based on the referendum’s proposal, it enacted a system fairly similar to the one proposed (Katz, 2006). With the new system, each chamber would now elect $\frac{3}{4}$ of their representatives with a majority system and the remaining $\frac{1}{4}$ with a PR system, thus becoming a mixed system.

The Japanese electoral reform of 1993 ended a series of failed reform efforts (1956, 1972–1973, and 1991). Although there was clarity about the perceived “pathologies” of the system (Single Non-Transferable Vote, SNTV) and the need to move to a mixed system,

there was no agreement among parties and coalitions on which system to choose. Although the system was slightly modified in specific areas throughout the years, it was in 1993 when a new broad coalition, which replaced the Liberal Democratic Party (LDP), managed to approve the reform bill. The electoral reform contained almost no surprises, since the final draft reflected a discussion that had remained unchanged since the late 1950s. The new system combined in a mixed member majoritarian system what was considered the “best of both worlds” (Reed and Thiers, 2001).

New Zealand transitioned from one of the most renowned Westminster-type plurality systems, which had provided for 138 years of tranquil efficacy and programmatic government to a mixed member proportional (MMP) system of representation by a binding referendum (Denemark, 2001). In an attempt to regain control over what had gradually become an unrepresentative government ruling without a clear popular mandate (idem), the 1986 Royal Commission recommended (created by the major parties to accommodate voter’s demands for electoral reform and produce an indicative (1992) and later a binding (1993) referendum) the adoption of MMP as the system able to best provide fairness among political parties, effective representation of minority and special interest groups, effective voter participation, parliament, parties and legitimacy, which were sought-after criteria.

The electoral reforms of the 1990s provided evidence that electoral reform wasn’t as unlikely as previous literature had predicted. Although it remained rare, it had occurred in at least six stable democracies from the late 1980’s to the early 1990s and at least 14 times since 1945 (Katz, 2005). The cases mentioned above (Israel, Japan, Italy, and New Zealand) showcase where the research focus was set at the time: major reforms. Electoral reform was conceived of as one that modified the type of electoral system. All these cases study the process of adoption of mixed systems (see Shugart and Wattenberg, 2001).

It is of little surprise that the field of electoral reform studies is less developed than others in political science, considering that electoral system research remained for most of the 1970s and 1980s as one of the most undeveloped subjects in political science (Lijphart, 1985, p. 3), although, it has “caught up” with the rest of political science over the last 30–40 years, and can now be considered a mature field of study (Shugart, 2005). Electoral reform studies, in comparison, is still a developing field of study. Scholars have identified and categorized the literature of electoral reform into three waves of development: (a) the

study of non-reform, which comprises a systematic description of electoral systems and their political consequences, (b) the study of major reforms and its political consequences and (c) a more comprehensive approach which put the conceptualization of electoral reform on the academic agenda (Leyenaar and Hazan, 2011).

The first wave of development began with seminal works published before the 1980s (Carstairs, 1980; Duverger, 1954; Hermens, 1941; Hoag and Hallett, 1926; Lakeman and Lambert 1955; Rae, 1967). This research focused on describing and categorizing existing electoral systems and their main effects. Systems were sorted into two broad groups: majoritarian or proportional. Focus was placed on studying the effects existing electoral systems had on politics (e.g., party systems), rather than wondering about how and why said electoral systems came to be. Most of the existing literature on electoral reform is concentrated on this category (Colomer, 2004, 2005; Cox, 1997; Duverger, 1954; Farrell, 2011; Gallagher and Mitchell, 2005; Lijphart, 1985, 1994; Lijphart and Grofman, 1984, 2002; Massicotte *et al.*, 2004; Norris, 2004; Rokkan, 1970; Sartori, 1994; Shugart, 1992; Shugart and Wattenberg, 2001).

The second wave of electoral reform literature developed between mid-1990s and mid-2000s and blossomed particularly because of the major electoral reforms countries like Israel, Italy, Japan and New Zealand underwent (Leyenaar and Hazan, 2011). This led to the proliferation of case studies which focused on studying the effects major reforms had on a broader set of aspects of politics, such as governability, representation, accountability and participation, social conflict, and inclusiveness, as well as party systems (*idem*, p. 439). Research also began to focus on aspects different to the political effects of electoral reforms. Scholars inquired about the origins of electoral systems. They researched why and how modifications to these originating systems came to be (Colomer, 2004; Ahmed, 2010). Electoral engineering became a prominent feature in the literature, and with it, the rational choice approach in the study of electoral reform. For these scholars, focus is placed on the adoption of either plurality or proportional electoral systems during the first age of democratization in Europe during the late 19th and early 20th centuries. Under this lens, the massification of enfranchisement, and with it participation, new electoral rules were designed to accommodate interests of those in power to design them (for more see Chapter 1).

The third wave appeared during the second half of the 2000s. It emerged with a new agenda for the development of electoral reform research. One of the most salient features of this wave is that it places reconceptualization of electoral reform at the centre of the research agenda. This ultimately affected the notion of electoral reforms as “major” events and proposed a more comprehensive approach to the study of electoral reform. In addition to reviewing traditional conceptions of what is an electoral reform, this new body of research has deliberately placed its focus on uncovering and understanding the determinants of electoral reform.

From this perspective, many modifications other than shifts between electoral systems fall under the definition of electoral reform. One of the key notions of this developing field is that electoral reform can be major, minor, or even technical and that any one of these have to be considered as electoral reforms which can in turn produce any number of political effects. By broadening the definition of electoral reform, scholars challenged the stability paradigm and the notion that electoral reforms are unusual events.

In accordance to this new diagnosis of the state of research, third wave scholars have defined a novel agenda in order to further the understanding of the process of electoral reforms. More recent studies are inquiring about what happens before electoral reform takes place. Some of the questions they seek to answer have to do with why electoral reform happens when it does, the way it does. It also seeks to answer questions regarding the who of the matter. Who initiates electoral reform and why? These questions inevitably lead to the revision of current approaches to the study of electoral reform: Are current conceptualizations of electoral reform pertinent? How should electoral reforms be studied?

Although a strong bias towards major electoral reform studies still endures, there is little debate today about the existence of other types and degrees of reform. The frequency with which electoral reform is identified directly corresponds to how it is conceptualized. This is tremendously relevant, since it transforms electoral reform from an improbable event to a rather frequent one. A more comprehensive definition has a direct impact on how we perceive, categorize, count, and study electoral reform.

What new, broader conceptualizations of electoral reform have discovered is that electoral reforms occur with more frequency and have a much broader collection of effects than previously believed (Benoit and Hayden, 2004; Leyenaar and Hazan, 2011;

Harfst, 2013). However, these findings are still unable to provide an answer to the basic conundrum surrounding the issue of electoral reform: Why do politicians change the rules of the game with which they are winning? (Andrews and Jackman, 2005; Cox, 1997; Katz, 2005; Leyenaar and Hazan, 2011; Lijphart, 1994; Nohlen, 1984; Norris, 1995). As Rahat (2004) states, “electoral reform contradicts a very basic notion of politics” (p. 461).

Why then, do politicians pursue electoral reform?

When electoral reform still remained among scholars as a major and uncommon event, reform was not considered as something politicians intentionally pursued, but rather the product of some kind of large-scale crisis they had to manage or handle (Katz, 1980; Nohlen, 1984a, 1984b). From this perspective, electoral reform was not something interested factions initiated and pursued, but a process produced by deep rooted historical and political ruptures (Nohlen, 1984b).

Nowadays, answers have moved past this initial consideration. Although historical context remains of utmost importance, electoral reforms are no longer exclusively attributed to these types of crises. What the 1990s reforms showcased is that electoral reforms also occur in non-critical situations. Electoral reform is often pursued in stable democratic contexts (and as more recent research shows, also in developing democracies). These findings consequently led scholars to search for other causes, some of which led to focus on individuals rather than structure or historical context.

Although structure-based arguments remain relevant in the field, the role individuals play in the process of electoral reform has become more prominent among scholars. For most, reform processes cannot occur without the intervention of individual actors. The question leading these investigations is what motivates them to either pursue or reject electoral reforms.

Answers can be grouped into two wide categories: those which hold that electoral reforms are the product of single primary motivations and those which depict electoral reform as product of multiple and more complex sets of motivations. The first group includes literature that argues that political actors pursue or support electoral reforms motivated by a single reason, which may vary depending on the actor and the case (e.g., vote-seeking, office-seeking, power-seeking, policy seeking, etc.). The second groups together literature that argues that electoral reform processes cannot be reduced to a single motive, but an infinite combination of diverse, complementing and sometimes competing

motives. Although both lines of research have been furthered, single motivation arguments—built predominantly from rational choice approaches—have prevailed (Rahat, 2004).

Despite the fact that electoral reform research has developed significantly over the past fifty years, there are still important issues to address and gaps to fill. This dissertation seeks to contribute in the advancement of electoral reform research in three matters: (1) the conceptualization of electoral reform, (2) the causes of electoral reform, and (3) the methodology used to study electoral reform. In other words, this investigation intends to contribute to current reconceptualization efforts of what is considered an electoral reform today. In addition, it joins the discussion of the determinants of electoral reform, with the purpose of broadening the scope of possible factors that contribute to electoral reform, moving away from single primary motivations towards more comprehensive sets. Third, this dissertation intends to contribute to the development of new ways to study electoral reforms, by proposing an innovative shift to traditional single case methodologies.

Below I summarize the areas in which this dissertation contributes to the further development of the electoral reform state of research:

Electoral Reform

For a long time, electoral reforms were exclusively conceived of as major changes in the electoral law. Research focused mostly on studying electoral reform processes using the traditional definition of electoral reform as a process of change that affects an electoral system so that it shifts from one type to another. Although this conceptualization is still used by many scholars in the field, and is portrayed by them as highly functional and useful, it has been recently described by others as a “stultified mantra in long need of review” (Leyenaar and Hazan, 2011). Although it contributed to the development of the field, it left many relevant reforms (non-major) out of the research scope and supported the perception that only major reforms “really mattered” (idem). This major-reform conceptualization contributed to the consideration of electoral reform as an improbable event, which led to the belief that there was only a small number of countries that actually experienced it. However, recent research suggests that electoral reform is much more than just major changes to three or four specific dimensions of the electoral law. This belief has led scholars to develop a more comprehensive definition of electoral reform, one that is able to include modifications to other dimensions and in other degrees. These efforts

are part of what Rahat categorizes as the third wave of development of electoral reform research and represent where the boundaries of electoral reform research are at the moment. Building from these efforts, I propose an even broader definition of electoral reform. I conceive it as change in any degree, in any of the dimensions that compose the electoral law.

The proposed definition acknowledges that dimensions are not fixed, but rather in constant revision. In an effort to expand the set of dimensions that constitute electoral reform, I propose to broaden Jacobs and Leyenaar's (2011) proposal and urge further research to contemplate others, if they are considered to be elements of electoral reform.

Determinants of Electoral Reform

This dissertation's second contribution has to do with the expansion of the set of possible determinants of electoral reform. I argue that it is necessary to depart from single motivation frameworks because electoral reform is a far too complex and multifaceted a process to be produced by actors with one single motive.

One of the theoretical foundations of this dissertation is the notion that in order for electoral reform to take place, there must be a set of inherent conditions in which reform may have the chance to thrive, but in order to succeed, a set of contingent factors must act as triggers of the reform process. In other words, even if the proper conditions for electoral reform are present, reform will not occur on its own, but as the result of the right combination between the antecedent conditions and the triggers.

With this in sight, determinants have to be considered for both types of factors. Inherent factors are inevitably linked to historical contexts, since they reveal the social, political, economic, and cultural setting in which reform takes place. Questions regarding in which conditions reform prospers or fails are key. Although some might be generalizable to more than one case (e.g., universal enfranchisement), others are exclusive to one. This issue might explain why single case studies have been the preferred way to analyse electoral reform processes. The study of each case's specific inherent conditions sheds light on the role contingency plays in the process. Some cases that exhibit similar inherent conditions, but experience different (or no) contingent ones may not experience electoral reform. Hence, inherent conditions are just part of the equation, same as contingent ones. This is one of the main difficulties for producing generalizable theories: the manifestation of specific inherent conditions is not necessarily a predictor of electoral reform. In a

similar manner, contingent factors (e.g., the traditional argument of external shocks or crisis) are not always indicative of electoral reforms. Triggers without the proper conditions to foster electoral reform may remain just as contingency events and not translate into electoral reforms. So, the question remains. Why does electoral reform happen the way it does, when it does? My approach to these questions has to do with an intricate combination of both inherent and contingent factors.

Considering that each type of factor points towards different natured research, I propose a theoretical approach that enables us to look for them from different perspectives. To answer part of the questions stated above, scholars must consider the specifics of each case of reform. In order to do so, special emphasis must be placed on time and place, which can only be comprehensively understood through an exhaustive review of the historical context in which the electoral reform process takes place, revealing the nature and state of the inherent conditions. Because electoral reforms are necessarily initiated and handled by individuals inserted in specific contexts, focus must also be placed on individual as well as historical contingency. From this perspective, it is crucial to review changes in the historical scenario as well as the possible motives political actors may have to pursue at that particular moment, electoral reform. In sum, what are the causes or determinants of electoral reform? This dissertation suggests that they lie in two levels that complement structure and agency. As each particular case will show, some elements have to do with institutional, historical, political and/or social context, while others with individual (or group) agency. The key issue raised by this dissertation is that electoral reform does not happen in a vacuum (Taagapera and Shugart, 1989), but in specific times and places, and as the result of an active role of individuals with a particular set of motives, and the collectivities they are related to and with which they share other motivations and goals.

The Theoretical Argument

This dissertation's third contribution derives from the complexity of the causal factors discussed above. If the causes of electoral reform lie in different levels, how can their study be approached? I suggest a complementary framework between two theoretical approaches that place their focus on each of the levels identified.

In order to reduce the limitations and broaden the investigative strengths of the Historical Institutionalism (HI) and Rational Choice Institutionalism (RCI) approaches, I complement findings from both lenses in a single case study.

A simple way to present my framework has to do with where the investigative focus is placed in order to answer the addressed research questions.

Imagine that the object of study is one of Diego de Velázquez most famous paintings, “*Las Meninas*”. Painted in 1656, the piece shows a dim lit hall in which the Infanta, princess Margarita is being portrayed along with her entourage. The scene is composed of several elements, which include Velázquez as the artist responsible for the princess’s portrait, several ladies accompanying the Infanta, two court buffoons and a mastiff. In charge of this group are the butler and the lady Marcela De Ulloa (Steinberg, 1981). Reflected in the mirror, as if they were looking at the scene, are the King Philip IV and Queen Mariana de Austria. Far off in the distance, providing light is who is assumed to be José Nieto, a friend of Velázquez.

Las Meninas is known for its complexity. There is no *one* way to see it. What is seen will depend on where each individual is looking and placing their focus (e.g., the characters, the sources of light, the planes, the spatial composition or the glares and gazes). Researchers who focus on the overall picture will likely select an analytical lens that will enable them to study the painting and its features from a comprehensive perspective. Every feature of the painting will be observed simultaneously. While this perspective allows scholars to view the piece as a whole, the distance needed in order properly see it makes some of the details disappear into a blur. A general approach would allow investigators to see the complete composition and place focus on the general structure of the piece and the elements that pop up in the foreground: the children, the painter, the canvas, the lady and the butler—even the dog. But would make it hard to see clearly other levels and details of the painting.

While some specialists might prefer to have the whole picture in sight, others might prefer to focus on specific elements within the general composition. If this is the objective, then attentions shift from the general picture to specific features of the painting. The “whole” is now out of sight, but the details begin to appear into focus. Something similar occurs when scholars choose how to study specific phenomena.

Theoretical frameworks provide analytical lenses through which we choose to look at things. Lenses will either help us see the general picture or allow us to zoom into the details of the piece. Whichever lens is chosen will help to better understand the piece. Even if it does so from different perspectives. A macro perspective allows experts to perceive all of the elements in the composition, helping scholars arrive to general interpretations of the painting. A lens designed to zoom into the painting will have to choose where to zoom into, allowing specialists to focus on specific items or areas of the painting. By choosing where to zoom in, they are also choosing to lose focus of other elements.

The most important thing to remember from this example is that all lenses look at the same picture, but most likely arrive at different descriptions of the painting. This example replicates the nature of the research design and structure of this dissertation.

Consider electoral reform as the painting and the lenses as the theoretical approaches that study it. Each approach provides different perspectives on the same case of electoral reform. Lenses lead scholars to conclusions corresponding to the lens with which they study the piece, the same way theoretical approaches channel research down a particular path. The lens with which scholars choose to study a particular object does affect the nature of the answers they will obtain. However, there are ways in which more than one lens may contribute to a more comprehensive understating of the object under study.

Research Design

The main objective of the dissertation's research design is to increase the explanatory power of the tools used to search for the causes of electoral reform and at the same time reduce the limitations of single approach studies. Efforts to complement approaches in order to study electoral reforms have been developed by scholars hoping to produce *bridges* among theoretical approaches that most often led to some kind of new combined methodology (e.g., Analytic Narratives, Bates *et al.*, 1998). This dissertation proposes a different methodological road, since it seeks to use each tool in a parallel study of the same case, placing focus in different aspects that will help to better identify and understand the causes of electoral reform. The two *lenses* with which electoral reform is studied in this dissertation are the Historical Institutionalism and the Rational Choice Institutionalism approach. With insight from both approaches, the objective is to produce

a more comprehensive framework that will allow scholars to search for the causes of electoral reform in different ways and in different places.

Methodology

Most scholars who choose to study electoral reform processes through single case studies, myself included, argue that electoral reforms are often complex, multifaceted, multistage processes which need similarly complex methodological strategies, without losing the possibility of finding generalizable conclusions, which may inform other cases.

Since what I am ultimately looking to achieve is “to produce causal explanations based on logically coherent theoretical argument[s]” (Levy, 2008), I consider a case study to be the most pertinent method of inquiry for this dissertation. Defined by George and Bennett (2005) as “the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events” (p. 5), case studies evince a keen interest in the value and role of history, an element crucial for this investigation.

Although HI and RCI are both institutionally grounded approaches, they build their investigations with different methodologies. One of the most common remarks about these two is that HI is considered to do theoretical and RCI empirical work (Thelen, 1999, p. 372). However, scholars today consider this dichotomist view inaccurate. HI is commonly associated with qualitative research methods. What was once considered to be descriptions of historical processes has evolved and developed scientific methods that separate this discipline from its predecessor: history and historians. Case studies (single and comparative) have been the most used qualitative method in HI. In general terms, RCI’s approach has leaned into more empirical methods. Since the irruption of statistical technology and computing capability (George and Bennet, 2005), formal modelling took over most of the rational choice scholarship. These new tools helped develop and expand the use of quantitative data analysis. RCI focused on developing models to explain and predict reality in complex institutional settings (Scharpf, 1997). Through modelled games, played by intentionally strategic actors, most RCI scholars focused on making evidence-based generalizations supported by Large-N comparative studies, thus gaining the “empirical” connotation. In order to achieve this, RCI was “founded on abstraction, simplification, analytical rigor, and an insistence on clean lines of analysis from basic axioms to analytical propositions to empirical implications” (Shepsle, 2008, p. 35).

However, a now growing number of RCI scholars have come to terms with the idea that case study methods are also able to test rational choice theories (George and Bennett, 2005, p. 9).

In order to use each of these theoretical approaches and their tools to study a single case in a complementary manner, I have separated the case study into two chapters. Each chapter will study the same case from different perspectives and with different strategies. Chapters Three and Four both study the Chilean case but focus on different times and factors, yielding complementary conclusions about the complete process of electoral reform. This strategy is founded on the notion that although the Chilean electoral reform was passed in 2015, the process was begun a long time before. In tune with the idea that both inherent and contingent factors are needed in order to produce the electoral reform outcome, this design enables research to focus on both.

Case Selection

The Chilean 2015 electoral reform is an interesting case for many reasons, some of which I presented in the beginning of this introduction. The first and most important one is that it illustrates the argument presented above that there are cases where the factors causing electoral reforms are best identified and studied through different and complementing theoretical lenses. The 2015 electoral reform has been viewed by scholars and politicians in two distinctive manners: as the culmination of a long-term, cumulative, and conscious effort and as a product of circumstantial contingency. What this dissertation argues is that there is a way to understand Chile's electoral reform as a process that recognizes both instances and forms. Chile's electoral reform was a long time coming, but it did not materialize until 2015. Why? I argue that it was because the inherent factors developed over time through what I identify as "enabling reforms." These conditions took a long time to be created, and it was not until the contingent factors appeared that electoral reform was finally triggered in 2014 and finalized in 2015. The case fits into the proposed framework. It allows the reform process to be studied from beginning to end and at the same time place special attention on how, why, and when the inherent and contingent factors appeared and contributed to the generation of the outcome.

A second reason for selecting the Chilean case has to do with pushing the geographic boundaries and major reform bias of case studies further. As the state of research will show further on, Latin American electoral reform case studies are rare, if not inexistent.

This applies for both traditional and recent research development. Most first, second, and third wave electoral reform studies are either concentrated on hallmark cases (e.g., Israel, Italy, Japan and New Zealand) or on other (mostly) European major reforms. In addition, the Chilean case represents a departure from another case selection tendency, which has been the study of electoral reforms in established democracies. Chile's case illustrates the –still novel- argument among electoral reform research- that electoral reform may occur in developing democracies, with or without the existence of a big shock or breakdown. I discuss these ideas in the paragraphs below.

Considering this dissertation as part of the third wave of development of electoral reform research, selecting Chile's 2015 electoral reform contributes to filling some of the identified gaps. There are few case studies today that analyse electoral reform processes with a more comprehensive conception of what is an electoral reform; there are fewer Latin American case studies incorporating these developments into their studies (see García Díez, 2006). Chile's case provides a series of non-major electoral reforms which satisfy many of the criteria discussed above. It is a case where many paradigms are challenged. First, it showcases the idea that when traditional definitions apply, Chile is not a relevant case of electoral reform, since there has no change from one system to another since the creation of the binominal system. However, different conclusions arise when we study Chile's case with “third-wave” criteria. Considering this, as the following chapters will show, Chile has experienced many major, minor and even technical reforms since the system was designed and implemented for the first time. This evidence also contributes to recent affirmations that electoral reforms may happen in undemocratic contexts and in developing democracies. Because Chile's electoral reform began in 1989, the case illustrates an electoral reform that initiated within a process of transition to democracy and showcases the culmination of it in a fully democratic context. This, to my attention, is something that has not been studied before in Latin America and would serve as an important contribution to the development of the field of the third wave of electoral reform research.

Broadening the geographical scope to Latin America in general and Chile in particular, also provides information that may prove relevant for other cases and to the further construction of new, more comprehensive theories regarding the causes of electoral reform. Chile's case study contributes to further the argument that electoral reform may occur without the need of *deep-rooted crisis*. It also shows that some causal factors

relevant for signature cases (mostly of major reforms) may not be crucial for others (e.g. Chile's reforms are not explained by enfranchisement or other first era of democratization issues as are many of the major reforms studied by traditional literature). Finding cases where traditional definitions and theories do not fit is crucial. These findings showcase the need and the relevance of new theoretical and methodological developments able to explain these processes of electoral reform.

By selecting this case, I am purposefully shifting attention to Latin America so that we revisit previous research and case studies with new theoretical insight. This in order to either confirm previous diagnosis or to challenge them and arrive to new conclusions. In addition, new case studies built with third wave conceptualization and methodology will allow electoral reform scholars to search for generalizable information or at least similarities among cases that will contribute to theory building.

The case is also relevant because of what it represents for Chilean and Latin American history. As one of the many military regimes in the continent in the 20th century, Pinochet's legacy is still one of the most defended and criticized in the country and continent. An important part of this legacy is the 1980 Political Constitution and the Binominal electoral system, two institutions that lie at the heart of this dissertation. Two issues that –to this day– remain at the centre of the political debate.

Chile's 2015 electoral reform is related to both constitution and electoral system. The case study focuses on finding the causes of the electoral reform Chile underwent in order to change the binominal system created by the Pinochet regime. The case provides a clear beginning of the process. The electoral system established, known as the binominal system, took a long time to be constructed and was partially introduced in the 1980 Constitution and finalized in 1988. The binominal was first used as Chile's electoral system on 14 December 1989 and remained in use until 17 November 2013, when the last elections using the binominal system took place.

Although the reform of the binominal system is commonly associated with the 2014–2015 electoral reforms, this dissertation shows that the process was actually initiated many years before, right after the system was created in 1989. Negotiations at that time managed to produce two enabling reforms, the increase of elected senators from 26 to 38 and the reduction of reform quorums from 3/5 to 4/7 for constitutional organic laws. These reforms represent the beginning of a long and gradual road to electoral reform that

took place while the regime was non-democratic and after democracy was restored. Reforms were furthered in 2005 under the Lagos administration (2000-2006), known of its extensive reform of the 1980 Political Constitution. Among the many reforms approved were some that directly affected the electoral law. Two in particular are considered to be enabling for future reform: the elimination of life and designated senators and the reference “13” from Article 45° of the Constitution, which constitutionally fixed the number of senators allowed to be elected (2 for each of the 13 geographical regions). Finally, the last reform effort was conducted under President Piñera’s first term in office. A long-awaited reform was approved, reference to the number “120” on Article 43° of the Constitution was eliminated. The number fixed the number of elected congressional deputies in 120 with very high reform quorums. To many, this was the end of the binominal system. To this dissertation, this was the last of the enabling reforms.

In 2014 the situation changed. The institutional conditions were able to foster electoral reform, and they did. Soon after President Bachelet was elected for her second non-consecutive term in office (2014–2018), she sent to Congress one of her program’s signature reforms: the replacement of the binominal system for a new, more proportional one. This is where contingency played its triggering role. It took less than a year to approve an electoral reform that had been unsuccessful for over 20 years. What changed? Why did it succeed this time? The answer lies within our framework. Michelle Bachelet’s second government began with a highly productive (in reform terms) honeymoon year: with a majority in both chambers in Congress, high levels of popularity and government approval, a clear reform agenda set but left unattended during President Piñera’s government, and other key factors. The road to reform was paved and ready. It was under this government that the final stage of electoral reform was triggered.

Road Map

The dissertation is planned as follows. Chapter 1 focuses on the theory of electoral reform and discusses how Historical and Rational Choice Institutionalism have conceived of, defined and studied institutional change in general and electoral reform in particular. The first section of the chapter reviews these matters. To deepen our comprehension of HI’s conception of institutional change, the section reviews (a) HI’s perspective of institutional change, (b) HI’s two notions of change: punctualist and gradualist, and (c) electoral reform as a specific formula of institutional change. The second section of the chapter discusses Rational Choice Institutionalism (RCI) in a similar manner. In the segment, I

review RCI's interpretation of institutional change and electoral reform. In order to further understand the approach's take on institutional change, I analyse RCI's conception of institutions as formal constraints on the actors involved in the process of reform. Lastly, under the notion that institutions are not the only factors limiting or incentivizing electoral reform, I discuss the role of non-institutional determinants.

While section two covers the characteristics of the framework's building blocks, section three articulates them in the theoretical argument. Because HI and RCI have distinct notions of what constitutes institutional change and, ultimately, electoral reform, each theoretical "lens" provides necessary pieces of information that, when combined, allow scholars to better understand the underlying causes of electoral reform.

Having presented the way in which this dissertation will address electoral reform, the fourth section reviews how other scholars have done so up to this point. In a survey of the state of research, I discuss how electoral reform has been conceived of and studied so far, highlighting aspects that coincide with this dissertation's proposal and the aspects that differ, when faced with the difficult task of looking for the causes of the complex phenomenon that is electoral reform.

Chapter 2 is dedicated to the study and construction of the dependent variable: electoral reform. The chapter reviews the existing conceptualizations of electoral reform, placing special attention on their strengths and weaknesses and how each provides insight from where to build from.

The first section of the chapter is dedicated to the conceptualization of the dependent variable. In it, I review existing definitions of electoral reform, with special emphasis on conceptualizations that include mentions of electoral and election rules and "major" reforms. Because I base my definition on existing definitions, I review Douglas Rae and Arendt Lijphart's definition of electoral laws and electoral systems dimensions and the most salient ones. I discuss which aspects I incorporate and why. I incorporate other definitions and conceptualizations present in the literature, including minor and technical reforms. I then discuss at length the specific characteristics of each type of electoral reform (major, minor, and technical). Upon completing the review, I proceed to develop the concept of electoral reform that will be used throughout the dissertation.

The second part of the chapter is dedicated to the study of the determinants of electoral reform. In direct relation to the multi-approach framework proposed in Chapter 1, the

section is organized into two sub-sections. The first analyses possible determinants of electoral reform from the HI approach and the second, from the RCI approach. From HI, I propose and discuss the role of each of the reforms I conceive as enabling. From this perspective, electoral reform is a gradual process, in which the institutional context where electoral reform could eventually prosper is enabled by smaller reforms. From the RCI perspective, I discuss the following determinants: (1) improvement of legislator re-election prospects, (2) improvement of party seat-share, (3) coalitional interests, and (4) the role other motivations play in the quest for electoral reform.

Chapters 3 and 4 are the case chapters. Chapter Three studies the Chilean electoral reform process from HI perspective with the intention of discovering the enabling or habilitating factors that constitute the inherent conditions. The chapter studies the five enabling reforms that took place from 1989 to 2014. The reforms under consideration develop in three distinct periods: 1989, 2005, and 2014. Two of the five take place in 1989: (1) the increase of the total number of elected senators from 26 to 38, (2) and the reduction of the quorum required to modify constitutional organic laws, from 3/5 to 4/7. Two took place as part of the 2005 constitutional reform: (1) the elimination of designated and life senators, (2) the elimination of the number “13” from Article 45° of the Constitution, which had fixed the number of regions that would elect two senators. Last, in 2014 the last of the enabling reforms took place with the elimination of reference to “120” from Article 43° of the Constitution, which established the total number deputies. The chapter is structured chronologically following each of the five enabling reforms.

Chapter 4 studies the contingent factors that actually *made* electoral reform happen. The first section of the chapter analyses how the conditions of social unrest and conflict within the ruling coalition (Alianza Por Chile) during President Piñera’s administration, contributed as contingent factors in the triggering of the reform process. The second segment studies how a favourable political scenario during the “honeymoon” period (an overwhelming electoral majority in presidential elections, high levels of public support and majorities in Congress) contributed as contingent factors in the swift approval of at least three of President Bachelet’s pillar reforms, one of them being the electoral reform. The Chapter’s third section reviews the structure, objectives, and justifications of the legislative bill introduced by the President. The fourth subsection of the chapter portrays the nature and composition of the “favourable” Congress. The following section identifies and describes the general characteristics of the pro- and anti-reform parties, and how the

reform-supporting parties conform the minimal winning coalition. The sixth subsection of the chapter reviews how reform was discussed, negotiated, and voted. The chapter's seventh segment shows the resulting electoral system, a corrected or moderate proportional system of representation. Subsection eight analyses the objectives and arguments that were used by the different factions involved to either push for or oppose electoral reform and shows how they relate to narrow interests linked to the improvement of legislator re-election prospects, party-seat share improvement prospects, and coalitional motives. The final section of the chapter concludes with final remarks on the chapter.

The final section of this dissertation summarizes and discusses the contributions of this dissertation, its theoretical implications and the possibilities of future research.

Chapter 1

A Comprehensive Approach to the Study of Electoral Reform: Assessing, Building and Broadening Traditional Approaches

Electoral systems are one of the most studied institutions in political science. Part of their attraction lies in the fact that they are institutions that distribute power (Tsebelis, 1990; Benoit, 2004). For a long time, electoral systems were studied in terms of the effects they generated. Recently, studies have begun to more pay attention to their causes. This dissertation belongs to the second group. In this chapter I build from and broaden traditional approaches that study electoral reforms and construct a more comprehensive approach to study these complex political processes.

I study the causes of electoral reform, focusing on examining why electoral reform proceeds the way it does, when it does.

Scholars researching the causes of electoral reform have used different theoretical approaches, which has led them to place their focus on different aspects of the process. How each approach faces the question of why electoral reform happens translates into a diversity of explanations about other aspects, such as the how and when it does. This leads to one of the most important premises of this dissertation: if we ask the question from more than one theoretical approach and read their results as complementary, we will reach more comprehensive accounts of the causes and the characteristics of each electoral reform process.

There are two theoretical approaches at work in the search for the causes and characteristics of Chile's electoral reform: Historical Institutionalism (HI), Rational Choice Institutionalism. The Chapter analyses how these two approaches have contributed to the understanding of electoral reform and how they can be articulated into a more comprehensive multi-approach framework.

The chapter is structured as follows. The first five sections of Chapter 1 discuss the HI approach and its relationship with change. First, I review the value and weight of history in institutional development for the approach's take on institutional change and electoral reform. The second subsection examines the two possible roads of institutional development. Institutions may develop in a continuous or discontinuous manner. There

are two possibilities: change or continuity. The third segment discusses the approaches conception of the type and frequency of institutional change. Sections four and five reflects on each type: punctualist or discontinuous change and the other less-visible incremental or gradual type of institutional change. Subsection three discusses how HI has traditionally accounted for the causes of electoral reform.

The next three subsections of the chapter are dedicated to the review of the same issues from the RCI perspective. The first discusses how the approach has conceived of institutional change in general and electoral reform in particular, with special emphasis on the approach's conception of reformers as rational actors who make calculated choices. The next subsection analyses the role of electoral institutions as formal constraints. I discuss how RCI has conceived of institutions as the field of action for political actors in general, and how electoral laws are the institutions that actually constrain and motivate reformers to either pursue or oppose electoral reform. I then turn to the analysis of other reformers may have. First, I discuss how parties, party leaders and coalitions may influence legislator behaviour towards or against reform. Second, I review other non-institutional constraints legislators may also be sensible to (e.g. values, religion, culture, etc.)

The last two subsections of the chapter present an overview of the existing multi-approach frameworks designed to study electoral reform and a review of the electoral reform literature.

Because HI and RCI have distinct notions of what constitutes institutional change and, ultimately, electoral reform, each theoretical 'lens' provides necessary pieces of information that, combined, allow scholars to understand better the underlying causes of electoral reform.

1.1 The Value and Weight of History in Institutional Development: Historical Institutionalism, Institutional Change and Electoral Reform

Historical Institutionalism has been an influential approach in many of the attempts to account for the causes behind processes of institutional change. The general and most characteristic trait of HI is that both institutions and history matter, greatly. As one of the New Institutionalisms, HI places special focus on the effect institutions have on the development of social and political behaviour (Hall and Taylor, 1996). More precisely, "HI sees the polity as a historically-constructed and institutionally-embedded system

comprised of interacting parts that shape the social identities and political strategies of individual and collective actors over time” (Boakye and Béland, 2018, p. 4). It is important to note that implicit in most “conceptions of historical institutionalism are that institutions constrain and refract politics but they are never the sole ‘cause’ of the outcome” (Thelen and Steinmo, 1992, p. 3). HI is based on the notion that structure and choice exist in a complex context of institutions which are historically bound to specific times and places, without implying determinism or denying the existence of the role of individuals and agency.

Characterized by the relevance assigned to the historical context in which reform processes occur, HI has conceived reform as a complex phenomenon, difficult to understand from an ahistorical approach. Because HI takes time seriously, it places special attention on temporal sequences and the tracing of transformations of diverse scales and temporalities (Pierson and Skocpol, 2002, p. 695). Processes of institutional change happen over time. They may have short or long temporal horizons (Pierson, 2003), depending on the nature of the causes and the type of change. Time and place are crucial, because, as a popular saying goes, these processes do not happen in a vacuum.

This theoretical approach is primarily interested in understanding and explaining (past) real-world events and outcomes. Historical institutionalists study history because they believe it matters, not merely to increase their reference points of analysis (as is done in time series), because of its contextual richness and relevance to evaluating different hypotheses about causation mechanisms (Steinmo, 2015). HI is often associated with big questions and enterprises that develop over long periods of time. Scholars focusing on ‘big questions’ and issues of wide interest (Pierson and Skocpol, 2002) have studied processes of large scale institutional change, such as revolutions (Goldstone, 2003), democratization (Ahmed, 2010; Capoccia and Ziblatt, 2010), the origins and development of welfare (Espig-Andersen, 1990; Pierson, 1994; Skocpol, 1992; Steinmo, 1996), transitions to democracy (Diamond, 1999; Haggard and Kaufman, 1995; Rueschemeyer, Stephens and Stephens, 1992; Yashar, 1997), among others. This work has been relevant in the development of causal narratives in significant cases of large-scale institutional change.

As one of the first branches of New Institutionalisms (Peters, 1999, p. 64), HI has been one of the most common and dominant approaches used to study institutional change.

Steinmo (2015) suggests three reasons that should compel scholars to consider historically grounded studies. First, political events happen within a historical context, which influences decisions and events. Second, from these events, political actors are able to learn from their and others' past experiences. Thus, strategic choices and behaviour occur within specific historic, cultural, economic and political contexts. Finally, for HI scholars, history must be understood as a complex and multidimensional chain of interdependent events, which means that in reality, no process can be isolated from the rest of the world.

Regarding HI's take on institutions, Thelen and Steinmo (1992) consider there to be points of consensus and of dissent between HI scholars. From their perspective, "historical institutionalists work with a definition of institutions that includes both formal organizations and informal rules and procedures that structure conduct" (p. 2). They argue that, generally speaking, "institutionalists are interested in the whole range of state and societal institutions that shape how political actors define their interests and that structure their relations of power to other groups. Thus, clearly included in the definition are such features of the institutional context as the rules of electoral competition, the structure of party systems, the relations among various branches of government, and the structure and organization of economic actors like trade unions" (idem).

As to why institutions are created, HI scholars believe they are the product of many things combined and "are often implicated in both the explanations and what is to be explained" (Amenta and Ramsey 2010; p. 16). In other words, institutions exist as more than just by the will of agency or contingency but as products of concrete political processes (Thelen, 1999, p. 384). As noted before, historical institutionalists believe institutions cannot be analysed one at a time for each particular political process. Instead, they analyse "macro contexts and hypothesize about the combined effects of institutions and processes rather than examining just one institutions or process at a time" (Pierson and Skocpol, 2002, p. 695). This makes institutional change a complex object of study, which demands a theoretical framework able to comprehend the phenomenon.

Because HI focuses on the relevance of historical processes within institutional frames, its main interests involve the complex processes concerning the construction, maintenance and adaptation of institutions (Sanders, 2008). Institutional change and

continuity have been the focus of scholarly investigation over the years. Continuity has occupied scholars for much of that time; recently, however, focus has shifted towards change. Ever since the stability paradigm was replaced by the one of institutional change, HI has been “interested in identifying the specific mechanisms and processes that guide institutional change over time” (Levick, 2017, p. 32).

Institutions and history exert their influence on individuals. They are the subjects of history, constrained by their institutional context. HI does not lose sight of this. HI scholars share notions commonly associated exclusively with RCI, particularly on the “idea that institutions provide the context in which political actors define their strategies and pursue their interests” (Thelen and Steinmo, 1992, p. 7). Although they coincide in general terms, HI scholars consider the institutional role to be of much more influence than just to provide context, as suggested by RCI.

As to how preferences are formed, HI argues that they are constructed socially and politically, not just strategically. Preference formation in HI is problematical, meaning that they are to be explained not assumed. What actors are trying to maximize and why are questions that need to be asked on the subject of preferences, goals and strategies (idem). Historical institutionalists reconstruct preferences based on historical accounts of what individuals were trying to maximize and why they put certain goals above others (idem). There is little room in HI for theoretical assumptions of individual preferences. Since individuals exist within a specific set of institutions, preference formation has been discussed as an endogenous process, as opposed to the RCI tradition, where it is considered exogenous. Preference formation is affected not only by the set of existing institutions but also by authorities and culture of each specific context (Immergut, 1998).

1.2 Change and Continuity: The Two Possible Roads of Institutional Development

Up until the 1990s, institutional change was considered an unlikely event, and, because of this, most HI studies focused on the “continuity of policies over time within countries and policy variation across countries” (Thelen and Steinmo, 1992, p. 10). The literature review, presented further along this chapter, portrays how research focused on aspects of continuity rather than of those of change for many years. This, in large part because of HI’s theoretical notions of institutional stability, where institutional arrangements reinforced themselves through time. The stability paradigm became unsustainable when massive processes of reform modified longstanding electoral institutions. It appeared to

be the case that while institutions might continue to exist, in most cases they do so experiencing change at some level. In some cases, change occurs in such a subtle manner that it passes unnoticed, giving the illusion of uninterrupted continuity. However, evidence suggests that there is in fact, no continuous institutional path. From the HI perspective, institutions develop and evolve over time in complex processes composed of periods of stasis and periods of change:

Many causal arguments in the historical institutionalist literature postulate a dual model of institutional development characterized by relatively long periods of path-dependent institutional stability and reproduction that are punctuated occasionally by brief phases of institutional flux – referred to as critical junctures – during which more dramatic change is possible (Capoccia and Kelemen, 2007, p. 341).

Institutional development is considered to be a process constructed not only of institutional continuity but also of episodes of institutional change. Interruptions in continuity are usually attributed to critical junctures, singular moments in which institutional change is unexpectedly possible. HI conceives critical junctures (CJ) as contingency factors in the development of institutional change. Junctures are episodes of institutional indeterminacy, in which there is room for many factors to collide, one of them – maybe the most crucial – being individual agency. CJs provide blank canvases individuals need in order to create new institutional arrangements; they are a crucial ingredient for institutional change. As the authors state, state, “contingency, in other words, becomes paramount” (2007, p. 343).

1.3 HI and Institutional Change: The Approach’s Conception of Type and Frequency of Change

In this section, I review the different manners in which HI has approached institutional change. Among the most relevant ways in which HI has studied institutional change is the idea that change can occur in different manners depending on the formal or informal nature of institutions. HI has also reflected upon the idea of studying change based on the probability of its occurrence. Is change scarce and unlikely or is it probable and frequent? Change has also been studied with emphasis on the way the process unfolds. Is institutional change produced in a synoptic manner or is it an incremental process?

HI scholars generally agree on the existence of formal and informal institutions and that institutions may also change in formal or informal manners. Formal change constitutes

the creation, alteration or repeal of formal institutions (informal ones cannot change in a formal manner, but can transition to becoming formal ones, e.g., the institutionalization of political parties (Panebianco, 1988)). Informal change, on the other hand, affects the functioning of institutions (Köning, 2016). Formal institutional frames might remain in place, but the objectives the institutions might shift, either purposefully or unintentionally (idem).

Any institution has the potential to change. This does not mean they all do. Electoral reform is one of the possible forms institutional change can take.

This dissertation searches for the causes of electoral reform. Based on the definition proposed further on in Chapter 2, I consider electoral reform to be a formal type of change. This is because for the case under study, several dimensions of the electoral law (a formal institution) was formally modified through gradual reforms.

The second manner in which institutional change has been approached has to do with the probability of it occurring. There are two opposing perspectives. The first to develop was the argument sustaining that change is the exception, and continuity the rule (Lijphart, 1985; 1992; Dunleavy and Margetts, 1995; Geddes, 1996; Bowler, Donovan and Karp, 2006; Rahat, 2011). This made institutions *sticky* (Geddes, 1996). At the time, overwhelming evidence of institutional continuity inspired the production of several major studies (e.g., Taagapera and Shugart's 1989 *Seats and Votes*¹). The common question in this regard was why politicians would change the rules of the game they are winning (Katz, 2005). Electoral reform was considered unlikely because the system was already a winning arrangement for those in power (Leyenaar and Hazan, 2011; Andrews and Jackman, 2005; Cox, 1997; Norris, 1995; Lijphart, 1994; Nohlen, 1984a, 1984b).

The stability paradigm took an important hit when several institutions, including electoral systems, began to present substantive changes and reforms. One could say it was the end of an era. HI's notion of stability became its main weakness (Rothstein, 1996; Lowndes, 2002; Peters, 1999; Köning, 2016). It took time for traditional institutionalists to acknowledge the new frequency and magnitude of change.

¹ *Seats and Votes: The effects and determinants of electoral systems.*

The third mode in which institutional change has been approached concerns the nature in which change develops. From this literature emanated two major explanations of change: the punctualist (Krasner, 1984; Collier and Munk, 2017) and the gradual (Pierson, 2003; Streeck and Thelen, 2005). These conceptions have had a large impact on the study of electoral reform processes.

Having already established the type of institution and change under study (formal) and introduced the premise that institutional change in the form of electoral reform is more likely than previously expected, I turn to the nature of change, with the purpose of shedding light on what type of change characterized the Chilean process of electoral reform.

1.4 Punctualist, Discontinuous or Disruptive Change: A Shock Associated Form of Institutional Change

For political science, the concept of punctualist change emanated from a crucial review Stephen Krasner made about the different approaches to the study of the state and historical dynamics associated in 1984.² Borrowing from a biological theory intended to describe evolutionary progress, Krasner presented the idea that in all of the cases reviewed, “a similar pattern emerges, characterized by rapid change during periods of crisis followed by consolidation and stasis” (p. 240). He introduced crucial notions that have helped scholars develop and further the punctuated equilibrium theory of institutional change. First, he separated two distinct moments which almost all scholars acknowledge today: institutional development is comprised of two periods, institutional creation and institutional stasis. Second, he suggested that change is produced in periods of crisis. Third, he stated that the causes of the crisis of the “old order” are different from those involved in the continuance of the new established institutions (idem). These notions became the baselines for the development of critical juncture and path dependency theory.

²*On the Autonomy of the Democratic State* by Eric Nordlinger; *Negara: The Theatre State in Nineteenth Century Bali* by Clifford Geertz; *Building a New American State: The Expansion of National Administrative Capacities* by Stephen Skowronek; *The Formation of National States in Western Europe* by Charles Tilly; *Crises of Political Development in Europe and the United States* by Raymond Grew; *Revolution from Above: Military Bureaucrats and Development in Japan, Turkey, Egypt, and Peru* by Ellen Kay Trimberger.

In simple terms, punctuated, discontinuous or disruptive change (as is also known) is characterized by the fact that it interrupts institutional continuity in a visible manner. As Krasner (1984) suggested, the causes of the interruption of the institutional stability may be different from those that perpetuate each new institutional order. The interruption of the institutional path is known to scholars as a critical juncture.

1.4.1 Critical Junctures: Short Lived Windows of Institutional Change

CJs have become – in a rather short period of time – one of the most used analytical tools in HI. Although many HI scholars use the concept or CJ-based arguments at some point, CJs don't always have a clear meaning (Pierson and Skocpol, 2002) and the concept is often utilized in a loose and casual manner. There have been, however, crucial efforts to define and pinpoint with more precision what CJs are. Collier and Collier (1991), Mahoney (2000), Capoccia and Kelemen (2007), Collier and Munk (2017), and others in the field have made significant efforts to provide a clear definition.

Collier and Collier (1991) define a CJ as a “period of significant change, which typically occurs in distinct ways in different countries (or in other units of analysis) and which is hypothesized to produce distinct legacies” (p. 29). Mahoney (2000) argues that CJs are “characterized by the adoption of a particular institutional arrangement from among two or more alternatives. These junctures are ‘critical’ because once a particular option is selected it becomes progressively more difficult to return to the initial point when multiple alternatives were still available” (p. 513). Capoccia and Kelemen (2007) define CJs as

relatively short periods of time during which there is *substantially* heightened probability that agents' choices will affect the outcome of interest. By “*relatively* short periods of time”, we mean that the duration of the juncture must be brief relative to the duration of the path-dependent process it instigates (which leads eventually to the outcome of interest). By “*substantially* heightened probability”, we mean that the probability of agents' choices will affect the outcome of interest must be high relative to that probability before and after the juncture. This definition captures both the notion that, for a brief phase, agents face a broader than typical range of feasible options and the notion that their choices from among these options are likely to have significant impact of subsequent outcomes (p. 348).

Finally, and as one of the most recent definitions, Collier and Munck (2017) define them as “(1) a major episode of institutional innovation, (2) occurring in distinct ways, (3) and generating an enduring legacy” (p. 2).

Critical junctures, similar to other political processes, are composed of both inherent and contingent factors. CJ present “antecedent conditions” (Collier and Collier, 1991; Collier and Munk, 2017), which are the baseline conditions from which change can stem. In order for CJ to develop, these baseline conditions have to be activated by exogenous and contingent factors, known as cleavages or shocks. Antecedent conditions can be “diverse features of economy, society, and politics that set the parameter for subsequent change” (Collier and Munk, 2017, p. 4). However, they cannot produce CJ on their own. Cleavages and shocks are seen as the prime matter in the generation of CJ, since they trigger the juncture. CJs are the periods of institutional innovation enabled by the previous. They are a crucial element of ‘contingency.’

HI literature considers CJ and path dependency crucial elements in the understanding of institutional change. They are often used together in order to explain the causes of institutional breakdown and innovation.

1.4.2 Path Dependence: The Weight of Previous Choices in the Construction of New Institutional Arrangements

Inevitably bound to the notion of change and continuity is the concept of path dependence. While CJs are associated with aspects of institutional change, path dependence is to aspects of institutional continuity. Earlier in the chapter, institutional development was presented as a process composed of long periods of institutional stability interrupted by short-lived periods of change. Once the CJ takes place, and new institutional arrangements are achieved, a new period of stability through reinforcement is generated.

In general terms, scholars define path dependency with phrases such as “the past matters” or “the past weighs on the future.” However, the concept represents something much more complex. Path dependency is more than just the reproduction of certain technical elements of institutions from the past during periods of institutional creation generated by CJ. Path dependency considers the projection of the effects previous institutional arrangements have on perception, behaviour, culture, ideas, etc., and how these elements affect new institutional designs. Path dependency arguments consider that new institutions are created by actors who inhabited previous institutions and, thus, are affected by them. Although it has become increasingly common for social scientists describe political

processes as “path dependent” (Pierson, 2000, p. 251), clear definitions still remain rare (idem, p. 252).

How do previous institutional arrangements affect the construction of new ones? How much of the previous arrangement is furthered into the new? Is this a conscious process? These questions have influenced a series of answers based on different notions of path dependency. In the following paragraphs, I review some of the existing conceptualizations of path dependence.

Thelen’s (2003) conceptual spectrum of path dependence puts Sewell’s (1996) and Mahoney’s (2000) conceptualizations at each end. Sewell defines path dependence in broad terms, stating that “what has happened at an earlier point that will affect the possible outcomes of a sequence of events occurring at a later point in time” (1996: p. 262–63). Mahoney (2000) defines it as that which “characterizes specifically those historical sequences in which contingent events set into motion institutional patterns or event chains that have deterministic properties” (p. 507). Thelen states that the narrow conceptualization is the most precise (1999; 2003), since it perceives and studies specific “switch points” and “lock-in mechanisms” that explain *how* the past weights in the future (2003: 212). This view considers paths to be re-enforcing, meaning that they generate positive feedback, strengthening the direction of change taken initially (Pierson, 2003, p. 195).

No matter the viewpoint, investigations have led scholars to postulate the following key claims about path dependency: (1) patterns of timing and sequence matter, (2) similar conditions may lead to a wide range of different social outcomes, (3) ‘small’ or contingent events may have large consequences, (4) specific courses of action can prove impossible to reverse once initiated, which means that (5) often, political (and institutional) development is punctuated by critical moments or junctures that shape social life (Pierson, 2000, p. 251).

These general assertions are more or less shared by those who claim to use path dependence frameworks. The accent they put on each claim will vary depending on where they locate path dependence on the spectrum. There is, in the path dependence literature, a hint of determinism mostly inherited from structural versions of development (Pierson, 2003) that spawned scholarly critique. This body of literature, institutions were perceived “as the ‘frozen’ residue of critical junctures or as the static, sticky legacies of previous

political battles (e.g. Lipset and Rokkan 1968)” (Thelen, 2003, p. 211). Structural arguments claim that there is a causal connection between structures and eventual outcomes, without regard to issues such as timing and triggers (Skocpol, 1979 in Pierson, 2003, p. 193), like Moore’s 1966 account of the origins of dictatorship and democracy. Today, these accounts are the exception. In more recent literature, agency has a key role. There is an undetermined nature in today’s conception of CJs and their effects, and these are bound to variable elements present in both the antecedent or critical conditions and the triggers.

Among the new, more nuanced views of the effect previous institutional paths have on the construction of new ones, Kaufman (2017) cautions scholars assessing CJs, because the last thirty years (at least in Latin America) have shown that not all crises constitute critical junctures (p. 16). What Kaufman suggests is that cases that present similar antecedent conditions “appear to generate quite different cross-national paths of institutional change” (idem). On a second note, he suggests that even if paths were chosen in “contingent decisions,” seemingly important in the short-term, “[...] they may not have a causal impact on longer-term developments” (idem). Focusing on a different issue, Dunning (2017) suggests that the discussion is divided into two clear cut approaches. First, and dominant today, is the idea that surrounding the CJ are crucial elements of contingency: chance, choice, agency and uncertainty. On the other side of the discussion are scholars who treat CJ as “determined by structural constraints and antecedent conditions” (p. 41). Bridging these two perspectives of CJ, are scholars who argue that CJ have a bit of both: “some researchers contrast contingency of the critical juncture itself with a deterministic view of the *legacy* it generates” (idem).

1.5 Incremental, Gradual or Cumulative Change: The Slow - Sometimes Invisible-Form of Institutional Change

The second type of institutional change identified by scholars is gradual change, which is also known as cumulative or incremental (Pierson, 2003, p. 181). Gradual change – as its name suggests – is generated over longer periods of time, and because of this it tends to pass unnoticed. Gradual does not mean smaller than. Although cumulative change does not have the same visibility as disruptive or punctuated change, its perceptibility does not affect its magnitude or relevance. Pierson depicts this type of change as “big, slow-moving and invisible.” However, such changes must not be considered irrelevant because of their low-key nature.

Traditionally, HI scholars were drawn to lengthy, large-scale processes, mostly because they believed that many changes in society took a long time to unfold. This type of process is incremental in nature; that is, it takes time to add up to anything (Pierson and Skocpol, 2002, p. 9). From this standpoint, going back in relatively wide time frames is crucial for identifying the causal mechanisms behind change because narrower time frames may provide partial or incorrect causal accounts (Stephens and Stephens, 1992 in Pierson and Skocpol, 2002).

Pierson (2003) suggests three types of slow-moving causal processes: cumulative, involve threshold effects or require the unfolding of extended causal chains. Cumulative change is characterized for being continuous, but extremely gradual (*idem*). Pierson maintains that most cumulative causes are sociological, pointing towards relevant social conditions that change gradually over time at a very slow pace (e.g., demography, migration, suburbanization, literacy rates, etc.). Other conditions, such as technology (Iversen and Wren, 1998; Putnam, 2000) and economic causes (Rogowski, 1989; North, 1990), are also considered cumulative changes.

At times, cumulative processes do not amount to incremental changes: “instead, they have a modest or negligible impact until they reach some critical level, which triggers major changes” (Pierson, 2003, p. 182). These critical levels are known as threshold effects. In this type of change, slow-moving factors build up over long periods of time, until they unfold rapidly into an outcome (e.g. revolutions, see Goldstone, 1991, 2003). Apart from revolutions, threshold-based arguments have been prominent in the study of collective action (Granovetter, 1978; McAdam, 1982; Baumgartner and Jones, 1993; Marwell and Oliver, 1993). Institutionalists using the threshold effect argument emphasize the idea that, when a critical level is reached, “actors reassess their options or expectations about others’ likely actions, leading to relatively rapid change” (p. 184). In Mayhew’s realignment theory, he expresses the importance of the build-up of tension and stress over time, leading to a boiling point which serves as a triggering event for electoral realignment.

The third type of slow-moving process of change is the causal chain argument. The argument is often used when the outcomes under study (e.g., policies) “lie some distance in time from the initial point of crucial political choice” (Pierson, 2003, p. 188). The

causal chain argument proves crucial when the causal chain is more complex than the straightforward chain ('x yields directly to y') and is more of an 'x triggers a, b, and c which eventually yields to y' (p. 187).

These are often more complicated than suspected and are often criticized. One of the challenges this approach has to overcome is showing strong links in the chains. The stronger the links, the more persuasive the argument. Another issue this approach has to overcome is the 'infinite regress issue.' If one were to 'keep looking,' one would always be able to find a previous chain. To solve this problem, scholars using this argument may (1) choose to go back and break the chain at the nearest CJ, (2) break the chain when the identification of the causal connection is difficult to pinpoint, or (3) delimit the chain based on the theoretical interest of the analyst (pp. 188–89).

1.6 HI's Approach to Electoral Reform: How, When and Why Reforms Develop Over Time

The following section addresses electoral reform as a type of formal institutional change. As such, most of the general notions of institutional change reviewed earlier apply to this specific type of change.

Electoral reform is a process of institutional change that can develop over moderate periods of time. Even the most industrious and massive version of electoral reform (what has been known to the electoral reform literature as major reform) can be performed in a reasonable period of time. Most scholars interested in these processes are able to witness them in their lifetime, which differentiates electoral reform processes from other long-term social processes. Because of this, narrowing the time frame for the study of electoral reforms seems reasonable. Even if scholars were to trace back in history the underlying causes of electoral reform, they would be able to do so in a manageable time frame. The decision to shorten the time frame for the study of electoral reforms comes with advantages and, of course, disadvantages. Among the advantages, tighter margins permit more depth in the study. A more comprehensive exploration of the institutions and the actors involved as well as a more detailed account of the mechanism of reform is possible. With less time under scrutiny, more attention can be paid to the institutional context and the actors involved. HI scholars would find that more manageable time horizons allow for more in-depth analysis of the causal mechanisms at play.

On the subject of disadvantages, shortening the time scope may result in missing the complete causal mechanism. Scholars (e.g., Scharpf, 1997) have argued in favour of broader time horizons because they provide certainty of the presence of the whole causal chain. Shorter time horizons generate fear of precisely the inverse: cutting in the wrong place and thus missing the true causes.

This particular issue might rouse more debate in large scale processes (e.g., revolutions, development of welfare state, democracy, etc.) which traditional HI literature has tackled thoroughly and continues to do so. However, there are some cases where this type of uncertainty may be reduced. There are cases able to provide clear starting points, which, in turn, allow scholars to narrow time frames. HI has found critical junctures as a safe and consistent starting point. My approach suggests that we pay attention to the critical junctures as milestones and from there decide on the safest time frame. This decision will, of course, be influenced by the case under study.

The case studied in this dissertation fits into this discussion. First, because it is dedicated to the study of electoral reform, a rather small-scale type of institutional change in comparison to others presented above. Electoral reform is a process that, for the most part, develops over moderate periods of time (a lifetime at the most). Second, it studies the causes (inherent and contingent) of the 2015 reform of the binominal electoral system in Chile. The farthest I can go back in history is to the origins of the system itself, which goes back to a discrete number of possible beginnings, of which I choose one (see more in Chapter 3).

From the HI perspective, electoral reform is a particular form of institutional change fitted into a specific place and time. At the most (the broadest choice of time frame), the process of electoral reform could be studied in a time span of 42 years. Such a span of time includes the breakdown of the previous system in 1973, the design and establishment of the new system (the one undergoing reform), and the last stage of its formal reform in 2015.

1.7 RCI's Conception of Institutional Change and Electoral Reform: Rational Actors and Calculated Choices

Rational Choice Institutionalism (RCI) is known as the New Institutionalisms approach that places its focus on the importance of individuals, particularly their utility maximizing behaviour in an institutional context. RCI has focused on studying and explaining how

and why individuals act and coordinate strategically within institutional frameworks in order to carry out their agenda. This approach's attention is placed on understanding how actors interact between themselves within the institutional system. This is why "this body of literature appears principally interested in the manipulation and design of institutions" (Peters, 1999, p. 45) and the outcomes this interaction produces. RCI has become the most straightforward explanation of institutional change (Köning, 2016, p. 650).

Appearing in response to the Behavioural School of the 1960s and 1970s, RCI developed initially in the United States, in the area of American Studies. The perspective began to be used to study the American Congress. Scholars wondered why in Congress stable majorities appeared and remained when theory stressed that they should rotate. They found the answer within institutions and the strategies and incentives these have on political actors and stable majority formation (Hall and Taylor, 1996, pp. 10–11). RCI scholars eventually transitioned from this area of research to the study electoral institutions. From this approach, the advanced assumption was that electoral institutions shape the behaviour of politicians, parties and citizens (Norris, 2003; 2011).

In general terms, RCI considers preferences as fixed (Hall and Taylor, 1996; Scharpf, 1997). It also assumes that all individuals will behave instrumentally in order to satisfy/maximize their assumed preferences through what is known as the *calculus approach*. The approach focuses on the study and design of strategies and their interaction between individual actors, with the "insight that institutions limit and structure the available options those individuals have at their disposal" (Köning, 2016, p. 650).

RCI has taken to the task of accounting for institutional origins (Hall and Taylor, 1996, p. 952). From this viewpoint, institutions are created by individuals who have vested interests in the institutional result (design). Characterized by scholars as "voluntaristic and functionalist" (idem), RCI explains the process of institutional creation (and for the purpose of this dissertation, re-creation through reform) as a highly purposive form of individual action (idem). Reform is either pursued or enacted by those in positions of power. Because of this, "voting systems reflect the interests of those who are in power" (Levick, 2017, p. 17).

From this approach's perspective, both the absence of reform and reform itself represent an echo of the evaluation political actors make (reform/no-reform). This framework identifies three scenarios under which institutional change is possible: "(1) the cost-

benefit equation of institutional overhaul changes in a way that a new Nash equilibrium appears; (2) the distribution of power changes in such a way that a different set of people acquires institution-changing powers; and (3) the people in power adapt their preferences” (Köning, 2016, p. 650).

In the first scenario, the costs associated with institutional change become less overwhelming for the actors involved. Based on North’s (1990) argument, Köning (2016) signals innovation and technological development as relevant because of the impact these changes have had on relative price change, leading actors to evaluate and adjust their choices (p. 651). The second scenario considers the possibility of change when “a different set of actors acquire institution-changing powers” (p. 651). Each set of actors has diverse preferences over reform; however, the road to reform will be transited by those who actually have reform (or veto) power. Changes in actor “power” may produce changes in institutions, reflecting actor preferences. Finally, the third scenario considers the possibility of institutional change as product of changes in the preferences of the relevant actors. Unlike the second scenario, where it is the actors in power that change, modifying existing dispositions and preferences towards change; in this scenario, actors remain the same but preferences may shift.

Most scholars using this approach argue that it provides parsimonious explanations for complex processes. Although it undeniably produces “elegant theories (Green and Shapiro, 1994); critics of the approach argue that RCI has generated little to explain real observed events” (Thelen, 1999, p. 372). RCI scholars have not focused, like HI scholars have, on big questions or large-scale processes. In contrast, they have opted to study social processes over what Pierson (2003) calls “short time horizons.” This leads them to look for causes and outcomes that unfold rapidly and continuously.

Traditional RCI theory proposes maximization behaviour as the primary cause behind electoral reform. The approach considers methodological individualism as one of the most relevant tenets by which to study politics and behaviour. The basic idea behind it is that “only actors in political settings are individuals, and therefore the only appropriate foci for political inquiry are individuals and their behaviors” (Peters, 1999, p. 13). This has been a common notion in RCI framework since the behavioural revolution and the development of the New Institutionalisms, becoming an undisputed “reminder that only people choose, prefer, share goals, learn and so on, and that all explanations and

descriptions of group action, if they are theoretically sound, ultimately must be understandable in terms of individual choice” (Ordeshook, 1986, p. 1)

From this rational maximization paradigm, RCI has focused on identifying and analysing how individual (legislator), partisan and coalitional interests have generated and affected different processes of electoral reform. Just like HI focuses on institutions and history, RCI examines institutions and rationality. RCI scholars understand that “most political life occurs within institutions” and that to be able to provide any type of explanations for political processes, “their theories must address the nature and role of political institutions” (Peters, 1999; p. 43).

Maximization arguments vary in form and size but have in common a strategic and calculated nature. One of the first things to consider is identifying which actors are linked to the reform and what their expected gains are for either maintaining or changing the institutional status quo, in hopes of improving or not deteriorating their current status. What the argument portrays is that whatever happens respecting reform will depend fundamentally on who is the actor behind it and how reform affects them.

1.8 Electoral Institutions as Formal Constrains in Electoral Reform Research

As two branches of New Institutionalism, both HI and RCI place special emphasis on the role institutions play as formal constrains. Although they interpret institutions’ effect through different mechanisms, they acknowledge the fact that individuals operate within a specific set of rules.

Electoral institutions are the guidelines that constrain human action regarding who accesses power. Electoral institutions are at the heart of every modern democracy. They are the institutions that produce legislators. Tsebelis (1990) refers to them as redistributive institutions because of their power-assignment ability, determining who can play and how they are able to do so. Because of their strategic relevance to making either winners or losers out of candidates, their nature is always important from a calculus point of view. Thus, their continuity or modification will directly affect each legislator’s chances of being elected or re-elected.

Because RCI conceives individuals as the ones who can actually prefer and act upon a preference or goal, in terms of electoral reform, it is only sitting-in-office legislators who can vote in favour of or against change. However, although legislators are the voting

agents, they are part of other political groups which exert influence on each other's behaviour. Basic representation principles argue that it is legislators who act as agents of their electoral principals (Pitkin, 1967; Kitschelt *et al.* 1999; Powell, 2004).

Understanding legislators' motivations is key. It is crucial for scholars to know if they are driven exclusively by their own interests or if there are other factors behind their behaviour. It is important because by getting closer to their true motivations, one can also approximate with more precision to the true causes behind the "contingency" factors of electoral reform.

As I will show in the following paragraphs, one of the most relevant motivations (goals) legislators have been assigned in the RCI literature has to do with maximizing their chances of re-election. To most scholars using this approach, power maximizing behaviour (which can take different forms, depending on the operationalization used: policy, office, vote or seat maximizing behaviour) is one of the most important components in the complex matrix of human motivations. Mayhew (1974) portrays the different edges of the argument and how convincing it has been for the development of this approach:

I find an emphasis on the reelection goal attractive for a number of reasons. First, it fits political reality really well. Second, it puts the spotlight directly on men rather than on parties and pressure groups, which in the past have often entered discussions of American politics as analytic phantoms. Third, I think politics is best studied as a struggle among men to gain and maintain power and the consequences of that struggle. Fourth – and perhaps most important – the reelection quest establishes an accountability relationship with an electorate, and any serious thinking about democratic theory has to give a central place to the question of accountability (p. 6).

Having reviewed the basic characteristics of the RCI approach, I proceed to review RCI's other identified motivations in addition to the maximization argument. They can be organized into two general categories: institutional and non-institutional motivations. Within the first, there are motivations provided by institutional elements, the most relevant one being the electoral system itself; others being parties, party leaders, coalitions, and even the executive, among others. Second, the non-institutional set of motivations, comprehends elements such as values, ideology, public demand and interest groups, among others.

1.8.1 Institutions: The Field of Action for Political Actors

RCI's general belief is that along with the constraints electoral institutions have on legislator's motivations are those of their parties and in some cases coalitions. An important part of RCI scholars focus on studying how these institutions affect legislators' perception of and behaviour towards electoral reform. Changes in specific areas of the electoral laws may have different effects on parties, coalitions and legislators. When legislators are constrained by more than just one set of institutions, one of the most likely event is that within this matrix of institutional constraints, interests will conflict (Carey and Shugart, 1995; André, Depauw and Shugart, 2014). Below I review each set of formal institutional constraints.

1.8.1.1 Electoral Laws: The Formal Constraints for Political Actor Behaviour

Electoral rules are the formal constraints legislators and other groups face when competing for a seat in Congress. Electoral systems, along with electoral laws, are the institutional "barriers" representing formal incentives for legislators, parties and coalitions.

Electoral rules present different types of constraints depending on where each legislator stands. Although this dissertation focuses primarily on re-election, electoral systems also provide formal constraints for legislative candidates. For example, the electoral law (which comprises the electoral system; for more see Chapter 2) will define who is an eligible candidate for Congress and to those will provide a very specific set of rules defining from where each candidate can electorally compete in order to gain a seat. These rules will also affect parties' strategies in candidate selection, list construction (in some cases like the Chilean one) and intra-coalition negotiations. Morgenstern (2004) illustrates this idea in the following fragment:

Electoral laws assign formal powers over nomination to agent leaders by declaring how candidates gain ballot access. The candidates' desire for access creates a power relationship; whomever controls the sought-after labels will then have important controls over the candidates they choose to nominate (Schattschneider, 1942; Duverger, 1954; Gallagher, 1988) (p. 90).

Electoral laws (and systems) rule the process of elections for all the involved in the process. I focus on how the existing rules provide incentives for legislators (and their associated collectivities) to pursue electoral reform in order to improve their chances of

re-election. There is still much debate among scholars as to why legislators who seek re-election would pursue reform. Like Katz (2005), they wonder why some political actors are willing to expose themselves to the risk of changing the rules by which they were elected. Since it is not only legislators who make strategic calculus but also their parties and the coalitions their parties belong to, it has become a solid argument to state that their perception of changes in the political arena might encourage them to avoid unfavourable scenarios and proactively pursue changes that will reduce the possibility of losing seats or outright improve them. Sometimes, legislators (and the political factions they belong to) are not the ones pursuing reform but merely the ones evaluating their preferred stance on it. If this is the case, their behaviour might consider two possible alternatives: if they believe the proposed reform will negatively affect their seat or their party's seat share, they can either oppose it in favour of the status quo or oppose it with modifications to the reform proposal. If, on the other hand, they believe the presented reform will either maintain or improve their standing and their party's seat share, then they might find it strategic to also pursue reform.

Modifications to very specific dimensions of the electoral law might have either enhanced or hurt their and their parties' electoral performance. In general terms, RCI considers that both legislators and parties will pursue scenarios where their expected seat share will either remain unaffected or be improved.

Electoral institutions affect not only access to Congress but also a number of other elements of democracy. Institutions can affect the nature of political competition, the number of parties (Sartori, 1976), the formation of coalitions and their nature (Riker, 1962; 1984; Alker, Groenings, Kelly, Leiserson and Prinet, 1970; Koehler, 1975), the internal unity and dynamics of parties (Ames, 1995; Weyland, 1996; Diermeier and Feddersen, 1998; Shugart, 1998; Mainwaring, 1999; Hix, Persson and Tabellini, 2003; Hix, 2004), just to name a few among the many impacts identified by specialized scholars.

1.8.1.2 Party, Party Leaders, and Coalitions: The Other Institutional Constraints for Individual Preference Formation and Behaviour

Although RCI focuses by definition on the individual, many electoral reform studies are based on party-level analysis, *as if* they were individual actors with preferences, motives and agendas. Best case scenario, legislator preferences will be reflected in the party's preferences. There are some cases where discipline towards party and party leaders

influence legislators' vote in accordance to the party's preference. In other cases, in which discipline, unity and/or cohesion are low (which can be the result of the electoral law incentives), it is rather unlikely that individual conduct can be considered as a proxy for party behaviour.

In most cases, legislators are part of other collective groups. Most of the time, they are part of political parties and, in some cases, political coalitions. As Carey (2007) proposes, "[a]lmost all legislators are subordinate to party leadership within their assemblies. Institutional factors shape whether, and to what degree, legislators are also subject to pressure from other principals whose demands may conflict with those of party leaders" (p. 92). However, reforms are adopted by legislators whose interests might not always coincide with those of their parties. Individual legislators who are motivated by personal political ambitions – e.g., re-election or moving up to a different position – will not always exercise party discipline when voting for reform. While a party might benefit from adopting a more proportional electoral system (the tendency of most of the reforms of electoral systems), an individual legislator from that party who has built a personal constituency might be adversely affected if the systems modifies district drawing, for the improvement of proportionality (Carey and Shugart, 1995).

It is important to study individual legislator behaviour in terms of how they converge or stray from their parties. This information yields important clues as to what the individual motives and expectations are and how each legislator calculates which road to take in terms of their expected gains. Are there more benefits for legislators to act within party constraints or outside them? When will legislators act upon this calculus and when will they prefer to stand off? Will the outcome of electoral reform be explained by party agendas in combination with individual agendas of legislators? Will coalition dynamics play a role? Will this relationship end up shaping the reform proposal and the voting it through or not?

It is safe to say that even though political parties influence (and sometimes direct) legislator behaviour, they are not the only factor constraining them. The degree of influence a party can have over legislator behaviour has to do with both the nature of the electoral system and the organization (degree of cohesion and discipline) of the party (Carey, 2007).

Based on Özbudun (1970) and Ranney and Kendall's (1956) definitions, Morgenstern (2004) formulates the following conceptualization of party cohesion and discipline:

A group of legislators are *cohesive* when they vote together as a result of shared goals or common beliefs; *discipline* yields voting unity as the result of influential leaders (Morgenstern, 2004, p. 85).

Elements such as cohesion and discipline are crucial in the matter of assessing how much the party and the party leader weigh over individual legislator choice. As we will see in detail in Chapter 2, electoral law, electoral system, party cohesion and discipline, in addition to other factors such as self-maximization, ideology and values, compete or contribute in the construction of individual legislator behaviour towards electoral reform.

Belonging to a party will have different effects on individual legislators depending on the nature of the party, the electoral law, their relationship with their constituencies and their electoral success. Different scenarios will provide different incentives to either cultivate a party or personal vote. It is important to bring into consideration the “value” parties assign to each legislator and the relative freedom of action they give them for the sake of assuring seats for the party. This relation will vary along with the nature of the system. If legislators have solid electoral backing it is likely that they will have certain degree of free-range regarding their vote (and interventions in amending bills). A different scenario arises when it is actually the party seeking power of decision and office through the legislator. If it is the party that is seeking power through the legislator (Renwick, 2010, pp. 30–46), then legislators will have to vote on reform in accordance to their parties' disposition.

Most RCI scholars claim that in every upcoming election, parties (and legislators) calculate what is, under the existing conditions, their expected seat share. Assuming parties want to maintain or increase their seat share (for whatever reasons), it is likely that parties will calculate the seat-share effect each possible reform scenario could generate.

Coalitions also constrain individual and party action. From a general point of view, coalitions are “a temporary alliance of parties, persons or states for joint action” (Rodríguez, 2002). In particular, “the concept of coalition implies more than a group of individuals performing the same act. It is generally specified (Groenings, Kelley and Leiserson, 1970, p. 6) that the agreement to ‘act as one’ is consciously arranged by the

members” (Koehler, 1975, p. 28). The relevance coalitions present will depend on the role coalitions have in each case under study. For instance, in the Chilean case of electoral reform, Chapters Three and Four will show that coalitions play a fundamental role in influencing both party and individual legislator perceptions of gains and losses regarding electoral reform. In Chile, coalitional politics are fundamental in almost every aspect of legislation. On the other hand, there are cases where coalitional politics play a marginal role, therefore providing little to no constraints on party or individual preference and choice.

When coalitions are involved, it is important to analyse the role they play in the generation of legislator preference. As I will show for the Chilean case in Chapter 4, coalitions are sometimes a key component in the construction of the necessary majorities in order to approve reform because they provide a set of complementing incentives and constraints to both parties and legislators. It is one thing (a necessary thing) to have legislators favour reform and another to have the minimum number of votes necessary to approve it.

This is an occasion in which the size principle matters: in order for electoral reform to pass, there needs to be a coalition large enough to produce an undisputed majority in Congress. On the matter, Riker’s (1962) size principle states that “participants create coalitions just as large as they believe will ensure winning and no larger” (pp. 32–33), “[i]n n -person zero-sum games, where side payments are permitted, where players are rational, and where they have perfect information, only minimum winning coalitions occur” (p. 32).

Minimal winning coalitions are those strategically designed to ensure the minimum number of votes needed to approve reform. However, majorities are not always certain before voting. Sometimes, “where members’ participation is uncertain, coalitions which ‘will ensure winning’ are those which contain $50\% + 1$ of the total membership, as distinguished from the more typical formulation which specifies $50\% + 1$ of those present and voting. This is referred to as the *maximum minimum winning coalition*, and is in fact the “minimum necessary for members to be assured of victory” (Koehler, 1975, p. 27). I will get back to this on Chapter 2.

An important feature of parties are party leaders. In general terms they are in charge of representing their party and contribute to organizing all three phases of party activity:

legislative, electoral and organizational (Cross and Blais, 2012). They are the ones that represent the collectivities and decide how to move as a negotiating actor. Party leaders have different roles and responsibilities. Among them is the nomination responsibility and the task of “getting the votes.” They are also the actors responsible for articulating and negotiating potential alliances and coalitions. This is very relevant when studying electoral reform, since if it is in the interest of the party and the coalition to which the party belongs to approve electoral reform, then it will correspond to the party leader to articulate the necessary number of votes needed by the coalition to approve it (Koehler, 1975).

So, how do party leaders affect policy outcomes? In general terms, they will have two main responsibilities. The first has to do with organizing party legislators to vote in favour of the party’s interest in terms of electoral reform. If parties present high levels of cohesion and discipline, it is likely that party leaders play a significant role in the orientation of legislators’ votes. On the other hand, if discipline and cohesion are low, then it is likely to expect party leaders to have a less significant role in the orientation of legislators’ votes. Second, party leaders are expected to play a decisive role in the generation of a minimal winning coalition, if it is in the party’s interest to approve electoral reform. If, on the other hand, the party wishes to oppose and/or block reform, then, the party leader is expected to play a role in the negotiation of a coalition large enough to block electoral reform. At the end of the day, the role party leaders play in the process of electoral reform will depend on the nature of the party and the role each party assigns to them.

The section above reviewed the institutional constraints legislators face when evaluating their preference on electoral reform (maintaining status-quo/pursuing reform). The section below examines other, non-institutional motivations and constraints legislators have when analysing their preference towards electoral reform.

1.8.1.3 Non-Institutional Motivations and Constraints: Values, Ideology, Culture and Other Determinants of Legislator Preference and Behaviour Regarding Electoral Reform

Legislators are not only constrained and motivated by institutions. They are also motivated and influenced by other matters of personal non-maximizing interests. Issues such as values, ideology, attitudes towards democracy and culture also represent a set of

constraints for individual legislators when choosing to vote for or against electoral reform. These issues aim to represent political actors as more complex than just utility maximizers.

There are scholars who argue from within the RCI framework, that although economic rationality is an important component of human behaviour, it is not

realistic to think of human actors as always being omniscient and single-minded self-interest maximizers who will rationally exploit all opportunities for individual gain regardless of the norms and rules that are violated. Human knowledge is limited and human rationality is bounded, and hence much human action is based not on the immediate cognition of real-world data and causal laws but on culturally shaped and socially constructed beliefs about the real world. At the same time, most human action will occur in social and organizational roles with clearly structured responsibilities and competencies and with assigned resources that can be used for specific purposes only. In these culturally and institutionally defined roles, pure self-interest will not explain much beyond the choice of assuming, or refusing to assume, certain roles. But once a role has been assumed, action within that role is practically impossible to explain without reference to cultural and social definitions of that role and to the institutionalized rules associated with its proper performance (Scharpf, 1997, p. 23).

There is no widespread agreement among RCI scholars about the influence of these and other non-maximizing behaviour incentives. Deep-rooted RCI scholars will argue that legislators using issues such as values, ideology or appreciation for democracy as arguments to either pursue or reject reform, are public displays designed to sit well with their constituencies. They claim that these are public opinions designed to hide the true agendas, which are always believed to be improving their conditions of re-election.

A more nuanced view of RCI scholars, believe that although it is impossible to deny the strategic nature of calculating possible reforms, political actors are also constrained by other issues. This literature argues that legislators actually care about issues other than their own re-election, and that, at times, they are willing to pursue reforms that favour those issues, to the detriment of their re-election.

1.9 An Overview of Existing Multi-Approach Frameworks in the Study of Electoral Reform

I introduced this dissertations' framework through an example of how the use of more than one theoretical lens can help understand a phenomenon from a more comprehensive

perspective. I implied the argument applies to the study of electoral reform. This is what I have planned for this dissertation; two analytic tools to study the same painting, yielding complementary information about the causes of electoral reform.

One of the arguments electoral reform scholars have used to introduce multi-approach frameworks is that electoral reforms are phenomena far too complex to study from one perspective alone (Renwick, 2009; 2010; 2011). Not only has this notion of complexity had an impact on this dissertation's design but also on the conception of electoral reform itself. This is in large part the novelty of my contribution, since it proposes a complementary approach framework carried out in a parallel study of a single case of reform. And, in addition, it does so from a comprehensive definition of electoral reform (for more on this, see Chapter 2).

I place special emphasis on the notion that the dissertation proposes a complementing approach between HI and RCI and not a combination of both. Complementation here has to do with a parallel investigation of the same case from two distinct theoretical approaches, as representations of the two lenses through which one can look at electoral reform. The idea supporting this decision is that conclusions yielded by both will complement the identification and analysis of the causes of electoral reform.

This effort is not an effort to combine theoretical approaches, although there are scholars who have forayed there. Those scholars who have, refer to these as “building bridges” with the purpose of creating new analytical tools. One the most relevant in the field has been the analytic narratives framework (Bates *et al.*, 1998; Levi, 2000; 2004; Katznelson and Weingast, 2005). In an attempt to combine two types of the institutionalisms, they create a new tool designed to study institutional change. Although their efforts have been acknowledged by other scholars, the methodology proposed did not become particularly prominent.

Institutional change and electoral reform have been studied from a complementary approach by other scholars (Renwick 2010; Shugart, 2008; Kreuzer, 2010). Efforts to produce investigations from complementing perspectives have done so through different research designs.

Among the most relevant efforts to produce a multi-approach framework is Alan Renwick (2009; 2010; 2011). He studies electoral reform from a “complexity” standpoint, similar to the one that motivates this investigation. In his book, *The Politics of Electoral Reform*

(2010), he analyses major electoral reforms based on a typification of reform processes. His vision of a complementary study is defined primarily by his diagnosis of two of the existing frameworks used to study electoral reform: the power-maximization and Shugart and Wattenberg's (2001) multiple actors' framework (citizens and politicians). His conclusion is that scholars must consider both, since each by itself is insufficient.

In an effort to explain whether countries keep or change first past the post systems, Shugart (2008) building from Harry Eckstein's inherent and contingent theory, elaborates a framework that considers electoral reform as a process caused by factors that are both inherent and contingent. His determination to produce a more comprehensive framework to study electoral reforms stems from the fact that he believes single approaches fail to produce complete answers. Although Shugart (2008) does not define which institutionalisms scholars should consider, or what model of motivation serves best to explain electoral reform, he states that focus must be placed on both the antecedent conditions and the contingent factors or triggers identified in the reform process.

In an effort to increase the validity of the Rokkan-Boix argument, Kreuzer (2010) proposes a historical review of the facts. Acknowledging the historical turn institutionalists have taken in the last twenty years, Kreuzer (2010) points out how a historic review of the cases under study can yield important information about the causal direction between institutions and their effects (p. 369). By replicating specific elements from Boix (1999) and Cusack *et al.* (2007), he evaluates the accuracy with which these scholars translated historical evidence into numbers (*idem*).

Renwick's (2010), Shugart's (2008) and Kreuzer's (2010) endeavours have inspired different areas of this dissertation's theoretical framework. What this investigation has in common with those is the belief that electoral reform should be studied from more than one theoretical viewpoint. Otherwise, explanations about the causes are incomplete.

This dissertation follows their initiative from a new perspective, hoping that it can contribute to fill gaps in the field. The theoretical frameworks that inspire this investigation are associated with the Historical and Rational Choice Institutionalisms and the inherent and contingent factors framework.

Acknowledging contributions to the field of electoral reform made by scholars like Renwick, Shugart and Kreuzer, this dissertation responds to a similar diagnosis in a different manner. This dissertation departs from the traditional "major" conception of

electoral reform. It also proposes a new multi-approach framework that will enable analysis of the process of electoral reform from two complementary analytical perspectives with special emphasis on the search for the inherent and contingent factors associated.

1.10 Electoral Reform Literature Review

The remainder of the chapter is dedicated to the review of HI and RCI literature and how each theoretical approach has inspired and affected studies of electoral reform over the years. In the final section of this chapter, I discuss the methodological implications of these frameworks, and its effect on the structure of this dissertation.

Institutions made a big academic comeback in the early 1990s in the form of the “New Institutionalisms” (Hall and Taylor, 1996; Thelen, 1999) and they have since provided the most relevant approaches for the study of institutional change: Historical Institutionalism (HI), Rational Choice Institutionalism (RCI) and Sociological Institutionalism (SI).³ Of the three, HI is regarded by most scholars as the dominant one. Kreuzer (2010) claims that it has become more and more common among scholars to review past analysis in light of historical context in order to achieve more compelling conclusions. The value of history has been revisited and now provides important insight for the study of electoral system origins and change (Ahmed, 2010; Capoccia and Ziblatt, 2010; Ziblatt, 2006). In the following paragraphs I review how scholars have addressed the issues of electoral system origins and change.

Originating systems emerged naturally without intentional design or notion of the effects they would have (Ahmed, 2010; Colomer, 2007). Colomer (2007) defines them as systems used in “relatively simple elections with rather homogeneous electorates at the beginning of modern age suffrage regulations for small-size governments” (p. 263) and can be compared to electoral systems that are typically “used in many meetings and assemblies of modern housing condominiums, neighbourhood associations, school and university boards and delegates, professional organizations, corporation boards, and students’ and worker’s unions” (idem).

³Other scholars consider the third “new institutionalism” not Sociological, but Ideational Institutionalism (Koning, 2016) or Cultural Ideationalism (Norris, 2003, 2011).

Eventually, all originating systems experienced change through reform. There is an important number of electoral reform scholars that place the first upsurge of reform alongside the first wave of massive democratization (Rokkan, 1970; Boix, 1999; Colomer, 2007; Calvo, 2009; Ahmed, 2010, 2012; Capoccia and Ziblatt, 2010). Electoral systems were affected by the universalization of enfranchisement. From this standpoint, the first wave of electoral reform was produced by competing forces in a context of dramatic social change. Democratization came in phases; the first one was the European cycle which developed from the beginning of the 19th century. Franchise expansion was a central theme in 19th century politics and as such, provoked intellectual excitement and investigation in early 20th century (Butler, 2004). This is why an important part of literature on electoral reform covers almost only the “first cycle.” Variables such as suffrage expansion, emergence of new socialist parties, shifts in the political arena and other social reforms, are greatly covered by scholars and have been considered as the primary explanatory factors for electoral reform. Though arguments differ on what the key determinants are and how they interacted, most research on this cycle places special emphasis on history and context. Although scholars primarily focused on variables that affected political systems, they included in their causal explanations the role individual interests and agency placed in the electoral reforms under study.

The first cycle of electoral reform in Europe presented two competing forces: pro-democratic forces seeking more inclusionary institutions and traditional pro-status-quo forces pursuing exclusionary safeguards. From this perspective, electoral reform is actually part of the democratization process (Ahmed, 2010) where transitions to either type of electoral system (single member plurality (SMP) or proportional representation (PR)) is considered to be produced by strategic calculations made by traditional parties trying to control the impact of suffrage expansion on their electoral performance:

Both SMP and PR would offer right parties some protection against the impact of suffrage expansion, but each involved trade-offs. SMP would offer weaker protection against electoral threats in the short run, but it would allow right parties to simultaneously pursue containment strategies. In contrast, PR would offer greater protection, but it would pre-empt strategies of containment by lowering the threshold for entry. Thus, in moving to PR, right parties were essentially conceding that an independent workers party would have a permanent presence in the party system, an outcome that they hoped to avoid (Ahmed, 2010, p. 1068).

What Ahmed (2010, 2013) and Capoccia and Ziblatt (2010) contribute to the state of the art is a departure from ahistorical recollections of electoral reform. Inserted in the HI approach, these authors promote the study of electoral reform with special attention to actors' (limited and uncertain) understanding of the situation, through what they call a "forward" approach (Ahmed, 2010, p. 1061); instead of a "backward a-historical" reconstruction based on theoretical assumptions of behaviour based solely on the outcome. To them, "[h]istorically grounded analysis reveals a very different picture from conventional accounts, both of what actors were fighting about and, indeed, who it was who was doing the fighting" (idem). Bound to the historical and institutional context of universal enfranchisement and democratization and inserted in the electoral arena, where forces (traditional and upcoming parties) with a very clear strategic agenda, calculating which would be the safest kind of electoral system to transit to. In the end, the logic behind party behaviour in this context of social change, was –according to Ahmed– "to democratize without losing power".

While the previous body of literature concerned itself with the modification of the originating systems, another body of literature developed by Rokkan in the early 1970s.

Most of the research focusing on the first wave of electoral reform stems from Rokkan's earlier work (1970). He claims that political conditions created by democratization (mainly the appearance of new parties and voters) affected the way electoral competition was conducted. Under his account, electoral reform can be conceived of as elite-induced changes designed to ensure electoral status for traditional parties in a political context where worker parties' demand for representation was on the rise. Rokkan's hypothesis on why and how electoral systems change suggests that the higher the electoral "threat" posed by new parties, the more likely those systems will transition to PR systems (in Boix, 1999).

After his seminal study, many scholars attempting to validate his theory put it under empirical scrutiny. One of the most relevant was the one produce by Charles Boix (1999). Rebuilding Rokkan's argument from a *calculus* approach, he came to the conclusion that electoral systems will undergo reform when changes in the political arena compromise traditional parties' representation (e.g., shifts in voter preferences given the emergence of new parties). Boix conceived of electoral reform as an outcome that will depend on the strength of emerging parties and the coordination ability of old parties (p. 609).

Ten years after Boix, Calvo's (2009) empirical study of Rokkan's theory corroborated the popular notion among scholars that universal enfranchisement produced a rise of socialist parties and a general transition to more proportional rules. However, Calvo concluded that the Rokkan hypothesis failed "to explain PR reform in countries with weak or non-existing Socialist parties, a list that includes most countries of the world in the early twentieth century. More importantly, it provides no explanation as to why in Western European democracies these reforms were not immediately followed by sweeping Socialist victories, even if those victories would provide fewer seats than those expected under majoritarian electoral rules. Finally, it does not explain why, once the Socialist threat was over and Socialist parties were regular participants in the political arena, majoritarian electoral rules were not brought back in" (p. 255).

Rokkan's argument is fitted into a specific historic scenario. His appreciation of history in the development of the causal argument coincides with principles of the HI approach. While Rokkan's attention to history and the use of features such as CJs and path dependence signals towards HI, his narrow view of party motivations makes it difficult not to connect this part of his research to RCI. A similar issue arises when attempting to categorize Boix's (1999) and Calvo's (2009) empirical efforts. Boix (1999) claims that electoral reform is produced by parties' maximizing and strategic behaviour, factors commonly associated with RCI. Calvo (2009) has a double research purpose. First, he claims that there is only so much the traditional Rokkan hypothesis can explain. Second, he develops a less known Rokkan hypothesis based on RCI notions of *weak self-interest*. The hypothesis claims that traditional parties introduced PR reforms without a clear notion of expected gains and exposed themselves to seat loss. Based on this notion, Calvo (2009) proposes seat-vote distortions, uncertainty and redistricting problems as an alternative explanation for transition to PR systems (p. 256).

Wills-Otero (2009) empirically assesses Boix's (1999) hypothesis. Tested in Latin America, her research coincides with Boix's claim that 20th century shifts from majoritarian to proportional systems occurred because of changes in the political arena induced by the emergence of new parties that threatened the electoral position of traditional parties. In addition, she claims that changes to electoral institutions are generated by three key factors: influx of new voters, new parties and a shift of traditional preferences of the electorate (p. 33). These factors are considered as "altering" the traditional structures of voters (which had been up until this period quite restricted).

Appealing to similar variables, Bedock (2016) argues that proximate shifts in the electoral arena have a distinctive impact on the number of institutional reforms adopted in the legislature. According to her research, two factors would account for electoral reform: (1) external triggers and (2) the internal interaction of the actors within the system (p. 75). In her description, explanations based on external triggers (exogenous factors such as political parties, shifts in support to democratic systems, rises in electoral uncertainty and winner and loser status) identify “reform-prone” conditions, whereas the second rests on the assumption that not all countries (democracies) react the same way towards change when facing short shock term factors. Short term shocks “constitute one important part of the picture, in that they mediate the link between the short-term evolution of the context in which parties compete and the change of formal institutions” (p. 74).

This argument presents elements adjacent with several theoretical frameworks. For the first part, the notion of “reform-prone conditions” coincides with the inherent factor argument where specific antecedent conditions are needed in order for reform to have a chance to be triggered. Second, Bedock (2016) claims there needs to be a “short term shock,” which in HI language is a CJ. Third is the notion that parties are *competing* to change formal institutions. This argument portrays parties with maximizing behaviour, one of RCI’s most basic assumptions.

Also connecting to the Rokkan-Boix hypothesis, Colomer (2004) suggests that “it is exogenous changes in the parties’ relative strengths or expectations, whether by the emergence of new parties or, in general, by coordination failure of the existing parties – in spite of or against the incentives provided by the existing electoral system – that can induce further electoral system changes” (p. 4). That is, Duverger’s law upside down (Colomer, 2005), in which the cause of electoral systems is almost always the parties and their ability to coordinate. Colomer’s argument is based both on historical accounts and on the role expectations and coordination play in the generation of electoral reform. Historically bound narratives provide a link to HI, while the strategic possibility of coordination does to RCI.

Renwick (2009, 2010, 2011) treats electoral reforms as complex process constrained not only by the institutions in place but also by the historical, political and cultural context in which the process is inserted. In his 2009 study of electoral reform in New Zealand, Renwick uses process tracing methods (common to HI) to search for the causes of

electoral reform. His book, *The Politics of Electoral Reform: Changing the Rules of Democracy* (2010), is built on three questions: Who can choose the electoral system? To what extent do politicians control this process? And, if they control it, do they pursue their narrow self-interest or are they motivated by broader values? (p. 1) He designed his answer not through Large-N statistical comparisons but through four case studies, because he believes this is the complexity needed to understand electoral reforms. He concludes that because they come in different and multifaceted forms, electoral reforms cannot be studied from a single model. Nodding to HI, Renwick states that power maximization arguments (under any operationalization) seem simplistic and implies that a more nuanced assessment of motivations is pertinent.

Rogowski (1987) and Cusack *et al.* (2007) complemented Rokkan's hypothesis with specific economic factors. In their view, electoral reform is at times produced by the interaction of socio-economic determinants along with other socio-political and institutional factors.

In a historical based account, where context and inherent factors play a key role, Rogowski claims that exposure to international markets increases the possibilities of class and rural conflict in small democracies, inciting changes in electoral institutions (1987, p. 1123). Meanwhile, Cusack *et al.* (2007) argue that the Rokkan-Boix model is logically inaccurate because cross-national evidence cannot support the argument that explains shifts to PR as an equilibrium choice of traditional parties. The authors argue that PR can be better explained by inclusionary and exclusionary arguments. Changes towards exclusion or inclusion will depend on the cooperative nature of the relation that traditional parties had with unions (2007, p. 374). The argument is based on the effect social conflict and exposure to certain economic institutions and practices may have on the activation of cleavage conflict and the need to change political institutions and electoral status quo. It is based on assumed preferences and strategic behaviour of groups (rural and urban classes and the elites) and not on individual interests. The overall argument mixes elements from both HI and RCI. Associated with the first are factors such as social conflict and cleavages. Cleaves are considered by HI as the source of external shock that activates (on some occasions) CJs. On the other hand, the argument is built around the idea that change is more likely to occur if there are strategic incentives for each political group to cooperate, which coincides with RCI logic.

Clear-cut RCI scholars will base their analysis on traditional RCI assumptions, the most basic of them being that individuals operate under the calculus approach. This behaviour is known as power-maximizing and can be operationalized under different motivations: seat maximizers, rent seekers, power seekers, office seekers, policy seekers and personal gain seekers.

The seat maximization model is straightforwardly proposed by Benoit (2001, 2004, 2007; Benoit and Hayden, 2004; Benoit and Schiemann, 2001). Benoit builds a theoretical model under the notion that “electoral laws will change when a coalition of parties exists such that each party in the coalition expects to gain more seats under an alternative electoral institution, and that also has sufficient power to effect this alternative through fiat given the rules for changing electoral laws” (2004, p. 363). This maximizing behaviour attributed to parties represents RCI in its most pure form. In accordance to it, electoral reform will happen when all parties forming the coalition will benefit from it. Meaning that parties first calculate if electoral reform will provide the expected seat gain and if there is sufficient power within the coalition to attain it. Bueno de Mesquita (2000) has also intended to account for electoral reform from a purely RCI inspired model. In an effort to explain why Israel underwent electoral reforms in the 1990s, he constructs a game model incorporating the role of coalitional politics and strategic voting (Rahat, 2004; 2011).

The main argument RCI scholars have used to explain electoral reform is the rationality argument. From this standpoint, the key question to understand why electoral reform happens is why would any (rational) legislator change the rules under which they were elected? (Katz, 2005) RCI scholars wonder, why would legislators try to improve their electoral prospects (or their parties) if there was a possibility of ending up with worse conditions than the original status quo? In some cases, a more nuanced view of motivations and objectives is necessary, even in the RCI approach.

Scholars adhering to more nuanced notions of rational behaviour note that pure self-interest arguments are insufficient to account for electoral reform (Sakamoto, 1999; Rahat, 2004; Bowler, Donovan and Karp, 2006). They point towards attitudes about democracy (increasing fairness, representation, participation), values, coalition and partisan incentives and ideology as intervening motivations alongside self-interest. However, in spite of the evident mitigation of the maximization behaviour these newly

incorporated motives have, self-interest behaviour is still a major feature in RCI research (Bowler, Donovan and Karp, 2006; p. 434).

Final Remarks

I believe, like Köning (2016), that “sometimes, the strict adherence to one version of institutionalism has led to the implausible suggestion that neither of the other two perspectives offers valuable insights on institutional change” (p. 653). It appears to some that the division between institutionalisms has created a theoretical furrow that impedes scholars from studying institutional change with insight provided by all institutionalism (idem). This dissertation’s effort is precisely that, to use insights provide by HI and RCI in order to reach more comprehensive explanations of the causes of electoral reform.

I have chosen from all the existing approaches HI and RCI because I believe electoral reform is much like Velázquez’s *Meninas*. HI and RCI seek information in different analytic levels. Conclusions they arrive to might seem insufficient on their own, mainly because they leave out insight available at other levels of analysis. Borrowing from Renwick and Köning, “each approach captures a significant part of the real-world story, but each leaves much to be explained” (Renwick, 2010, p. 9), because each by itself “provide[s] only a partial explanation of when and how institutions change” (Köning, 2016, p. 652).

Chapter 2

Rethinking Electoral Reforms: Building Blocks for a More Comprehensive Understanding of Electoral Reform

In this chapter, I work out the specifics of the concept of electoral reform, mainly because academics do not often pause to define it before diving into the study of its causes and effects. Conceptual clarity is crucial for the investigation process, because a clear notion of the concept will help scholars to arrive to reliable conclusions about how reforms are generated, why they happen the way they do, when they do.

In the following chapter, I review the different existing conceptualizations of electoral reform. I emphasize their strengths and weaknesses and how each provides insight on where to build from. The objective of this review is to improve theoretical soundness and the operationalization and measurement of existing conceptualizations. The existence of too many definitions and conceptions of electoral reform produces a proliferation of unconnected studies, where electoral reform is attributed to unrelated causes. As is recommended for the development of all science, integration of investigations and basal definitions is crucial for the development of unified theories within and across disciplines. This is where I intend to make a contribution, by proposing a comprehensive definition of electoral reform that encompasses previous ones.

The chapter is structured as follows. The first section is dedicated to the conceptualization of the dependent variable. I review the existing definitions of electoral reform, with special emphasis on conceptualizations that include mentions of electoral and election rules and “major” reforms. Because I base my definition on existing ones, I review Douglas Rae and Arendt Lijphart’s definition of electoral laws and their dimensions. I discuss which aspects I incorporate and why. I incorporate other definitions and conceptualizations present in the literature, including minor and technical reforms. I then discuss at length the specific characteristics of each type of electoral reform (major, minor and technical). Upon completing the review, I proceed to develop the concept of electoral reform that will be used throughout the dissertation.

The second part of this chapter is dedicated to the study of the determinants of electoral reform. In direct relation to the multi-approach framework proposed in Chapter 1, the

section is organized into two sub-sections. The first analyses possible determinants of electoral reform from the HI approach and the second, from the RCI approach. From HI, I propose and discuss the role of each of the reforms I conceive of as enabling. From this perspective, electoral reform is a gradual process in which the institutional context where electoral reform could eventually prosper is enabled by smaller reforms. From the RCI perspective, I discuss the following determinants: (1) improvement of legislator re-election prospects, (2) improvement of party seat-share, (3) coalitional interests and (4) the role other motivations play in the quest for electoral reform.

As Chapter 1 illustrates, electoral reform is – in its specific niche – a hot topic. There is a considerable number of scholars devoted to its study. However, the amount of literature discussing the causes and consequences of electoral reform is overwhelmingly larger than the pieces which, before diving in, take a moment to reflect and define it. Although skipping the conceptualization step seems to be a tendency in electoral reform literature, there are scholars who have dedicated their efforts to this task. Because there hasn't been a prolific discussion about the concept yet, there is – as it sometimes happens in the field – a hegemonic definition of electoral reform. Although it appeared almost 25 years ago, it has only begun to be discussed in the past ten years. This newfound interest in defining electoral reform has been key in the development of both theoretical and empirical studies, which I will use as building blocks for my proposed definition of electoral reform.

2.1 Defining Electoral Reform: Ups and Downs of Previous and Current Conceptualization Approaches

Scholars use many words to refer to electoral reform. The most common of them is *change*. This word is often combined with others such as institutional, legislative and electoral and the results are frequently used synonymously with electoral reform. This has produced an unsettling number of definitions of electoral reform that actually represent different aspects of institutional change. For example, institutional change is a much broader concept than electoral reform and electoral reform is a type or form of institutional change. Similar things happen when concepts such as legislative change, electoral change or other types of change are used within electoral reform literature.

Electoral reform has also been conceptualized as a process, particularly as a process of change (Levick, 2014) or as changes in the legislation (Jacobs and Leyenaar 2011; Bowler and Donovan, 2013), as deliberate political act (Shugart and Wattenberg, 2001) and as a

by-product of political competition (Remmer, 2008). It has also been conceptualized as a process that can be defined by degree or scope (Celis *et al.*, 2011; Jacobs and Leyenaar, 2011) or by their effect on the seat share (Van der Kolk, 2007).

Scholars who focus on defining electoral reform have pointed out the importance of keeping in mind *what* is being reformed. In this sense, it matters whether scholars are referring to reforms the modification of election laws, electoral laws, election rules, electoral terms, etc. As I will argue throughout this chapter that they are not the same thing and should not be considered as such in research.

I will start with the most general of the concepts presented above: election laws. These are primarily studied in two disciplines: law and political science. Election laws have to do with who has and who doesn't have the right to vote (Blais, Massicotte and Yoshinaka, 2004) and how voting takes place (Schultz, 2013). Schultz argues, "[e]lection law comprises the rules that determine the rules of the game. The rules of election law determine who can vote, run for office, give money, speak, or even how to count (ballots)" (p. 11). Many of the items election law encompasses have little to do with the specifics of electoral systems. As discussed in Chapter 1, electoral systems are the institutions in charge of generating winners and losers out of the competing candidates. They are the institutions that distribute power to access Congress. They do not rule who gets to vote or how votes are casted. Election laws, Schultz states, rule this and other aspects of participation.

Electoral reform has also been described as changes to electoral laws. The difference between these concepts is subtle to the eye but relevant in the theory. Although they have been used by scholars as synonyms, election and electoral laws can also be conceived as completely different things. It is difficult for investigators from different disciplines to come to this realization, since these distinctions are not all discussed within the same discipline or within specialties. Most of the information on election laws can be found in law journals, showing that the field of the "laws of election" is not unified or even aware of other investigations regarding the same (or similar) objects of study. This leads to the assumption that legal scholars producing papers are actually unaware of the differences between election and electoral laws and writers of political science papers without notions of election laws (from a legal viewpoint).

Unlike election laws, electoral laws are considered “those which govern the processes by which electoral preferences are articulated as votes and by which those votes are translated into distributions of governmental authority (typically parliamentary seats) among the competing political parties” (Rae, (1967) (1975); p. 14). In other terms, this implies that electoral laws are the ones that regulate the *how* of the election laws. Electoral laws are the rules that govern how votes are translated into seats, alluding to specific elements such as electoral formula and other aspects related to it.

Ultimately, the question behind this conceptual exercise is, what are we talking about? Are we talking about an election law reform? About an electoral law reform? Electoral rule reform? Electoral system reform? It is crucial that we have a clear answer to this issue before diving into finding either causes or effects.

2.1.1 Electoral Laws as the Object of Electoral Reform

The following section is dedicated to the analysis of the concept of electoral law and how this notion has influenced definitions of electoral reform.

As established in the previous discussion, electoral law has become the prevailing concept used to define the rules that govern elections. There are two strong views that define electoral reform as changes or modifications to the electoral law. The first to appear was built on Rae’s *The Political Consequences of Electoral Laws* (1967, 1975); to him, electoral laws are an “especially important class of laws: those which govern the conduct of elections” (p. 3). The second appeared with Lijphart’s 1985 critical survey of the state of research on electoral systems, where he argued that Rae’s dimensions were crucial to the study of the effects and to some extent the causes of electoral systems. However, he stated that it was important to keep in mind that the electoral law was in fact composed of many other dimensions. Rae’s (1975) and Lijphart’s (1985, 1990, 1994) contributions to the construction of the dimensions of the electoral law are still dominant in the field. However, in the last ten years, a revisionist approach has begun to question and expand the possible dimensions of the electoral law, and with that, the dimensions of electoral reform. In the following paragraphs, I review both.

Rae’s (1975) study placed electoral laws at the core of the discussion, because of their undisputed relevance to “help to decide who writes other laws” (p. 3). He focused on

three dimensions of electoral systems: electoral formula, district magnitude and ballot structure. Even in Rae's early work, a word of warning was established. He pointed out that the variables selected "do not provide a complete description of electoral laws in all their aspects" (p. 15), mainly because the focus of his book was to analyse those aspects that affect interparty competition. With this information at hand, he divides the working of an electoral system into three "phases" which can vary: balloting, districting and electoral formulae as "key factors in the translation of votes into seats" (p. 16).

In addition to electoral formula, district magnitude and ballot structure, Lijphart (1985) suggests that the field would benefit from the incorporation of other elements (dimensions) that should be considered but tend to pass unnoticed (p. 7). He argued that in addition to Rae's three dimensions, scholars should consider (1) size of legislature, (2) suffrage restrictions and registration requirements, (3) voter access to the electoral process, (4) structure of political competition, (5) special features of ballot formal, (6) special features for translating votes into outcomes, (7) districting procedures, (8) campaign financing rules, (9) campaign timing rules, (10) number and type of offices which are subject to electoral choice and (11) the degree of bundling in elections (these are just examples; there are more, according to Lijphart) (pp. 7–8). However, scholars in the field, just as he diagnosed, focused primarily on the first three. Scholarly attention to three specific dimensions of the electoral law has had a significant impact of the conceptualization of electoral reform. Since these were the dimensions under study, then it is logical to infer that electoral reform became defined by changes in these three specific dimensions of electoral law.

At the beginning of the chapter, I discussed institutional change through different perspectives, one of which is their frequency. The question was, is electoral reform a likely, frequent or scarce event? Since changes from one type of electoral system to another are large scale, not-so-frequent events, electoral reform became – by definition – a scarce episode. This became a mantra in the electoral reform field, and as such, electoral reforms were studied as "major" events, unlikely to happen unless some massive change or crisis occurred.

Are there other conceptualizations, other dimensions of the electoral law that modified in a different degree (non-major) could constitute electoral reform? The last ten years have been crucial in the development of different answers to this question and defining what

is and what is not electoral reform has become paramount. New perspectives advocate for the inclusion of all possible dimensions of electoral law to be included as subject of reform, therefore making electoral reform a much more likely event, of much smaller scope.

Under this logic, to some scholars “[r]eforming rules on participation do constitute electoral reform but not in the same sense as a ‘big’ change in electoral system from an SMD to a PR system” (Bowler and Donovan, 2008, p. 107). In addition, research shows that sometimes “big” change effects show that “seemingly important change turned out not to be so important after all. Conversely, changes in candidate access to the ballot may seem very minor compared to a change in electoral system, but can have enormous consequences for the number of parties running in an election as third party candidates in the US in each election cycle” (idem). This experience is what has motivated the development of a new approach towards a more comprehensive definition of electoral reform.

The second, less-dominant view of electoral reform is more in tune with a broader conception of electoral laws. I call these approaches *comprehensive* ones. These conceptions consider reform beyond the initial dimensions. These perspectives see electoral reform as involving changes in things other than the “algorithm that translates votes into seats” (Idem, p. 106). A comprehensive definition considers changes in several different attributes of both elections and election law (considering also electoral law), such as term limits, redistricting or campaign financing much like Lijphart critically suggested 1985. From this viewpoint, electoral reform is more than just changing the electoral system. Bowler and Donovan (2008) suggest that if electoral reform was as *major* as it was implied to be, then the US would be a case of *non-reform* because its electoral system has remained unchanged, even though there has been constant change in the electoral law. The authors even go as far as suggesting that scholars should use similar arguments and frameworks for the study of changes in the electoral systems and in electoral laws, because of their close relationship and kin nature (p. 97). In their own words, “[a]lthough questions of electoral reform are a tiny share of the total number of roll calls and, in particular, of the bills voted on [...], it would seem that electoral reform efforts of various kinds are voted on in Congress – and pass- once every couple of years” (p. 103).

In the next section, I review the literature on electoral reforms and discuss in detail the traditional conceptions of electoral reform as major changes in three (maximum four, considering Lijphart 1994) dimensions of the electoral law.

2.1.2 Traditional Approaches to the Definition and Study of *Major* Reforms

Traditional approaches (based on Rae's and Lijphart's contributions) consider all electoral reform to be major, in the sense that most of them end up changing the type of electoral system as a result. As proposed earlier, the conception of electoral reform as a massive enterprise contributed to the development of theories of stability and continuity of electoral systems.

As discussed in Chapter 1, the first cycle of democratization had a direct impact on original electoral systems. Most European electoral systems underwent some kind of change; however, those that attracted scholarly attention were transitions from one type to another (from single member plurality (SMP) to either proportional representation (PR) or mixed systems). Scarce, significant transitions from one type of electoral system to another became the objects of studies.

Traditional definitions of electoral reform have been crucial in the development of the field. They have been at the centre of almost every investigation that considers reform in a *major* sense. Although widely used and accepted, they weren't revised until the early 1990s.

One of the leading definitions of this period has been the one provided by Lijphart in 1994, made years after his critical review of the field in 1985 (see above). Lijphart's (1994) contribution systematized studies of major changes in electoral systems under one dominant definition of electoral reform, not replacing Rae's (1975) but contributing to it. Despite the fact that major reforms were considered isolated events, they could be explained – at least partially – by this conceptualization of electoral reform. His definition provided fundamental building blocks in the field. Evidence found in electoral reform literature show that there was – among scholars – a general undisputed acceptance of the validity of the concept and a hegemonic use of it.

However useful Lijphart's definition has been to the development of electoral reform research, recently, more and more scholars have found it limited at times. In order to

improve existing conceptualizations, scholars have developed over recent years an important number of investigations dedicated to the reconceptualization and the study of the implications a more comprehensive definition has on the study of electoral reform processes.

Electoral reforms are far more common today than twenty or thirty years ago. This has raised academic interest, which led to the proliferation of new studies of electoral reform. There have been innovations in different aspects. This chapter portrays the development of the field in terms of conceptualization.

Recent investigations have led scholars to identify changes in the electoral law that “fall off the radar” with traditional conceptualizations of electoral reform. A definition that incorporates these *new* types of changes as electoral reforms necessarily demands a broader definition of the phenomenon. A more comprehensive conceptualization of electoral reform acknowledges the existence of electoral reforms other than major ones. This has facilitated the recognition and study of minor and technical reforms, which represent smaller scale changes to the electoral law.

One of the first things that comes to mind as possible deterrents of a comprehensive definition has to do with the disturbance of what some scholars consider a perfectly good concept. It is true that the traditional definition has its own validity. It has been praised as “clear and transparent” but also criticized for its focus on “national levels and its narrow scope” (Jacobs and Leyenaar, 2011, p. 496). For the first part, it still defines and represents a type of electoral reform and constitutes the foundation for all other new conceptualizations recently developed in the field.

There are benefits and costs associated with redefining electoral reform in a more complex manner. The most important improvement consists in acknowledging changes that for a long time passed unnoticed. Bowler and Donovan (2008) provide an interesting example. The case of the US illustrates this point. Because the US did not implement any major reforms (in the strict sense of the concept), scholars have focused their attention on explaining the “apparent” lack of electoral system change and institutional stasis. The authors conclude that one should not equate the lack of electoral system change with the lack of electoral system reform (p. 90), and a more comprehensive definition of what is an electoral reform helps to clarify one from the other.

A more comprehensive concept helps case differentiation and improves case selection, making it more accurate (Jacobs and Leyenaar, 2011, p. 495). In some cases, it provides an increase in the number of observations, which is relevant for quantitative and comparative reasons. Increasing the number of cases and observations proves less crucial for qualitative studies, since the focus is not on Large-N comparisons but on in-depth analysis of specific cases. The gain for qualitative research lies in the possibility of the study of the causes and effects non-major reforms may have.

Another valuable characteristic is the possibility of identifying new causes and effects of electoral reforms. Because there are new changes being identified and studied, there is a strong possibility that they are caused by different factors or a different combination of traditional factors. A similar notion applies to the possible appearance of new effects. This modification could provide new insights about the volume and nature of electoral reforms, how likely each type of reform is to happen, what causes each type of reform, what effects each type of reform has and so many other issues. This is crucial because it considers minor and technical reforms as possible explanatory causes to effects that could have mistakenly been attributed to major reforms or other explanatory factors.

Addressing the conceptualization issue is fundamental in order to improve theory building, not only in order to review previous knowledge but also to reassess what is known about their causes and effects. This dissertation is particularly concerned with how existing definitions have limited the identification and theorization of the causes of electoral reform.

Since the 2000s, the issue of the conceptualization of electoral reform has become relevant to the academic agenda (Leyenaar and Hazan, 2011, p. 438). Scholars have made important contributions to the reconceptualization of electoral reform (Leyenaar, 2011; Leyenaar and Hazan, 2011; Jacobs and Leyenaar, 2011). One of the most salient characteristics of these efforts of conceptualization is the identification of different dimensions of electoral reforms, which broadens Rae's (1975) and Lijphart's (1994) major reform-centric conception.

2.1.3 Tracing the Development of the Concept of Electoral Reform: From Exclusively Major to Comprehensive Conceptualizations

This section is dedicated to tracing the path of electoral reform as concept. I will review the existing definitions and analyse how they impacted the development of more recent conceptualizations and the one presented in this dissertation.

2.1.3.1 The Founding Conceptualizations of Electoral Reform: Douglas Rae and Arendt Lijphart

The next paragraphs are dedicated to the most prominent definitions of electoral reform. As established throughout the dissertation, the founding definition stems from Rae (1975). Although modified in some of its key dimensions, this definition inspired Lijphart's (1994), which rapidly became standard in the field.

Rae (1975) studied the political consequences of electoral laws. His is considered one of the most important contributions to the definition of electoral laws. Although it was not his objective, his depiction of electoral laws provided a characterization of what can be changed in the process of electoral reform. Since then, electoral reform has been considered as changes in specific dimensions of the electoral law. The specific dimensions he described were electoral formula, district magnitude, and ballot structure. These represent three of the many dimensions of the electoral law; they are still considered the most relevant and are emphasized as such by many scholars (Lijphart, 1985, p. 7). Although he focused on three, which he selected for their relevance in intraparty politics (p. 15), he early noted his awareness that they “did not provide a complete description of electoral laws in all their aspects” (idem).

In a similar vein, Lijphart (1985) argued that it was fundamental to take other dimensions of electoral law into account. Although he introduced many other possible dimensions of electoral law,⁴ he developed a definition based on four specific dimensions, which did not all coincide with those proposed by Rae.

A few years after that critical review of the field Lijphart published an article about the political consequences of electoral laws. In it, he analyses Rae's contribution:

⁴ Electoral formula, district magnitude, ballot structure, size of legislature, suffrage restrictions and registration requirements, ease of voter access to the electoral process, structure of political competition, special features of ballot format, special features for translating votes into outcomes, districting procedures, campaign finance rules, campaign timing rules, number and type of offices which are subject to electoral choice, degree of ‘bundling’ of elections (Lijphart, 1985, p. 8).

As the first systematic broadly comparative study of electoral systems and as a powerful stimulus to subsequent research, it clearly deserves its reputation as a classic in the field. On the other hand, it has been accorded this status without sufficient critical attention. In the preface to the second edition, Rae (1971, vii) himself chides “the over-gentle colleagues who reviewed the original edition” (p. 481).

Building from his 1985 article, Lijphart published the 1990 article and later a book (1994) on electoral and party systems, analysing twenty-seven democracies. For the book, he constructed a definition of electoral systems (not electoral laws) in terms of what he deemed the four most basic properties of electoral systems: electoral formula, district magnitude, electoral thresholds (p. 1), and size of the representative body (p. 13). It is important to keep some things in mind and avoid over-criticism of each author’s selection of electoral law (system) dimensions. First, both agree on the existence of other dimensions (Lijphart refers to some of them as other minor dimensions, 1994: p. 14). Second, both authors justify their selection based on their book’s objectives: (1) Rae (1975) argues that his three serve the study of intraparty competition and (2) Lijphart (1994) claims that the four dimensions selected provide the needed framework to describe and classify the seventy types of electoral systems identified (p. 14).

Before advancing any further, I present Lijphart’s (1994) definition below in order to discuss its dimensions:

As already stated in the previous chapter, I define an electoral system as a set of essentially unchanged election rules under which one or more successive elections are conducted in a particular democracy. This definition can now be refined by stating it in terms of the four major dimensions of electoral systems: if there is a significant change on one or more of the four dimensions, this means that a new electoral system must be distinguished. A further refinement is needed in order to define precisely what counts as significant change. The electoral formula is a discrete variable; hence any change in the formula can be recognized easily and will be regarded as a significant change. In two-tier districting systems, the criterion will be a change in formula at what I shall define later as the decisive tier. However, since the other three dimensions are continuous variables, exact cut-off points have to be specified.

For all three, I propose a 20 percent criterion: 20 percent or greater in district magnitude (in two-tiered districting systems, the magnitude at the more important upper level will be counted), 20 percent or more change in the national legal threshold (or the adoption of such a

threshold were none existed before), and 20 percent or greater change in assembly size (Lijphart, 1994, p. 13).

Lijphart's definition is considered parsimonious and operationalizable by many. His threshold-bound definition conceives of *major* electoral reforms as changes in the electoral system that modify any of the four dimensions over a 20% threshold. He argues that this criterion could easily vary from 10% to 25%, and it would still be reasonable and legitimate. His selection of what he considers a "relatively high value of 20%" (p. 13) is cautiously selected to avoid inflating the number of distinct electoral systems.

Despite its relative success among scholars, some have become very critical of this definition. Because it remained highly unquestioned and widely used, some scholars to describe Lijphart's (1994) definition as a "stultified mantra" in "long need of review" (Leyenaar and Hazan, 2011, p. 449). Notwithstanding any critiques this dissertation has of Lijphart's definition, it has been an unquestionable contribution to the field. Studying major reforms expanded the field for others to begin examining similar phenomena that did not qualify as major reforms but still represented some degree of change of the electoral law. Lijphart provided a definition for others to build from.

This section reviewed how Rae's and Lijphart's definition created the primary building blocks from which electoral reform conceptualizations and studies have built upon. The next segment is dedicated to the study of how new definitions emanated from these founding ones.

2.1.3.2 Other Conceptualizations of Electoral Reform

Although Rae's and Lijphart's definition dominated in the field, there were other ways in which electoral reform was defined. The paragraphs below review these contributions.

Shugart (1992) suggested that electoral reforms occur when "relations among party leaders, rank and file, and constituents become skewed to the detriment of governmental accountability and ability to address serious policy problems" (p. 21). Remmer (2008) defines them as a normal by-product of political competition, "operationalized as legal changes affecting presidential run-off formulae, the concurrence of presidential and legislative elections and representative formulae (including district magnitude, size of legislative body, seat allocation formulae and electoral thresholds) [...] subsequent to democratic transition." (pp. 11-12). Jacobs and Leyenaar (2011) refer to it as "a change

in the legislation (versus practice) that regulates the process of voting, which includes who gets to vote, what he or she is allowed to do in the voting booth (e.g. a vote for a party or a person), what he or she votes for (e.g. national, provincial, local, executive, recall ... elections) and how these votes are afterwards turned into seats” (p. 500). Following Goertz (2006), they conceive electoral reform as a two-level concept. The basic level compasses changes to the legislation in the electoral process. The second level allows differentiation among cases on any of the following five dimensions: (1) proportionality of the electoral system, (2) election levels, (3) inclusiveness, (4) ballot structure, and (5) electoral procedures. These dimensions help distinguish between major, minor, and technical reforms depending on the scope and degree of reform (Jacobs and Leyenaar, 2011).

In tune with this dissertation, Levick (2014) suggests that a reconceptualization effort is needed to improve the quality of the studies on electoral reform. Her approach considers electoral reform in gradational terms, “a process with a series of more distinct outcomes” (2014: 7). She proposes a categorical instead of a binary typology, as it offers a more accurate way of analysing the distinct characteristics of electoral reform as a process. This less-restrictive conceptualization offers a richer pool of cases for comparative studies and more robust theory building. Levick’s (2014) analysis reveals how much information is lost when attempting to analyse reforms in a binary manner. Under traditional approaches, cases of reform in the UK, France, and US would all be categorized as non-successful reforms. A gradual categorization of all three cases cited above would show significant differences between them.

Recent literature has developed several viewpoints from which to look at electoral reform. One of them is their degree or scope. To Jacobs and Leyenaar (2011), “[w]hether a reform is major, minor or technical is based on a primarily qualitative assessment of the content and—when possible—on a quantitative measurement of the degree of reform” (p. 496). It is very important to consider that specific reforms can only be identified as such if scholars include non-major types of changes to electoral laws, as electoral reforms. In this sense, degree—which leads to the acceptance of the existence of minor and technical reforms—is paramount. Traditional definitions leave out current electoral reforms. This issue is discussed by Celis *et al.* (2011), who discuss the problems traditional definitions have when analysing a specific dimension of reform of the electoral law: gender quotas. Evidently, they cannot be studied under the traditional concept of major reform, so the

authors argue that in order for there to be a proper concept able to study reforms such as gender quotas, there must be a concept that manages to include other types of modifications to the electoral law. To them, new definitions of electoral reform should consider an expanded definition of traditional conceptualizations of electoral reform and the existence of multiple—more varied—set of actors, motivations, and strategies.

Other perspectives define electoral reform based on the effects and consequences they have on seat shares (Van der Kolk, 2007). Finally, one of the most common mechanisms in electoral reform studies has been country expert categorization. An example of this approach is Gallagher and Mitchell's edited volume (2005), where each country and case expert proposes what a significant reform is (Jacobs and Leyenaar, 2011). The experts conducting the research will define electoral reform according to their level of knowledge of the case studied.

The previous paragraphs review how scholars have targeted the task of defining electoral reform. I now return to Katz's (2005) diversification of electoral reform into the three commonly known types of electoral reform: major, minor, and technical. They are discussed below.

2.1.3.3 Richard Katz and the Identification of Minor and Technical Reforms

An important part of the research on electoral reform conceptualization stems from Richard Katz's first approach. After Lijphart's mention of "minor dimensions," Katz is one of the first scholars to contemplate and acknowledge the existence of three different types of electoral reform: (1) major, (2) minor, and (3) technical. While going over the cases of major reforms, he reflects over the rarity of the phenomenon, arguing that there have only been fourteen cases of electoral reform in the past fifty years (p. 60). He realizes that electoral systems experience changes that are not in the "major" realm. Pondering Lijphart's (1994) definition, he states that "[o]nce attention shifts to minor reforms, it is apparent that short lists of dimensions, for example Lijphart's list (1994: 10-12) of four dimensions—formula, district magnitude, legal threshold, and assembly size—are inadequate to encompass all the aspects of elections [...]" (Katz, 2005, pp. 69-70).

His objective was to show that if one views electoral reform from a more expansive perspective, then reform to electoral laws (systems) are far more common than suggested:

If, however, one takes a slightly more expansive view of electoral reform, then reform of national electoral systems are far more common. Within the general category of proportional representation, there have been changes in the specific method/formula employed; introduction or modification of statutory thresholds (*Sparklauserln*); reapportionments of seats in ways that do (or do not) significantly affect district magnitudes; introduction or modification of multitiered methods of seat distribution; modification of systems of intraparty preference voting. While changes in formula or magnitude are impossible while staying within the category of SMP systems, redistricting decisions—as well as changes in the way in which those decisions are made—can have an impact on elections that is as profound as any of those listed in the previous sentence (p. 59).

His claim of the existence of other types of electoral reforms was pivotal for the development of new (broader) conceptualizations of electoral reform. It is important, however, to note that although he introduced the concepts of minor and technical reform, he did not define them. In the following segment, I present and discuss how literature has defined each of the identified types of electoral reforms.

2.1.4 Major Reforms: The ‘Big’ Type of Electoral Reforms

Rae’s and Lijphart’s first approach presented the building blocks for the definition of what scholars have traditionally conceived of as major reforms. As their name indicates, they are associated to changes that involve probable shifts from one system to another (e.g. shifts from SMP systems to PR or mixed systems of representation). This means that major reforms occur mainly at a national level (I will discuss this point further along the chapter).

This type electoral reforms are scarce; hence, electoral reform in its major form is still considered by many a rare event (Nohlen, 1984; Norris, 1995). Despite their scarcity, major reforms drew abundant scholarly attention, and shifts in systems quickly became a popular topic in the field.

In general, this conception of electoral reforms made it relatively simple for scholars to distinguish what is from what is not a major electoral reform. This is in many ways a positive account, since it allowed scholars to select and study within and across cases the causes and effects of major electoral reforms. On the downside, I argue that this definition might have produced some detrimental effects on the study of other types of changes to the dimensions of the electoral law. First, it might have made changes in other dimensions

pass unnoticed, concealing reform that actually occurred. Second, it might have affected the assignment of causes and effects to dimensions that may have not produced them. Third, it might have affected case selection (based on reform and non-reform).

In order to improve these possible unfavourable effects, literature in the field has implied that the identification of other types of alteration to the electoral law might help correct these shortcomings. Below I present the definitions of minor and technical reforms that started to appear in early 2000s. Because the field is relatively new, there is only a limited amount of academic research on the matter.

2.1.5 Minor and Technical Reforms: The Smaller, Less Visible Type of Electoral Reforms

There is very little written about minor and technical reforms in comparison to the work developed on major ones. Similarly, there is still only a small number of investigations that have applied these new conceptualizations on case studies. Katz's 2005 chapter in Gallagher and Mitchell's book is one of the first attempts to identify other types of electoral reform.

2.1.5.1 Minor Reforms: Modifying Within the Electoral Formula

Introduced as such by Katz (2005), the concept of minor reform is wide ranging. In general, he considers minor reforms as changes that do not cause a shift to another category of electoral system. Similarly, Jacobs and Leyenaar (2011) describe minor reforms as those that imply changes within the category of electoral formula.

Because one of the most criticized aspects of Lijphart's (1994) definition of major reforms was its unaltered focus on national levels (Jacobs and Leyenaar, 2011, p. 496), new approaches suggest that minor ones may act on a subnational level. Farrell (2011) suggested this for reforms in the UK, as did Bowler and Donovan (2008) for the US. According to Jacobs and Leyenaar (2011), "[f]ocusing only on the national levels [...] underestimates the actual extent of electoral reform" (p. 496).

Inspired by the 20% criteria set by Lijphart (1994), common expressions of minor reform include assembly size, district magnitude and effective threshold change that represent a higher than 1% and less than 20% change in these dimensions. Changes in the range of these percentages that include redistricting, introduction of non-national public figures and of a new layers of the electorate, expansion of the electorate, the nature of registration

and voting, ballot structure, quotas and candidate selection procedures, are also considered minor reforms (Jacobs and Leyenaar, 2011).

Table 1: Conceptualization of Minor Electoral Reforms

Dimension	Minor
1. Proportionality	Change within category of electoral formula Average district magnitude, effective threshold: $1\% < X < 20\%$ change Redistricting: affecting $X > 1\%$ of inhabitants
2. Election Levels	Introduction direct election non-national public figures for $X > 1\%$ of the electorate Introduction new layer for $X > 1\%$ of the electorate
3. Inclusiveness	Expansion of the electorate: $1\% < X < 20\%$ change Registration: (a) Cost: free or not / (b) Individual or state Compulsory voting: change in actual enforcement: yes or no
4. Ballot Structure	Ballot choice: (a) Number of votes: $X > 20\%$ change / (b) Impact of votes $X > 20\%$ changes Candidate choice: (a) Change in quota: $X > 20\%$ change / (b) Introduction quota $1\% < X < 20\%$ Party choice: Change in requirements: $1\% < X < 20\%$ of parties
5. Electoral Procedures	Change between EMB category

Source: Based on Jacobs and Leyenaar (2011), Table 1, p. 497.

2.1.5.1 Technical Reforms: The Smallest Type of Electoral Reform

Identified in conjunction to minor reforms, technical reforms have been considered as smaller than minor reforms. They represent change to the electoral law in its smallest degree. Originally, Katz (2005) suggested that there was no clear division between minor and technical reforms (he also suggested there was one between major and minor). However, Jacobs and Leyenaar (2011) describe them as those that change elements of proportionality such as assembly size, district magnitude, effective threshold and redistricting in less than 1% of the territory, and changes in election levels such as introduction of non-national public figures and new layer of the electorate in less than 1%. In terms of inclusiveness, they consider technical any reform that expands the electorate in less than 1% and lowers the cost of registration. Changes in the nature of compulsory voting (while remaining compulsory) are also technical. As for ballot

structure, any reform that changes up to 20% of the number of votes, impact of votes, and candidate choice counts. Finally, all changes in how and when elections are organized are also considered technical reforms (*idem*).

Table 2: Conceptualization of Technical Electoral Reforms

Dimension	Technical
1. Proportionality	Average district magnitude, effective threshold: $X < 1\%$ change Redistricting: affecting $X < 1\%$ of inhabitants
2. Election Levels	Introduction direct election non-national public figures for $X < 1\%$ of the electorate Introduction new layer for $X < 1\%$ of the electorate
3. Inclusiveness	Expansion of the electorate: $1\% < X$ change Registration: (a) Cost: lowering cost / (b) Role Individual: lowering burden for individual Compulsory voting: other changes
4. Ballot Structure	Ballot choice: (a) Number of votes: $X < 20\%$ change / (b) Impact of votes $X < 20\%$ change Candidate choice: (a) Change in quota: $X < 20\%$ change / (b) Introduction quota $X < 1\%$ Party choice: Change in requirements: $X < 1\%$ of parties
5. Electoral Procedures	All other changes in how and when elections are organized[?]

Source: Based on Jacob and Leyenaar (2011), Table 1, p. 497.

2.1.6 Moving Forward: A (more) Comprehensive Definition of Electoral Reform

Following several studies cited here, I propose that the concept of electoral reform should move past “major” conceptualizations and national level considerations. As the effects approach reveals, sometimes the smallest and most technical modifications have the largest impact on electoral systems (Jacobs and Leyenaar, 2011); so, why rule them out as electoral reforms right away?

Pursuing a more comprehensive definition of electoral reform implies considering not just major, but also minor and technical reforms. This definition is inspired by the need to establish electoral reform as a two-level concept: (1) by dimension, which unifies all the selected cases by identifying reform as a change in any of the identified dimensions

of the electoral law; and (2) by degree, which allows for differentiation between major, minor and technical reforms.

Considering the above, I define electoral reform as change in any of the dimensions that compose the electoral law. This definition considers as an electoral reform any modification in the dimensions one could attribute to the electoral law. It does not establish a specific degree or magnitude, which in turn, allows for typification of reforms into major, minor, or technical depending on the degree of reform in at least one of the identified dimensions of the electoral law.

I present a set of dimensions that have been consistent within the reviewed literature. Which dimensions comprise the electoral law is for each scholar to decide and discuss. Scholars may choose to do as Rae and Lijphart did in the selection of some dimensions of the electoral: choose those dimensions related to the objective of their research. However, choosing a specific set does not negate the existence of others. It is up to scholars to make this an even more comprehensive account or reduce the number of dimensions under study, if it serves their purpose of investigation.

In an attempt to make it easier on the eye, I have organized into categories the electoral law dimensions identified in this dissertation. By category, I group dimensions according to either formula, size, ballot, level, procedure, quotas, participation rules and campaigning principles. For each category there is one or more dimensions in which electoral reform can occur. This table was executed in order to avoid a long listing of possible dimensions. Alterations and improvements are welcome. Having said this, electoral reform thus comprises any change in the following (or more) dimensions of the electoral law:

Table 3: Identified Dimensions of the Electoral Law

Category		Dimension
1.	Formula	Electoral Formula
2.	Size	District Magnitude Assembly Size Apportionment (district size) Minimal party size (effective thresholds) District boundaries
3.	Ballot	Access Inclusiveness
4.	Levels	National/ Subnational Direct/Indirect
5.	Procedures	When elections take place How elections take place
6.	Gender quotas	Nominations Seats
7.	Participation rules	Requirements for candidates Requirements for voters Primaries
8.	Campaigning	Finance Rules

Source: Author's own, based on Jacobs and Leyenaar (2011), Table 1, p. 497.

In the following paragraphs, I review the details of the organization process of each of the dimensions considered. It is important to note that the dimensions identified are only a handful of all the possibilities regarding the electoral law. This dissertation provides a more extensive—yet limited—account of the possible dimensions in which reform can take place. In addition, it suggests a first approach criterion to distinguish the type of electoral reform.

Below I present a general description of the different dimensions identified and suggest an initial approach towards their identification and typification:

Formula: This category encompasses a dimension of the electoral law related to how votes are translated into seats.

1. Electoral Formula: This comprises the formulas designed to allocate seats to parties, as well as seats to specific candidates within parties (Carey and Shugart, 1995, p. 417). There are two principles of political representation: (1) majoritarian representation and (2) proportional representation. The majoritarian principle is based on the notion that its main objective is to produce stable majorities (single party or coalitional) for government. The representation principle, on the other hand, intends to reproduce in the legislature as faithfully as possible the social forces and existing political groups of society (Nohlen, 2007). These principles inspired the development of three types of electoral formulas: SMP, PR and mixed. Each one of these may experience some variation, making the existence of subtypes common (Lijphart, 1994).

Since Rae (1975) and Lijphart (1994), this has become the most salient of the dimensions of the electoral law. Studies have mostly focused on analysing how electoral formula (and changes in it) can affect parties, competition, and design strategy. Scholars also agree on the fact that the focus electoral system literature has placed on formula has led to place “primary attention to political parties and their motivations for supporting or opposing reform” (Celis *et al.*, 2011, p. 514).

Electoral formula can be modified without passing from one category to another. As discussed in the sections dedicated to minor reforms, there are times when reform produces shifts from one type of formula to another; however, there are others in which modifications to the electoral formula do not mean changes in the type of formula but minor modifications within it (Jacobs and Leyenaar, 2011).

In brief, changes to the electoral law that make systems shift from one formula to another constitute major reform. Changes to the electoral law that maintain the original formula can be either minor or technical depending on their specifics and degree.

Size: This category contains the dimensions that affect assembly size and district magnitude. It also contains reapportionment and electoral threshold reforms because each

modifies either the size or distribution of the district drawing or the minimal size of the party needed to enter electoral competition.

1. **District Magnitude:** This is defined as the “number of representatives elected in a district (constituency)” (Lijphart, 1994, p. 10). This dimension is subject to degree analysis. It is considered, like formula, one of the most relevant aspects of the electoral law. Both Rae and Lijphart coincided in the fact that this dimension was fundamental in the study of the political effects of electoral laws. Inspired by Lijphart’s (1994) 20% criteria, Jacobs and Leyenaar (2011) suggest that change above the 20% cut-off point in district magnitude constitutes a major reform. Similarly, changes in district magnitude that represent less than 20% and more than 1% of the previous arrangement, will be considered as minor reforms. Finally, changes that modify in less than 1% said total, will be considered as technical reforms.
2. **Assembly Size:** This dimension was first incorporated as a crucial one by Lijphart in 1994. Assembly size represents the total number of seats in the legislature. Lijphart (1994) states that “if electoral systems are defined as methods of translating votes into seats, the total number of seats available for this translation appears to be an integral part and legitimate part of the systems of translation” (p. 12).

Again, based on Lijphart (1994) and Jacob and Leyenaar’s (2011) work, I establish that changes of over 20% of assembly size are to be considered as major reforms. Similarly, changes lower than 20% and higher than 1% are to be considered as minor reforms; and less than 1% of changes to the size of assembly is to be considered as technical reforms.

3. **Effective Thresholds:** These are defined by Lijphart (1994) as the minimum levels of support that a party needs to obtain in order to be represented (Lijphart, 1994, p. 11). These may apply at the national, district, or regional level, and “the minimum may be defined in terms of a certain number of votes, a percentage of votes, or some other criterion such as the winning of at least one seat in a lower-level district in order to be eligible for seats in the higher-level district” (p. 12).

The adoption (if there were none) and/or repeal of electoral thresholds represent major electoral reform. In addition, any modification of 20% or more of the electoral

thresholds is be considered major reform. Changes in the registration requirements between 1% and 20% are minor, and modifications below 1% effective threshold are regarded as technical.

4. Reappointment of Seats: Changes over 20% of the redistribution of representation in a legislative body are considered major reforms. Changes under 20% but over 1% of the distribution of seats are considered minor, and changes that represent less than 1% are classified as technical.
5. District Boundaries: Changes in the drawing of the electoral boundaries that affect over 20% of the inhabitants are regarded as major reforms. Changes that affect from 20% to 1% are to be considered minor, and less than 1% affected are considered as technical reforms.

Ballot: This category considers all dimensions related to ballot access and structure.

1. Ballot Access: This dimension represents the ability of citizens to access the right to vote. It is generally associated with the expansion of the electorate, under the premise of universal suffrage.

Any changes over 20% in the expansion of electorate are considered major reforms. Changes in expansion between 20% and 1% are classified as minor, and changes in expansion that represent less than 1% are considered technical (e.g., lowering vote age or enfranchising foreigners or citizens living abroad (Jacobs and Leyenaar, 2011))⁵.

2. Inclusiveness

- a. Registration and Type of Vote: Modifications to either of these will be in the realm of minor reforms. Regarding registration, Jacobs and Leyenaar (2011) consider this dimension to be composed of two sub-dimensions. The first determines *who* is in charge of the process: the state or the individual. The second sub-dimension regulates the specifics regarding the costs attached to the registration process: if it is free or not. Changes from one type to another

⁵The limits between minor and technical differences regarding other changes to vote type remain to be determined (Jacobs and Leyenaar, 2011).

also constitute minor reform. If a reform modifies elements of registration procedures, it is considered technical.

Regarding type of vote, some electoral systems may choose to make voting compulsory and others may choose to make it a voluntary affair. Changes in the type of vote from one category to another are considered major reforms.

- b. **Ballot Structure:** This is defined by Jacobs and Leyenaar (2011) as the dimension that “includes all changes in the degree and nature of a voter’s choice” (p. 502). There are four identified types of ballots: candidate ballots, preference ballots, dual ballots, and party ballots (Norris, 2002). Changes that involve moving from one type of ballot to another are regarded as major reform. If changes are effected within the category, it can be considered either minor or technical depending on the percentage of change generated in each of the possible areas. The similar 20% to 1% and less than 1% thresholds would apply.

Election Levels: This category considers change in two possible dimensions. The first contemplates the national or subnational character of reform, referred to as *layers* (national, local, provincial, regional, etc.). The distinction was first drawn by Lijphart (1994), who included changes only at the national level. The second dimension constitutes changes in the direct or indirect nature of the election in national and subnational levels.

1. **Layers:** Changes to the electoral law that occur at the national level will almost always be considered major reforms (Lijphart, 1994; Jacobs and Leyenaar, 2011). Introduction of new legislation to the electoral law at the national level is also considered a major reform. Introduction of new legislation in non-national levels will be considered minor or technical, depending on the percentage of population they affect, based on the less than 1% for technical and less than 20% but more than 1% criteria used in all of the assessments (Jacobs and Leyenaar, 2011).
2. **Direct/Indirect Levels:** Modifications of the type of election of a public figure at the national level constitutes a major reform, whilst modifications at any non-national level will considered as minor. Differentiation between minor and technical reform

will depend on the percentage of people affected by reform. All those below 1% will be technical.

Electoral Procedures: This category contains two dimensions that represent aspects of *when* and *how* elections are organized. They can be either minor or technical depending on the degree of change. Some examples of these dimensions are changes in the monitoring of elections and in the supervision of redistricting (Jacobs and Leyenaar, 2011). For more see Massicotte *et al.* (2004).

Quotas: This category considers two possible dimensions of the electoral law. The first has to do with candidate nominations; the second, the number of seats.

1. **Candidate Nomination:** This dimension considers the possibility of changing *who* can be nominated. Usually, it requires the selection of a specific percentage of female/minority candidates. If legislation is introduced, the reform constitutes a major one. If regulation modifies more than 20% of the nominations, it is also considered a major reform. Changes that modify candidate nominations less than 20% but more than 1% are minor reforms. If the new legislation modifies them less than 1%, then they are considered technical.
2. **Number of Seats:** This dimension considers the number of seats the electoral law safeguards for minority groups (women in the case of gender quotas). Introduction of legislation on number of seats is considered a major reform. Modification of over 20% of the total number of seats also constitutes major reform. Changes that modify the number of saved seats under 20% and over 1% are minor reforms, while those that modify them in less than 1% will be technical.

Participation Rules: The dimensions composing this category are candidate and vote requirements, along with rules that govern primaries.

1. **Candidate Requirements:** Legislation that modifies candidate requirements is classified as major reform if it alters more than 20% of the existing requirements. If legislation modifies candidate requirements over 1% and under 20%, it constitutes minor reform. It is considered technical if it represents changes of less than 1% to the existing requirements.

2. **Vote Requirements:** Similar as candidate requirements, changes that modify standing requirements over 20% will be considered major, minor if they vary from 1% to 20%, and technical if they represent changes of less than 1% of the requirements.

Campaigning: This category groups campaign financing and campaign rules.

1. **Financing:** Introduction of new legislation regarding campaign financing is considered major reform. Modification of more than 20% of the legislation regulating campaign financing are also considered major reforms. Changes under 20% and over 1% are minor reforms, and those that modify less than 1% of the campaign finance legislation constitute technical reforms.
2. **Rules:** Introduction of new legislation of the rules of campaigning are considered major reforms. Modification of more than 20% of the existing rules are also considered major reforms. Changes that represent changes under 20% and over 1% of the rules of campaigning are considered minor, and those that represent change below 1% are technical.

The dimensions discussed above are only a handful of the possibilities that could be identified in electoral law. The criteria based on the 20% to 1% threshold serves as an initial approach to the identification and typification of electoral reforms. However, further analysis of each dimension is needed in order to establish an either quantitative or qualitative measure of the degree and scope of the dimension in question (Jacobs and Leyenaar, 2011).

This section has been dedicated to the construction and analysis of the dependent variable, electoral reform. The following segment is dedicated to the study of the determinants of electoral reform.

2.2 Determinants of Electoral Reform: The Inherent and Contingent Causes of Electoral Reform

In this section, I study a set of possible determinants of electoral reform. In accordance with the framework proposed in this dissertation, the search for the causes of electoral reform from an ahistorical point of view is unadvised, mainly because these processes do not occur in a vacuum (Taagepera and Shugart, 1989). As introduced in Chapter 1, electoral reform is produced by a mixture of inherent and contingent factors that present

themselves differently for each case under study. Electoral reform is a real-life event. As such, it occurs in particular places and times, the product of case-specific factors. Identifying the causal factors able to explain electoral reform is thus a crucial part of the investigation. Because this dissertation is based on a multiple approach framework, the explanatory causes that arise differ from each of the approaches used. Different explanatory factors appear from the HI and the RCI approach, confirming the initial notion that different theoretical lenses focus on different levels which leads to the study of different factors. This dissertation advances the idea that each theoretical approach relies on factors that can either build on inherent or contingent level.

In the paragraphs below, I present the explanatory factors this dissertation considers necessary and sufficient to account for the Chilean electoral reform of the binominal system in 2015.

This section of the chapter is divided into two segments. The first introduces electoral reform determinants from the HI perspective and the second, from the RCI approach. Chapters 3 and 4 will then study how each of them contributed in the causation of the 2015 electoral reform, through case studies pertinent to each theoretical perspective, in order to achieve complementary conclusions on why the Chilean electoral reform happened when it did, the way it did.

2.2.1 Electoral Reform Determinants in Light of the Theoretical Framework

The framework introduced in Chapter 1 allows us to theorize about the probable causes of electoral reform within the parameters of the definition proposed above. In accordance with it, electoral reform is likely to be produced by variables located in two distinct levels of analysis. This characteristic has raised the issue of how to study processes of electoral reform. My approach, inspired in the notion of contingent and inherent factors (Eckstein, 1980; Shugart, 2008) argues that electoral reform is produced by a complex combination of causes that lie in inherent and contingent levels. The foundational premise is that even if there is a certain accumulation of inherent causes, electoral reform is unable to occur unless it is triggered by some combination of other contingent variables. While HI seeks to analyse the inherent causes of electoral reform, RCI intends to do the same for the contingent factors. As stated, electoral reform does not happen in a vacuum (Taagepera and Shugart, 1989): historical, social and political antecedents matter, in the form of

inherent conditions, as does contingency, which serves as the trigger of these complex political processes.

There is no simple road to uncovering the causes of electoral reform. This is one of the main premises of this dissertation. Chapter 1 argues that the most pertinent approach to uncover the inherent factors of electoral reform is the HI approach, as is the RCI approach to the contingent factors. Tools provided by the first will allow this dissertation to uncover the case-specific chain of events that generated the antecedent conditions in which reform *could* occur, if and when combined with other contingent case-specific factors, provided by the second.

2.2.2 Determinants of Electoral Reform: Insights from HI

Seen from the HI perspective, electoral reform can be produced by diverse factors, which can be in the realm of either structure or agency. Although the primary focus of the approach has been set on the first, HI has always been alert to the role of the individuals in the process of institutional change.

Some of the most discussed factors of electoral reform in HI literature have been presented and reviewed in the state of research in Chapter 1. Among the most relevant, scholars have examined the effect factors such as the universalization of enfranchisement, rise in the number of parties, appearance and inclusion of new (socialist) parties, uncertainty, volatility, and other, normative issues have on electoral reform. Although these have shed light on important cases, this dissertation proposes another set of possible determinants that, in conjunction with factors identified from the RCI approach, contributed to causing Chile's 2015 electoral reform. The main objective of this exercise is to broaden the theoretical lens that allows us scholars to search for possible causes of electoral reform.

In the paragraphs below, I propose a set of determinants of electoral reform for the case of Chile. Although this dissertation focuses on accounting for one specific case of electoral reform, the theoretical framework can travel to other cases, provided they complement their research with case-specific inherent and contingent factors. The framework constructed does not provide specific set and combination of independent variables, but a theoretical framework of how to approach their study.

2.2.2.1 Enabling Reforms: The Gradual Construction of the Inherent Conditions for Electoral Reform

The argument behind this factor is the notion that in some cases, the desired electoral reform is, from the initial-stand point, impossible to achieve with the current electoral law. Enabling reforms are key because their existence implies that reformers are conscious of these limitations and, in order to achieve the desired electoral reform, the strategically plan to create a legal scenario where that reform is possible. This is why I have used the concept of *enabling*. This implies that there are political actors with long-term motivations and long-term strategies doing the “enabling.”

Enabling reforms are reforms that make other reforms possible. Each of them are reforms in their own right; however, they are not the outcome under study and they are not necessarily electoral reforms.⁶ They are necessary building blocks that make up the conditions in which the electoral reform under study is able to occur. Each can be considered a successful case of reform; however, it does not imply that because they were, the electoral reform under study will also be. This exemplifies the very nature of the inherent and contingent framework. Just because there are certain inherent factors (enabling reforms), does not mean that reform can or will take place. There are certain contingent factors that must appear in order to trigger reform. For example, I will argue that in the Chilean case, there were several inherent conditions that accumulated over time that were crucial factors for the final “activation” of the 2015 reform. Some of them are the formal reforms that enabled Congress to vote with more achievable quorums. Others, such as the abolition of designated and life senators in 2005 altered, for the first time in years, the status quo in Congress, shifting the distribution of majorities, and thus allowed the coalescence of pro-reform majorities in both chambers.

I conceive of enabling reforms strictly as formal ones. I consider five enabling reforms that took place from 1989 to 2014: (1) the increase of the total number of senators from 26 to 38, (2) the reduction of the quorum required to modify constitutional organic laws, (3) the elimination of life and designated senators, (4) the elimination of the number reference “13” that fixed the total number of Senators in accordance to the 13 regions, from Article 45° of the 1980 Constitution and (5) the elimination of the number reference

⁶ Some of them, in the Chilean case, are constitutional reforms.

“120” from Article 43° of the 1980 Constitution. (For details of each see Chapter 3, Section 3.3).

In the paragraphs above, I introduced what I consider to be the inherent factors that contributed to the production of electoral reform. Because they are seen through the HI lens, they are historically-bound factors, linked to specific characteristics of the case under study. This does not mean that similar factors cannot also be present as inherent conditions for other electoral reforms; what it implies is that among the wide array of possible determinants, these are the ones considered as necessary (in conjunction with the ones presented in the next section) to produce the outcome of electoral reform for this particular case.

The next section is dedicated to the examination of the determinants of electoral reform from the RCI perspective. It is important to recall that this dissertation considers determinants from each approach as incomplete on their own, and sufficient in conjunction, as they provide the required inherent and contingent factors necessary to produce electoral reform. RCI provides a theoretical lens that analyses contingency and the role of individual actors.

2.2.3 Determinants of Electoral Reform: Insights from RCI

This section is dedicated to the discussion of the factors that contributed, through contingency, to trigger the final stage of electoral reform, with already favourable inherent conditions. It does so with insights from RCI.

In this section I review the following determinants: (1) improvement of legislator re-election prospects, (2) improvement of party seat share and coalition prospects, and (3) other non-instrumental motivations for legislators, parties, and coalitions in light of a specific set of events that marked the social and political context at the time: (a) social unrest during the Piñera administration (2010-2014), (b) internal conflict within the ruling Alianza, (c) the 2013 legislative elections, (d) President Bachelet's accession to government, and (e) the New Majority's honeymoon effect.

In accordance to this dissertation's theoretical framework, RCI allows scholars to see electoral reform as a product of different factors than those presented from the HI perspective. Abstracting from reality, this theoretical lens is able to model and predict legislator behaviour (towards electoral reform) from a particular set of possible

determinants. RCI's most well-known motives for reform lie at the heart of the individual. This is why RCI focuses on finding what makes individuals act a certain way in a particular place and time.

The RCI approach has been introduced to the framework with a specific task: to provide a set of possible factors that contribute to the causation of electoral reform. As discussed in Chapter 1, contingency is crucial, since it is the trigger to activate the process of reform, and this is where RCI comes in.

Legislators are not only constrained by electoral institutions. They are also constrained and motivated by their notions of self-interest, values, and ideology (Bowler, Donovan and Karp, 2006; Zucco, 2009). This makes motivations complex features that are unlikely to be thoroughly understood. However, they provide a roadmap of possibilities, and it is up to us to reconstruct and explain why—in accordance with our theory—legislators acted the way they did.

Legislators rarely operate exclusively driven by one factor. Simplifying legislator behaviour to one motive has been considered by scholars as reductionist and unreal. Self-interest cannot be the only driver for legislator behaviour. I agree with those critiques and have discussed them at in length in Chapter 1. What I—and most scholars using RCI—argue is that a more nuanced approach to legislator motivations should be taken. A more nuanced view allows scholars to construct a more complex set of motivations for legislators. Of course, self-interest plays an important role in this construct, but so do values (towards democracy), ideology, and culture, among many others. Moreover, legislators are not only motivated, but also constrained by a set of specific electoral rules and party and coalitional ties. All these factors weigh in when legislators are faced with making a choice for or against electoral reform.

For the purposes of this dissertation, I consider legislators as having more than just one goal (Renwick, 2010; Aldrich, 1995), which can be competing or conflicting (see Strøm and Müller, 1999; André, Depauw and Shugart, 2014). Arguments from this perspective hold that legislators may have goals with respect to themselves, to their party, or even the coalition their party belongs to.

As some of the most prominent examples of RCI studies of electoral reform, Boix (1999), Bueno de Mesquita (2000), and Benoit (2004, 2007), considered individual (or party) motivations as operating each individually. They modelled behaviour based on one

specific set of motivations, sketching unrealistic yet parsimonious scenarios. Although the rational choice model acknowledges the diversity of motivations, it does not necessarily consider that they are all operating at the same time in different levels. This shortcoming is what scholars (Kitschelt, 1992) have intended to correct, or at least qualify, through more complex views of legislator and party goals.

The existence of more than one goal legislators seek to achieve implies that they are bound to have complementing—or perhaps competing—preferences and thus, goals (See Smith, 2007; Fenno, 1973). As Lehoucq (1995) notes, legislators inhabit multiple arenas at the same time. Complementing our point, he argues that most of the time, rational choice models operate under the notion that legislators decide based on only one of these arenas, when the reality shows that they operate motivated by different aspects present in different ones (p. 27). Making matters even more complex, it is also possible to state that one specific action may be motivated by more than one factor—and those actions may serve more than just one purpose. Questioning the single goal approach used by some RCI scholars, a more complex view of motivations and goals has developed arguing that there is wide and complex range of motivations behind legislator behaviour (Strøm and Müller, 1999).

Because of the existence of multiple goals, one must consider the possibility of them being impossible or difficult to attain. Efforts to achieve one may distance the political actor from the other. As Strøm and Müller (1999) explain, “[t]he same behavior that maximizes one of their objectives (party leaders) may not lead to the best possible outcome with respect to the others” (p. 9). On the other hand, sometimes they concur, and one helps or increases the chances of gaining another. One could argue that the three most common rational choice gains or motivations could represent the argument. In the office-vote-policy debate, on many occasions policy is indeed subject to whether or not the candidate makes it to office, through the minimum count of votes needed.

In Chapter 1 I discuss the institutional and non-institutional constraints legislators face. In order to discover legislator’s motivations to either pursue or oppose instances of reform, it is necessary to consider how existing constraints contribute to their motivations and goals. Are they seeking to replace a failing system? Are they seeking to increase their party’s seat share? Are they seeking to increase representation? The questions guiding

this section of the investigation are: What are they trying to accomplish? And why are they trying to accomplish it? The first states the goal; the second, motivation.

Provided below are the highlights of the discussion presented in Chapter 1 regarding constraints, goals and motivations.

Self-interest is often considered one of the most relevant factors. It can take different forms, depending on what individuals consider as desirable. As argued in Chapter 1, self-interest behaviour refers to the strategic and calculated maximization of a specific goal, which in electoral reform literature has been systematized as power, seats, votes, office, or policy.

Notions of self-interest have been at the centre of almost all RCI-inspired investigations. What differs is the degree to which are presented as the exclusive drivers of behaviour. This dissertation considers self-interest motivations as crucial components of a larger and more complex set of motivations. Scholars have found that self-interest is often moderated by other factors such as ideology or values (Blais and Massicotte, 1997; Rahat, 2004; Sakamoto, 1999). It is also possible that legislators do in fact care about and seek to improve democracy and enhance democratic values such as representation. Political actors may be drawn to maximizing their power interests and seek what they consider to be a wider good (Renwick, 2010, p. 27).

Multiplicity of motivations and goals show that legislators are not always engaged in power-maximizing behaviour. If they are in fact just operating with power-maximizing motives, “at least they feel the need to justify election rules in terms of normative goals that might resonate with the public” (Bowler and Donovan, 2013, p. 27). In contrast, sometimes they are genuinely motivated by principles or ideology (Lehoucq, 1995; Zucco, 2009). At times, this can be personal or at other times, it can be influenced by the need to represent the opinions of their vote base (Bowler, Donovan and Karp, 2002, p. 733). However, most RCI scholars would agree with Kellner (1995) when he states that despite the true nature of values motivating legislators, “[i]n politics, when principles collide with self-interest, principle tends to retreat with a bloody nose” (p. 23).⁷

⁷ Quote used by Jacobs, K. in Paper for ECPR JS workshop 20. Populists and Public Office: “So do they empower the people? Populism, electoral reform and direct democracy in Austria, Belgium, and the Netherlands”, p. 3.

Things become more complex when I add parties to the mix. Legislators who belong to a party will not only have their individual goals, but their party's goals in mind. As discussed in Chapter 1, attitudes towards party goals may vary, and they will be influenced by aspects such as discipline and cohesion, as well as the nature of the electoral law. As Carey and Shugart (1995) demonstrate, the nature of electoral institutions (ballot structure, formula, district magnitude) and of the electoral law (candidacy requirements, voter registration, party and campaigning regulations) frequently strains the relationship between the interests of the party and those of the individual legislator (in André, Depauw and Shugart, 2014).

Different scenarios may appear. The ideal would be that legislators' goals and motivations coincide with those of their party. This would mean that there is no tension between individual legislators and their parties. A less than perfect scenario would be any case where legislators' goals do not match their parties. This situation could either cause insubordination from the legislator or command from the party to the legislator. Not only goals but motivations behind them can also clash.

Relationships between legislators and their parties are a crucial element in the study of the determinants of electoral reform. There are several issues that may trouble the relationship between the two. And conflict between the two may mean that reform is either passed without the approval or support of one or that reform does not go through because of the conflict.

With this discussion in mind, I now discuss the determinants of electoral reform that have appeared as crucial for the case of Chile's 2015 electoral reform.

2.2.3.1 Improvement of Re-election Prospects: A Motive for Individual Legislators, Parties and Coalitions

The paragraphs above describe how individual motivations are constrained by electoral law and electoral institutions and by other collectivities such as parties and coalitions. In most cases, legislators belong to parties and in some cases parties belong to coalitions.

Previous discussions lead to the conclusion that for most cases, legislators will be—at least in part—motivated to improve their electoral prospects. Improvement of electoral prospects can take form of pursuing an electoral reform that, to their knowledge, improves them or blocking a reform that, according to their calculus and expectations, worsens their electoral prospects. Either of these choices will be constrained by the nature of the

relationship individual legislators have with their parties and the relationship parties have within their respective coalitions, if any. This calculus is expected to be made at the individual level, and the outcome will be influenced by the constraints and goals discussed above.

i) Improvement of Individual Legislator Re-election Prospects

At the individual level, legislators are likely to be motivated to improve or maintain their electoral status considering the institutional and non-institutional constraints they face. They are expected to pursue electoral reforms that enhance their re-election chances and oppose those that are expected to be detrimental.

As one of the most important dimensions of the electoral law (Rae 1975, Lijphart 1994), district magnitude (DM) is one of the features that is expected to influence legislator behaviour, since it directly affects legislator re-election prospects. DM comes into focus as a dimension of the electoral law that, by increase (or modification), might improve an incumbent's chance at re-election. What I seek to investigate in the Chilean case is whether or not increasing magnitude is an incentive for legislators to vote for reform. The premise I will work with is that legislators, motivated to improve (or maintain) their re-election prospects, vote to increase DM under the expectation that by increasing it, they are also increasing their chances of re-election, thus protecting by reform the status quo.

Usually, the increase of DM must be applied with some revision of the current standing of districts. If electoral reform does not comprise DM augmentation, it could still aim to produce a re-drawing of the current district boundaries. This dissertation's case study will consider both scenarios, since the electoral reform under study considered both increasing DM and the re-drawing of district boundaries. In accordance to RCI principles, if legislators thought increasing DM and re-drawing current electoral boundaries might improve their electoral status, then it is likely to expect that they would favour and pursue this modification of the electoral law.

Although at the end of the day, it is only legislators who can cast a vote on reform, they are not solitary actors influenced exclusively by their aspirations. First, they are constrained by the electoral law and the country's institutional framework. Second, they are individuals motivated not only by maximization of re-election prospects, but by other notions of what is good and just. In addition, they are also part of other collective factions that may affect their motivations and may or not have a say in their choices. As I have

suggested above, their calculus is not performed in a vacuum; rather, it occurs in a specific institutional and political context.

i) Improvement of Party Seat Share Prospects

Although representation occurs through individual candidates, they usually belong to a political party (Swindle, 2002, p. 279). As Fiorina (1980, p. 26) states, “the only way collective responsibility has ever existed, and can exist, given our institutions, is through the agency of the political party [...]” (in Aldrich, 1995). However, parties have no direct way of voting for or against the modification of specific aspects of the electoral law. What they can do is influence a legislator’s vote in service of the party’s interest. This determinant will prove relevant when the legislators are actually constrained by it.

If, for example, legislators have free range to act without consulting the party, it is possible that when a legislator is faced with the dilemma of enhancing their chances at the cost of their party, they will choose themselves. However, if legislators are part of cohesive and disciplined parties, then their motivations are expected to be in service of improving the party’s expected seat share and not just their own. From this viewpoint, their self-interest lies not only in their own re-election, but in improving the party’s total number of elected seats.

The structure of the electoral institutions and the nature of the electoral law will generate diverse incentives that will affect legislator behaviour. These incentives will produce either discipline and cohesion or the opposite. An important part of party strategy and calculus depends on the party’s ability to coordinate internally and from there try to pursue electoral reforms that will benefit them (in this case, increasing or maintaining the party’s seat share) through the agency of their legislators. For the purposes of this dissertation, I will assume—under the umbrella of the RCI approach—that parties seek to maximize their seat share as a primary objective and, additionally, pursue reforms that connect with other goals (e.g., normative, ideology, etc.). In order to achieve this, parties rely on internal discipline and cohesion in order to coordinate legislator behaviour with party objectives.

Modification of specific dimensions of the electoral law may give rise to conflict between legislators within a party and may generate conflict between legislators and their leaders. It is common to see partisan divisions over matters of electoral rules among incumbents (Bowler and Donovan, 2013, p. 30). For the authors, no issue too small to generate

divisions amongst electoral officials. This leaves theoretical “room” for discussions and divisions to happen over minor or even technical reforms.

The outcome will depend on how parties resolve their internal conflicts and manage to create coordination. If they succeed, then electoral reform will be pursued in order to accomplish the party’s objectives. If they do not, and legislators do not manage to act under the notions of cohesion and discipline, it is likely that they will support electoral reform as a function of their individual goals.

ii) Improvement of Coalition Status: Constructing a Winning Coalition

Coalitions are crucial factors in electoral reform processes because of three main reasons: (a) they influence party and legislator behaviour, (b) they stand to gain or lose from said processes and (c) they are needed to actually pass reform.

Coalitions contribute to shaping incentives and constraints parties and legislators have on their behaviour. Legislators are influenced by their own agendas, by that of their party, and the agenda of the coalition, if their party belongs to one. However, a coalition’s effect on legislators and parties may vary from case to case, depending on the nature and tradition of their political and electoral systems. In some cases, coalitions play a crucial role in policy making, particularly when the coalition created has the absolute power to approve or block legislation.

In presidential democracies, coalitions are considered convenient to governance but not composing government (Altman, 2000; Morgenstern, 2004). Coalitions can take the form of electoral alliances, parliamentary style executive cabinets, or legislative policy coalitions (Morgenstern, 2004, p. 141). Chile has long tradition of political coalitions. They have been crucial as electoral alliances and as policy coalitions. However, there is one reform that no long-standing coalition in Chile had been able to pass since the return to democracy: reform of the binominal system. After many years and reform attempts, no coalition able to pass electoral reform coalesced until 2014. Previously, legislators had been unable to construct a coalition sufficient to approve electoral reform, a minimal winning coalition (MWC). A coalition does not necessarily have to be stable or longstanding: it just needs to get the minimum number of votes to reach the required quorums of reform.

It is unlikely that legislators will have the chance to pass their “ideal” reform, but it is probable that they will try to intercede in the process. The outcome will be a negotiated version of each legislator’s ideal electoral reform. Once there is agreement on what is to be reformed, there needs to be an undisputed majority to pass it (Riker, 1962). In order for reform to be approved, a minimum number of individual votes required. Parties are aware of this, and this is where minimal winning coalitions come into sight.

The procurement of the required number of votes willing to enact reform is part of the 2014-2015 contingency. Although the 2013 legislative elections left a favourable scenario for reform, the required majorities had not yet been achieved. Something changed between 2013 and 2014, because during this period, the MWC formed. What happened? Why, after so many failed attempts, were politicians able to agree on a path of reform to vote with the minimal needed support? How was this support achieved? Who was part of this coalition? Chapter Four is designed to answer these questions, illuminated by the RCI approach.

The paragraphs above discuss how legislators, parties, and coalitions influence preference formation towards electoral reform.

Although political actors are constrained and motivated by narrow interests (individual, party- and/or coalition-given), they do not exclusively decide based on power-maximizing and self-interest motivations. Below I review other motivations legislators, parties and coalitions may have when faced with the possibility of electoral reform.

2.2.3.2 Culture, Values, Experiences and Ideologies as Other Motivations for Legislators

Legislators are individuals with a set of specific experiences, culture, values, and ideologies. They are also elected officials in charge of representing their constituencies in Congress. It is expected of them to be receptive to their constituencies’ goals and interests, as representatives. In some cases, legislators must also consider their party’s goals as their own, and act in accordance to their party’s agreements with their coalition partners, if their party belongs to one.

In sum, legislators are influenced and constrained by more than just their own notions of self-interest. A more nuanced view of their motivations is useful, one that contemplates not only what motivates them, but how they articulate their motivations with those of their constituencies, parties, and coalitions.

Legislators are expected to behave rationally regarding their positions. To most of them, it is crucial to remain in office or access it, for whatever reasons literature may suggest (rent, power, policy, etc.), since it is from office where they can legislate in accordance to other interests such as values and ideology. Although legislators act from office-seeking motivations, it does not mean they do not care and are not simultaneously motivated by other issues. These issues have been discussed earlier in section 2.2.3. With these ideas at hand, how can Chile's 2015 electoral reform be explained from a different set of individual legislator motivations? Were legislators influenced by their constituencies? By their parties? By their pacts with coalition partners?

2.2.3.3 Parties: Values and Ideology as Motives (For or Against Reform)

Just as legislators might be motivated by issues other than self-interest, parties may be motivated by goals other than seat-maximizing. And even seat-maximizing behaviour might be in service of other values. More seats in Congress means that they have better chance of implementing policies that reflect their party's core values and ideology. A significant number of seats allows parties more control over the agenda and policy and thus carry out their objectives as a party.

In sum, parties do not vote. Legislators committed to parties do. Parties are represented through their elected members, so it is vital for them to gain seats in order to affect policy. As discussed in section 2.2.3, parties influence legislator preferences and behaviour, but how party interests and objectives are converted into policies will depend on the nature of the relationship between party leaders and legislators. In the case under study, the discussion translates into questions such as: did legislators vote for electoral reform according to individual preference or their party's? If legislators voted according to party preference, what were the party's motivation and goals?

2.2.3.4 Coalitions and Non-Instrumental Motivations

In a similar manner described above for legislators and parties, these collective entities may share and act from motivations different from pure self-interest.

The Chilean case furnishes a very good example of this. Its most longstanding coalition, the "Concertación de Partidos por la Democracia," was created to demand and later ensure Chile's transition to democracy, a motive different from self-interest. In 2014, year in which the electoral reform under study began, the coalition created to pass reform built

their arguments on issues like the improvement of representation and vote equality, the elimination of a system considered unfair and illegitimate, and the improvement and promotion of competition. What role did these motivations play in the process of the electoral reform? How do these motivations relate to other instrumental ones?

Final Remarks

The chapter discussed and constructed the dependent variable and introduced the inherent and contingent factors that will help explain the how, when, and why of the 2015 electoral reform.

The first task this chapter undertook was the reconceptualising electoral reform. With Rae's and Lijphart's contribution as building blocks, I continue to build on a more recent conceptualization provided by the academic community, which places focus on the scope of the concept of electoral reform. I propose a more comprehensive concept of electoral reform that understands it as any change in any of the dimensions of the electoral law. As a result, I incorporate the categories of major, minor, and technical reform. The second task was to construct a set of determinants that incorporated factors from both of the theoretical approaches of the proposed framework. Recapitulating, from the HI approach, electoral reform is conceived of as a gradual process, in which the institutional context where electoral reform could eventually prosper is enabled by enabling reforms. I propose that the inherent conditions necessary for electoral reform were created by five enabling reforms that took place from 1989 to 2014. The reforms under consideration developed during three distinct periods: 1989, 2005 and 2014. Two of the five take place in 1989: (1) the increase of the total number of elected senators from 26 to 38 and (2) the reduction of the quorum required to modify constitutional organic laws, from 3/5 to 4/7. Two took place as part of the 2005 constitutional reform: (1) the elimination of designated and life senators, (2) the elimination of the number '13' from Article 45° of the Constitution, which defined the fixed number of regions that would elect two senators. Finally, in 2014 the last of the enabling reforms took place with the elimination of the number reference '120' from Article 43° of the Constitution, which had established the total number deputies.

From the RCI perspective, the chapter discusses (1) improvement of legislator re-election prospects, (2) improvement of party seat-share, (3) coalitional interests, and (4) the role

other motivations play in the quest for electoral reform as contingent factors that contribute to the generation of the 2015 electoral reform. Chapters Three and Four analyse how the factors outlined played out.

Chapter 3

The Role of the Enabling Reforms: Modifying Chile's Binominal System

The binominal electoral system has been one of the most controversial of the *authoritarian enclaves* implemented by the military government. The system has produced divisions from the very beginning among designers, implementers, detractors, and even supporters of the regime. However, its strongest and longest-lived detractor has been the Concertación (Concertación de Partidos por la Democracia).⁸ Their—and later on the New Majority's (NM)—wish modify the system turned out, for over 20 years, to be an 'impossible task'. Why? How did they eventually manage to reform the binominal system? The following chapter focuses on answering these questions by analysing the gradual changes produced in the institutional context that slowly transformed the status quo from one in which electoral reform was not plausible into one in which electoral reform could potentially flourish.

In spite of the Concertación's apprehensions and misgivings over the binominal system and the many attempts at reform made by presidents and legislators from all sides of the political spectrum, the electoral system functioned from 1989 to 2013 and was only replaced by a proportional system of representation in 2015. Why did it take so long to reform a system when there were many political actors who promoted electoral reform for over 26 years? There was political will for reform, yet something prevented reform until 2014. What was it?

This is what this chapter intends to answer, inspired by the notion that electoral reform could not happen sooner, despite legislative initiatives, because the institutional conditions were not yet in a state in which reform efforts could potentially succeed. There were institutions designed to impede such changes, implemented as safeguards of the legacy of the previous regime. In order for reform to have a chance, these protective measures had to be gradually dismantled.

⁸ Concertation of Parties for Democracy, a political and electoral coalition which arose from the Concertation of Parties for 'No' (in the 1988 Plebiscite).

Chapter 3 studies the electoral reform process from an *enabling* perspective. In the case of the Chilean electoral reform, this process took a long time, spanning from 1989 to 2014. Each of the modifications made to the original status quo is considered an enabling reform because it does not make reform happen but makes reform possible. For purposes of this dissertation, enabling reforms are considered as the constitutional and electoral reforms that gradually created the institutional conditions in which reform could prosper.

The strategic design of the 1980 Constitution and the electoral law created hostile conditions for future attempts at electoral reform. The institutional equilibrium made it almost impossible to obtain any type of majority needed to pass reform. Conscious of that fact, the opposition, along with reformist factions of the right, embarked on a long-term mission to gradually produce the necessary conditions in which electoral reform could someday occur.

The gradualist nature of the binominal reform is something that has been discussed in the electoral reform literature. There are focalized studies of specific reforms to the electoral law and their effects, but there is no complete account of the enabling reforms and their role in the generation of reform of the binominal system. This is one of the main contributions to the state of the research of this chapter.

I propose that the inherent conditions necessary for electoral reform were created by five enabling reforms that took place between 1989 to 2014. The reforms under consideration developed in three distinct periods: 1989, 2005, and 2014. Two took place in 1989: (1) the increase in the total number of elected senators from 26 to 38 and (2) the reduction of the quorum required to modify constitutional organic laws, from 3/5 to 4/7. Two took place as part of the 2005 constitutional reform: the elimination of designated and life senators, the elimination of the number thirteen from Article 45° of the Constitution, fixing the number of regions that would elect two senators. Last, in 2014 the fifth enabling reform took place with the elimination the number 120 from Article 43° of the Constitution, which established the total number deputies. The chapter is structured chronologically following each of the five enabling reforms.

3.1 The 1980 Constitution and the Construction of the Binominal Electoral System

The 1973 breakdown of democratic institutions and subsequent establishment of the authoritarian regime provided a clean slate for the new government to design a very specific set of institutions that would initially guide government and later provide the

institutional framework in which a protected democracy could flourish. The new order would be founded on the 1980 Constitution and be protected by a series of safeguards designed to maintain the military government's status quo and secure its legacy in a future democratic scenario.

There are many institutions that have been considered by literature as institutional safeguards,⁹ however I focus on two: the Constitution and the Binominal Electoral System.

3.1.1 The Military Regime's Political Diagnosis and their Institutional Design

The diagnosis made by leading members of the military regime was that Chile's democracy was in ruins. The political crisis was attributed not only to the flourishing of Marxist-Leninist ideas but also to the nature of the party system, the electoral system, and overall decadence of political parties.

Most of the blame was attributed to political parties which had indulged for far too long in bad habits and vices that destroyed democratic institutions (Huneus, 2007). The government also believed that the proliferation of political parties that led to their fragmentation and ideological polarization was caused by the proportional system of representation established in the 1925 Political Constitution (Pastor, 2004, p. 48). They also blamed parties for the over-politicization of social and economic life, which had contributed to the country's ungovernability (Rabkin, 1996, referencing Pinochet 1983).

The regime believed that with new institutional parameters the political context could be contained and controlled. They believed that a new constitution would serve as an inflection point in the re-creation of the traditional order. It would be designed to ensure a protected democracy inspired in the national security doctrine (Collier and Sater, 2004; Nogueira; 2008).

While the Constitution provided the legal framework in which the regime would operate and established parameters of the transition and the formation of the next democratic government, the electoral system was designed to secure some level of representation in Congress in future elections. In fact, in some matters the charter and the electoral system

⁹ See Fuentes 2012.

were connected, particularly in aspects regarding the composition of Congress were determined by Articles of the 1980 Constitution (N° 43 and N°45).

The institutional response of the military government was in large part reactive. Measures were taken to avoid and prevent situations of the past, instead of fostering and supporting other aspects of political life. It is much like Rabkin (1996) describes: “[T]he key objective of the military government’s strategy for political reconstruction was to curb what it saw as demagogic partisan competition ‘politics of outbidding’ that fuelled ideological extremism in the pre-1973 party system” (p. 339).

The allocation of responsibility for the breakdown resonates in justifications behind the design of the electoral system. When General Pinochet sent the Legislative Commission a reform bill modifying the electoral system in 1988, he argued that the new electoral system should contribute to avoid past “perverse” electoral and party experiences (History of Law N° 18.799, p. 48). Above all, the military was keen on designing an electoral system that would reduce and hamper “absurd and extremist competition” and “favour more moderate political ideas” (Idem).

Based on the intended effects pursued by government, the new system was expected to (1) reduce and moderate extreme polarization, (2) reduce fragmentation and the number of parties, (3) increase pragmatism and governability (4) produce two large currents of thought, and (5) avoid any situation similar to the one leading up to the 1973 crisis.

With a clear assessment of the political causes of the collapse of democracy, the military government set out to design the 1980 Political Constitution and the electoral system in hopes that they would contribute to producing and protecting a more stable, moderate, and efficient political scenario.

3.1.2 The Making of the 1980 Political Constitution and the Binominal Electoral System

Salvador Allende attempted to democratically install in Chile a socialist government with support from the Socialist and Communist parties, but with only 36.3% of the vote, no control over a Congress dominated by the Christian Democrat Party (PDC), and active opposition from business people and segments of labour and student movements (Huneus, 2007).

The Popular Unity¹⁰ (UP) project was based on the implementation of economic changes based on state control of many small, medium, and large companies by questionable legal means (Huneus, 2007). The objective was to “bring social justice within the framework of democratic, pluralist, and libertarian traditions” (Valenzuela, 1978, p. xi). The UP meant to alter the traditional order of Chilean society by transferring power from the privileged minority to the great popular masses (Boeninger, 1997).

Early into his term, the implementation of his socialist policies began to create divisions among citizens. Society became polarized into Allende’s supporters, who viewed his government as “the Chilean road to socialism,” and his detractors, who claimed his goal was to pave the way for a Communist dictatorship (Londregan, 2000, p. 50).

The situation became critical hastily. Collier and Sater (2004) go so far as to say that Allende, who had a longstanding and successful political career, appeared to have lost all control over the administration of the country. His inability to control his own coalition led him to pursue radical reforms that alienated any chance of moderation and conversation with the centre party (PDC) and the Right. This, the authors argue, was a recipe for disaster. The pillar reforms of the UP program backfired and created an economic, social, and political crisis. It was not long before the military intervened, cutting Allende’s government short and interrupting traditional democratic order.

After the coup, the Junta, formed of Commanders in Chief of the three branches of the Armed Forces and the Director of Carabineros,¹¹ invested itself with plenary constituent, legislative, and executive powers (Huneus, 2007, p. 44). Navy Admiral José Toribio Merino, Air Force General Gustavo Leigh, Army General Augusto Pinochet, and Carabineros Director General César Mendoza would be the members of the Military Junta and would rotate the presidential chair (Boeninger, 1997). However, the regime rapidly became a solo act when, in 1974 Pinochet arrogated himself the title of President of the Republic (Collier and Sater, 2004).

One of the first measures was to shut Congress down. UP political parties were banned and all others were “put in recess,” and, in 1977, banned. Curfews were established, media and newspapers closed or controlled (idem, p. 359). Institutions that remained would be led by high profile former armed forces personnel and Junta supporters.

¹⁰ Unidad Popular.

¹¹ Carabineros: National Police Force.

Once in control, the Junta declared that their objectives would be to reinstate the traditional Chilean institutional order and eliminate all vestiges of Socialism- and Marxism-inspired doctrines (Boeninger, 1997). In order to do this, the Junta began to legislate through decree-laws.

When issues between the Supreme Court and the Junta arose regarding the “constitutionality” and ranking of certain decree-laws, the topic of constitutional certainty came to forefront. The military found itself needing legal legitimation of their way of governance. A reform of the 1925 Constitution—still in effect—was needed (Huneus, 2007, p. 151).

It was quickly decided that there was going to be no reform but a new charter that reflected the Junta’s principles and objectives. The political philosophy behind the concept of *protected democracy* was built on a profound mistrust of citizen’s ability to self-govern. This pillar idea from which the regime built their institutional framework was introduced and defended by the gremialista¹² constitutional adviser Jaime Guzmán.

The first constitutional commission was created on September 24th, just a few days after the Coup. The work group functioned from September 1973 to October 1978 (Nogueira, 2008), initially with the task of evaluating the legal status of the 1925 Constitution and, later, the drafting of the new charter. The task force would be informally known as the Ortúzar Commission, after its president.

3.1.2.1 The Ortúzar Commission

Mostly known for its collaboration in the drafting of the 1980 Political Constitution, the Commission was initially devoted to the analysis of the legal status of the 1925 Constitution and the Junta’s ability to exercise constituent powers.

The Commission’s initial members were prominent professors of constitutional law and former politicians, sympathizers of the Right, and supporters of the Junta. It was composed at first by Enrique Ortúzar Escobar, former Minister of Justice in Jorge Alessandri’s Government; Sergio Díez Urzúa, former Senator of the National Party; Jaime Guzmán Errázuriz, a gremialista leader and associate professor of constitutional law at the Pontifical Catholic University; and Jorge Ovalle Quiroz, a professor of

¹²A sympathizer of Gremialismo or “Guildism”, a conservative Catholic movement, emerging in the 1960s at the Catholic University of Santiago.

constitutional law at the University of Chile and a former member of the Radical Party. Shortly thereafter, a petition was made by the PDC to broaden the ideological composition of the Commission. Three more men were incorporated: Gustavo Lorca Rojas, a former Liberal Party congressman; Enrique Silva de la Cuadra and Alejandro Silva Bascuñán, two prominent men from the PDC, also professors of constitutional law (Barros, 2002; Huneeus, 2007).

It was a very important matter for the Junta to operate within a certain legal framework, since they had “pledged to respect the law and the constitution insofar as the situation permitted” (idem, p. 36), and this was them trying to establish what the situation was. There was a high level of uncertainty as to how to rule, since there was no previous design or regime prototype (p. 37). Power, as Huneeus (2007) describes, had fallen into their lap, and besides the consensus that had motivated them to bring down the Allende government, there was no idea or agreement regarding what to do and how to do it. One of the first clarifications the Junta made, by late 1973, was the idea that by having the “Supreme Command of the Nation,” the Junta had the right to exercise executive, legislative and constituent powers (Barros, 2002, p. 37).

In terms of the first task assigned to the Commission, the discussion of whether or not the Junta had the right to exercise constituent powers would produce the first major clash between collaborators, particularly between Jaime Guzmán and Alejandro Silva, who argued that constituent powers resided in the people and not the Junta. Guzmán, supported by the rest of the collaborators, argued that by default, the Junta did possess constituent powers because the organs competent to enact these amendments had been dissolved (Barros, 2002).

The Supreme Court’s main concern was clarifying whether the constituent powers of the Junta included the power to amend the constitution (p. 87). The issue was placed in the typification of decree-laws, between those that modified the constitution, and simple decree-laws. The conclusion was that “constituent powers had to be clarified to assure the legal-constitutional supremacy of the military” (p. 88).

The situation was resolved in the next two years. How the Junta would exercise its constituent powers and relate with the Supreme Court was worked out. The “scope and procedural organization of the executive and legislative powers” were also defined, and a partial separation of powers within the Junta provided (idem, pp. 37–38). After a rather

public struggle¹³ to assert its authority, the Supreme Court managed to assert its judicial review power and the recognition of different ranks of decree-laws in order to maintain some degree of constitutional certainty. This meant that the 1925 Constitution would no longer be unofficially reformed through decrees. The Supreme Court had forced the Junta's hand into developing formal amendments to the Constitution (see D.L. N° 788, D.O., 4 December 1974).

After this complex exchange between the Junta, its advisors, and the Supreme Court, a new idea of gradual incorporation of individual constitutional acts that would eventually become articles of the new constitution was presented. They were presented in 1976 as the Constitutional Acts (CA), a series of constitutional-rank norms that would serve as guidelines for the new constitution. Barros (2002) portrays the CA as an assertion of the Junta's constituent power, since it would eventually derogate the previous constitution and enact one of their own.

The CA were immediately questioned by the Commission. The issue resonating within the group was the pertinence of contemporary norms in the medium and long term. How could a constitution designed in view of the Junta's immediate objectives in any way serve as the foundation for future democratic order? (p. 182). Divisions within the work group led to long debates and slow drafting.

Eventually, the draft was sent to the Junta for review. Again, debates among Commanders-in-Chief and advisers were heated. In the end, the Acts reflected the Junta's objectives in the present, "immediate concerns of the dictatorship would take precedence over provisions designed for a civilian future" (p. 204–05)

Although not concluded, General Pinochet presented the outline of the Constitutional Acts on his "Youth Day" Chacarillas speech on July 1977. He presented the new democratic order as *protected* and *authoritarian*. The speech was considered a milestone in the institutionalization of the transition to democracy. According to Pinochet's plan, the road to democracy would take place in three stages: recovery, transition, and normalcy (Huneeus, 2007, p. 154). During the recovery period, the Constitutional Acts would be completed and the 1925 Constitution finally derogated (Boeninger, 2014, p. 312). In 1980, the transition period would begin, ruled by the CA. By 1985, the normalcy period

¹³ The Federico Dunker Briggs Case.

would begin, the new charter would be finalized, and the protected democracy consolidated (Huneeus, 2007, p. 155).

The presented outline also considered a new organization of powers. The executive power would remain with the president; the constituent power would remain with the Junta, which would be enabled to act upon consultation with the Council of State; and the legislative power was to be in the hands of two co-legislators: the president and the legislative chamber, which would be established during the period of transition (Huneeus, 2007, p. 155).

The chamber would be initially composed completely by appointed members. People of national importance and would be appointed by the President and constitute a third of the chamber; the other two-thirds would be composed of individuals representing the regions or a group of regions and would be appointed by the Junta.¹⁴ The legislative chamber's first term would last four or five years, after which the regional segment would be elected by popular vote (Huneeus, 2007, p. 154).

These ideas were put into a memorandum and sent to the Constituent Commission in order to guide the draft of the Constitution. The premises laid out by Pinochet in the memo did not aim to restore democracy as was known, but to establish a limited democracy based not on popular sovereignty or the separation of powers but on the supremacy of the military as political authorities (p. 157).

The memo crystalized ideas that made the final drafting an easier task.

Among the issues reviewed, the Commission discussed whether Congress would be composed of one or two chambers. The bicameral composition was preferred as long as each chamber's attributes differed (History of the Law N°18.799, pp. 6–13). Both chambers would legislate; however, the Chamber of Deputies would retain its historical function of overseeing the acts of government (p. 9).

Constitutionalist adviser Jaime Guzmán argued in favour of two chambers based on the idea that it would sit well with the people if they had not only a small – partly designated – chamber but two like they had before. Additionally, Guzmán stated that if there were

¹⁴ These notions of appointed legislators would account for the later establishment of designated senators.

two chambers, public opinion would be more favourable towards the mixed composition of at least one (p. 11).

In discussions taking place in October 1977, Guzmán was already articulating the convenience of having a third of the chamber (in case they chose to have one) composed of members designated by the president. He argued that this scenario would practically give legislative control to the president, even with a relatively small number of favourable votes (*idem*).

Influenced by Pinochet's interventions, by March 1978 the Commission had come to an agreement regarding the idea that for the normalcy period, Congress would be bicameral with at least a segment of one chamber designated or elected by some form different than universal suffrage (p. 16).

Although Pinochet had manifested his preference for a single legislative chamber for the transitional period, the Commission agreed on a bicameral Congress for both the transitional and normalcy stage. It was agreed that the Chamber would be composed of a fixed number of members, which would be determined by the electoral system adopted, and the Senate would be made up of 30 national Senators chosen by a single electoral college and 15 other senators (p. 30).

By 1978, these ideas were drafted and presented to Pinochet and the Council of State. Chapter V, titled "National Congress," governs the composition of Congress and its attributes (articles 47–78, see Bulnes, pp. 259–78).

Article N°48 ruled over the conformation of the Chamber of Deputies:

La Cámara de Diputados está integrada por 150 miembros, elegidos en votación directa por las circunscripciones que establezca la Ley de Elecciones. En las elecciones de Diputados se empleará un procedimiento que dé por resultado una efectiva expresión de las mayorías, a través de colegios electorales uninominales o plurinominales, según lo determina dicha ley.

Cada circunscripción elegirá el mismo número de Diputados, y los candidatos independientes participarán en igualdad de condiciones con los que pertenezcan a partidos políticos.

La Cámara de Diputados se renovará en su totalidad cada cuatro años. Sin embargo, si el Presidente de la República hiciere uso de la facultad que le confiere el N° 5 del artículo 37, la nueva Cámara que se elija durará, en este caso, sólo el tiempo que le faltare a la disuelta para terminar su período (Bulnes Aldunate, 1981, p. 259).

The Article established that the Chamber of Deputies would be composed of 150 members, elected by electoral districts established by the organic law ruling elections. The electoral system would provide representation of the majorities, through uninominal or plurinominal electoral colleges, as ruled by the electoral law. Each electoral district would choose the same number of deputies, and the independent candidates would participate with equal status to those who run through political parties.

Although the Commission was not yet discussing the specific magnitude of the electoral districts, the new article states that each electoral district would elect the same number of deputies.

Regarding the composition of the Senate, Article N° 51 of the Commission's draft stated:

El Senado está integrado por treinta miembros elegidos en votación directa en colegio electoral único para toda la República.

Cada elector tendrá derecho a un voto múltiple no acumulativo, y podrá marcar sus preferencias respecto de un número máximo de candidatos que será determinado por la ley, el que en todo caso no será inferior a un tercio ni superior a dos tercios de los cargos que hayan de proveerse. Resultarán elegidos los candidatos que obtuvieren las más altas mayorías individuales.

Los senadores elegidos por votación directa durarán ocho años en sus cargos, y se renovarán por parcialidades de quince cada cuatro años.

Además, el Senado estará integrado por:

- a) Los ex Presidentes de la República, que pertenecerán a él por derecho propio y con carácter vitalicio, sin perjuicio de que les serán aplicables las incompatibilidades, incapacidades y causales de cesación de cargo contempladas en los artículos 61,62 y 63 de esta Constitución;
- b) Un ex Presidente de la Corte Suprema, elegido por ésta;
- c) Un ex Contralor General de la República, designado por el Presidente de la República, con acuerdo de la Cámara de Diputados.
- d) Un ex Comandante en Jefe del Ejército, de la Armada y de la Fuerza Aérea, y un ex General Director de Carabineros, que lo serán, en cada caso, los que hayan cesado en el cargo con fecha más próxima al momento que deba producirse la designación;
- e) Un ex Ministro de Relaciones Exteriores que hubiere servido el cargo por más de dos años, elegido por quienes hubieren desempeñado igual función por un lapso no inferior a un año;
- f) Dos ex Ministros de Estado, designados por el Presidente de la República de entre quienes hayan ejercido el cargo por más de dos años, en un período presidencial anterior a aquel en el cual se realiza la designación;
- g) Un ex Rector de Universidad, elegido por los Rectores de Universidades estatales o reconocidas por el Estado;
- h) Un ex Presidente de la Cámara de Diputados, elegido por ésta de entre quienes hubieren desempeñado dicha función por más de un año; e
- i) Un ex Embajador, designado por el Presidente de la República de entre quienes hubieren servido el cargo por más de dos años durante un período presidencial anterior a aquel en el cual se realiza la designación.

Los Senadores a que se refieren las letras anteriores, exceptuando los ex Presidentes de la República, durarán cuatro años en sus funciones. Su elección o designación se realizará, en conformidad a la ley, dentro de los quince días siguientes de cada elección general de parlamentarios, y asumirán sus funciones conjuntamente con quienes resulten elegidos de ésta.

En el evento de que la persona nominada no acepte el cargo, incluimos los casos de la letra d), éste se proveerá en la forma señalada precedentemente que corresponda (Bulnes Aldunate, 1981, pp. 260-261).

The Commission proposed a proportional system for the election of the Senate, different from the pre-'73 PR system. According to Art. 51, the Senate would be composed of 30 elected members, 12 'designated or chosen among their peers' and former presidents (which were for life). Fifteen Senators would be elected by a single national electoral district every four years. The first two elections would serve to compose the Senate, and the remainder would replace those who had served their eight years.

Voters would be able to vote for (one to five, depending on the organic law) candidates in order of their preference (multiple non-cumulative vote). The 15 most favoured candidates would be elected.

Discussions and the influence of General Pinochet's memo led the Commission to prefer a partially designated or mixed Senate. Arguments in favour of this choice spoke about some of the members' fears arising from the universal vote, the concerns about some type of return to old practices, and the idea that a fully elected Congress should be implemented further along the road because the context was not yet right (History of the Law N°18.799, Article 46; pp. 5–34). According to the Commission, a mixed Congress would serve several purposes: install the institutional framework early – in the transition period – with the idea that it would help with national and international pressures for citizen expression and representation. As presented earlier in the discussion, it was also argued by Guzmán that the designation of notable people (as it was referred to) would provide the president a solid majority within the Senate.

The final constitutional draft (*anteproyecto*) was sent to the president on 17 August 1978. It was presented to General Pinochet, who called the Council of State to review it.

3.1.2.2 The Council of State Commission (1976–1990)

Created in 1976, the Council of State was intended to serve as a civilian advisory body to the president. Huneeus (2007) describes it as an attempt by the regime to strengthen "the

image of presidential authority and moderate the character of the military regime by integrating civilians into decision-making” (p. 189). From 1976 to 1978, it served these purposes. On October 31st, 1978 the Council was assigned to revise the constitutional draft presented by the Constituent Commission, a role it played until 1980.

Although the Council approved most of the draft presented by the Ortúzar Commission, it differed in matters of the nature and duration of the transition and with the mechanisms designed to perpetuate a protected democracy (Boeninger, 2014, p. 318).

The Council, influenced by Alessandri, suggested changes that affected the transition format. Alessandri was convinced that the transition should be accelerated and democracy restored as soon as possible. The Council submitted a proposal that suggested a five-year transition, which would lead to democratic elections in 1986. The new document would be a corrected version of the 1925 Constitution.¹⁵

Regarding Chapter V, “National Congress,” the Council of State modified the following in the “Composition and Generation of the Chamber of Deputies and of the Senate” item.

Article 43° of the Council of State draft stated:

La Cámara de Diputados está integrada por 120 miembros elegidos por votación directa por el número igual de distritos electorales que establezca la ley orgánica constitucional respectiva, en forma de que cada distrito elija un diputado.

Resultará elegido el candidato que reúna la mayoría absoluta de los sufragios válidamente emitidos en el distrito electoral respectivo. Si ninguno la obtuviese, se verificará una segunda elección dentro de quince días después de realizada la primera, la cual se circunscribirá a los que hubieran obtenido las dos más altas mayorías relativas. En ambas votaciones, los votos en blanco y los nulos se considerarán como no emitidos.

Cada candidato deberá ser propuesto por un número de electores no inferior al uno por ciento del correspondiente al respectivo distrito.

La Cámara de Diputados se renovará en su totalidad cada cuatro años. Sin embargo, si el Presidente de la República hiciere uso de la facultad que le confiere el número 5° del artículo 32, la nueva Cámara que se elija durará, en este caso, sólo el tiempo que le faltare a la disuelta para terminar su período (Bulnes Aldunate, 1981; p. 343).

¹⁵ The Council also suggested eliminating the unremovability of the Commanders in Chief, the objection to reliance on the Armed Forces as guarantors of the institutionality and their majority in the National Security Council (COSENA), reducing the autonomy of the Central Bank, shortening the presidential term from 8 to 6 years, and dissolving of the Junta in 1981, among others (for more information see Boeninger, 2014).

Article 43° stated that the Chamber of Deputies would be composed of 120 members, which were to be elected through uninominal districts. The candidate with the absolute majority of the votes per district would be elected. If there was no absolute majority, new elections would take place 15 days after the first election. Electoral districts would be determined by the respective constitutional organic law.

Article 45° of the Council's draft governed the composition of the Senate:

El Senado se integra con miembros elegidos en votación directa por cada una de las trece regiones del país. A cada región corresponde elegir dos Senadores, salvo las regiones quinta y octava que elegirán tres cada una y la región metropolitana que elegirá seis.

En las elecciones de senadores, cada candidato deberá ser propuesto por un número de electores que no baje de quinientos en las regiones que elijan dos senadores, de mil en las que elijan tres, y de dos mil quinientos en la región metropolitana. Los candidatos podrán presentarse en listas uninominales o plurinominales, ya sea que éstas se integren por militantes de partidos políticos, por ellos e independientes, o sólo por independientes. Si las listas se integran por candidatos de diferentes partidos o corrientes de opinión, sólo se admitirá su inscripción cuando las organizaciones o partidos patrocinantes hayan suscrito un pacto electoral de aplicación nacional, y previa declaración de que existe entre ellos afinidad ideológica. Las listas no podrán contener más nombres que la cantidad de cargos por llenar.

Para determinar los candidatos que resultarán elegidos, se aplicará el régimen de cifra repartidora con el objeto de establecer el número de senadores que corresponda a cada lista y, luego, dentro de ellas, se proclamará a los que hayan obtenido las más altas mayorías individuales.

Los senadores elegidos por votación directa durarán ocho años en sus cargos y se renovarán alternadamente cada cuatro años, correspondiendo hacerlo en un período a los representantes de regiones de número impar, y en el siguiente a los de regiones de número par y la región metropolitana.

El Senado estará integrado por:

- a) Los ex Presidentes de la República que hayan desempeñado el cargo durante seis años en forma continua, salvo que hubiese tenido lugar lo previsto en el inciso tercero del número 1° del artículo 49 de esta Constitución. Estos senadores, lo serán por derecho propio y con carácter vitalicio, sin perjuicio de que les sean aplicables las incompatibilidades en los artículos 55, 56 y 57 de esta Constitución;
- b) Un ex Presidente de la Corte Suprema, que haya desempeñado el cargo por tres años continuos y que no pertenezca al Tribunal;
- c) Un ex Contralor General de la República, siempre que haya desempeñado el cargo a lo menos por tres años continuos;
- d) Un ex Comandante en Jefe del Ejército, uno de la Armada, otro de la Fuerza Aérea, y un ex Director General de Carabineros;
- e) Un ex rector de universidad estatal o reconocida por el Estado, que haya desempeñado el cargo por un período no inferior a tres años continuos; y
- f) Dos ex Ministros de Estado, que hayan ejercido el cargo por más de tres años, continuos o discontinuos, en períodos presidenciales anteriores a aquel en el cual se realiza la designación.

Los senadores a que se refieren las letras b), c), d), e) y f) de este artículo serán designados por el Presidente de la República, y permanecerán en sus cargos hasta que expiren las funciones del mismo.

La designación de estos senadores se verificará dentro de los quince días siguientes a cada elección general de diputados y senadores. Las vacantes se proveerán en el mismo plazo, contando desde que se produjeren.

No podrán ser designados senadores quienes hubiesen sido destituidos por el Senado conforme al artículo 49 de esta Constitución (Bulnes Aldunate, 1981; pp. 344-345).

Article 45° of the Council's constitutional draft stated that the Senate would be composed of 38 elected members and 9 appointed ones (47). Each of the thirteen regions (except the V, VIII, and Metropolitan) would constitute an electoral district and elect 2 senators. The V and VIII region would elect 3, and the metropolitan would elect 6. The quotient system would be applied in order to establish the number of senators corresponding to each list, and those who have received the absolute majority within each list would be proclaimed as winners.

In addition to the 38 elected members, the number of designated senators was reduced from 12 to 9. The Council removed from the list the quota assigned to (1) former President of the Chamber of Deputies, (1) former ambassador, and (1) former Foreign Relations Minister. It also modified who had the ability to designate these senators. In the Commission's draft, some of the quotas were to be chosen among their peers; the Council's draft stated that all but former presidents who became senators "by their own right" would be appointed by the President of the Republic.

Ortúzar and Carmona introduced to the Council the idea that for the Senate, each region would elect two members, with exception of the three most populated ones (Meeting Minutes of the Council of State, Session 75, p. 4; Session 77, pp. 1–4). This section of Article 51 was approved with unanimity in the Council (Session 82, p. 1).

This vote and drafting of Article 51 are very important in the actual discussion of the "origins" of the binominal system, because the fixed magnitude of 2 for every district logic for the composition of the Senate is usually attributed to the Fernández Commission. However, one can find the first establishment of the formula in the Council of State Commission.

The final draft was presented to Pinochet on July 8th, 1980. The Council took 20 months and 57 sessions (Sessions 54–111) to produce a revised version of the Commission's original draft.

Although differences between the Commission's and the Council's proposals were not so different, Pinochet was less than impressed with the Council's, particularly because of the diminished position it left the military in and the shortening of the transitional period.

The Council's proposal was to be discussed by one final work group, which came to be known as the Fernández Commission. This team would be the one to draft the final charter.

3.1.2.1 The Fernández Commission

The Fernández Commission (or work group) was created by the Junta to review both constitutional proposals. It took its name from Minister Sergio Fernández, who had been strategically appointed as Minister of Interior and leader of this work group by Pinochet to produce the final constitutional draft.

The conditions under which the work group operated were different from those of the previous commissions. There are no minutes or record of the meetings or the discussions that took place in them (Barros, 2002, p. 218). However, Barros argues that existing discussions from both commissions serve to inform the institutional logic behind the 1980 Constitution's design, because although the final draft manifested some modifications, its essence remained largely unaltered and mostly based on the Constituent Commissions draft.

The Commission had two tasks: First, building the structure of the transitional articles that would regulate constitutional order after the adoption of the 1980 Constitution on March 1981 and presidential elections in 1989 (Navia, 2005; Boeninger, 2014). Second, the group is known to have collaborated in the design of the electoral system (Navia, 2005, p. 249).

Concerning the first task, the nature and timeline of the transition to democracy was one of the most salient differences between both commissions. It was finally decided that transition would be as suggested by the military; although, instead of a 16-year long period, the Commission proposed two eight-year terms. Beginning in 1980, it would carry on for eight years, after which a plebiscite would serve as a ratification for another eight

years. The plebiscite would determine if the regime would continue for eight more years with the candidate (proposed by the Junta), or if it would call for presidential and Congressional democratic elections after another year of “transition” (Boeninger, 2014, pp. 318–19).

With respect to the second task, the final draft stipulated that the Chamber of Deputies would be composed of 120 members elected by the electoral districts established by the corresponding COL. The article did not specify the number of districts or how deputies would be elected (Article N°43 of the 1980 Political Constitution).

For the Senate, the Commission established that each region would elect two senators¹⁶ in accordance to the respective COL. The Senate would be composed of a total of 26 elected senators and 9 appointed ones (35). Although the proposal did not establish how they would be elected, it did state that elections would be concurrent (Navia, 2005, p. 249).

With fundamental issues settled, the constitutional project (120 articles and 29 transitional clauses) was approved by the Junta and enacted by Decree Law N° 3.464 on August 8th, 1980. The charter was to be ratified by national plebiscite on September 11th, 1980.

3.1.2.4 The 1980 Political Constitution

The new Constitution was intended to materialize and protect Pinochet’s and the Junta’s political project. Three were the main objectives the charter was designed to produce: a strong but audited presidentialism, partisan detachment, and institutional stagnation (Fuentes, 2012, p. 29). As Barros (2002) signals, the design of the Constitution was made looking backwards; it was intended to prevent previous situations and at the same time promote and protect the new order.

The strong presidentialism was intended to promote the figure of General Pinochet and reduce the relative power of Congress (Fuentes, 2012). Among the powers assigned to the president were the increased eight-year presidential term; the ability to call for plebiscite; the power to dissolve the Chamber of Deputies at least once during the president’s time in office (with exception of his last year in office); the power to nominate ministers, regional and provincial governors, ambassadors, and mayors; set legislative priorities; and the exclusive ability to initiate legislation concerning matters such as

¹⁶ No differences were made regarding the V, VII and Metropolitan region.

budget, collective negotiations, social security, and creation of public services (*idem*, p. 30).

Although the new charter strengthened the figure of the executive, it also established a series of fixed mechanisms of control over the president. It gave relative autonomy and veto power to four institutions: General Comptroller, Constitutional Tribunal, National Security Council (COSENA), and the three branches of the Armed Forces. The complex network of checks and balances over the president was expected to provide control over the system and the president's authority (*idem*, p. 33).

The second reactive measure implemented by the Constitution was the de-politization of political parties. This course of action was greatly influenced by the diagnosis the Junta had of the causes of the pre-'73 crises. The Junta was preoccupied with the possibility of fragmentation of the system, or the rise of new minority governments, or that the system would be monopolized by political parties. With these fears in mind, the Constitution sought to create a less politicized context, where majority governments could be guaranteed, along with the healthy representation of minorities (*idem*, p. 34).

One of the most controversial measures of the 1980 Constitution was Article N° 8, which banned antisystem parties (Barros, 2002, p. 226). Marxist-Leninist parties were considered too dangerous for the system; hence, they were prohibited. The Constitution reflected the Junta's general mistrust of universal suffrage and fear of its possible effects. The charter proposed an electoral system that would ensure a clear majority to the governing coalition and a list system that would ensure that parties and independent candidates run under equal conditions (Huneus, 2007, p. 160).

The third objective pursued was to ensure the new constitutional order over time (*idem*, p. 161). The 1980 charter devised constitutional guarantees that would prevent an eventual congressional majority that rejected the new order from modifying it (Huneus, 2007, p. 161).

Reform requirements were set exceptionally high: three-fifths of all members of Congress to enact modifications to the constitution and a two-thirds absolute majority in two successive legislatures to amend "entrenched chapters" (Barros, 2002, p. 227).

Additionally, the Constitution established institutional senators, who would be designated for life. Former presidents who had been in office for more than six years would become

life senators after their terms in office.¹⁷ Four former heads of the three branches of the Armed Forces and Carabineros would be designated by the COSENA. Three more would be appointed by the Supreme Court (one former minister and one former comptroller), and two would be appointed by the president (one former public university rector and one former minister). The objective of this institutional feature was to moderate an unrestrained majority, which was expected to be from opposition.

Besides promoting and securing political objectives related to the concept of protected democracy, the drafting of the 1980 Constitution was also a response to the pressures of the time. There was, among citizens and political factions, growing restlessness with the military order as it was. The situation was exacerbated by the growing impatience of international critics had with the status quo (Barros, 2002; Fuentes, 2012;). Cosmetic forms of constitutionalism were no longer playing the part. The public wanted some sign of the inauguration of the process of institutionalization and the demarcation of the transition process.

As expected, the Constitution provided the definitive guidelines of the future transition to democracy. However, as Barros (2002) states, it did not set it in motion or liberalize the military regime with its promulgation (p. 168). What the charter did do was provide the permanent articles that would rule the future democracy and a set of transitory dispositions that would rule the period of transition.

The issues were tackled with the promulgation of the charter in 1980. Barros argues that in order to attend to both tasks, there were actually two constitutions in one. The first consisted of 120 articles organized into fourteen chapters that constituted the “permanent body of the text structured a ‘self-protected democracy’, composed of what are essentially Republican institutions – an elected bicameral legislature and president – bolstered by a number of mechanisms designed to protect the institutional order from subversion from within” (p. 169). The second was composed of 29 transitory dispositions. These were to take precedence over the permanent articles during the first presidential term, which was to begin once the Constitution went into force, on 11 March 1981 (Barros, 2002, p. 169).

According to the second charter, General Pinochet was to remain in office for the next eight-year presidential term. The Junta was to retain their legislative and constituent

¹⁷ This guaranteed that Pinochet would become one after leaving the Command of the Army (Fuentes, 2012).

powers. The transitory clauses established the possibility of a second eight-year term, as long as Pinochet was nominated for president by the Junta and ratified by plebiscite. Transitory dispositions 27, 28 and 29 set a concrete end date to the military rule and the existence of the Junta. By March 1990, an elected Congress would be inaugurated (*idem*, p. 170).

Despite the fact that a constitution for the future democracy of Chile had been drafted, the transitory clauses had a less than favourable reception among the opposition. The second charter was the reaffirmation of the military's status quo and even granted the president with new, broader discretionary powers (see T.D. 24).

In order to increase the legitimacy of the charter, the regime designed a plebiscite to publicly ratify it before the people.

The plebiscite was held September 11th, 1980 (the seventh anniversary of the Military Coup). All Chileans eighteen or older and foreigners with legal residence in Chile were enabled to vote between two choices: "Yes" or "No" to the permanent articles of the Constitution, the transition period, and the maintenance of the president and the Junta for a period of at least nine more years (Nogueira, 2008, p. 330).

The results were favourable to the military regime. The option "Yes" (to all of the above) obtained 65.71% of the votes and "No," 30.19%.¹⁸

The nature, conditions and results of the plebiscite have been questioned since its execution. However, it did not change the fact that after this event, the new charter went into effect after its ratification.

Critics argue that it was not held in proper democratic terms. The context in which the consultation took place was one of limited freedom of speech, absence of political parties, no electoral registers, no table representatives, and no electoral tribunal to oversee the legitimacy and legality of the process (*idem*).

It was a plebiscite called by the military government to approve a charter designed exclusively by them. The opposition rejected the new constitution and the plebiscite based on two arguments: (1) there were anti-democratic clauses in the charter and (2) the whole process of the plebiscite was questionable, with no minimal conditions of transparency

¹⁸ 2.77% of the votes were null and 1.33 were left blank.

assured or freedom of speech and the possibility to propose other views (Fuentes, 2012, p. 43).

Despite the opposition's resistance, the 1980 Political Constitution was considered approved. This was one of Pinochet's finest hours in terms of power: legally, he had approval of the new constitution; economically, Chile was experiencing a good moment and indicators were solid; and politically, the referendum (although irregular) had showed that he had major public support (Huneus, 2007, p. 88). The military government had managed to secure its legacy by institutional means.

3.2 The Binominal System

The design of the electoral law was debated from a very early stage in all the commissions responsible for drafting the new charter. The electoral law had been partially incorporated into the 1980 Constitution; other aspects – not yet developed – had been left to be established by the COL, which did not materialize until 6 May 1988. This section focuses on the process of construction of Congress and the electoral system designed to elect its members. In the 1980 version, Chapter V (Articles N° 42-72) was dedicated to the composition and attributions of the National Congress.

The Constitution, through Article N° 43, that the Chamber of Deputies would be composed of 120 members that would be elected through districts, which were to be established by the corresponding COL¹⁹. Article N° 45 stated that the Senate would be composed of 35 members. 26 senators would be elected by electoral districts made up of thirteen regions in accordance to the mechanism established by the corresponding COL. Each region would elect 2 senators. The remainder of the Senate would be composed of 9 appointed members, in addition to former presidents (who served for six years). The Supreme Court would have the ability to choose two former ministers of the court and one former comptroller. The COSENA would be able to choose one former commander in chief of the Army, one former commander in chief of the Navy, one former commander in chief of the Air Force, and one former general director of Carabineros. The president would designate two former rectors of state universities (or recognized by the state) and one former minister of the state.

¹⁹ That particular COL was not yet developed. There was no electoral system assigned to elect member of the Chamber.

Permanent articles N° 43 and N° 45 of the Constitution did not provide the electoral system under which the 120 and 26 congressional representatives would be elected. These formulas were still being debated and were to be ruled by a Constitutional Organic Law developed over the next eight years. This matter was to finally be settled by COL N° 18.700, months before the first congressional elections.

3.2.1 Constitutional Organic Law N° 18.700

Approved by the Junta on 6 May 1988, the Constitutional Organic Law on Popular Elections and Vote Counting, introduced regulations that would govern democratic elections. The new law regulated future democratic elections and set forth the formula that would be used to elect the future president in the 1989 elections and thereafter. It did not, however include the “missing formula for congressional elections” (Pastor, 2004). It would be over a year later, after the results from the 1988 Plebiscite had come in, that the Junta would incorporate into COL N° 18.700, Article 109° bis, which inserted the binominal system as the formula to elected Deputies and Senators.

3.2.2 Constitutional Organic Law N° 18.799

As prescribed by the Constitution, the transitional period would be interrupted by a plebiscite in 1988. Initially, constitutional designers had considered the event as a symbolic milestone created to alleviate the 16 year-long transition originally mapped out by the regime (Huneus, 2007, p. 365). However, over the years it had become something else, especially to the opposition. The date of the plebiscite was fast approaching. Aware of this, Government took to the final drafting of the missing formula and the drawing of the electoral districts.

On 10 August 1988, two months before the plebiscite, General Pinochet sent a message to the Legislative Commission. In it, he argued that the proposed electoral system – the binominal – was expected to correct past mistakes harmful to Chilean democracy. The proposal for the Chamber was to elect a few deputies per district – specifically, two in each (History of Law N° 17.899, p. 39). The idea was supported by the technical report that also argued in favour of an “electoral system that elects few representatives in each district, particularly two,” claiming that it would help “reduce the number of parties, avoid multipartidism and promote the representation of majoritarian currents of thought” (idem, pp. 49–50), which was, after all, one of the most important objectives set out for the regime.

The electoral system materialized in Article N° 109 bis, which “formally adopted two-member districts for all legislative elections – both for the Chamber of Deputies and the Senate” (Pastor, 2004, p. 45), meaning that every election would fill two seats. Parties and electoral coalitions would be able to run two candidates per list. In each district, one of the two seats would be for the most voted-for candidate on the winning list, and the other seat would be assigned to the second most voted-for candidate on the list. The winning party or electoral coalition would only be able to capture both seats if they managed to double the number of votes obtained by the candidate finishing second (idem).²⁰

The new law also introduced Articles N° 178 and N° 179. Article N° 178 set the total number of electoral districts at 60, each electing two deputies concurrently. Article N° 179 introduced the composition of the electoral districts the country would be divided into.

Although the legislative bill was admitted on 10 August 1988, it was not approved until after the 1988 Plebiscite, on 26 May 1989.

3.2.3 The 1988 National Plebiscite

On 5 October 1988, two months after legislative bill N° 997-06 had been submitted, the plebiscite took place. Against regime expectations, efforts made by the opposition were successful. The campaign against the regime had been successful; General Pinochet had been defeated. A significant number of citizens – about 43% – wanted Pinochet as president for eight more years. However, an overwhelming 54.7% said “No” to the regime and demanded a return to democracy.

The regime’s plans changed. Although transitory dispositions placed in the Constitution secured their governance for one more year, presidential elections would be held on 14 December 1989. This extra year was crucial to the regime. During it, they would finish designing the institutions expected to secure some kind of favourable position for the political right and their institutional legacy. It would be a year marked by strategic decisions and negotiations with the now victorious opposition.

²⁰ See Annex 1 for Art. 109 bis.

The plebiscite was crucial not only because it produced a new – perhaps unexpected – “winner,” but because it had also produced “important information regarding voting behaviour and the structure of the electoral competition” (Rahat and Sznajder, 1998, p. 439). This information would provide one last opportunity for the regime to engineer a more favourable electoral scenario. The regime introduced strategic modifications to the drawing of the districts with the intention favouring the representation of the right (Pastor, 2004).

A few months after the plebiscite, on 10 January 1989, Pinochet presented an indication (N° 1.617) to Law N° 18.799 which was being discussed at the time. The indication proposed replacing the original 60 electoral districts with *partially* new ones.

The commission responsible for the study of the indication argued in favour of the presidential modification. They claimed that the original drawing of the districts actually “implied some level of disproportion from the demographic point of view” (History of the Law N° 18.799, p. 275). They also argued that with the new drawings electoral districts would be more homogeneous both demographically and geographically. And that the modification would generate a more appropriate proportion in the counting of citizens’ votes in the different zones in which the country is divided (p. 276).

Despite efforts to pass off the re-drawing of electoral districts as technical improvements, scholars have noticed that modifications follow a specific pattern of electoral engineering. The plebiscite showed that Pinochet gained more support in “traditionally conservative rural areas” (Pastor, 2004, p. 45). This would explain why “designers divided the electoral map so that the 20 least-populated districts currently elect 40 deputies, while the 7 most populated urban districts that have roughly the same population elect 14 deputies. The vote-per-seat ratio is also low in districts that supported Pinochet in the plebiscite and high in districts that the Concertación carried” (idem).

The result of the plebiscite motivated reactions from both political sides. While the government focused its attention on the final details of the electoral law, the Concertación began the preparing for the December elections, mutating from the “Concertación de Partidos por el No” to the “Concertación de Partidos por la Democracia.” Their triumph produced a public sensation that future elections would also be won (Boeninger, 2014). The government also perceived the air of victory. Voices from within, led by Carlos Cáceres – newly appointed Minister of Interior – suggested that a negotiation with the

opposition regarding possible reforms to the Constitution was necessary, arguing that it was a vital move if they expected the charter to be accepted under the new government after elections (idem, p. 97). The idea did not pass without difficulty within the right, but it passed. After arduous negotiations and fear of potential conflict, an agreement was achieved with the Concertación and 54 reforms were approved and ratified by plebiscite on July 30th that same year.

After negotiations and the enactment of the reforms, elections were only a few months away. The military government had managed to use Pinochet's last year as president as one of strategic acting, all in hopes of "preserving – as much as possible – the protected model of democracy" (Boeninger, 2014).

Elections were held as mandated by the transitory articles of the Constitution. On December 14th, 1989, Patricio Aylwin, leader of the "Concertación de Partidos por la Democracia" was elected president with 55.17% of the vote, inaugurating the return to democracy. December 14th was also the day on which the binominal system became the operating electoral system, remaining as such until its last election in 2013.

The whole binominal ordeal has been a relevant issue in Chile's political history. The process of design took the regime over 15 years if one marks the beginning of the process with the establishment of the Constituent Commission in 1974 and the end with the system's legal establishment and implementation in 1989. Knowing why the system was designed the way it was is crucial to understanding the rest of the process.

The binominal system functioned for 24 years. It remained in place long after the transition to democracy and long after the Concertación managed to elect four consecutive presidents. It remained in place despite the fact that more than 26 attempts at reform were made over the years by each Concertación president and legislators. Why? This is the question the following section sets out to answer.

3.3 The Enabling Process of the Binominal Electoral System Reform

One of the main premises of this dissertation is that complex processes like the Chilean reform of the binominal system are better understood if looked at from more than one

lens. This chapter provides a *macro* or *general* lens, viewing the phenomenon as a long-term gradual process.

So far, the chapter has accounted for the origins of the electoral system. The exercise revealed information about the motivation and the expectations behind the electoral system's design. Understanding the role formulated for the electoral system and the safeguards designed to maintain it will help understand why the system remained in place so many years in spite of efforts made to reform it.

As the chapter will show, it was not lack of political intention or any general satisfaction with the system that prolonged it, but rather the institutional impossibility of reform. Alluding to the framework proposed, the institutional status quo created by the military government made electoral reform efforts futile, because it disabled any inherent conditions in which reform could potentially flourish. That is what this next section is about.

The argument of this chapter is that over the years, a series of constitutional and electoral reforms gradually enabled the institutional context, until it had the inherent conditions in which reform of the binominal system could succeed. The reforms studied hereunder are considered as the ones that gradually enabled the possibility of electoral reform.

In accordance to the complementary approach suggested by this dissertation, Chapter Three analyses the process of reform from a general, macroscopic perspective. As I argued in the introduction, we are currently looking at the entire painting; we are standing at a distance, observing the complete scene of *Las Meninas*. This means that we are observing the complete process and gaining perspective of how and why it develops over time.

3.3.1 The Enabling Reforms: The Gradual Development of the Inherent Conditions for Reform (1989-2014)

In the previous section, I argued that the constitutional and electoral safeguards designed by the military regime were crucial in the disabling of the inherent conditions capable of fostering electoral reform. Despite efforts made to maintain the status quo, the regime found itself negotiating the terms of its established status quo as early as 1989, a year in which 54 constitutional reforms were enacted. I argue that the enabling process began here and continued until the final enabling reform in 2014, months before electoral reform was approved.

In this scenario, enabling reforms are those that facilitate the institutional path to electoral reform. I consider them the traceable route of reforms that gradually contributed to creating the institutional context in which reform could succeed. They are considered necessary formal modifications without which electoral reform would not have progressed despite efforts made on other fronts.

The 1980 Constitution was created with a specific set of objectives which constrained political action and the possibility of reform. The discussion below will provide relevant information of the motives and goals behind each of these reforms.

In the following sections, I present the five enabling reforms necessary to the enabling process: (1) the increase of elected senators from 26 to 32, and (2) the reduction of reform quorums for constitutional organic laws from 3/5 to 4/7. These two were part of the 1989 Amendment. The following two were part of the 2005 Package of Constitutional Reforms in which (3) designated senators and (4) references to “thirteen” regions in the Article N° 45 were eliminated. The final reform was the (5) elimination of the 120 limit on the total number of deputies from Article N° 43 of the Constitution.

3.3.1.1 The 1989 Reforms

The result of the 1988 plebiscite meant that Pinochet would have to leave government in a year, after which presidential and parliamentary elections would be held. Although General Pinochet had considerable support among citizens, the fact that he had lost as a candidate in the plebiscite prompted the right to produce a new candidate for the upcoming presidential elections (Huneus, 2007). The search for a contender brought about discussions about the need to preserve many of the features and political project of the regime. The military elite, along with the UDI²¹-Chicago Boys faction of the coalition, saw the need for a candidate that would reflect this. In contrast, Renovación Nacional (RN) promoted a candidate that would show some degree of change and willingness to transition towards a full modern democracy (idem). As a party, RN had shown over the years an inclination towards a speedier transition and reestablishment of democracy. They had been consistently open to conversations and negotiations with the opposition, while at the same time, remaining supportive of the regime. It was during this time that the

²¹ Democratic Independent Union Party.

possibility of dialogue and negotiation between the outgoing regime and the incoming coalition, was capitalized on by both Minister Cáceres and the Concertación.

In what has been described as a very informal negotiation, leaders of the Concertación de Partidos por la Democracia (CPD), proposed a comprehensive set of constitutional reforms. The right, considering their current post-plebiscite status and their internal conflict over the presidential candidacy, showed itself keen to renegotiate some of the terms established in the 1980 Constitution (Heiss and Navia, 2007).

The context surrounding the negotiations was filled with tension from both sides. The government was keen on securing as much of the institutional status quo as possible, particularly the future of the Constitution. The Concertación was pursuing comprehensive reforms in order to enable the legitimate recognition of the charter.

Negotiations were strained. The Minister of Interior was pressured by Pinochet, the UDI, and especially the RN. The government was not going to back down: they were willing to reform, but not on the CPD's terms. This led the Concertación to make a decision with enormous significance: they could either have rejected the Government's proposal as insufficient, maintaining their refusal to acknowledge the legitimacy of the Constitution or they could settle for a far more modest reform in order to avoid dragging out the constitutional conflict by accepting the consequent limitations to popular sovereignty and the power of the majority (Boeninger, 2014). Faced with the possibility of no-negotiation and thus, no-reform, results were achieved. A package of 54 constitutional reforms was approved by the 17 parties that made up the CPD (Nogueira, 2008, p. 333). With agreement over 54 constitutional reforms, the government called to a new plebiscite for July 30th, 1989 with the acquiescence of the Concertación. The reforms were ratified with an overwhelming 91% (Navia, 2018, p. 487).

The nature and result of these negotiations would mark the overall process of transition, which was to be “gradual and negotiated.”²² Despite opposition and relative dissatisfaction from relevant actors from the Concertación,²³ the form of the transition was established. The most important issue for the opposition was to start the process of

²² See Fuentes 2012.

²³ Ricardo Lagos was one of the most critical voices regarding the negotiation and the favorable conditions it created for the military (Fuentes, 2012).

transition and in order to do so they were willing to negotiate under less-than-optimal conditions.

The military was concerned with developing legal strategies that would allow them more control and protection over the process of democratization. However, military matters were not the only issue the government was keen on improving; the regime also sought to ensure that by agreeing to some reforms presented by the Concertación, the Constitution would not be dismantled in the near future (Uggla, 2005).

One of the most pressing matters was to correct the reform quorum established for the 14th chapter of the Constitution, which ruled the process of constitutional amendment. There had been a mistake in the original draft. While the requirements for most chapters made them virtually unchangeable, Chapter 14 could itself be modified with a simple legislative majority of 60% and presidential approval (Uggla, 2005, p. 58). If this matter remained without alteration, then this would mean a way to “unravel the entire Constitution” (Navia, 2018, p. 59).

In return, the military conceded to removing part of the protected democracy provisions. As part of the negotiations, they agreed to reform quorums and specific reform provisions that were key for the CPD’s long-term reform strategy. Among the most relevant reforms accomplished were the increase of the total number of elected senators, the elimination of the executive’s power to dissolve the Chamber, a slight reduction of the quorum required for reforms of COLs, the elimination of Article 8, which proscribed parties promoting totalitarian doctrines, the establishment of a four year transition government with no re-election and the incorporation of a comptroller to the National Security Council in order to balance military and civilian power (Fuentes, 2011, p. 1754).

The 1989 negotiations and the 54 reforms resulting from them were a conscious effort from the Concertación to reform slowly and intentionally. There was not going to be a new Constitution or a new electoral system. The existing ones were going to have to be modified to the extent possible given the institutional status quo.

I hereunder present two of the 1989 package reforms that played an enabling role in the process of electoral reform: (a) the reduction of reform quorums for Constitutional Organic Laws and (b) the increase of elected senators.

i) Reduction of Reform Quorums for Organic Laws from 3/5 to 4/7

Among the 54 reforms enforced by Law N° 18.825 was N° 35, which modified Article N° 63 of the Constitution covering reform quorums.

The original version of the article stated that laws that interpret constitutional precepts and laws granted the status of Constitutional Organic Laws would need for their approval, derogation, or modification a 3/5 majority of all the deputies and senators currently in office. The article also established the absolute majority of all legislators in office reform quorum, for the approval, derogation, or modification of Qualified Quorum Laws (Article 63°, 1980 Political Constitution).

Discussions during the negotiations surrounded two versions. The Renovación Nacional-Concertación Technical Commission proposed an absolute majority of the legislators in office (50%) as a requirement for COL reforms. The government proposed a much more conservative 4/7 of the legislators in office (57%), which eventually became the new quorum.

The reformed article specified that:

Las normas legales que interpreten preceptos constitucionales necesitarán, para su aprobación, modificación o derogación, de las tres quintas partes de los diputados y senadores en ejercicio.

Las normas legales a las cuales la Constitución confiere el carácter de ley orgánica constitucional requerirán, para su aprobación, modificación o derogación, de las cuatro séptimas partes de los diputados y senadores en ejercicio.

Las normas legales de quórum calificado se establecerán, modificarán o derogarán por la mayoría absoluta de los diputados y senadores en ejercicio.

Las demás normas legales requerirán la mayoría de los miembros presentes de cada Cámara, o las mayorías que sean aplicables conforme a los artículos 65 y siguientes (Article N° 63, 1980 Political Constitution, Modified in 1989).

With the reform, the electoral law (a COL) could now be changed with a lower quorum of 4/7. This modification meant that if the Concertación wanted to pursue electoral reform, it would need to obtain 57.14% of the votes of all the legislators in office in both chambers, instead of the previous 60%. Although quorums remained high, negotiations managed to slightly reduce the original quorum. As a first step towards reform, this one is considered by many as an improvement in the road of enabling future reforms.

ii) From 26 to 38 Elected Senators

The second of the reforms from the 1989 package with an enabling role was the increase of the total number of elected senators from the original 26 to 38. This increase presented a new arrangement of the influence designated and life senators posed in the configuration of majorities (Heiss and Navia, 2007).

Regarding the composition of the Senate, proposals from technical commissions, parties and Government bounced back and forth that year. The Renovación Nacional-Concertación Technical Commission had two proposals for the government. The first, suggested that the Senate be composed of 50 elected members in addition to former presidents, who would become senators by their own right. Each region would elect at least two senators. The remaining 24 seats would be distributed among regions in proportion of their number of voters. The second also proposed a 50-member Senate; however, it eliminated any non-elected members. Its other main features were similar to the first proposal (Andrade, 1991, pp. 82-83). What most proposals had in common regarding Article N° 45 was the increase of the number of elected senators. The Technical Commission proposed 50, RN 40, and, finally, the government agreed to 38.

Concerning life and designated senators, discussion went from their complete elimination, to the suppression of their vote right in the Senate, to their limited maintenance. Those opposing the feature argued that it was against parliamentary tradition, that people were against them, and that they granted too much influence to one sector (p. 222). The government refused to consider their elimination at all times, but it did agree to their “non-replacement in case of vacancy” and to the “evaluation of their contribution after their eight-year term,” which would enable discussions regarding the possibility of their elimination (p. 223).

The new article indicated that the Senate would be composed of 38 elected members. Nine regions (of the thirteen) would elect two senators, while six which would be divided into two electoral districts by the corresponding COL. In addition, the Senate would also have nine appointed members, with the possibility of all former presidents becoming life senators after the end of their terms.

This reform is considered as enabling because it contributed to the alteration of the distribution of powers within the Senate. If the Senate had remained with 26 elected senators and 9 designated ones (total of 35), the second group would represent 25.71% of

the chamber. With 38 elected senators and 9 designated (total of 47 senators), the second group would represent 19.15% of the chamber. This means that more elected senators, whichever political faction they belonged to, would alter – diminish – the internal weight of the designated senators. Since designated senators – at least the first 9 appointed – were expected to support pro-military regime legislation and contribute to block any effort of “institutional dismantling” from the Concertación. This, in addition to the lowering of Constitutional Organic Law reform quorums, would make electoral reform a more achievable task in the future (Andrade, 1991; Heiss and Navia, 2007).

Fuentes (2009) goes so far as to state that without this increase, future constitutional reform would have been impossible. According to his investigation, the reduction of constitutional quorums and the new congressional structure (38 elected and 9 appointed senators) fourteen reforms were enabled from 1991 to 2003.

Along with reducing the relative influence of the nine designated senators, twelve more elected seats also meant that they (Concertación) had the opportunity of competing for them, and if they won, increasing their chances of successfully pursuing reform in the future.

3.3.1.2 The 2005 Constitutional Reform

The next two enabling reforms were part of the 2005 package of constitutional reforms which took place during President Ricardo Lagos’ administration 2000–2006.

The 2005 reform is considered the first successful effort from the Concertación to push large reforms forward. The package included reforms that scaled down the role of the National Security Council (COSENA), increased the power and attributions of the Senate and the Chamber of Deputies, and introduced a new composition for the Constitutional Tribunal (Navia, 2018). The reform also included the reduction of the presidential term to four years without the possibility of re-election and the elimination of extraordinary periods of sessions in Congress, among other elements regarding the powers of Congress (Fuentes, 2011).

Among the package were two constitutional reforms that modified the composition of the Senate: (1) the reform to eliminate designated and life senators and (2) the removal of the “thirteen” fixed regions in Article N°45. These reforms are considered “enabling” because they modify the balance of power within the Senate, making it more

favourable for a potential electoral reform, and it lowers the quorum needed for the modification of the total number of members of the Senate.

i) Institutional Senators: Life and Designated

Just as the incorporation of twelve more elected senators had altered the composition of the Senate back in 1989, the elimination of designated and life senators was expected to produce another important alteration. Once the reform was enacted, Chile's Congress would – for the first time in sixteen years – be completely elected.

The removal of appointed senators was expected to fulfil a series of objectives that can be portrayed from both a broad and a narrow conception of interest. For the first view, it finally made Congress fully democratic. From the second, changes in the distribution of power were expected and hopes were set on the possibility that the new arrangement would favour the Concertación.

The institutional senators had been seen by the Concertación as a bastion of control set up by the military government and, for the first eight years, they were. From 1990 to 1998, nine out of nine of the designated senators either supported or sympathized with the right (Fuentes, 2012). The scenario changed slightly over the next years. Because the Concertación won every presidential election from 1990 to 2000, by 2005, the Concertación had been able to assign senators that were favourable to their project.

Aylwin was not able to become a life senator, because the Constitution stipulated that only presidents who had served six years in office could “by their own right” join the Senate, and President Aylwin's term had lasted four years, according to agreements about the transition government. However, President Eduardo Frei designated two senators favourable to the Concertación: Edgardo Boeninger and Enrique Silva Cimma. And because he served as president for six years (1994–2000), he became senator “by his own right” in 2002.

From 1990 to 2005, the number of institutional senators that favoured the right went from 9 to 6. In contrast, the number of institutional senators favouring the Concertación had risen from 0 in 1990 to 4 in 2005. By that year, the right had come to consider the elimination of this safeguard. They had concluded that in a short period, this feature would no longer serve its original purpose. This made negotiations regarding their elimination a rather prosperous event.

The table below shows the composition of the Senate in Chile from 1990 to 2018 in terms of their distribution in political coalitions.

Table 4: Composition of the Chilean Senate by Political Coalition from 1990 to 2018

Period	Concertación		Alianza	
	%	N°	%	N°
1990–1994	46.8	22	53.2	25
1994–1998	45.7	21	54.3	25
1998–2000	48.9	23	51.1	24
2000–2002	50.0	24	50.0	24
2002–2006	50.0	24	50.0	24
2006–2010	52.6	21	44.7	17
2010–2014	52.6	21	44.7	17
2014–2018	55.3	22	42.1	16

Source: Author's figures based on Navia and Saldaña, 2018.

The Alianza retained majority in the Senate until the 1998–2000 period. However, between 2000 and 2006, this majority had come to a tie. Both coalitions had 24 senators in their favour, and independent forces had not yet surfaced. Reforms were promulgated on August 2005. Designated senators would finish their terms in 2006, leaving the Senate – from this point on – with 38 elected members alone.

From the 2006–2010 legislative period, the Concertación gained a majority in the Senate. Concertación sympathizers now represented 52.6% of the Senate, while the right was left with 44.7%. The right lost its “status” in the Senate. The majoritarian force became the Concertación.

Reform quorums were still out of reach. Although they had around 53% of the votes in the Senate, the quorum needed to pass COL reforms was still 57%. However, the odds were gradually improving in favour the Concertación, and with that, so was the possibility of reform. It was becoming clear that negotiations would be crucial among coalitions and

independent legislators, in order to gain the minimum number of votes needed to pass the remaining reforms, and electoral reform after that.

ii) Elimination of the Word “Thirteen” from Article N° 45 of the Constitution

This reform is usually referred to as the elimination of the mention of the binominal system from the Constitution. Yet, no binominal system was ever mentioned in the Constitution. There are, however, two references that fix in the Constitution the number of senators and deputies able to be elected for each chamber.

In the case of the Senate, said number was fixed in Article N° 45. In the original text, the article stated that of the thirteen regions, each would elect two senators. This would constitute the original 26 elected senators prior to the 1989 reforms. After the reform, the article stated that all but six of the thirteen regions would be electoral districts electing two senators, while the specified six would be divided into two electoral districts by a corresponding COL. This meant that from now on, there would be 19 senatorial electoral districts (instead of 13), each electing 2 senators, providing a new total of 38 elected senators instead of 26 (Law N° 18.825). Nevertheless, this modification did not erase the number of regions that would constitute senatorial electoral districts. This meant that modifying the number of members that could constitute the Senate was a constitutional reform which required a 3/5 majority, rather than a COL reform, which required a lower 4/7 majority.

In 2005, Article N° 45 (now Article N° 49) was modified in two aspects. The first eliminated the feature of designated and life senators, and the second eliminated the reference to “thirteen” as the number of regions that would constitute electoral districts, fixing at a constitutional rank the number of members composing the Senate. Law N° 20.050 erased any mention of the number of regions; instead, it stated that the Senate would be composed of directly elected members by senatorial electoral districts in consideration of the regions of the country. It continued to state that the number of senators, electoral districts, and form of election would be determined by the corresponding COL (Law N° 20.050).

This reform, minor or even technical in its nature, proved to be a step towards electoral reform. The total number of senators could now be modified with a lower, more accessible quorum. It is important to note that although quorums had been reduced to 57% in both chambers, the quorum remained out of reach for the Concertación. The

gradual “disabling” of the institutional safeguards did not grant immediate access to the necessary quorums. As I have argued throughout the chapter, it made the inherent conditions for reform more favourable. Something else, something contingent, would have to take place in order for reform to occur.

iii) The 2014 Reform: The Elimination of Number ‘120’ From Article 47° of the Constitution

So far, I have discussed reforms that have mostly modified the composition of the Senate over the years. This section analyses a similar reform made to Article N° 47 (former Article N° 43) which ruled over the composition of the Chamber of Deputies. In this case, the reform was to eliminate references to 120 from Article N° 47 of the Constitution, informally known as the *guarismo* among the political elite. It was under President Piñera’s term (2010–2014) that the final of the enabling reforms would take place.

The original article stated that the lower chamber would be composed of 120 elected members and that it would be renewed every four years. Law N° 20.725 eliminated the 120 reference, leaving the article to stipulate that the Chamber of Deputies will be made up of members elected by direct vote in electoral districts.²⁴ The new article instituted that the number of elected deputies and districts and how they will be elected would be determined by the corresponding Constitutional Organic Law.

This elimination carries a similar effect as the removal of the mention of “thirteen” from Article N° 49 (former Art. 45) studied above. It transforms matters of the number of members that compose each chamber into COLs, reducing the reform quorums from 3/5 to 4/7 majority in both chambers.

The elimination of the 120 reference was considered by the reformist political elite as a crucial milestone in their efforts to reform the binominal system. To many involved, this reform represented the culmination of a long, slow process of gradual enabling of reform of the binominal system.

Because of the status and importance assigned to the matter by the reformist political elite, the process did not go through without debate. Although the Senate ruled in favour of the reform rather quickly, the Chamber showed more difficulties in the negotiation and agreement. The reform was slowed down by the UDI. Despite their efforts to impede

²⁴ The reform did not modify the ‘every four year-renewal’ of the Chamber.

reform, majorities were obtained because of fruitful negotiations between the New Majority Coalition (former Concertación) and more liberal factions of RN. Collaborations between these two factions, reminiscent of the 1989 negotiations, would prove crucial in future negotiations regarding electoral reform just a few months later.

Final Remarks

The review shows how each of the enabling reforms contributed in either the reduction of specific reform quorums, or the alteration of long-standing equilibriums that obstructed efforts of reform. The reforms represent the gradual alteration of the institutional status quo which was designed to make constitutional and electoral reform a very difficult – if not impossible – event. In words presented above, the institutional design produced by the military government sought to “disable” the possibility of reform. As soon as the system was established, the Concertación, assisted at times by a faction of the RN, set out to reduce the influence these dispositions had on the possibility of reform.

The role the enabling reforms had was to turn the original institutional status quo into a scenario that presented the inherent conditions in which electoral reform could succeed. It is important to note that each of these reforms cannot be seen as by itself enabling electoral reform, but as part of a larger process where each modification played a cumulative role in the generation of more favourable institutional conditions for electoral reform. In that sense, none of the enabling reforms are sufficient to cause the outcome on its own, but they are each individually necessary. In fact, all these reforms are still insufficient to explain why electoral reform took place the way it did, when it did. All these reforms can account for is the generation of the context in which electoral reform could take place.

The study of enabling reforms allows us to see the initial conditions under which reform was pursued and the conditions under which, at the end of the enabling process, reform was achieved. The evidence that supports the role of the enabling reforms is the fact that, up until the last of the reforms under consideration, no electoral reform was produced. It was only after the last of the enabling reforms was enacted that the final attempt of electoral reform prospered. Although I have not yet discussed the details of the 2014 reform of the binominal system, I have provided the preceding stages of the process. In light of the framework proposed in this dissertation, electoral reform cannot be attributed

exclusively to contingent factors of the last stage, but to a complementary distribution of causes that lie in both the inherent and contingent factors of a larger-scale process.

With these findings, I now turn to Chapter Four, which will focus on analysing the process of electoral reform at its last stage. Building from the notion of complementary approaches, the next chapter provides a *zoom-in* to the contingent factors that triggered reform in a – now enabled – institutional scenario. Based on notions provided by the RCI approach, I review why legislators, parties, and coalitions managed to negotiate, at this specific place and time, the terms to successfully approve electoral reform.

Chapter 4

The Last Stage of Reform: The Role of Contingency

While Chapter 3 portrayed the gradual enabling of the inherent conditions in which reform could occur, Chapter Four focuses on the contingent conditions that actually *made* electoral reform happen. By now, we know that electoral reform would not have happened if both conditions had not been met. This is why, despite all 26 efforts, the binominal system was not successfully modified before 2015: something was still missing. This is what the chapter intends to reveal, using an approach that will keep in sight Government's broad intentions to improve democratic standards of the electoral system and the narrow motives of the factions involved to either support or oppose this particular reform effort.

The chapter is structured as follows. The first section analyses how the conditions of social unrest and conflict within the ruling coalition (Alianza por Chile) during President Piñera's administration contributed as contingent factors in the triggering of the reform process. The second segment studies how a favourable political scenario during the honeymoon period (an overwhelming electoral majority in presidential elections, high levels of public support and majorities in Congress) contributed as contingent factors in the swift approval of at least three of President Bachelet's pillar reforms, one of them being the electoral reform. Section three reviews the structure, objectives, and justifications of the legislative bill introduced by the President. The fourth section shows the nature and composition of the favourable Congress. Section five identifies and describes the general characteristics of the pro- and anti-reform parties and how the reform-supporting parties conform the minimal winning coalition. Section six reviews how reform was discussed, negotiated, and voted upon. The seventh segment shows the resulting electoral system, a corrected or moderate proportional system of representation. Section eight analyses the objectives and arguments that were used by the different factions involved to either push or oppose electoral reform and shows how they relate to narrow interests linked to the improvement of legislators' re-election prospects, party-seat share improvement prospects, and other coalitional motives. Section nine concludes with final remarks on the chapter.

4.1 Social Unrest and Conflict Within the Right-Wing Coalition: The “Alianza” and the Piñera Administration (2010–2014)

Bachelet’s reform strategy is in large part influenced by the shortcomings of the previous government, led by Sebastián Piñera (2010–2014). Two key conditions obtained during his administration: (1) the escalation of social unrest and demand for structural reforms, and (2) the intensification of internal conflict in the governing coalition, the Alianza.

I review these aspects of President Piñera’s administration in terms of the role they played in the construction of Michelle Bachelet’s political program and the generation of collaborative pacts between Renovación Nacional (RN) and the Democracia Cristiana (PDC) to pursue electoral reform, against the government’s and the UDI’s wishes.

Piñera’s installation in government can be described as complicated. The Alianza was experiencing tensions over position nominations and feeling the pressure of having, practically, no previous political experience (Varas, 2013). To make matters more difficult, the president did not have majority in Congress, which meant that any reform would need extensive and careful negotiation with opposition.

In addition, President Piñera inherited a complicated reconstruction situation. Only weeks before being sworn into office, the country had been battered with an earthquake and tsunami, altering any previous plans for the new government. Efforts to return to normalcy were once again interrupted by catastrophe when thirty-three miners became trapped in Copiapó due to questionable safety measures at a private mine. However, the tragedy had a happy ending when after a complicated rescue, the Minister of Mining Laurence Golborne, was launched to star status, which positively rubbed off the president (Idem).

The positive attention the President received from the media due to the successful rescue would mark a turning point in the way President Piñera ran his government. Despite efforts to rule in response to surveys, his approval was on a constant drop and would not recover. His approval by the end of 2010 was at 44%.²⁵

Things did not improve the next year. The President’s agenda was interrupted by the irruption and radicalization of social unrest. The year, 2011, has been described as the “year people took to the streets” (Gamboa and Segovia, 2012). The year was characterized

²⁵ CEP National Opinion Survey, November–December, 2010.

by a significant increase in social mobilization processes, which led to the proliferation of manifestations and political rallies which used the streets as a space to express their demands and critiques (p. 66).

Social turmoil was not the only problem the new administration faced. Relations within the ruling coalition grew more strained by the day. Dissatisfaction with nominations, conflict over specific reforms, coordination problems, and discrepancies in the prioritization of government tasks abounded (idem).

Relationships between the executive and coalition parties were difficult from the start. President Piñera had made a choice: he would run the country like a company, reducing the role of politicians to a minimum. This notion was put in evidence after the president presented his first cabinet, which would be composed of primarily of businessmen and academics. Of the twenty-two ministries, only eight went to RN or UDI militants; the remaining fourteen went to people without formal political affiliation (idem, p. 76). The fact that the President wished to distance himself from parties was not taken lightly by politicians and members of the coalition. They resented the technical profile of the nominations and government management (Avendaño, 2011). Piñera's distance from political parties eventually led to open criticism from members of the Alianza and the appearance of rebellious wayward politicians. Relations grew even more strained by the excessive personalism with which Piñera ran government, which left coalition parties in a disadvantaged position (idem).

President Piñera's time in office was marked by a conflicted relation between government and the Alianza.²⁶ To make matters more difficult, brewing conflicts within the Alianza grew because of disputes over leadership.

Divisions within the Alianza reached a critical point when it came to the reform agenda. It had been President Piñera's commitment to push a set of reforms that would "improve the quality of democracy and reverse the problems that affect the representation system" (Avendaño, 2013, p. 168). The government's strategy was to promote reforms to the electoral law, while consciously avoiding reforming of the binominal system. This is how reforms such as voluntary primaries, overseas voting, automatic enrolment, and voluntary voting were passed.

²⁶Also known as Coalición por el Cambio from 2009–2014.

Confusion concerning the executive's stance on electoral reform was about to reach critical levels. On October 2011, President Piñera initiated conversations with the PDC in order to advance the reform of the binominal system. By the end of the month, a task force composed of ProyectAmérica, Centro Democracia y Comunidad, and PDC personnel (Edmundo Pérez Yoma and Claudio Orrego) presented a proposal to reform the binominal system. The news upset RN and the UDI, who claimed to be unaware of the proposal.

Despite the Alianza's resistance to legislate on the matter, President Piñera resumed conversations with the PDC. Evidence suggested that the new reform agenda would include the modification of the binominal system. However, by December government began to show signs of back-peddalling retraction, which was eventually confirmed by an announcement made on January 10th, by government spokesperson Minister Andrés Chadwick. The government would not prioritize a reform over which no agreement had been achieved in the past twenty years. The Minister argued that any reform of the binominal system would need product of "broad agreements," and the first place to do that was within the ruling coalition (*El Mercurio*, 10-01-2012).

A few days after Minister Chadwick's announcement, the President made a public statement regarding the state of reform. He declared that, in order for the government to pursue it, there needed to be a "climate of collaboration and dialogue between the two coalitions, and at the time, there was none." He referred to the coalitions: "They either agree or there are no changes, just like has happened for the last twenty years," and noted that the factions involved think that "things should be done exactly as they wish, or simply not done at all" (*Radio Cooperativa*, 11-01-2012).

The UDI reacted to the President's statement. According to them, President Piñera had told coalition parties in a meeting earlier that week, that reform of the binominal system would not be pursued. According to relevant UDI figures, the President had never included in his program the reform of the binominal system. At most, he had committed to "perfecting it and making some adjustments" (Jovino Novoa, *Radio Cooperativa*, 13-01-2012). The UDI's surprise over the President's statement led Senator Hernán Larraín to declare that "the President had actually gone off-script, by leaving the door open to a potential reform of the binominal system" (*Radio Cooperativa*, 14-01-2012). The Senator indicated that "many of the problems the government has had with the coalition derived

from the government's choice to make decisions without consulting with the parties and asking them to uphold these decisions afterwards" (idem).

Conflict, division, and lack of coordination were present not only in the ruling coalition, but the opposing one as well. Piñera's electoral success had turned the Concertación into Opposition, and after four consecutive Concertación governments, they had no experience being the opposition. The change of role had left in evidence the fragile state of the Concertación. While the PDC was isolating themselves from the rest of their associates, looking to the right, the rest of the coalition parties were arguing about the "end of the Concertación" and proposing a new, broader leftist coalition which included the Communist Party (PC), Broad Social Movement (MAS) and the Independent Regionalist Party (PRI) (Varas, 2013).

The Concertación's relationship with Government was marked by its oscillation between attacks and calls for dialogue and cooperation (idem). The government's confusing signals regarding electoral reform led parties to seek alternative roads, one of which was the PDC-RN electoral reform arrangement. While the UDI rejected any type of electoral reform, RN sought to build bridges with independent actors and the PDC. Both the government and the UDI felt betrayed by their coalition associate and declared that RN should have informed them of the situation and tried to seek consensus with them first. The agreement also sparked conflict within the Concertación, particularly with the Socialist Party (PS). There was a faction of the party that appreciated the RN-PDC arrangement and saw in it a true possibility of dismantling the binominal system (Deputy Camino Escalona, *Cambio21*). However, the other faction, led by the president of the party (Osvaldo Andrade), criticized the agreement and demanded an explanation from the PDC to the coalition (*Cambio21*).

President Piñera faced a complicated scene. Government contradictions and conflict with its supporting parties increased, which translated into growing indiscipline and open criticism. Additionally, RN liberals seemed to be growing restless within the party, showing signs of dissidence on crucial issues, which was rumoured to have produced the resignation of key members of the party in order to found a new one, because they considered RN to be currently "too conservative."

The government was not only strained by conflicts within the coalition, with opposition and contradictions of the reform agenda. They were in over their heads trying to govern

a country riddled by citizen protest, student manifestations, and the continued decline in President Piñera's government approval, which added to the profound crisis political institutions were experiencing (Gamboa and Segovia, 2016). The year finished with electoral defeat for the Alianza, which worsened and publicized the Alianza's internal divergence and fractures. The municipal elections (held on October 28th) were expected to showcase the electoral performance of the two political blocks. There was a degree of uncertainty because these were the first elections with the new rule of automatic inscription and voluntary voting. The results were surprisingly grim for the Alianza, who dropped from 144 to 121 governed municipalities, while the Concertación (who had run in two separate pacts with the PC) increased from 147 to 167 municipalities, winning over key ones (Navia, *La Tercera*, 23-10-2012). The two Concertación lists also performed well in council members' elections, obtaining 49.46% of the votes, while the Alianza only secured 32.9% (Varas, 2013, pp. 279–80).

The municipal elections were an early warning of what might happen in the upcoming parliamentary and presidential elections of 2013.

The Alianza had trouble securing the final presidential candidate. After a tight primary, the winning candidate, Pablo Longueira (UDI) withdrew his candidacy for personal reasons. His untimely resignation left the coalition in urgent need of another candidate. After negotiations, and with 80% approval from RN, Evelyn Matthei (UDI) was chosen for the task (Varas, 2013). The nomination of legislative candidates was also a complicated ordeal. Of the two parties, RN was the only one to select a portion of their candidates (in 10 districts) through primaries. The UDI decided not to define their candidates through primaries, arguing that they preferred to focus their efforts on the presidential primaries (Castiglioni, 2014).

Discontent between the two coalition parties was furthered by the President's statements regarding the commemoration of the fortieth anniversary of the military coup. President Piñera presented himself against the coup and criticized many politicians of being "passive accomplices" of the violation of human rights (*El Mostrador*, 29-10-2012). His interventions deepened existing divisions with the UDI, whose chair blamed Piñera for their eventual electoral defeat (Varas, 2013).

The Concertación also began to look for a way to present a unified front in the forthcoming elections. One of the main issues to be resolved was the ideological conflict the PDC had with the PC becoming part of the Concertación.

Despite political differences, the PC had started to support Concertación candidates in presidential runoff elections from 2006 and establish agreements in municipal and legislative elections from 2008, mainly to prevent the right from winning (Raitzin, 2017). Although they were not an official Concertación partner, they continued to cooperate with the Concertación thereafter. The working relationship between the two factions was furthered in 2012 for the municipal elections, and was formalized for the 2013 presidential campaign when the PC decided to support Michelle Bachelet's campaign (idem, p. 4).

Despite objections from the PDC, the idea of a *broader coalition* had won. The New Majority (NM)—an alliance that included the PC and other smaller leftist groups and movements—was founded on April 30th, 2013, becoming the political and electoral coalition that replaced the long-lived Concertación.

The coalition also held primaries to determine who was to be the presidential candidate. Michelle Bachelet was pronounced the candidate of the PS, Party for Democracy (PPD), MAS, PC and the Christian Left. The Radical Party (PRSD) presented José Antonio Gómez. The PDC had internal elections in which former Peñalolén Mayor Claudio Orrego who defeated Senator Ximena Rincón. And the independent candidacy of former Bachelet Treasury Minister Andrés Velasco. As expected, Michelle Bachelet won the primaries with an overwhelming majority of the vote (73.1%) and officially became the NM's presidential candidate (Castiglioni, 2014).

Elections were held on November 17th. These were the second elections with the new rules, but the first legislative and presidential with automatic enrolment and voluntary voting, innovations that still generated uncertainty about strategies, projections, and electoral results (Mardones and Toro, 2014).

In the presidential election, no candidate received the absolute majority of the votes, so the two most-voted-for of the nine presidential candidacies went to the runoff, which was to be held on December 15th. Two women would fight for the presidency: NM candidate Michelle Bachelet, who received 46.67% of the vote, and Alianza candidate Evelyn Matthei, who made it with 25.01% of the votes. Without much uncertainty, Bachelet won

the runoff with 62.15% of the votes against Matthei, becoming president for the second time (*idem*).

The NM was high on electoral success. They had not only secured the government but had achieved important majorities in both chambers: 67 seats (out of 120) in the Chamber of Deputies and 21 (out of 38) in the Senate. This was a very promising scenario for the NM's vast reform program. With the necessary quorums achieved, crucial reforms would be more likely to be passed.

The crisis within the right was difficult to avert. Poor electoral performance seemed to be the last shot for the agonizing alliance. Losing the government and their long-lived majority in Congress left the coalition in a critical state. The Alianza lost their blocking power; they now had no way of opposing the NM's upcoming reform program. The situation would grow more difficult in the following months, when the coalition lost crucial members due to the burst of the conflict within RN, which led to the creation of a new centre-right political movement that would negotiate and pact with the NM on crucial issues.

President Piñera's administration failed to produce a coherent and cohesive government capable of pushing forward the Alianza's political programme. Not only was his government unable to coordinate their collaborating parties on policies, but it was also unable to manage the massive public mobilization that arose in 2011.

President Piñera was faced with many disruptive events during his time in office that caused detours from the original road to fulfilling the Alianza's political program. He inherited the Tsunami crisis of February 27th 2010 (27-F) crisis from the outgoing Bachelet administration, faced a nearly impossible task of rescuing the thirty-three trapped miners, and the most precipitous rise of social mobilization ever experienced in Chile. He faced these issues without a politically experienced and unified coalition, which turned into yet another of the disruptive events he would have to deal with during his government.

Unsurprisingly, President Piñera's administration did not manage to produce satisfactory outcomes for the protesting factions and their demands. No structural reforms were made to the economic model, the political system, the educational structure, human rights regulation, or environmental or ethnic legislation (Varas, 2013, p. 198). Despite failing to legislate on socially relevant issues, Piñera's government was legislative productive in

other areas. During its four years in office, the government approved automatic enrolment and voluntary voting rule, the direct election of regional councillors, primary elections, fair family income legislation, a six-month postnatal law, and the elimination of the 7% charge on social contribution for pensioners.

What Piñera's government failed to do was translate the multiple and diverse demands of the social movements into legislation. The student movement "strengthened a faction within the Concertación that favoured more aggressive reformism" (Palacios-Valladares and Ondetti, 2018, pp. 4–5), which would eventually lead to the reconfiguration of the traditional centre-left alliance. The creation of the New Majority implied the broadening of the partisan platform, and with that, the inclusion of most of the citizen's main demands (idem). This was to become the base of Michelle Bachelet's program, who claimed to have constructed it as a response to social demands (Altman and Toro, 2015).

4.2 President Bachelet's Government Program and First Year in Office: The Fruits of the Honeymoon Effect

On 11 March 2014, Michelle Bachelet was invested as president for the second time. She would become the first ever Concertación—now NM—member to be re-elected and the first to rule after an Alianza administration.

Considering the overwhelming support President Bachelet had obtained in the last elections, and the majorities achieved in Congress, expectations were that, with these conditions, the NM's political program would have solid backing (Gamboa and Morales, 2016, p. 128).

As noted above, the NM's program incorporated social demands put forward by different social movements during President Piñera's administration. In response to these, the program was built on three pillars: a comprehensive tax reform, a structural educational reform, and the elaboration of a new Political Constitution, which included a new electoral system.

Once in office, the new administration's strategy was to make the most of the honeymoon period. This is why three major reforms were introduced during President Bachelet's first year in office (Altman and Toro, 2015). The new President and her team had created a favourable narrative for reform during the presidential campaign based on the unattended issues raised by social movements during the previous government.

At full speed, government first introduced the tax reform, mostly because it would provide the financing needed for the implementation of her comprehensive reform program (US\$ 15.1 billion). The government secured its first victory in a relatively short period of time. The reform took about six months to be approved (April–September 2014) and, with that, secured a way to fund the rest of the emblematic reforms.

Shortly after submitting the tax reform (May), the government turned to the “mother of reforms” (Altman and Toro, 2015). Attempting to respond to the demands of the student movement, President Bachelet introduced the much-anticipated educational reform. The reform was introduced with the objective of “regulating student admissions, eliminating shared financing and prohibiting profit for educational establishments that receive state financing” (see Law N° 20.845). The reform raised objections both within the ruling coalition and with the opposition; however, after intense discussions and negotiations with NM factions, the reform was approved on January 2015.

That same month, President Bachelet introduced the third of the pillar reforms: the binominal system reform. This, unlike the previous two, was a political reform, and the NM was keen on submitting it right away because it had made a commitment to its new partners when they endorsed Michelle Bachelet’s campaign the previous years. As promised, the legislative bill set out to eliminate the binominal system and replace it with a corrected proportional system of representation.

Not without opposition from the conservative factions of the right, the NM’s majority in Congress and the support from independent factions and former RN liberals secured them the necessary quorums to approve reform without the need to negotiate with the Alianza.

The expeditious approval of these key reforms would mark the success of the honeymoon effect in the NM’s reform efforts; however, like any honeymoon, it would not last forever. Although the government managed to secure three key reforms during its first year in office, by 2015, the political scene had begun to change and the honeymoon effect had started to wear off.

The tax reform had stressed relations with the corporate sector and the economic situation was beginning to deteriorate. Discussions over the educational reform had not only strained relations between the government and opposition (Alianza) but had also generated fissures within the NM. The situation was further worsened by media

exposition of irregular funding cases that tainted the reputation of several political actors from both the government and opposition (e.g. Soquimich, Caval, PENTA). The year 2015 also came with significant number of natural disasters which tested the already strained government: the eruption of the Villarrica and Calbuco volcano, the floods in the north of the country, the strong rainstorms that hit the centre-north zone, and the earthquake and tsunami that hit the centre-south zone in September (Gamboa and Segovia, 2016). These difficulties and how they were managed by the government had a negative effect on the President's initial popularity. Slowly but steadily, Bachelet's support began to drop. In 2014, the honeymoon year, it dropped from 54% to 40%. By December 2015, support had reached a new low of 24% (Gamboa and Segovia, 2016). Public support for the government's management continued to decline over the years. Her highest level of disapproval was during mid-2016, reaching 66%. By October 2017, disapproval decreased to 53%. During her time in office, there was no recovery of her approval status. By late 2017, it measured 23% (*CEP National Public Opinion Survey*, September-October 2017).

The economy maintained similar characteristics from 2014 to 2015. It was marked by slow economic growth (near 2%), associated with the developments in mining prices, the international economic situation, and the low expectations the reform generated among the entrepreneurship, projecting for 2015 the lowest investment rate in over a decade (near 22% of the gross domestic product) (Gamboa and Segovia, 2016; see Corbo 2016).

The remainder of her time in office was marked by slow economic growth, with an average of 1.8%. The newly approved tax reform, which represented a three-point burden increase on the gross domestic product, had a negative impact on investments, dropping in each of the four years of her administration (Temas Públicos, *Libertad y Desarrollo*, N°1341-1, 2018).

The much-anticipated educational reform was implemented, receiving bittersweet evaluations. It did not manage to provide free education for all college students, only for the most vulnerable sector. In 2016, the state's resources managed to produce free education for 28% of the most vulnerable economic sectors. In her last public account speech, the President asserted that by 2018, the coverage would be extended to 60% of students.

Although 2014 was the year of successful reforms for President Bachelet, she chose not to present one of the pillar reforms of her political program: the constitutional reform. It was only in late 2015 that she announced that the constituent process would be open to the citizenship and would gather in stages citizen initiatives until October 2016 (idem). According to plan, the government would present a legislative bill of reform the second semester of 2017. This effort materialized just a week before concluding her mandate. President Bachelet, keen on keeping her promise to voters and the NM, sent Congress a reform creating a new Constitution.

Despite all these difficulties, President Bachelet managed to pass a significant number of reforms. In addition to the tax, educational, and electoral system reform, the following were also passed: the overseas vote legislation (Law N° 20.960); the teacher's professional development system (Law N° 20.930); the Civil Union Agreement (Law N° 20.830); the Ricarte Soto legislation (Law N° 20.850); and the de-municipalization reform (Law N° 21.040).

The reform of the binominal system, object of study of this dissertation, was one of the three introduced and approved during the President's honeymoon period, which was defined by her high levels of public support and a favourable majority in both chambers. I now turn to the specifics of the legislative bill introduced by President Bachelet on April 2014.

4.2.1 The Reform: Presidential Message N° 076-362

The submission of the legislative bill meant to reform the electoral system initiated the last stage of the reform process.

In the following paragraphs, I will review the core contents of the legislative bill in the order in which they are originally presented. The reform bill is structured as follows.

The first item refers to the background from which the projects stems. The bill moves on to present the six objectives pursued by the reform: (a) reduce vote inequality, (b) allow inclusion and representation of all significant political currents, (c) increase competitiveness and uncertainty among elected candidates, (d) facilitate the expression of majorities and the representation of minorities, (e) promote a congress that reflects society's diversity and (f) avoid candidates with large number of votes from being left out.

The legislative bill justifies the need for reform arguing that the current system contradicts Chile's republican tradition. It also claims that despite modifications carried out over the previous twenty years, there is still a gap between the Congress they want and the Congress they have (p. 3).

Regarding each of the objectives, the project details the following:

In order to improve vote equality, the legislative bill suggests that by increasing the number of congressional representatives and redrawing districts and circumscriptions, vote inequality could be significantly reduced throughout the country. Although it is focused on improving national vote equality, the legislative bill fosters the over-representation of the country's extreme zones in order to promote integration and promotion of key geo-political zones (p. 4).

As for inclusion and representation, the project's overall argument is that by reducing the number of districts and circumscriptions and increasing the number of seats per districts, more significant political currents of thought will be able to reach representation in Congress. This modification will reduce the entry barrier for smaller but significant factions and foster their inclusion (p. 4).

In order to increase competitiveness and uncertainty, the reform seeks to return the decision of choosing their representatives to the people. According to the legislative bill, this can be achieved with an increase in the total number of congressional representatives and by allowing the electoral lists to present more candidates than those to be elected. The justification is that this will allow political parties and factions to compete with and against others in front of people, improving competitiveness and uncertainty, while at the same time, and as a side effect, increasing participation (p. 4).

In order to facilitate the expression of majorities and the representation of minorities, the legislative bill claims that with the distribution of district magnitude from a minimum of three and a maximum of eight, majorities in votes will be expressed in representation. It also states that this formula assures representation of minorities in all territories (p. 4).

With the intention of promoting a diverse Congress that reflects society properly the reform bill maintains that an electoral system that encourages parties and pacts to present candidates that reflect society's diversity (ideological, gender, age, origins, social, and cultural) will have a positive effect on the increase of participation.

It also suggests that the increase in the total number of deputies and the fact that parties and lists may present more candidates than seats will enable the application of gender quotas and promote a healthier representation of women in Congress (p. 5).

Finally, and in order to prevent one of the most frustrating effects of the current system, the proposal seeks to eradicate this in districts with district magnitude over five and make it highly unlikely in districts with smaller magnitude of three or four (p. 5).

Below I present the contents of the proposal, as presented in the reform bill:

1. Principles

In general, the legislative bill seeks to improve representation in both chambers. For the Senate, the reform intends to improve the basic criteria of balance among electoral territories. For the Chamber of Deputies, it aims to improve the principle of vote equality. However, it does not intend to apply these terms in absolute terms. For the Senate, the proposal seeks to complement balance with more proportional representation in more populated areas. For the Chamber, the project seeks to reconcile the principle of vote equality and at the same time avoid under-representation of the extreme zones of the territory (p. 5).

2. For the Senate

The reform proposes to electing fifty senators, with each region becoming a circumscription. Five of the current regions will maintain the number of elected senators at two, while the remaining ten will variably increase. This measure is expected to reduce vote inequality based on territorial drawings, while at the same time facilitating the expression of the majority and allowing the representation of the minority (p. 5).

Each region will elect a minimum of two senators, representing in an equal manner all fifteen regions. This will provide three-fifths of the chamber. The remaining twenty senators will be elected in the regions with the highest number of voters, avoiding an overly high representation of the Metropolitan region in the body (p. 5).

3. For the Chamber

A chamber of 155 deputies was proposed.

The legislative bill divides the country into plurinominal districts each of which elects a variable number of deputies depending on the number of voters. The intention is to achieve the highest levels of vote equality in consideration of the following structural restrictions: (1) the territorial extension of districts will not exceed that of the region, (2) the new districts are constituted by aggregation of the existing ones, (3) the assignment of seats will not reduce, in absolute terms, the actual representation of the different territories.

The proposal establishes a total of twenty-eight districts which elect a variable number of three to eight deputies, establishing a moderate proportional system of representation (p. 6).

4. Increase Inclusion and Representativeness

The legislative bill enables parties and pacts to present twice as many candidates as available seats ($N \times 2$), under the notion that it will increase voter choice and facilitate representative renewal (p. 7). The project also includes a graduated gender quota (2017, 2021, 2025 and 2029 elections), with the purpose of composing a more adequate representation of men and women in Congress. Accordingly, it states that no gender shall make up over three-fifths or under two-fifths of each party's candidate list. In order to encourage the incorporation of women to party lists, the bill provides a larger state reimbursement for parties with elected women candidates. Finally, the bill establishes a mechanism that will update seat distribution every twelve years.

4.3 The Reform Congress

The sections above review the socio-political setting of President Bachelet's election and first year in office and an overview of the motives, objectives, and formula of the legislative bill intended to modify the binominal system with a proportional one.

Below, I provide a description of the composition of Congress for the legislative period in which the electoral reform was introduced and approved.

As presented in the previous section, a favourable configuration of Congress meant that President Bachelet would be able to pass her reform program without the need of negotiating with the opposition. At most, she would need a few votes in the Chamber and one or two in the Senate in order to obtain the majorities needed to approve electoral reform.

The majority status of the NM in Congress is one of the most salient contingent factors in the successful approval of the 2015 binominal reform. Combined with others, such as the procurement of votes from Amplitude—then, newly split from RN—the governing coalition had practically secured the minimum number of votes needed to approve reform before even sending the legislative bill to Congress.

When President Bachelet received the presidential sash on March 2014, the NM had 67 (out of 120) deputies in the Chamber, and 21 (out of 38) in the Senate (Gamboa and Morales, 2016, p. 128). This meant that they had “theoretically secured”²⁷ about 55.83% of the votes in the Chamber and 55.26% in the Senate compared to the required 57.14% reform quorum.

The following table shows how the seats in Congress were distributed among parties and coalitions at the time of the reform. It is important to note that, before the reform was voted, one of the elected deputies, Mr. Rosaura Martínez (RN) was impeached and expelled from the Chamber, leaving the chamber with a total of 119 deputies. With this news, the quorums were once again modified, leaving the NM with 56.3% of the votes in the Chamber.

Details of what happened in terms of party alignment are portrayed in the table below

²⁷ Assuming that NM sympathizers support electoral reform.

Table 5: Party Alignments in Congress (2014)

Coalition	Party	Chamber 2014	Senate 2014
Nueva Mayoría	PDC	21	6
	PS	16	6
	PPD	15	6
	PRSD	6	-
	PC	6	-
	Independent by-pact	3	3
	Total	67	21
Alianza	UDI	29	8
	RN	15	6
	AMP	3	1
	Independent (Resigns to RN)	-	1
	Independent by-pact	1	-
	Total	48	16
Independents	Independent out-of-pact	3	1
Other Pacts	Si tú quieres, Chile Cambia (PL)	1	-
TOTAL		119	38

Elaboration based on www.servei.cl and www.bcn.cl

4.3.1 The Senate

According to Chile's electoral rules, the Senate was to be partially renewed in 2014. The Senate that was to vote the electoral reform would be composed of eighteen members elected for the 2010–2018 legislative period and twenty renewed one, elected for the 2014–2022 legislative period.

In order to pass electoral reform, the NM would need to gain support from one other senator in order to achieve the required quorum. With 22 legislators voting in favour of reform, they would secure 57.78% of the votes. This would constitute the MWC necessary for the Senate.

The 2013 elections had produced a very favourable scenario in the Senate for the NM. In comparison to the Alianza, they had done very well, electing twelve senators, while the

Alianza only managed to elect seven. Elections left the NM with twenty-one pro-reform senators and the opposition with sixteen.

These numbers would be further altered, when, during the beginning of 2014 two RN senators resigned. Senator Lily Pérez joined political movement Amplitud, which had negotiated with the NM to vote in favour of the electoral reform, and Senator Antonio Horvath remained independent.

The table below portrays how the 2013 elections shifted the NM's majority in their favour.

Table 6: Party Alignment Evolution in the Senate (2010-2014)

Coalition	Party	Senate 2010-2018	Senate 2014-2022	Senate 2014
Nueva Mayoría	PDC	4	2	6
	PS	2	4	6
	PPD	3	3	6
	PRSD	-	-	-
	PC	-	-	-
	Independent by-pact	-	3	3
	Total	9	12	21
Alianza	UDI	3	5	8
	RN	4	2	6
	AMP	1	-	1
	Independent (Resigns to RN)	1	-	1
	Total	9	7	16
Independents	Independent out-of-pact	0	1	1
TOTAL		18	20	38

Source: Elaboration based on www.servel.cl and www.bcn.cl

4.3.2 The Chamber of Deputies

In 2013 elections were held in order to fully renew the Chamber of Deputies for the 2014–2018 legislative period. Although 120 members were elected, by 4 July 2014, the lower chamber would be constituted of only 119 members.

As stated before, elections favoured the NM. Of the 120 available seats, they secured 67, while the Alianza only managed to obtain 49.²⁸ Although the NM did not manage to gain enough votes to pass electoral reform (COLs) by themselves, they did secure enough votes to pass simple and qualified quorum laws without the need of negotiation with other political factions (Castiglioni, 2014).

In order to achieve the four-sevenths quorum, the reforming coalition would need at least one more vote from deputies outside the coalition to approve reform (minimal winning coalition). If all NM legislators were to support electoral reform (as was expected), the coalition would have 56.3% of the votes, nearly but not quite enough to approve reform on its own. With one more vote in their favour, the NM would be able to pass electoral reform with the minimum number of votes (57.14%).

Considering that the NM had three independent deputies elected within the pact, and other reform sympathizers outside of the coalition, it was very likely that they would obtain the required majorities in the Chamber.

For some of the articles, a majority of seventy-two deputies was required. In these instances, the support from non-coalition pro-reform parties became the most crucial item in order to approve reform.

4.4 The Parties and Coalitions of the Reform

The binominal system has inspired either support or rejection among individuals, parties and coalitions over time. The following section reviews where parties and coalitions stood on the binominal system during the discussion of the reform bill in 2014. This, in order to identify and understand what motives parties and coalitions might have to either maintain the system or pursue electoral reform. I will review possible motivations and goals from a broad and narrow perspective, placing particular focus on motives associated with self-interest and expected gains.

4.4.1 The Pro-Reform Parties

When President Bachelet sent the reform bill, almost all existing political parties agreed on the necessity of electoral reform. Only one party was against the idea of legislating on the matter: the UDI. As one of the military regime's supporters, the party that was keen

²⁸ Which would be reduced to forty-eight, after Deputy Martínez was expelled from the Chamber.

on defending the binominal and had systematically blocked any electoral reform initiative over the years. Although the party remained hesitant throughout the process, they eventually agreed on the idea to legislate on the matter but continued to oppose the NM's proposal until the end of the legislative procedure.

At the time, there were nine parties with legislative representation, seven of which were members of the NM. All of the NM parties (PDC, PS, PRSD, PPD, PC, MAS, IC), supported electoral reform as part of the governing coalition's program and had publicly committed to voting in favour of the initiative, despite some apprehensions with the project—as it was. The NM members had agreed to endorse the project both in general and particular voting. They committed to approve the project as a step in the right direction, in the further improvement of the current system.

The four traditional Concertación parties (PDC, PS, PRSD and PPD) were the ones who had pursued electoral reform many times over the years and were very invested in seeing reform through. To some of these parties, the reform of the binominal system was one of the pending issues of the transition, a much-needed milestone to eradicate the remaining vestiges of the authoritarian enclaves of the Pinochet Regime. Their stance regarding the urgent need of electoral reform was unquestionable.

The other three parties that composed the NM were the PC, the MAS and the Citizen Left (IC). Out of the three, the PC was the most stable and longstanding of the new partners. The MAS and the IC were still struggling to procure the basic legal requisites to survive as proper parties. Despite this, the NM included all three in the new alliance.

Among the many factors that contributed to the formation of a new coalition was the extensive reform agenda put forward by the Bachelet administration and the almost assured electoral victory the person of Michelle Bachelet represented for the centre-left. Parties that had not traditionally belonged to the Concertación now considered the benefits that a new coalition could bring.

The Chilean Communist Party was one of the least-likely parties to pact with the NM, mostly because of the PDC's adamant opposition to include it among their ranks. However, the situation in 2013 was different, and the prospect of a broader, more inclusive coalition prevailed. The Communist Party's first approach towards the coalition was the public endorsement of Michelle Bachelet as their presidential candidate. Initially, the party committed to supporting Bachelet electorally; however, after she was elected,

the party showed signs of willingness to participate as part of government. The president of the PC at the time, Guillermo Teillier, stated that “the party will contribute to the implementation of the program which they had helped to construct.” (*El Mostrador*, 21-12-2013). With that, the PC became part of Bachelet’s government and her comprehensive reform program.

The involvement of the MAS²⁹ with the NM also began with the announcement of their support for Michelle Bachelet as their presidential candidate. The party’s intentions to support Bachelet and her reform agenda were clear when Senator Navarro,³⁰ its founder, stated that “MAS wants revolutionary changes for Chile, and President Bachelet has offered it,” but “there are constitutional bounds that impede such changes” (*Soy Concepción*, April 4th 2013). The party was later formalized as part of government when one of its members was appointed Minister of Sports and two others as a governor and a sub-secretary in 2014.

Another of the NM’s pro-reform parties was the Citizen Left (IC). They supported Bachelet’s candidacy in 2013 along with the parties mentioned above and became part of Government in 2014 with the designation of Víctor Osorio Reyes as Minister of National Assets. Although the party was dissolved by Electoral Services until 2016 (because of the 5% threshold requirement), the NM still considered it as an independent faction of the coalition. It is important to note that, when the electoral reform was being discussed and voted, there were no legislative members from this faction.

In addition, a pro-electoral reform party was the Liberal Party, which had one deputy in Congress who supported the project in general, with some objections regarding the project’s take on independent candidacies.

As introduced earlier, the parties of the NM were not the only ones who were pro-electoral reform. At the time, the new liberal right movement, Amplitud signed a pact to endorse some of the reform agenda of the NM, the binominal system being one of the issues Amplitud committed to wholly support. This was very relevant in the configuration of the required electoral majorities, since they had representation in Congress (not by their own electoral success, but as former RN legislators).

²⁹ The movement was formalized as a party in 2009, when it achieved the legal requisites. In February 2010, the party was declared illegal, because it no longer met the legal criteria. However, by June 2010, the party was once again formalized as legal, after it fused with the North Social Movement.

³⁰ Former PS militant for 25 years.

RN quickly became one of the central parties in the debate over the reform of the binominal system. I have included this discussion in the pro-reform section of the party review, because throughout the process that is how they identified themselves, and they ultimately voted for reform in general. Among the pro-reform parties, RN is the one whose support is most complex. First, they were part of the opposition, so supporting a reform feared by their coalition is unexpected; second, they initially presented themselves as willing reformers, but eventually voted against the project when it was voted in particular; and third, from them came the crucial Amplitud votes that the NM would make use of to approve reform. I hereunder review these issues.

Support for the idea of legislating on the matter of electoral reform was a divisive issue in the political right. There were three clear-cut factions in the opposition: those who would support and vote in favour of the NM's reform project (Amplitud); those who were willing to reform the electoral system and would vote in favour of the "idea of legislating" on the matter (RN); and those who would vehemently oppose even the idea of legislating and would vote to block efforts of reform (UDI).

As the more liberal half of the Alianza, RN had a been torn between supporting the decisions of their coalition and negotiating and pursuing reforms with the Concertación. Since the 1980s, RN had shown willingness to collaborate with opposition on specific issues of reform. They had supported the Concertación in the 1989 reform negotiations without breaking out of their coalition, and over the years the more liberal faction of the party had manifested openness to modifying the electoral system.

Under President Piñera's administration (2010–2014), tension between UDI and RN began to build up and spilled into the media. Internal divisions among RN militants became a focus during his administration, particularly because of how the President continuously avoided specific reforms that particularly interested the party. Long-lived internal divisions were reaching boiling point, particularly when discussions of reforming the binominal system were on the table. The historical division within the party, between those who defended the Pinochet Legacy within the party and those who embraced democracy and progressive changes of the political system (Díaz, 2014, p. 485), had now materialized in how the party and government decided to face electoral reform.

The situation turned critical on January 2012, when RN and PDC presented, in a surprising pact, a reform proposal that included the replacement of the presidential system

with a semi-presidential one and the establishment of a new proportional electoral system. It wasn't the fact that they supported or not the reform of the binominal system, but the way RN was proceeding that generated both surprise and rejection from the government and from the UDI, which was now aligned against RN's initiative. The pact was negotiated in secret by both party leaders, who claimed their parties and respective coalitions were duly informed of their meetings (*La Segunda*, 03-02-2012).

Senator and party Vice-president Francisco Chahuán, endorsed the project and defended the initiative, arguing that it had been at the expanded political committee, that the President encouraged Alianza to dialogue with parties outside the coalition (*La Segunda*, 03-02-2012). The initiative was taken seriously by the contracting party. Senator Chahuán, convinced they were acting along those lines declared that RN would not back down from the initiative or the pact but would try seek consensus within the coalition and attempt to convince the President to reinstate the issue on the agenda.

After leaving government in 2014, RN returned to its role as opposition to the NM. Putting aside differences they had during Piñera's administration, an important faction of RN became staunch defenders of its achievements and hardened critics of the NM's Government. RN was critical of the NM's way of running government, but criticism lessened when the government introduced the electoral reform. Instead of rejecting the project straight away like the UDI, RN embraced the possibility and presented themselves as a party open to dialogue. The effort was led by the party president at the time, Deputy Monckeberg, who on several occasions met with the Minister of Interior (Rodrigo Peñailillo) to discuss the government's reform agenda. The NM's intention of adding RN's support was clear, and some results could be shown for it. They had successfully negotiated to collaborate on approving the reform that allowed Chileans abroad to vote, a reform vehemently rejected by the UDI (*La Segunda*, 09-05-2014). This effort had set a precedent of how effective negotiations with RN could be.

However, RN's effort to collaborate with the NM were not met with the same appreciation. The fact that RN was more willing to dialogue with the government than with their own coalition aroused harsh criticism from the UDI, who suspiciously eyed RN's flirting. To some of them, the PDC-RN pact and now RN-government conversations were "treacherous" to the coalition and "dangerous" in terms of the government's constitutional reform agenda (Arturo Squella, UDI deputy, *La Segunda*, 09-05-2014).

In return, RN leaders critiqued the UDI's its resistance to dialogue. Secretary General of the party Mario Desbordes argued that it was not that RN had distanced itself from the UDI; they just had different approaches to the role of opposition. While the UDI took the role of "rejection," RN took to "dialogue" (idem) and that did not mean that they were on the wrong side of the coalition or that they would endorse the NM's electoral reform project in its entirety. It just meant that, although they were opposition, they considered sitting down and discussing the possibility of electoral reform something they had to do.

Although the relationship between RN and the government began on rocky terms, once the government initiated their reform agenda, the nature of their relationship became one of dialogue and possibility regarding the reform of the binominal system.

Despite the fact that a significant faction of RN was considering talking about electoral reform, there were a group of non-conforming militants that decided they were no longer able to work within the party. This group of liberal, centre-right non-conformists are the ones that resigned to the party and founded Amplitud.

On January 2014, Deputy Browne, Rubilar, and Godoy left the party, arguing that it was now too conservative and no longer represented them. They left the party to found a new, more liberal political party. Their resignation inspired the resignation of long-term militant, Senator Lily Pérez, and Carlos Cantero, who shared many of the critiques and resignation arguments presented by the cited deputies.

Their departure from RN was based on the rising conflict within the party between the conservative and liberal factions. The resigning members argued that they could no longer operate within a party unwilling to shift on critical issues, bound by logics of the past. They identified themselves as a movement that was willing to embrace change and reforms that the conservatives in RN rejected. This stance on critical issues made the reform of the binominal system one of their main targets. Thus, Amplitud became a key partner for the NM in the construction of the minimal winning coalition needed to approve reform.

By June 2014, Amplitud had signed an agreement protocol to perfect the existing project to reform the binominal system. The agreement established that Amplitud supported the government's reform project in terms of the proposed redistricting, the increase in the number of legislators, and the promotion of women participation in politics.

Although it did not have more than three deputies and two senators, Amplitud proved to be crucial in the configuration of the majorities required to approve reform. Although the NM did very well in the previous legislative elections, it still needed a few more votes in order to achieve the four-sevenths majority.

4.4.2 The Anti-Reform Parties

Of the two parties that composed Alianza, the UDI was the one consistently opposed to the reform of the binominal system. As one of the collaborators of the Military Regime, the UDI became a fervent defender of the binominal system and as such, successfully blocked on many occasions any reform effort over the years with its majoritarian status in Congress.

The party's view concerning reform had predominated in the Alianza during Piñera's government. They had successfully removed the issue from the agenda, generating frustration within the coalition, which, as we know, led a faction of RN opposed to the President to ally itself with the PDC in order to promote the reform.

Although the UDI's first choice was to keep the system by blocking reform, eventually the party lost its decisive power in Congress. By 2014, they were no longer part of the majoritarian coalition in both chambers of Congress. Conflict within the Alianza had led RN to seek new associates with which to pass reform, and these negotiations hit hard within the UDI. The party's strategy of avoiding dialogue and critical issues left them very isolated. Parties and movements from their sector criticized them for "rejecting a priori thinking they still have veto power over reforms" (Mario Desbordes (RN), *El Mostrador*, April 30th, 2014), as if "they haven't yet understood that in order to influence reforms they have to yield on some level their dogmatism" (Evópoli, *El Mostrador*, 30-04-2014). They did not realize that by challenging and rejecting the propositions of a government that already had the votes needed, they were encouraging them to end negotiations and proceed with the majorities they already had (Pedro Browne, *idem*).

The critiques from their fellow coalition partners eventually made way. Many were worried that RN's strategy to move towards the political centre highlighted the UDI's unwillingness to do so. As a result, the party slowly overcame their rejection strategy and made a proposal of their own.

In May 2014, the UDI announced that they would present two alternative proposals to the government's. Their rejection of the government's proposal was caused by what they considered to be an excessive increase in the number of legislators and a clearly "arbitrary re-districting" (*Emol*, 04-05-2014). UDI Senator and member of the Constitution, Legislation, Justice and Regulation Committee, Hernán Larraín, announced that the party was now ready to enter the reform debate. The party decided to try to correct the insufficiencies attributed to the binominal system, but with a set of modifications that differentiated them from the government's project. Senator Larraín criticized the NM's proposal, arguing that it did not correct the binominal's defects but fostered new ones that would not improve the quality of democracy (*idem*). Of the two alternatives, the UDI would propose an uninominal system to the government and if that was not accepted, they would present a second alternative: a corrected version of the document produced by the RN-PDC pact (*Idem*).

A month later, the party president, Deputy Ernesto Silva,³¹ submitted to Congress the UDI's reform bill. As promised, the electoral system suggested was composed of 30 districts in which each would elect a variable number of 2, 4, or 6 deputies, maintaining the original 120-members in the Chamber. The project reflected the party's effort to avoid increasing the number of deputies to 155 and the number of senators to 50. To Deputy Silva and others his group, this increase was not in the service of representation or vote equality, but in service of the NM (*24horas.cl*, 01-07-2014).

The UDI's effort to join the electoral reform process was appreciated. It reflected a change in the party's strategy towards reform from "absolute refusal to legislate on the matter" to "we are willing to enter the debate by proposing our version of reform." Despite their "change of heart," their fervent opposition to the NM's proposal would not change. UDI members did not believe in the motives behind the reform or agree with the measures suggested by the project, arguing that the increase of deputies and senators was an "*arreglín político*" (political arrangement) designed to favour the NM at the expense of the state and the people.

Despite the fact that they were not the only party who voted against the government's proposal (RN voted against it during votes in particular), they were the only party who openly and consistently presented themselves as (1) against modifying the binominal

³¹ Former President was Patricio Melero (2012-2014).

(during the first stage of the debate), (2) against the idea of legislating on the matter (during the general voting of the project), and (3) against the NM's project (during the voting in particular of each of the articles). Despite the fact that their strategy shifted from "opposing and rejecting" to "proposing an alternative," their vote against the NM's proposal remained unaltered until reform was eventually approved. This is why the UDI is considered the only party which was anti-electoral reform: at first, because of its rejection of modifications to the standing electoral system and later, because when it accepted the idea of reforming the current system, but under criteria and conditions different from those proposed by the NM.

Before closing this section, it is important to note that, RN—a party that had shown itself as part of the reform-prone parties—eventually ended up voting against most of the articles presented in the voting in particular, completely aligned with their coalition partner, the UDI.

4.4.3 The Pro-Reform Coalition

This section reviews the factions composing the coalition created by the government to approve electoral reform. In this case, the coalition needed to approve reform is what in Chapter 2 I described as a minimal winning coalition (MWC). As such, the coalition was created based on the minimum number of votes needed to approve it.

In the end, the NM managed to organize a coalition that produced more than the minimum number of votes required. With the Amplitud and independent votes, they had secured more votes than the minimum required. They had the legal majorities and were going to use them.

The NM was very specific about the project they wanted to approve. They wanted their project to be approved, not a compromise alternative, produced by discussion and negotiation during the legislative process. In order to achieve this, they needed to secure votes that would completely support their proposal. This is where the pact with Amplitud gained relevance, since their negotiations led Amplitud legislators to vote in favour during all particular votes perfectly aligned with the rest of the NM. And this is also where RN conversations ended up in no more than a general support to vote in favour of the project in general, but no compromise to do so in particular.

As Deputy Monckeberg stated during the Constitutional Commission Report session in the Chamber, “this was not the first time RN had taken part in the creation of broad agreements” and that both legislators and the political commission are open and at their disposal in order to move forward (History of Law, N° 20.840, p. 97). Their disposition to reform materialized when the president of the party at the time, Deputy Monckeberg, declared that the party would approve the project in “general” (p. 219–20). However, hopes of forming an extended coalition were truncated when the NM realized that RN’s willingness to reform was constricted to a project similar to the ones proposed by the party on 2006 (Prokurica 2.0) or the one produced by the RN-PDC in 2012. RN was not willing to approve the Government’s project.

The NM’s posture proved to be very effective. They could look back and argue that they had made efforts to invite other parties to collaborate on the project and vote in a new electoral system based on broad agreements and collaborative negotiations. At the same time, they could easily pass *their* project without those other parties, which, in general terms, is what they did.

After the government reached out to the different factions out of the NM coalition, they focused on getting the reform approved as swiftly as possible. They did not delay the discussion of voting on the project because there was no broad consensus reached in Congress. The NM was set on getting this reform approved: they had the majorities, and they were going to use them. To NM members, the use of legal majorities was a legitimate action that represented what democracy is all about. To others, mostly in the opposition, this strategy aroused critique. To them, it reflected the NM’s refusal to seek broad and negotiated agreements. The way the government was pushing and hurrying reform was seen more as an imposition of “circumstantial” majorities than a product of an exercise of inclusive negotiations and broad consensus. The idea that this reform was the product not of stable but circumstantial majorities led opposing Alianza members to question the longevity of the reform and the overall value of it. In their defence, NM members stated that they had been available to other parties during the process and that they had even negotiated with RN in an effort to broaden the coalition and reach a more comprehensive agreement with opposition parties.

So, was RN part of the pro-reform coalition? Yes, and no. Yes, because, when the time came, RN voted in favour in the general discussion of the project (in both chambers).

However, they did not promise or guarantee their votes for the project in particular. They agreed with reformers on the need to reform; however, they did not share the vision of the specifics of the project. On the other hand, no, RN was not part of the pro-reform coalition, in the stricter sense of the concept. They rejected the government's project based on similar arguments as their coalition partner, the UDI (unjustified increase in the number of legislators, the associated cost and the lack of transparency on the matter, the issue between the gender quotas and primaries, the lowering of thresholds to constitute and maintain a political party among others), and voted in block against most of the items of the project voted in particular.

In sum, although RN voted in favour of the idea of legislating on the matter (which differentiated them from the UDI), they were not part of the coalition that finally approved the reform. The coalition that approved reform was composed of NM, Amplitud, and most of the independent (NM-sympathizing) legislators.

4.5 The Last Stage of Chile's Electoral Reform Process

In April 2014, the last stage of a process of reform started at least 25 years ago began its final stage. From July 2014 to January 2015 the NM's legislative bill was discussed and voted upon.

The following sections provide an account of the issues and milestones that marked each of the instances of the last stage of the reform process.

August 2014

The discussion of the project in the Chamber began on August 13th (Session n° 56, Legislature n° 362). The instance was mostly made up of interventions of support to the project (in general) by NM, RN, Independent, and Amplitud bench chiefs and of the UDI's refusal to legislate on the matter. The UDI's critical tone at this stage can be summed up in deputy Arturo Squella's³² announced that the party would vote against the project, under the notion that they would not take part in this political arrangement (pp. 8–9). Their refusal to vote in favour of the idea of legislating left them rather alone in this first stage, since RN was openly voting in favour of the idea of legislating.

It is important to note that although there was broad support for the project within the governing coalition, many NM and independent deputies manifested some level of

³² He is also a member of the Constitution, Legislation, Justice and Regulation Committee.

apprehension over specific issues of the project. Among them, was the idea that the project could be “pushed further” (Deputy Jackson, p. 11); that they had “apprehensions regarding the ‘existence of mega-districts and campaign finance issues’” (Deputy Espinoza, p. 26); and that within the NM they could have “done more, agreed more, talked more” (Deputy Urizar, PS). The general tone of these interventions was that, the reform was a big improvement on the departing status quo, but that there were elements to be improved in the near future.

Despite qualms presented by deputies from almost all parties represented in the Chamber, the project was approved in two general votes. The first general vote was for the approval of letter b) of number 1), and numbers 5), 6), 7), 8), 9) and 16) of article 1° and articles 2° and 3°, which required the favourable vote of 68 deputies. These were approved with 86 votes in favour and 28 against with no abstentions. Of the 28 negatives, 27 were from UDI deputies, and 1 from RN deputy, Gaspar Rivas.

The second general vote was for the general approval of article 1°, number 1), letters a), c) and d); numbers 2), 3), 4), 10) 11), 12), 13), 14), 15), 17) and 18), which required the favourable vote of 71 deputies. These were approved in general with 88 votes in favour, 27 against and 2 abstentions. The 27 negative votes were provided by the UDI, and the two abstentions were from RN legislators, Gonzalo Fuenzalida and Gaspar Rivas.

The voting in particular was more varied. There were modifications (e.g. letter a) of number 1) of article 1°, see pp. 64–65) that were unanimously voted in favour and others where UDI deputies voted with the NM and RN against it (e.g., particular vote for the approval of n° 3), 15), 17), and 18) of article 1°, see pp. 6364; or letter c) of number 1) of article 1°, see p. 67); and there were instances where RN and UDI voted more or less like a block, reaching up to 41–42 votes for the negative (e.g., numbers 7), 8), and 9) of article 1°, pp. 73–75).

The general trend was that NM and Amplitud voted in favour in all of the particular votes. Independent pro-reform legislators voted in favour in almost all particular votes, with exception of a few issues, mostly regarding independents’ ability to pact, the $n+1$ effect, and primaries. And for the UDI and RN, the trend was to vote against almost of the articles voted in particular, with a few exceptions where the article was approved unanimously.

Despite differences and Alianza efforts against it, the project was approved in particular and dispatched to the Revision Chamber that same day.

November 2014

The discussion in general of the legislative bill began on November 11th and ended a day after, with the approval in general of the project (Session N°62, Legislature N°632).

The discussion then moved to the Senate. In a similar manner to that of the Chamber, senators from almost all political parties—with the exception of the UDI—voted in favour of the idea of legislating. Just as UDI deputies had been in the Chamber, UDI senators were especially critical with the NM's project. Among the arguments behind their vote against the idea of legislating were the ideas that “the project was just too bad to approve” (Senator Coloma, p. 148); that “they cannot support a bad project” (Larraín, p. 150³³); that “this is bad for Chile” (Senator Pérez Varela, p. 158); and that they “prefer to vote against everything, unless they present another project” (Senator Moreira, p. 144), (see History of Law N° 20.840).

UDI members in both chambers were acting as a disciplined and homogeneous block against the NM's project. If they were to legislate on the matter, they would do so over a different project, one proposed under their terms.

RN members also acted accordingly to party plans: they were to vote in favour in the general vote, because as a party, they were convinced that the binominal system needed to be reformed. However, they, as deputies in the Chamber had done earlier, would not promise their votes in the voting in particular. In general, most RN senators respected their agreement and voted in favour of the idea to legislate.

Concern over some of the specifics of the government's project also preoccupied some of the NM's senators who voted in favour at the general vote. PDC Senator, Adolfo Zaldívar, indicated that “he would vote in favour of the idea to legislate, but that the project needed to be improved in the voting in particular” (p. 150); PS Senator Isabel Allende argued that although she supported the project, there were issues in it that should be addressed and improved (p. 162); PDC Senator Carolina Goic stressed that the issue of the “macro-zones” should be revisited (p. 168); PS Senator Juan Pablo Letelier stressed that “the proposed formula could be better” (p. 175).

As the statements above portray, there was in the general voting in both chambers a clear majority in favour of legislating on the NM's proposal of electoral reform. At this stage,

³³ Senator Larraín event stated that the project was unconstitutional (p. 528).

pacts and agreements between the NM and other outside factions held. RN voted with the NM on the general vote, leaving the UDI alone in opposition in this initial vote. Amplitud also voted in favour, without any interventions or comments regarding specific issues of the project.

It is interesting to note that in both chambers, there were NM legislators who, despite voting in favour of the project in general, manifested apprehensions and some level of criticism with the project—as it was.

The project was approved despite the fact that there was a significant number of senators, from both the government and opposition, who had reservations with the project in particular. What seemed to be most important to the reforming legislators was to eliminate once and for all the binominal system. Legislator interventions in this stage show a need to produce this historical milestone, even if they are not completely satisfied with the new system proposed. Their hopes seem to be set on producing the reform and hoping that the project could either be modified during the discussions in particular or in the near future, following the gradual process electoral reform has been characterized by.

January 2015

On January 5th the Senate was given the report of the Commission of Constitution, Legislation, Justice and Regulation, and on January 12th that of the Commission of Treasury. On the 13th, the discussion in particular took place.

It is in then that the RN distanced itself from the NM and aligned itself with coalition partner, the UDI. Just as they had announced, they would not support the government's project in the particular vote.

The discussion in particular of the project took over 20 hours, culminating with the anticipated approval of the project, in spite of the Alianza's disapproval. As expected, Senator Lily Pérez and Senator Antonio Horvath (and at times Senator Bianchi) provided the necessary votes to approve the project in particular. Not once did they vote with the Alianza.

Although the NM managed to approve the project in the Senate, there were many controversial aspects that aroused debate with Alianza members and at times between NM partners. Among the most controversial aspects discussed in particular were: (1) the negative effect the new legislation would have on independent candidates, (2) the effect

gender quotas had on primaries, (3) the effect and justification of the N+1 rule regarding candidates, (4) the effects of the reduction of the required quorum for the formation and maintenance of political parties, (5) the drawing of the new districts, (6) the new composition of the Senate, and (6) the financing of the new legislators.

One of the only things the Senate managed to agree on was the elimination of the normative ruling electoral propaganda and its financing, since the Commission of Constitution had suggested that the government propose a motion to rule over those issues separate from the reform.

After long hours of debate, the project was approved with modifications. It was returned to the Chamber of Origin, to initiate the third and final Constitutional Procedure.

On January 20th the Chamber of Deputies received the legislative bill with modifications made in the Senate. The Chamber was to discuss and approve the indications proposed in order to finally dispatch it. Once modifications were approved, the project was finally dispatched.

April 2015

After being reviewed by the Constitutional Tribunal, the legislative bill reforming the binominal system was promulgated in the Official Journal on April 27th as Law N° 20.840.

4.6 The New Electoral System

The resulting reform increased the number of legislators to be elected from 120 to 155 in the Chamber of Deputies and from 38 to 50 in the Senate. Deputies will now be elected in 38 districts (instead of 60), and the established district magnitude now varies from 3 to 8 depending on the district.³⁴ For the Senate, circumscriptions were reduced from 19 to 15, with a variable magnitude of 2 to 5. The new system keeps the D'Hondt formula for determining those elected.

Each competing list may include as many candidates as seats up for election, plus one (N + 1). Lists remain open, and pacts between parties (at the national level) are allowed. Gender quotas will apply to all competing lists. No gender is allowed to exceed 60% of

³⁴ Distribution of the district magnitude is to be reviewed every ten years based on the proportion of population of each district.

the total number of candidates presented by the list (without regard of the form of nomination). In addition, the amount of state reimbursement for each vote received by women candidates was increased, and parties will receive a bonus (about US\$ 20,000) for each elected woman. The quotas and incentives will only be applicable for the 2017, 2021, 2025, and 2029 legislative elections.

Law N° 20.840 also modified the requirements to create new parties. From now on, parties will be able to be constituted in a single region (before it was 8 or 3 continuous ones) with a requirement of 0.25% of the equivalent number of signatures of the voters in the last election of deputies (before it was 0.5%) (Gamboa and Morales, 2016).

4.7 The Motives and Objectives Behind the Electoral Reform

The following section analyses the reform from two viewpoints: the first studies the motives and objectives declared from a broad perspective and the second, from a narrow one. What was the project designed to achieve? What were the broad democratic values that inspired and pushed the NM's electoral reform agenda? On the other hand, what were the narrow motives and objectives the NM had, if any?

President Bachelet's project focused on improving six elements of the electoral system: (1) reducing vote inequality, (2) allowing the representation and inclusion of all significant political currents, (3) increasing competitiveness and uncertainty in legislative elections, (4) facilitating the expression of majorities and the representation of minorities, (5) promoting a Congress that reflects society's diversity, and (6) avoiding leaving out candidates with large number of votes.

The legislative discussion revolved around the project's actual ability to produce said objectives and the existence other motives behind them.

One of the objectives that was not stated in the project but was consistently verbalized by NM legislators was the idea that this project had the power to put an end to the binominal system, as if that were the main objective. The tone of the legislative interventions during floor discussions made it seem at times that NM legislators were available to vote in favour of almost anything in order to put an end to the binominal system. This idea is reinforced by the fact that the project was found deficient not only by the UDI and most members of RN, but also by many members of the NM. It was almost as if they were continuing in the "gradual logic" of reform, even though they had designed the project

and had the majority to approve it. They seemed eager to use their majoritarian status in Congress to approve the proposed proportional system now and fix it later. The idea is captured by a statement given by the man in charge of leading the operation from the government: Minister of Interior Rodrigo Peñailillo stated that “the central issue is to put an end to a perverse system” (*La Segunda*, 13-08-2014).

Of the declared objectives, improving vote equality was one of the most debated issues. When the Minister of Interior addressed the Chamber during the general discussion of the project, he claimed that “in Chile, the value of the vote depends on the place in which it was emitted” (History of Law N° 20.840, p. 89). His statement reflected the government’s view on the principle that was currently being violated by the standing electoral system: it was not fair that the vote of one citizen weighs more than another one in different regions of the country (*idem*). He argued that the government saw two roads to increasing vote equality: they could either make an effort and raise the number of legislators, or they could remove some from less populated territories.

While the NM argued that vote equality could be improved by an increase in the number of legislators, members of the Alianza contended that there were different ways to improve the proportionality of the vote without increasing the number of legislators. Deputy Coloma (UDI) rejected the increase, standing by a proposal from his party, which while maintaining the number of deputies, they believed achieved better vote equality.

Alianza legislators question the validity of the NM’s motives for the increase, because, according to their research, vote equality could be improved without increasing the number of legislators. There were two different proposals drafted by Alianza legislators (see the UDI and RN-PDC proposals) that suggested a no-increase solution and a more conservative increase at most, respectively. To them, it was unthinkable to talk about increasing the number of legislators for the time being, which was a period in which political parties, Congress, and legislators were being highly questioned by society; and it was not at all necessary, if they restructured the system in a different manner than that suggested by the NM.

The Alianza’s preoccupation with the perverse effect the NM’s proposal would have on vote equality was a matter highly questioned by pro-reform legislators. Many wondered and openly questioned why they didn’t they manifest their disapproval or do something

to address vote inequality with the previous districting, under which votes are much more unequal than with the districting suggested by the project.

The difference was that the NM was comparing the improvement produced by their project to the vote equality produced by the binominal, while the Alianza was analysing the executive's proposal, without consideration of the previous arrangement. The fact was that the project did reduce vote inequality. Not to perfect standards, but it did represent an improvement on the previous situation. As Gamboa and Morales (2016) show, vote inequality with the binominal system was rather high (it exceeded 17.8% when calculated using the Loosemore and Hanby index (1971)). This figure was reduced with the proposed re-districting to 10.6% in the Chamber.

While NM legislators focused on the improvement made by the project, Alianza legislators refused their solution, arguing that they had proposed better ones. Based on discussions in both chambers, Alianza legislators believed that if improving vote equality was truly the objective, then this could be "better achieved" by their proposals, without increasing (or not to such extent) the number of legislators. There were many instances where RN legislators stressed that the project created under the RN-PDC arrangement produced better results in terms of vote equality. Discussions came to a point where they accused the PDC of breaking their word and could not understand why others were now supporting a less efficient project. They openly questioned their pact partners: why would they choose a "worse" solution?

The answer came in the much-repeated formula of the "well-tailored suit." Opposition legislators, unable to accept the PDC's decision to vote in favour of the project, began to use the expression that the only explanation available was that the NM was pushing forward a reform customized to the needs of the governing coalition. To them, it was a measure chosen based not on its equalizing effect on votes but on the need to increase the number of legislators (and candidates) in order to "avoid fights within the NM" (Deputy Coloma, p. 140).

Having more legislators was not the only issue that confronted the Alianza and the NM. The increase would be applied in conjunction with newly drawn districts, which, according to the proposal would have several advantages. In addition to improving vote equality, reducing the number of districts was expected to help in the inclusion and representation of all significant political currents. The number of districts would be

reduced by merging current districts, creating larger ones were the number of elected deputies and senators could be increased (from a minimum of 3 to a maximum of 8). The increase of district magnitude would contribute to “lower[ing] access barriers for minority sectors” (p. 89).

The Alianza’s critique regarding the re-drawing of the districts was the logic behind it. While the government presented the decision as one that would contribute to producing the declared objectives (see above), the Alianza claimed that they were designed to ensure incumbent re-election (in order to secure support for the reform) and benefit the coalition in future elections. The fact that the new districts practically ensured incumbent re-election is difficult to dispute. The new, larger districts were drawn according to three criteria (History of Law N° 20.840, pp. 89-90): (1) the territorial extent of the new districts will not exceed the margins of a region, (2) the new districts will be generated based on previous ones, and (3) the new seat allocation will not reduce current territorial representation.

In spite of the fact that these criteria more or less assured incumbent re-election after reform (91% for the NM according to Gamboa and Morales, 2016), the Alianza did not approve of the new districts and argued that the project could have done better. The fact that the reasoning behind the construction of the districts was not presented or justified during discussions intensified the idea among the Alianza that they were drawn according to “the logic of political agreements” (Chahuán, p. 533).

There were apprehensions among NM members regarding the new districts. Among the issues raised was the fact that the new “mega-districts” would have a detrimental effect on the relationship between the legislator and their electorate and that their (large) size would have an increase in the cost of political campaigns—especially by women—and ultimately favour those with more resources (Deputy Marisol Turres, History of Law N°20.840, p. 93).

Bolstering the Alianza’s logic behind the creation of the new districts, Gamboa and Morales (2016) state that the evidence does not support the idea that the redistricting was “tailor made” (p. 141). According to their analysis, the “correlation between the levels of over- and underrepresentation per district and the percentage of the NM’s votes in the 2013 election of deputies was close to zero, and therefore did not necessarily favour the NM ($r = 0.3$; $p = 0.1$)” (p. 141). With this in mind, and the fact that vote equality in the

Senate decreased with the reform (from 30.7 to 32.6), they conclude that (1) it did not specifically favour the NM and (2) because it did not necessarily favour the NM, results show that it was unlikely that improving vote equality was truly the reform objective. I will get back to this matter later on in this section.

A third issue that confronted NM and Alianza members in the discussion of the project in particular was related to the increase of system competitiveness and uncertainty. The NM's need to solve internal issues was a crucial part of their initial ($M \times 2$) proposal. With this arrangement, in districts with M3 (the lowest), each list would be able to present up to 6 candidates and in districts with M8 (the highest), each list could present up to 16 candidates. This would certainly solve internal candidate nomination problems within the NM, but the figure was highly criticized and after negotiations, was modified to $(M + 1)$.³⁵ One of the strongest arguments made against the $(M \times 2)$ rule, was the negative effect it would have on independent candidacies. As Gamboa and Morales (2016) state, "the $M \times 2$ rule would lead to the presentation of too many candidates and would favour the best-resourced parties at the expense of independents" (p. 134), particularly in larger districts. For example, in districts with magnitude 8 where each list can present up to 16 candidates, with two other lists competing, an independent (out-of-pact) candidate (who represents a list by himself) would be competing against 32 other candidates. In this scenario, independents were likely to disappear. Although it directly affected their internal situation, the government agreed to modify the rule to $(M + 1)$, a situation that still affected independent candidacies, but not as harshly as the $(M \times 2)$ rule.

The NM justified the measure by arguing that more candidates would contribute to improve the choice of who will represent them to the people. They appealed to the fact that without the increase of candidates, choices would continue to be made within and among parties, without considering elector preferences (History of Law N°20.840, p. 3). According to the NM's claims, increasing competitiveness and uncertainty was also expected to have a positive effect on voter turnout. However, it was no secret that the measure lightened candidacy negotiations within the NM.

The Alianza found the rule extremely unnecessary for large districts, but reasonable for smaller ones. As Senator Allamand (RN) inquired, why would they apply the $(N + 1)$ rule to districts with magnitudes of 6 or 8? If, as is usual, there are up to 6 competing lists per

³⁵ or $(N + 1)$

district, and there is a magnitude of 8 and a rule of $(N + 1)$, large districts would have up to 54 candidates, which is, according to the Senator and other members of the coalition, an unjustified amount. The increase in magnitude would immediately produce a more prolific set of candidates. For example, with the binominal, all districts, no matter their population, elected two legislators. With the reform, all districts would increase in at least one seat, meaning that even districts with the smallest magnitude would be able to choose from a wider list of candidates (e.g., with $M = 3$, lists could double the number of candidates $(3+1)$ in comparison to the binominal).

Since the Alianza considered that there was actually no need (in terms of the objective) to increase in such terms the number of candidates per list, they argued that the only explanation for the rule was based on political pragmatism. Senator Von Bäer argued that the reform was made in this manner because “the NM needed more seats because there are too many parties conforming the coalition and they were having trouble reaching agreements” (History of Law N° 20.840, p. 411).

In spite of opposition from the Alianza and specific independent legislators (particularly Senator Bianchi), the $(N + 1)$ rule was approved. It was a more modest victory for the NM, but it still improved the NM’s situation in comparison with the binominal setup (Gamboa and Morales, 2016).

Also placed under the reform’s objective to promote inclusion and representativeness was the gender quota rule. The legislative bill stated that Congress needed to advance towards a more proper representation of men and women and in order to achieve this, the contained the requirement that no gender be represented over $3/5$ or under $2/5$ of the total number of candidates on any list. The norm was proposed as transitory and was to be applied to the 2017, 2021, 2025, and 2029 legislative elections.

It was not the quota that inflamed the discussion among factions, but the conflict it generated with primaries. Most legislators intervening in this discussion agreed that there was a clash between two very important principles: participation and inclusion. Legislators supporting the NM’s proposal argued that in reality, the quota would not affect the real percentage of executed primaries, which did not surpass 10% of the territory (Goic, p. 364). Therefore, the government’s proposal to establish primaries for 40% of the territory was an adequate solution to combine the principles at conflict.

This was not a good enough compromise for Alianza legislators. What they were unable to comprehend was why a measure that was so fought for a few months back was now so irrelevant to NM legislators. The Alianza, which had not been enthusiastic about primaries when they were debated, saw itself as the only faction concerned with protecting them from the quota effect, when it had been an issue relevant to everyone just a few months back. To them, it was not an issue of not having both principles respected, but when each one was applied. What they suggested was that the quota be applied to the primary candidate lists (indications 3 and 4 to suppress letter b) of article 1°) and let people choose the candidates from a gender balanced list. Placing the quota in the final list (after primaries) presented more of an imposition than a result of participation (Senator Von Bäer, p. 362).

Not contemplated by the government in the original project, but introduced after negotiations between Amplitud members and independent legislators, indications regarding the requisites to constitute a political party were presented. In order for them to support reform, the government would have to accept the indications presented during the negotiations in order to secure the required quorums.

The objective was to lower the thresholds to constitute and maintain the legal status of political party. The reform lowered them to a level where it was easier to constitute a regional party than to compete as an independent candidate. The modifications contemplated the reduction of the number of signatures needed to form a party from 0.5% to 0.25% (according to electoral participation in the immediately preceding election of deputies; Gamboa and Morales, 2016) and the decrease of regions needed to form a party from eight or three adjacent regions to one.

There were many NM and Alianza legislators who opposed this modification (including the Commission, which voted to maintain the 0.5% rule), declaring it a mistake. Those against the measure argued that it would have an inadequate multiplying effect on parties (Senator Navarro, p. 445), which in turn would lead to governability issues (Senator Von Bäer, p. 448). The risk of fragmentation of the system was a price the government and the NM were willing to pay in order to put an end to the binominal era (Gamboa and Morales, 2016, p. 134).

The paragraphs above reviewed the main issues of the legislative debate. They have been discussed mostly in an “for or against” logic. Despite the fact that the Alianza opposed

many of the indications and appealed to the Constitutional Court regarding some of them, the electoral reform was approved by majority and there were few changes introduced during the process.

As many opposition senators complained, the reform was pretty much “cooked up” in the Chamber of Deputies. Despite efforts made by the Alianza to modify the districting and composition of the lower chamber, the executive’s proposal remained unaltered in this matter. What the Senate did manage to change was the original number of senators assigned to the Metropolitan Region from 7 to 5, granting another senator to the regions of Antofagasta and Los Ríos, which ended up with 3.

The objectives declared in the legislative bill supported the idea that the reform was had the intention of expanding and guaranteeing in a more complete manner broad democratic values. Each one of the measures promoted by the reform were justified as either improving vote equality, improving representation, increasing competitiveness and uncertainty, and facilitating the expression of majorities while allowing representation of significant minority. However, the project was not just meant to improve the electoral system in terms of democratic values, but to strategically solve coordination issues within the ruling coalition.

In the following section, I analyse the narrow set of motives and objectives associated to each of the involved factions regarding the design and pursue of electoral reform.

4.7.1 Improvement of Legislator Re-election Prospects

Improvement of re-election prospects is one of the few narrow (self-serving) motives incumbents have to pursue or support reform. There are, however, instances where incumbents would support reform even though it does not improve their current chances of re-election.

As reviewed above, the reform under study did not improve re-election conditions, but it did not worsen them either—in most cases.

The government was aware that they were asking legislators to support a reform that could jeopardize their re-election. In order to secure support from incumbent legislators, the project needed to provide some re-election security for them. To produce such certainty, the NM had to consider that the increase of the number of legislators in

conjunction with the new districts and their sizes would not threaten legislator re-election prospects (Gamboa and Morales, 2016, p. 130).

With this narrow motive in mind, the criteria for the new drawing of districts is self-explained: (1) the territorial extent of the new districts will not exceed the margins of a region, (2) the new districts are constructed from the aggregation of current districts, and (3) the new seat allocation will not reduce (in absolute terms) current district representation.

In addition to favourable district size and drawing, the government made other efforts to ensure incumbent re-election. In order to make the proposal more attractive, the magnitude of all the new districts was increased by at least 1 compared to the magnitude of their previous districts under the binominal (idem, p. 131). With these incentives, the reform predicted the re-election of about 91% of NM deputies.

With re-election practically secured, NM incumbents were more open to supporting electoral reform. Once their individual risk of supporting reform was minimized, incumbents were more inclined to pursue objectives that would benefit not only them, but their party's and coalition status, as well as other "broader natured values."

4.7.2 Improvement of Party Seat-Share Prospects

One of the issues the reform sought to solve was the conflict between parties in the NM concerning candidate nominations. The binominal system logic strained both interparty and intraparty relations (Gamboa and Morales, 2016). The reform was expected to lessen candidate nomination problem among NM parties and at the same time, improve coalition parties' seat-share prospects. With more seats per district and the possibility to present at least one more candidate than seats available per list, conflict regarding who would have to drop a candidate would be reduced, and more parties would be able to achieve candidacy status and seats in case they resulted elected.

Although the executive's objective was to reduce intraparty and interparty conflict, there was one aspect of the project that actually fuelled conflict within the NM (particularly between the PS and the PDC): the pact and subapparentment rule. Originally, the proposal established the possibility for parties to create intra-alliance pacts, or subapparentments, either between them or with independent candidates within their pact.

The rule was expected to promote the inclusion of smaller parties, which was one of the issues the NM needed to attend to in order to appease the smaller parties in their alliance (PC, PPD, PRSD and PS). The NM expected that sub-pacts would provide smaller parties better chances of gaining seats, and better conditions would reduce tension within the coalition. However, although the measure was implied to improve competitive conditions for smaller parties and “make it right with them,” it made other, larger parties “worse off,” or at least that is what the PDC believed. Once again, the NM had to figure out how to navigate a rule that strained relations within.

The sub-pact rule was not well received by the PDC, who argued that the rule would “distort proportionality” (Mauricio Morales, *La Tercera*, 23-05-2014) and violate the election of the majorities within the list (Matías Walker, *El Mostrador*, 08-05-2014). The PDC suspected that if subapparentments were allowed, the smaller leftist parties would form one against the PDC, affecting the number of seats it could obtain (Gamboa and Morales, 2016, p. 133). By suppressing subapparentments among parties, each party would become a natural subapparentment. This way, when votes were counted, seats would be distributed according to the electoral strength of each party, instead of the strength of the subapparentment (Mauricio Morales, *T13*).³⁶

The PDC did not hesitate to make their discontent with the measure known to the executive. As the largest party in the NM, the PDC knew its votes were needed to approve the reform, and it used that advantage to negotiate the removal of subapparentments from the project. The party sat down to negotiate with Minister Peñailillo, who understood this was an issue that the PDC would not back down from. With reform quorums in mind, the government decided to remove subapparentments from the project through an indication presented by the executive on July 2014.

The request did not pass without conflict in the coalition. PC and PS members criticized the PDC of nothing other than “tailoring a suit”³⁷ (an argument that the right used in the discussions to refer to specific matters of the reform) by eliminating the possibility of subapparentments. Although the indication to remove subapparentments was approved by the lower Chamber’s Commission of Constitution Legislation, Justice and Regulation, the PS declared that they would pursue the issue in the Senate (*La Tercera*, 18-08-2014).

³⁶ <https://www.t13.cl/blog/columnas-mauricio-morales/crisis-del-frente-amplio-cuestion-numerica>

³⁷ Comment made by PC Deputy, Guillermo Teiller.

Despite these efforts, the reform was approved without the possibility of subapparentments.

The fight over subapparentments within the NM portrays an issue over which parties sought to obtain what they considered to be a better electoral scenario for themselves (parties). While smaller leftist parties fought to keep the rule expected to increase their seat share, the PDC—the theoretically most-affected party—rejected the measure, which was expected to reduce it.

In the end, the NM needed the PDC votes. They knew that the other parties would still support reform; hence, they gave the PDC what they were asking for. The “subapparentment feud” portrays the narrow interest of NM parties. Both factions involved (PDC versus PS/PC/PPD/PRSD) pursued the improvement of their parties’ chances of gaining (or maintaining) their seat with this item of the reform. While the smaller parties were trying to improve them, the PDC was trying to protect without worsening them.

4.7.3 The Coalition’s Prospects

As Gamboa and Morales (2016) argue, the reform’s main objective was to solve internal issues within the NM. As previously described, because of the large number of parties conforming the coalition, arranging candidate lists within the coalition was becoming a hard task. The number of candidates per list allowed by the binominal, two, generated growing conflict between and within parties.

As a coalition of seven parties, 120 seats in the Chamber and 38 in the Senate were insufficient when negotiating candidate lists among parties. In order to survive, the NM understood that they had to increase the number of candidates each coalition could present. This is why the original legislative bill suggested the $(M \times 2)$ rule, hoping it would solve their internal conflict over candidacy negotiations. This modification was not accepted and was replaced by $(M+1)$. Although the NM did not get the number of extra candidates they were looking for, they managed an amount that would mean that from now on, “in most districts, parties would no longer have to drop out, lessening the tension of intra-coalition negotiations” (Gamboa and Morales, 2016, p. 138).

In addition to the $(N+1)$ rule, the project increased district magnitude in all districts. This meant that every district would be able to have $NM + 1$ (new magnitude) candidates.

Therefore, for the least increased districts, this would be 3 + 1 candidates, double as many as the original and for the most increased, 8+1 candidates, over four times the original amount. Both measures were expected to reduce conflict within the NM. This way, parties would not feel the need to leave the coalition, since the reform reduced negotiation strain by increasing the number of candidates per list, allowing parties to have candidates in almost every district (*idem*, p. 137).

In this case, the executive had the incentive, since the survival of her coalition was at stake. The executive had two distinct motivations behind the electoral reform: a “general interest” or “broad” one and a “narrow” or “self-interest” one. The first was to put an end to the binominal, a task that had not been accomplished by any government since the return to democracy; and second, to reduce the costs of negotiation of candidate lists within the ruling coalition. Both were achieved.

Final Remarks

The chapter’s objective is to identify and analyse the contingent factors that contributed to the triggering of the reform in an already prepared environment (inherent conditions). Chapter 4 can only be understood as a complement to Chapter 3. While Chapter 3 focuses on studying the gradual process in which reform conditions (inherent conditions) were achieved, Chapter 4 analyses the factors that triggered reform in that specific place, time and form.

Why did reform happen during 2014–2015 and not before? Even if the inherent conditions were already there? The chapter’s answer is based on the fact that the contingent factors were not there before.

Electoral reform was triggered by a set of complex contingent factors that, as a whole, served to initiate and successfully see the reform approved. Among the factors identified, the chapter discusses the effect the Piñera’s administration had (1) in the fractioning of the Alianza and RN’s resulting approach to the PDC and the NM as a reformist party and (2) the handling of the social mobilization and popular demand for comprehensive reforms, which boosted the candidacy of Michelle Bachelet and her extensive reform program. The chapter also analyses the relevance the 2013 elections had in the configuration of the new status quo in Congress. The main idea being that these majorities were one of the crucial contingent factors that finally enabled reform, since the reformist

coalition, had for the first time ever the required majorities to approve a reform to the binominal system.

In sum, the chapter reviews the role the contingent factors played in the generation of the electoral reform in an already enabled environment in hopes of answering the question of why reform happened when it did, the way it did.

Conclusion

This dissertation has challenged traditional—and in some cases still dominant—views and beliefs regarding electoral reform. After careful consideration and reflection, I have come to the conclusion that electoral institutions are not essentially *sticky* and electoral reform is actually not an uncommon event. Electoral reform appears this way when scholars conceive them as reforms that produce shifts from one system to another. If this were the case, then yes, electoral reform would still be considered by third wave scholars as an unlikely event. However, evidence provided by recent literature and case studies (including the one just reviewed in this dissertation) corroborates the notion that electoral reforms should no longer be conceived of or defined exclusively as major ones. To continue to do so would be a misleading mistake. A broader conceptualization of electoral reform needs to become the go-to definition of electoral reform among scholars today.

The Chilean case study presented in Chapters 3 and 4 provided an instructive tell-all example of the problems and shortcomings strengths traditional definitions have had when attempting to analyse electoral reforms today. Although they remain an important founding stone from which new conceptualizations have been built from, several issues have been identified and attended. One of the most pressing issues was that these conceptualizations of electoral reform were designed to identify an exclusive and rather rare type of reform: major reforms that involved changing from one type of system to another (switching based on formula). To this day, these types of electoral reforms remain rare, and if they were still the only ones being studied, then the idea that electoral institutions are sticky would still be the most prominent among electoral reform scholars. However, this is not the case today. Electoral reforms, conceived in a comprehensive manner, include a wide array of dimensions that can be modified in different degrees. This is how third wave scholars envisage electoral reforms today. They are the technical, minor or even major modifications to a growing number of dimensions of the electoral law.

If these definitions were used to study the Chilean case, scholars would probably come to the conclusion that from 1989 to 2015 there were no electoral reforms. From this perspective, Chile has not undergone electoral reform since the return to democracy, which as we know, is not true. What a comprehensive definition has informed us about is

that Chile may have not undergone traditional major electoral reform (type of system switch), but it has successfully implemented other types of major reforms and many minor and technical electoral reforms over the years.

Chile's electoral reforms since 1989 have been many and diverse. This is why the case is so functional to illustrate the many issues risen in the theoretical discussion. As indicated above, the case successfully tackles the issue of conceptualization. The case chapters show how important a broader definition can be in the process of identifying electoral reform. With a more comprehensive definition Chile's electoral reforms were able to appear in the academic radar. It remains a fact that Chile has not switched from one system to another. However, it is also a fact that the country has successfully implemented other major electoral reforms and many other minor and technical ones. The case study also showed how sometimes, smaller reforms – previously considered insignificant or even inexistent- sometimes have the most impact.

Chile's electoral reforms also showcase the notion that electoral reform is often produced by complex actors who as such have a complex set of motivations to either pursue or oppose electoral reform. Much like with the issue of conceptualization, motivation regarding electoral reform is a matter that third wave scholars have broadened and the Chilean case does a good jog in showing it. The theoretical framework with which the case study was analysed allowed me to corroborate and showcase the fact that in many cases, who is involved in electoral reform and why they are involved in it are far more broad and complex than traditional literature might have suggested. The motives, objectives, actors, and paths to electoral reform are not as straightforward as some approaches previously portrayed.

The good news is that by acknowledging these complexities and responding—in this particular case by broadening the definition of electoral reform and complementing tools and strategies from different theoretical approaches—some of these weaknesses can be improved and by doing so, we have enhanced our capacity to uncover and study determinants of electoral reform.

Although electoral reform research developed significantly in the last 30 years, there is still a long way to go. This dissertation contributed to the development of the field in what scholars identify as the third wave of electoral reform research. In order to expand and improve upon answers to questions regarding why electoral reform happens, why it

happens when it does, and why it happens the way it does, this dissertation challenged two dominating traditions: “major”-centred definitions of electoral reform and single-approach perspectives that over-simplify the type and/or number of actors involved in the process, the motives and objectives these actors may have, the form in which reform is pursued, and other elements that make the causes of electoral reform a complex historical process.

In order to understand and overcome limitations traditional approaches have regarding the study of electoral reforms, I dedicated Chapter 1 to the review and analysis of existing electoral reform theory. As part of the diagnosis of what needed to be reconsidered in the field, I discussed how traditional approaches (mostly first and second wave of development of the field) conceived of and studied institutional change and electoral reform as a specific type of institutional change. As the chapter showed, there are two dominant theoretical approaches in the field, those based on history, context, and the role of structure and institutions, illustrated by Historical Institutionalism (HI); and those built from rational and economic notions of behaviour, reflected by RCI. Both lenses contribute to the understanding of electoral reform processes; however, they are confined by their specific conceptions of change, particularly concerning why electoral reform occurs and how it takes place. HI and RCI’s notions and conceptions of institutional change (their causes, roads, and effects) provided the building blocks for a more comprehensive framework with which electoral reform (in its broader conception) can be studied.

While Chapter 1 was devoted to the creation of the theoretical framework, Chapter 2 was dedicated to the construction of the dependent variable, electoral reform, and the introduction and review of the identified determinants of electoral reform.

Chapter 2 was dedicated to two tasks: the conceptualization of electoral reform and the review of its determinants. In the first I reviewed the existing (or traditional) conceptualizations of electoral reform from all three waves of development of the field. In order to build from these, I reflected on their strengths and weaknesses and contributions to the state of research. Adopting critiques and suggestions made by scholars belonging to the third wave, I offered a (broadened) definition of electoral reform that stemmed mostly from Jacobs and Leyenaar’s (2011) proposal.

Electoral reform is conceived of and defined in this dissertation as change in any of the dimensions that compose the electoral law (see Section 2.1.6 in Chapter 2). In other words, it holds that any type of change (major, minor, or technical) in any of the dimensions of the electoral law is an electoral reform. It is important to consider that these dimensions are not necessarily fixed, because it is likely that they will vary and increase over time (e.g., the gender quota example in the introduction illustrates this notion).

The second part of Chapter 2 was dedicated to the study of the determinants of electoral reform. The section was developed in reflection of the proposed theoretical approach. It analysed the determinants of electoral reform from HI and RCI perspective. This division also reflected the inherent and contingent logic of the framework. Although I am aware that, as Eckstein argues, “in the concrete world contingency and inherency are almost always intertwined and hard to disentangle” (1980: 139), the division was made for theoretical and explanatory purposes.

One of the most basic and common decisions regarding theoretical inquiry involves a choice between contingency and inherency (idem, p. 138). The framework constructed argued that choice is no longer mandatory and that complex processes may be conceived and studied as composed of both types of factors. These factors are expected to vary from case to case. Not all reforms are produced by the same combination of inherent and contingent factors. There may very well be the case where the inherent conditions for reform were already present but took a long time to be triggered by contingent factors. What I proposed through this dissertation’s framework is that in the future, scholars will benefit from considering and studying both factors and avoiding focusing exclusively on one or the other.

The case study showed how relevant this decision is. Focus on contingency led some scholars to believe that the electoral reform of 2015 could be explained based on events that unfolded from 2013 to 2015. I argued that the 2015 electoral reform could actually be traced back to 1989 and can essentially be described as a 26-year-long reform, not as a year-long event. For scholars like Gamboa and Morales (2016) who chose to focus on contingency alone, the Chilean electoral reform was produced exclusively because something out-of-the-ordinary occurred in that specific place and time. These types of explanations contribute to the study of the contingent factors that precipitated reform but

do not necessarily hold into consideration if, when, and how the inherent conditions were created in order for reform to prosper in that specific place and time. This is troublesome because it may lead scholars to incomplete conclusions.

What the theoretical framework contributed to understand was that for the case under study, electoral reform was produced by a process that involved the interplay of heterogeneous factors, which are in the realm of the inherent and the contingent (Eckstein, 1980). The inherent factors were conceived of as the conditions under which something (in this case reform) will always happen or have the potentiality to occur. Inherent factors, as Eckstein states, can actually only be obstructed (p. 139). In Chile, the inherent conditions were enabled over time. I argued that these conditions were obstructed by legal and constitutional restraints placed by political actors who wanted to secure the status quo. Conditions in which reform of the binominal system could prosper had to be created by political actors (and parties and coalitions), consciously and gradually over time. Once potential conditions were in place, which were met in 2014, contingency played its role as the trigger for reform.

Chapter 3 analysed how, when, and why the hindrances that impeded inherent conditions were removed by political actors pursuing reform. It did so in a historical manner, where context was crucial in order to understand why gradualism and the effort to “reform in order to reform” (see Chapter 3, Section 3.3) represented an important part of *how* electoral reform was achieved. The chapter also contributed to understanding *why* political actors (individual and collective) pursued or rejected reform. Much of the discussion of the enabling reforms had to do with the dismantling of electoral laws that were designed and implemented in an undemocratic context. It is important to point out that how and why are not answers that one can provide for the electoral reform as a whole. Instead, focus must be placed on each of the reforms that built up the process for the “final” reform in 2015. The answers have a general common objective, to put an end to the binominal system, but each enabling reform also has a why, a how, and of course, a when. It is crucial for scholars to perceive and understand that objectives and motivations are not fixed in time but vary as actors involved may do so. In this process, historical, social, political, and cultural context were crucial in order to understand why these reforms were pursued the way they were, at the time they were pursued.

As Chapter 4 illustrated, contingency can be conceived of as situational (contextual) or produced by agency. The common denominator between both determinants is the fact that they are out-of-routine, extraordinary conditions that imply a large component of chance (idem, pp. 138–39). The chapter focused on the last stage of reform, where inherent conditions had already been enabled by previous, gradual reforms and contingent factors appeared and unfolded very rapidly.

Once the last of the enabling reforms was approved during the last months of President Piñera's administration, which ended in March 2014, it only took a month for the new administration to introduce a legislative bill that reformed the binominal system (April 22nd). One of the most important questions this chapter tried to provide answers to is why this reform occurred in this particular moment and not before or after. The answer was built on the notion of inherency and contingency. For the first time (after more than 26 failed attempts) the electoral system was reformed and transformed into a more proportional one. Why? Because the preconditions (inherent factors) were there and that “something-out-of-the ordinary” occurred: Piñera's inability to produce satisfactory responses to social demands, Bachelet's triumphant entrance to office, and the NM's majority in both Chambers, among the other contingent factors discussed in Chapter Four, intertwined and together produced electoral reform.

Coming back to the case, what the case study showed is that when looked at with a broader theoretical perspective (or lens, if you will), the Chilean electoral reform gained complexity as a process and in terms of its causes. Among the conclusions that the case study yielded I highlight the following:

It is not only a shortcoming, but wrong to conceive of and study the reform of the binominal system as one that took place exclusively during 2013–2015. It was not only contingency that produced electoral reform, but the *enabled* institutional framework that allowed reform to prosper in 2014.

Chapter 3 presented the original electoral law designed by the Military Regime from 1980 to 1989, a context in which it was difficult (if not impossible) for reformers to suggest a different electoral system, since the only political actors allowed at the time were precisely those that had written the rules of the game. However, in 1988—call it contingency—something unexpected occurred. Pinochet lost the plebiscite and a date

was set for democratic elections. These events influenced the first negotiations and reforms to the electoral law (see Section 3.3.1). These negotiations and their reforming effects are considered as the beginning of the de-obstruction of the inherent factors. The regime's objective behind the design of the electoral law was to protect the system in place (in order to produce constitutional and legal stability) by obstructing the conditions for reform. Reformers knew that an all-or-nothing strategy was dangerous, and they eventually gathered around the idea that the enabling process was going to be a slow, conscious, and gradual road to reform. The objective was to reduce and eventually eliminate the barriers and create a scenario where reform could prosper.

The idea that the inherent conditions were not yet met explains why more than 26 attempts of reform failed from 1990 to 2013. As discussed above, the last of the remaining obstructions was eliminated in early 2014 with the reform of Article N° 47, which removed the specification of the number of members that constituted the Chamber of Deputies (120), just like Lagos' reform (part of the 2005 reform package) had done to Article N° 45 for the Senate (28). Once the last of the enabling reforms was approved, a minimal winning coalition had to be generated, and this is something that could not be "enabled," but had to happen by *chance*. As Chapter 4 presented, although the 2013 legislative elections were favourable for the reformist coalition, reformers still needed to construct the MWC, and for that they needed a few more votes in each chamber. Once again, chance or contingency played a role. A new liberal faction called Amplitud split from RN, pledged their votes in favour of electoral reform, and joined the reformist coalition. All of the factors presented in Chapter Four were caused by contingency and as such, contributed to successfully triggering reform in an already fertile environment.

Chapters 3 and 4 demonstrated the importance of choosing and designing theoretical approaches that enable scholars to identify and study in a more comprehensive and complex fashion the potential causes of not only electoral reforms, but other political phenomena. As Leyenaar and Hazan (2011) state, and I believe the case study established, the conviction that the determinants of electoral reform can be explained by single approaches has been replaced by a belief in a more comprehensive framework for analysis.

In addition, I believe the case study illustrated the need to broaden the concept of electoral reform in order for it to be able to recognize other dimensions of the electoral law and other types of electoral reforms. Below I argue why.

Lijphart's conceptualization of electoral reform could take research only so far. The case showed why traditional definitions remain crucial building blocks for new broader conceptualizations of electoral reform, while at the same time demonstrating its insufficiencies. His definition would have provided a road map to establish if and in what degree Chile's reform *significantly* modified formula, DM, size of the legislature, and thresholds. However, we know that other dimensions of the electoral law were also modified (sometimes constituting major reforms) and that some modifications to the dimensions identified by his definition were modified in a lower-than-established degree. The case contributed to clarify two things: first, we need to consider -moving forward- existing conceptualizations of electoral reform as crucial building blocks; second, we must incorporate other dimensions of the electoral law and other degrees of reform.

Another issue raised by the case study has to do with how we incorporate into third-wave definitions the introduction and derogation of electoral law legislation. Lijphart provides clues on how to proceed when he states that introduction of threshold legislation will constitute major reform on its own (see Chapter 2, Section 2.1.3). Further development of issues of introduction and derogation are needed. Is introduction of new legislation always going to constitute major reform? Similar issues arise when derogation of specific legislation is produced. The Chilean case also provided insight into this issue. For instance, how could we categorize the elimination of designated and life senators? Is it similar to the introduction of legislation? Is it then a major reform? This is an issue than needs to be considered in future research.

The case also showed how with Lijphart's threshold cut-off point we were able to categorize some of the enabling reforms studied and how some still need further development of measurement. Take, for example, one of the 1989 reforms, the one that increased the total number of elected senators from 26 to 32. This modification represented a 23.076% increase for the Senate, but a 4.1% increase of the size of the whole assembly. His definition and measurement standard for this particular case is very useful. It allowed us to measure the percentage of change and establish whether or not it

constituted major reform in a very simple manner. Nevertheless, the definition was not able to specify this modification as a different type of electoral reform, in this case a minor one due to degree of change in the dimension of legislature size. Another question that may arise from this example is should we consider assembly as a whole or should be consider changes in size for each chamber?

Another example of Lijphart's definition's contributions and limitations can be taken from the final electoral reform of 2014-15. President Bachelet's reform project successfully modified at least five dimensions of the electoral law. One of the most discussed was the reform that sought to increase the size of the assembly. The project increased the total number of members in both chambers, not just the Senate like the 1989 reforms. However, the complications remain the same. When analysed by chamber, the reform showed that for the Chamber of Deputies, the increase was from 120 to 155 members. This modification represented a 29.26% increase. For the Senate, the increase was from 38 to 50 members, a 31.57% increase. When the modification is analysed in terms of the whole chamber, then the assembly size was modified by 29.74%. In all cases this reform is major. And the upside is that in this case, traditional and new definitions were able to identify and categorize the reform. The downside to this is that if the percentage of change in this dimension had been below 20%, the reform would not have been considered as such because of Lijphart's conception of *significance*. The question I raise based on this example is how can significance be exclusively determined based on degree of change? What if we complemented this with magnitude of effect? Would minor reforms then be considered more significant? I discuss this further on as a relevant issue for future research.

Another dimension the 2014-15 electoral reform modified was DM. Before reform $DM = 2$ (binominal system). After reform, DM varied among and within chambers. In the Chamber of Deputies, M could vary from 3 to 8, which meant that for some districts, variation represented 50% and in others could represent up to 300%. For the Senate, DM also increased from a fixed 2 to a variable 3 to 5. At its lowest, changes in DM represented a 50% to 150% change. All modifications of DM for the case under study represented major reform. This reform could also be identified and categorized with both definitions. But what about modifications to other dimensions of the electoral law?

Take for example the introduction of gender quotas and other gender legislation that was introduced by the reform bill (see Chapter Four). Lijphart's definition does not consider introduction of legislation (an issue discussed earlier) into account and does not consider gender as a dimension of the electoral law. This dissertation's conceptualization does. The reform also affected district boundaries and seat reapportionment. Both of these were not considered relevant in Lijphart's dimension selection. However, they were included in this dissertation's proposal and can be categorized based on their degree of change. The degree of change for district boundaries was calculated based on the percentage of inhabitants affected by change. The reform reduced the Chamber's districts from 60 to 38 and for the Senate from 19 to 15. Deputy electoral districts were merged in order to create what some politicians called mega-districts. The largest districts created were composed of three previous districts (new districts 6, 7, 9, 10, 17, 20, and 23) where the number of inhabitants drastically rose. Other districts remained unaltered (1, 2, 27 (previously district 59) and 28 (previously district 60)), but a very large number of the country's inhabitants were affected by the new district drawings. New research could stem from here and it would be interesting to consider not only the degree of change but the effect it had on so many aspects of the political system (e.g., voter turnout, candidate selection, campaign finance and strategy).

In sum, the case study provided crucial insight into why it is important to develop a more accurate and at the same time, comprehensive definition of electoral reform. All in all, changes to the formula—traditionally one of the most relevant dimensions to be modified—are probably less significant than changes to other dimensions of the electoral law. According to Lijphart's conceptualization, the electoral formula of the Chilean electoral system remained within its category, although it was reformed to be more proportional. How much it changed remains to be determined with more precision once a proper mechanism of quantification is developed. Although there was no big transition from one formula to another, there were traditional dimensions “majorly” altered, take the example of DM and legislature size presented above. There were also other non-traditional dimensions modified in a degree that still remains to be determined but is likely to turn out to be significant.

The case also illustrated current shortcomings the concept proposed in this dissertation still has to overcome. For instance, it showed that there is still an indeterminacy regarding the status of elimination of specific legislation from the electoral law (non-traditional

dimensions). Further development of these type of major reform is required. Another issue that the case raised is how to analyse and categorize changes that involve the transformation of constitutional laws into electoral laws. Do these constitute electoral reform or another type of reform? Another matter that could be further developed has to do with the possible limitations the definition provided here might have. As section 2.1.6 in Chapter 2 showed, the definition offered still categorizes types of electoral reform in general threshold percentages. A quantitative or qualitative form of measurement to establish the degree is still in need of development and should be one of the next steps in the advancement of electoral reform research. Some dimensions are already being quantified and measured, but others remain to be determined.

Finally, the case study positively contributed to the illustration of the research problem. The electoral reform of 2015 cannot be comprehensively accounted for, or its determinants established, from one approach alone. If we were to consider Chapters Three and Four separately, neither could by itself answer why the 2015 electoral reform happened when it did, the way it did. A combined approach, capable of looking at the inherent and contingent factors, was able to provide a more comprehensive view of the causes of electoral reform, which in turn led me to provide a more complete account of the process of the electoral reform studied.

One of the most relevant theoretical contributions this dissertation made to the state of electoral reform research is the further development of electoral reform as a comprehensive concept. Building from recent research, it pushed broadening efforts even further by providing a very open and flexible definition of electoral reform. The incorporation of other types of reforms, namely smaller ones in terms of degree, enables scholars to state that electoral reform is actually not an unlikely event, but a rather common one. The scarcity of electoral reforms may still apply for reforms that imply transitions from one system to another, but major reforms that do not necessarily involve changes in formula are actually more frequent than expected when other dimensions of the electoral law are taken into consideration (even with a 20% threshold). Electoral institutions are modified in different manners and degrees with much more regularity than traditional approaches are able to perceive.

Second, in an effort to improve some of the shortcomings single approach studies have, this dissertation followed recent scholarly suggestions to complement different

theoretical approaches. This was meant to improve the framework's ability to identify possible determinants of electoral reform that may pass unnoticed by single approach studies. Recent research on electoral reforms is particularly critical of single approach studies based on RCI theory, mostly because of the approach's oversimplification of motive and relative indifference to the influence of other contextual and structural variables such as history, culture and ideas.

The benefit of choosing multi-approach frameworks is that they provide more perspectives from which to *see* electoral reform. Different approaches focus on various types of factors, motives, actors and roads to reform. By complementing two or more *lenses* this diversity, which more accurately represents reality, can be captured and taken into consideration. By adopting a broader, multi-approach framework, this dissertation was able to provide a more diverse set of factors as causes of the 2015 electoral reform, challenging existing accounts that focused on motivations mostly associated with RCI (e.g., seat, office, or vote seeking) that where at times combined with other more public-friendly motivations to pursue reform (e.g., improving democracy, fairness, representativeness, etc.). The use of this type of framework also allowed reform to be traced and presented as a long-term gradual process, a conclusion that challenges studies that conceive of the electoral reform as a process attributed to contingency that unfolded over a short period of time. The case study findings support recent academic transition towards more comprehensive, diverse and complex explanations of electoral reforms.

Which theoretical approaches are selected and how they are used is a matter for each investigator to decide. What this case study taught me is that there are cases where single approaches may lead to incomplete identification of causes, actors involved, motives, roads to reform, which in turn may lead to insufficient and even mistaken accounts of electoral reform processes. The exercise of combining insights from two theoretical perspectives demonstrated how insight into why electoral reform happened when it did, the way it did was modified (broadened) by incorporating a second approach. For many scholars, Chile's electoral reform was explained by contingency; for me, these explanations account for part of the process, but do not constitute a complete account. This dissertation's case study showed how explanations of what caused electoral reform to happen can gain from these types of frameworks.

This leads us to this dissertation's second type of contribution to the state of electoral reform research, and it has to do with how the case selected promotes the development of the field. The thesis makes a contribution in at least two aspects: (1) it studies electoral reform using a third-wave definition of electoral reform to analyse a Latin American case and (2) it studies the complete process of the Chilean electoral reform. Neither had been done before.

Third wave of electoral reform research experienced an important development in 2011 with the publishing of several articles in a *West European Politics* special issue dedicated to electoral reform (Celis Krook and Meier, 2011; Jacobs, 2011; Jacobs and Leyenaar, 2011; Leyenaar and Hazan, 2011; Norris, 2011; Rahat, 2011; Rahat and Hazan, 2011; Renwick). Focus was placed on topics of reconceptualization and development of alternative and/or complementary models to further electoral reform research. These and other third-wave academics illustrated their research through case studies like France, Italy, New Zealand, Japan, Netherlands, Belgium, Austria, Israel, UK, and Canada, representing "established" democracies (Leyenaar and Hazan, 2011). Although quantitative studies remain exceptional in the field, there are at least three cases of Large-N studies that include Latin American countries (Celis *et al.*, 2011; Norris, 2011; Levick, 2017); however, none include Chile. Consequently, there are no cases that use third-wave conceptual and theoretical developments in the study of a Latin American case. The one provided by this dissertation constitutes the first of its kind.

The second contribution in terms of case selection is that despite the fact that research of different Chilean reforms has been prolific, the majority of them focus exclusively on one or a particular set of reforms (e.g., the 1989 reforms, the 2005 constitutional reforms, the 2014 elimination of reference to "120" representatives in the Chamber of Deputies, or the 2015 binominal reform). This dissertation provides the first complete account of the process of electoral reform, concluding its final stage in 2015. This was possible because of the broader conceptualization of electoral reform and the framework's theoretical approach which conceived electoral reform from a comprehensive perspective and as a complex, gradual, and multi-stage process.

As far as limitations go, I believe this dissertation has two. Both are related to the conceptualization of electoral reform but can be corrected with further research.

The first has to do with the need to provide a form of measurement and/or quantification of the degree of reform in order to deliver a more objective typification. As discussed in Chapter 2 and previously in this section, some dimensions can be categorized using already measurable data provided by the comparison between the original status of the dimension and the reformed status (e.g., DM). For dimensions less susceptible to that approach, a form of measurement is needed in order to establish degree and type of reform.

The second limitation arose during the case study. There are changes to the electoral laws that do not necessarily imply modification to the dimensions of the electoral law, but to country-specific legislation. The study of the Chilean case showed that many of the reforms studied consisted on either the elimination or modification of existing country-specific legislation. The definition of electoral reform provided by this dissertation does not incorporate these types of modifications. What is needed is a way to incorporate these types of alterations into the realm of electoral reform. Because this type of legislation does not fit into any of the dimensions of the electoral law, it is possible for it to be dismissed as something other than electoral reform. A guideline on how to proceed in these types of cases would contribute to keep relevant reforms from falling outside of the academic radar.

An example of this limitation is illustrated by the enabling reform that eliminated life and designated senators. It is a complex modification to categorize, since it could be studied as a reform to the size of legislature, but it could also be argued that in essence it is something else. Although the derogation of this law did technically affect that specific dimension, life and designated senators were not democratically elected members of Congress, so their nature was different from the rest of the elected members. This type of questions arises when we incorporate cases of reform outside of the realm of established democracies. It portrays the need to continue to develop the conceptual and theoretical framework in order to tackle new cases of electoral reform.

So far, most third-wave scholars have committed to a broader definition of electoral reform with emphasis on the degree of change it implies. There are, however, other perspectives to take into consideration when defining electoral reform. One that stands out defines electoral reform in terms of the effects it generates. Conceptualizations based on degree of change focus on establishing how big, small, or significant change was.

These developments have allowed scholars to identify different types of reform and, with that, challenge dominating conceptualizations and established truths about electoral reform. However, I believe that further research is needed to establish whether or not we should in some manner incorporate conceptualizations that conceive of electoral reforms in terms of the effects they generate. Does effect rule the categorization of the reform, or does the degree of change rule it? It is crucial that further research produce some kind of answer, because it is no longer arguable that major reforms are the most significant ones; at times minor or technical reforms have had the most impact on the political system. Can degree of change and magnitude of effect be both necessary foundations for a new definition?

Another path for future research is to continue to explore reforms to other dimensions of the electoral law. Broadening research from focus on three or four traditional dimensions could shed light on why, when, and how non-major electoral reforms occur. An important example of this task's relevance is the incorporation of gender quotas as electoral reforms. It took a long time to connect gender research to electoral reform research. Today, quotas are considered and studied as dimensions of the electoral law. It makes us wonder if and what other dimensions exist and whether or not they are being studied in parallel and remain unconnected to electoral reform research.

Another line of research that could be further developed is the one suggested by Levick (2014, 2017) who argues that electoral reform should no longer be studied in a binary manner (reform or non-reform) but as a process that should include both successful and failed attempts of reform.

Finally, I believe that the new developments in the field of electoral reform research should be harnessed and applied to case studies that include non-established democracies in Latin American countries and other developing nations.

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Annex

**Article 109 bis from “Ley Orgánica Constitucional Sobre Votaciones Populares y Escrutinios” (“Constitutional Organic Law on Popular Voting and Vote Counts”)
N° 18.700, 6 May 1988**

Artículo 109 bis. En el caso de elecciones de Parlamentarios, el Tribunal proclamará elegidos Senadores o Diputados a los dos candidatos de una misma lista, cuando esta alcanzare el mayor número de sufragios y tuviere un total de votos que excediere el doble de los que alcanzare la lista o nómina que le siguiere en número de sufragios. Si ninguna lista obtuviere los dos cargos, elegirá un cargo cada una de las listas o nóminas que obtengan las dos más altas mayorías de votos totales de lista o nómina, debiendo el Tribunal proclamar elegidos Senadores o Diputados a aquellos candidatos que, dentro de cada lista o nómina, hubieren obtenido las más altas mayorías. Si el segundo cargo por llenar correspondiere con igual derecho a dos o más listas o nóminas, el Tribunal proclamará electo al candidato que hubiere reunido mayor cantidad de preferencias individuales. En caso de empate entre candidatos de una misma lista o entre candidatos de distintas listas o nóminas, que a su vez estuviesen empatadas, el Tribunal procederá, en audiencia pública, a efectuar un sorteo entre ellos, y proclamará electo al que salga favorecido.

Article 109 bis. In the case of Parliamentary elections, the Tribunal will proclaim as elected Senators or Deputies two candidates of the same list, when the list obtains the largest number of votes and if the total number of votes obtained by the candidates exceeds twice the amount of the second most voted list. If no list obtains the two seats, two of the lists that obtains the highest majorities will each receive a seat. In this case, the Tribunal will proclaim elected as Senators or Deputies those candidates who, within their lists, obtained the highest number of individual preferences. If the second available seat corresponded with equal right to two or more lists, the Tribunal will proclaim elected the candidate who collected the largest number of individual preferences. In case of a tied vote between candidates from the same or different lists that are also tied, the Tribunal in public audience, will proceed with a draw among them and will proclaim elected the one favoured by it.

Samenvatting

Dit proefschrift beoogt vanuit een nieuw perspectief mogelijke antwoorden te verschaffen op vragen als; waarom vindt electorale hervormingen überhaupt plaats en waarom vinden ze plaats op het moment dat ze plaatsvinden op de wijze waarop ze plaatsvinden? Het onderzoek kan worden beschouwd als innovatief op het gebied van de twee hoofdaspecten conceptualisering van electorale hervormingen en onderzoeksmethodologie, omdat het de fenomenen bestudeert aan de hand van een bredere definitie van electorale hervorming en een theoretisch kader dat meerdere benaderingen hanteert.

Een van de voornaamste doelstellingen van het proefschrift is te verduidelijken waarom de electorale hervorming in Chili plaatsvond op de wijze waarop ze plaatsvond op het moment dat ze plaatsvond. Van alle door de militaire regering geïmplementeerde *autoritaire enclaves* is het binominale kiesstelsel een van de meest controversiële. Vanaf 1989 hebben oppositie en tegenstanders van het systeem het gedurende ruim 20 jaar zonder succes getracht te wijzigen. De hervorming van het kiesstelsel leek lange tijd een onmogelijke opgave. Waarom? Hoe zijn ze er uiteindelijk in geslaagd het binominale systeem te hervormen?

De electorale hervorming van Chili bracht geen wijziging in het soort kiesstelsel. Het maakte een systeem van proportionele vertegenwoordiging meer proportioneel. Als de Chileense casus zou worden beoordeeld aan de hand van de traditionele definities van electorale hervorming, zou de meest waarschijnlijke conclusie zijn dat er geen sprake was van electorale hervorming. Nieuwe conceptualisaties van electorale hervormingen die gericht zijn op het verbreden van de reikwijdte van wat electorale hervorming daadwerkelijk inhoudt, stellen ons echter in staat om tot andere conclusies te komen. In Chili zijn sinds 1989 veel electorale hervormingen doorgevoerd.

De verbreding van beeld- en conceptvorming heeft in academische kringen geleid tot de identificatie van andere soorten electorale hervormingen. Veelal worden deze hervormingen omschreven als kleinere hervormingen, omdat ze niet leiden tot een verschuiving tussen de verschillende type kiesstelsels. In sommige gevallen betekent kleiner echter niet dat ze minder relevant zijn dan grote hervormingen. Nieuwe conceptualisaties hebben tevens invloed gehad op traditionele definities van grote

hervormingen. Oorspronkelijk konden wijzigingen binnen drie specifieke aspecten van de kieswet mogelijk leiden tot grote electorale hervormingen (de verkiezingsregeling, de omvang van het kiesdistrict en/of de stemprocedure). Tegenwoordig kunnen ook andere aspecten van de kieswet ingrijpend worden gewijzigd en bijgevolg worden gedefinieerd als een ingrijpende electorale hervorming. Daarnaast kan de invoering van wetgeving in de kieswet ook worden beschouwd als een grote electorale hervorming. Nieuwe beeld- en conceptvorming van electorale hervormingen hebben niet alleen het bestaan van kleine en technische hervormingen aan het licht gebracht, maar ook de traditionele opvattingen over grote electorale hervormingen veranderd. De opkomst van nieuwe vormen van verkiezingshervormingen heeft impact gehad op de frequentie en waarschijnlijkheid ervan. In tegenstelling tot wat vroeger werd gedacht, zijn electorale hervormingen (ongeacht hun omvang) veelvoorkomende en frequente gebeurtenissen.

Onderzoek naar electorale hervorming als discipline is nog steeds in ontwikkeling. Wetenschappers hebben de literatuur over electorale hervormingen geïdentificeerd en ingedeeld in de volgende drie ontwikkelingscategorieën: (a) de studie van het niet-hervormen, die een systematische beschrijving van kiesstelsels en hun politieke gevolgen omvat, (b) de studie van grote hervormingen en hun politieke gevolgen en (c) een meer uitgebreide benadering die de conceptualisering van electorale hervorming op de academische agenda heeft gezet (Leyenaar en Hazan, 2011).

Ondanks het feit dat het onderzoek op dit gebied zich in de afgelopen vijftig jaar aanzienlijk heeft ontwikkeld, zijn er nog steeds belangrijke vraagstukken die dienen worden behandeld en hiaten die aandacht verdienen. Dit proefschrift beoogt op drie vlakken bij te dragen aan de vooruitgang van het onderzoek naar electorale hervormingen: (1) de conceptualisering van electorale hervorming, (2) de oorzaken van electorale hervorming en (3) de methodologie die wordt gebruikt bij de studie van electorale hervormingen. Met andere woorden, dit onderzoek tracht een bijdrage te leveren aan de huidige pogingen tot her-conceptualisering van wat vandaag de dag wordt beschouwd als een electorale hervorming. Bovendien draagt het bij aan het debat over de doorslaggevende factoren voor electorale hervorming, met als doel de reikwijdte van factoren die mogelijk bijdragen aan electorale hervorming te verruimen, waarbij een verschuiving plaatsvindt van enkelvoudige primaire verklaringen naar meer uitgebreide sets. Ten derde beoogt dit proefschrift, middels de introductie van een innovatieve

verschuiving naar traditionele *single-case* methodologieën, bij te dragen aan de ontwikkeling van nieuwe manieren om electorale hervormingen te bestuderen.

In dit proefschrift wordt electorale hervorming beschouwd als elke mate van verandering binnen elk mogelijk aspect van de kieswet. Met de bevordering van de zogenaamde derde golf aan ontwikkelingen erkent deze definitie electorale hervorming als een complex en flexibel proces dat een definitie nodig heeft waarin die complexiteit en flexibiliteit tot uitdrukking komt. Dit in ogenschouw nemend, is elke verandering, hoe gering ook, relevant. Dit geldt niet uitsluitend voor de verandering zelf, maar is ook relevant vanwege de mogelijke gevolgen die geringe of zelfs technische hervormingen kunnen hebben op het functioneren voor het electorale en politieke systeem. De definitie erkent tevens dat de aspecten van de kieswet kunnen veranderen. Meestal nemen ze toe en worden nieuwe aspecten toegevoegd zodra ze verschijnen (bijv. genderquota).

Met betrekking tot de methodologie beoogt dit proefschrift de verklarende kracht van *single approach*-kaders te vergroten en tegelijkertijd de beperkingen en obstakels te verminderen die deze kaders tegen kunnen komen bij het onderzoek naar de oorzaken van electorale hervormingen. Hiertoe worden instrumenten en strategieën van twee van de meest gebruikte theoretische benaderingen uit het veld ingezet, te weten het rationele-keuze institutionalisme, ofwel het *Rational Choice Institutionalism* (RCI), en het historisch institutionalisme, ofwel *Historical Institutionalism* (HI). Elke theoretische benadering richt zich op verschillende analytische niveaus. Daar waar RCI zich richt op de rol van individuele actoren en agentschap, is HI gericht op de rol van de instituties, geschiedenis en structuur. Elk niveau identificeert en analyseert de oorzaken van electorale hervorming vanuit verschillende perspectieven, hetgeen de geïdentificeerde determinanten en de rol die ze spelen in het hervormingsproces verandert. Dit is waarom Ecksteins (1980) theorie van inherente en voorwaardelijke factoren één van de belangrijkste theoretische grondslagen van dit proefschrift is. De theorie van inherentie en contingentie stelt dat om *y* te laten plaatsvinden, aan bepaalde *x* antecedente voorwaarden moet zijn voldaan.

Dit toepassend op electorale hervorming, betoog ik dat teneinde het plaatsvinden van electorale hervorming, sprake moet zijn van een reeks inherente voorwaarden waaronder hervormingen de kans krijgen om te gedijen. Echter, om electorale hervorming te laten slagen, moet er sprake zijn van een reeks voorwaardelijke factoren die fungeren als

prikkels en katalysator voor het hervormingsproces. Met andere woorden, zelfs wanneer de juiste voorwaarden voor electorale hervorming aanwezig zijn, zal hervorming niet vanuit zichzelf plaatsvinden, maar als resultaat van de juiste combinatie tussen de antecedente voorwaarden en de prikkels.

In Hoofdstuk 1 wordt ingegaan op de theorie van electorale hervormingen en wordt behandeld hoe het historische en rationele-keuze institutionalisme institutionele verandering en electorale hervorming in het bijzonder heeft geconstrueerd, gedefinieerd en bestudeerd. Als twee aftakkingen van het nieuwe institutionalisme leggen zowel HI als RCI speciale nadruk op de rol die instituties spelen als formele beperkingen. Hoewel beiden de impact van instituties via verschillende mechanismen interpreteren, erkennen ze het feit dat individuen binnen een specifieke set regels opereren.

Historisch institutionalisme is een invloedrijke benadering geweest bij veel van de pogingen om de oorzaken van institutionele veranderingsprocessen te verklaren. De algemene en meest karakteristieke eigenschap van HI is dat zowel instituties als geschiedenis enorm van belang zijn in deze benadering. HI-onderzoek richtte zich lange tijd meer op aspecten van continuïteit dan op die van verandering. Dit komt grotendeels door theoretische noties van institutionele stabiliteit die het HI kenmerken en waarbinnen institutionele rangschikkingen zichzelf in de loop van de tijd hebben versterkt. Het stabiliteitsparadigma werd onhoudbaar op het moment dat grootse hervormingsprocessen de lang bestaande electorale instituties veranderden. Het leek erop dat, hoewel de instituties weliswaar zouden blijven voortbestaan, ze in de meeste gevallen op een bepaald niveau een verandering zouden doormaken.

Het HI heeft twee soorten institutionele veranderingen geïdentificeerd, te weten onderbroken of geleidelijke institutionele veranderingen. Onderbroken veranderingen - ook wel bekend als stopgezette of ontwrichtende veranderingen - worden gekenmerkt door het feit dat ze de institutionele continuïteit op zichtbare wijze onderbreken, terwijl sprake is van geleidelijke verandering wanneer institutionele verandering wordt gekenmerkt door een langdurig ontwikkelproces waardoor de illusie van continuïteit ontstaat. In het geval van onderbroken institutionele verandering wordt de onderbreking van het institutionele pad door academici beschouwd als een kritische gebeurtenis: ofwel een uniek moment in de tijd waarop institutionele verandering onverwacht mogelijk is. Dergelijke gebeurtenissen (*junctures*) zijn momenten van institutionele onbepaaldheid,

waarin ruimte is voor een botsing tussen veel factoren, waaronder – en misschien wel de meest cruciale – die van het individuele agentschap. Geleidelijke verandering wordt gedurende langere tijdsperioden gegenereerd en heeft daarom de neiging onopgemerkt te blijven. Geleidelijk betekent niet kleiner dan. Hoewel cumulatieve verandering niet dezelfde zichtbaarheid heeft als ontwrichtende verandering, heeft de waarneembaarheid ervan geen invloed op de omvang of relevantie ervan. Pierson (2003) omschrijft dit type verandering als 'groot, langzaam bewegend en onzichtbaar'. Dergelijke veranderingen mogen vanwege hun ingetogen karakter niet als irrelevant worden beschouwd.

Het rationele-keuze institutionalisme (*RCI*) wordt beschouwd als aanvulling op en tegenpool van de binnen het HI geldende opvatting en begrip van wat institutionele verandering is. RCI staat bekend als de benadering van het Nieuwe Institutionalisme waarbij de nadruk ligt op het belang van individuen en in het bijzonder hun *utility maximizing* gedrag in een institutionele context. RCI is gericht op het bestuderen en verklaren hoe en waarom individuen binnen institutionele kaders strategisch handelen en coördineren teneinde hun eigen agenda te realiseren. Bij deze benadering ligt de nadruk op het begrijpen van de wijze waarop actoren onderling interageren binnen het institutionele systeem.

De traditionele RCI-theorie draagt maximalisatiegedrag aan als de belangrijkste oorzaak van electorale hervormingen. Vanuit dit paradigma van rationele maximalisatie concentreert RCI zich op het identificeren en analyseren van de wijze waarop individuele (wetgever), partijdige en coalitiebelangen verschillende electorale hervormingsprocessen hebben gegenereerd en beïnvloed. Maximalisatie-argumenten variëren in vorm en omvang, maar hebben allen een strategisch en berekenend karakter. Een van de eerste stappen die overwogen moet worden, is het identificeren van de actoren die betrokken zijn bij de hervorming en welke voordelen ze verwachten te behalen bij het handhaven of wijzigen van de institutionele *status quo*, in de hoop hun huidige status te verbeteren of niet te verslechteren.

In Hoofdstuk 2 wordt de afhankelijke variabele bestudeerd en geconstrueerd, te weten: electorale hervorming. De eerste kwestie die in dit hoofdstuk wordt behandeld, is het concept van electorale hervorming en wel voornamelijk omdat academici niet vaak de tijd nemen om het te definiëren voordat ze zich verdiepen in de studie van haar oorzaken en gevolgen. Conceptuele duidelijkheid is cruciaal voor het onderzoeksproces, omdat een

duidelijk begrip van het concept academici helpt om tot betrouwbare conclusies te komen over de wijze waarop hervormingen tot stand komen, waarom ze plaatsvinden zoals ze plaatsvinden op het moment dat ze plaatsvinden.

De hoeveelheid literatuur die ingaat op de oorzaken en gevolgen van electorale hervorming, is vele malen groter dan het aantal publicaties dat voordat ze daarop ingaan even de tijd neemt om erover na te denken en het te definiëren. Hoewel het overslaan van de conceptualiseren de tendens lijkt te zijn in de literatuur over electorale hervormingen, heeft een aantal academici zich wel aan deze taak hebben gewijd. Eén van de redenen waarom in de bestaande literatuur weinig aandacht wordt besteed aan het conceptualiseren, is het bestaan van één overheersende definitie in het veld. De bijdrage van Lijphart (1994) heeft het onderzoek naar grote veranderingen in kiesstelsels gesystematiseerd onder één dominante definitie van electorale hervorming en droeg daarmee bij aan de eerdere conceptualisering van Rae (1975). Zoals hierboven aangegeven, definieerde hij electorale hervorming als wijzigingen aan specifieke aspecten van de kieswet die leiden tot een verandering van het type kiesstelsel. Hierdoor kreeg de opvatting vorm dat uitsluitend wordt gesproken over electorale hervorming wanneer sprake is van een grote gebeurtenis. Doordat ze veel wordt gebruikt en algemeen is geaccepteerd, kent de traditionele definitie een eigen geldigheid. Enerzijds definieert en vertegenwoordigt het nog steeds een type electorale hervorming en vormt het de basis voor alle andere nieuwe conceptualisaties die recentelijk op dit gebied zijn ontwikkeld. Het behandelen van het conceptualiseringsvraagstuk is van fundamenteel belang voor het verbeteren van de theorievorming; niet alleen ten behoeve van het herzien van reeds bestaande kennis, maar ook om hetgeen dat bekend is over hun oorzaken en gevolgen opnieuw te kunnen beoordelen. Dit proefschrift gaat in het bijzonder in op de wijze waarop bestaande definities de identificatie en theorievorming van de oorzaken van electorale hervorming hebben beperkt.

Vanaf het begin van de jaren 2000 zijn academici uit de derde golf de traditionele opvattingen over electorale hervormingen opnieuw in beschouwing gaan nemen. Hoewel de vroegere definities nog steeds de bouwstenen vormen voor de meer recentelijke, heeft een aandachtverschuiving plaatsgevonden. Electorale hervormingen worden niet langer als zodanig beschouwd op basis van hun mate van verandering van drie of vier specifieke aspecten van de kieswet. Nieuwe conceptualisaties zijn gericht op het verbreden van de drempels voor en aspecten van verandering.

Als electorale hervormingen worden niet langer uitsluitend ingrijpende veranderingen van de kieswet beschouwd, maar ook kleine of zelfs technische wijzigingen. Als kleine hervormingen worden die electorale hervormingen beschouwd die welk aspect van de kieswet dan ook in mindere mate wijzigen dan grote hervormingen. In het algemeen worden kleine hervormingen beschouwd als hervormingen die minder dan 20% en meer dan 1% van de bestaande wetgeving wijzigen. Technische hervormingen worden gedefinieerd als hervormingen die de kieswetgeving in welke dimensie dan ook met minder dan 1% wijzigen. Bovendien wordt electorale hervorming niet langer geassocieerd met grote veranderingen in specifieke aspecten als omvang van het district, verkiezingsregeling, omvang van de wetgevende macht of stemprocedure, maar met veranderingen in een breed en groeiend scala aan aspecten van de kieswet.

Samenvattend wordt electorale hervorming gedefinieerd als elke mogelijke verandering aan één van de dimensies waar de kieswet uit bestaat. In de definitie worden geen specifieke eisen wat betreft de graad of omvang van de hervormingen gesteld. Hierdoor is het mogelijk de hervormingen te karakteriseren als zijnde omvangrijk, kleiner of technisch, afhankelijk van de mate van hervorming van ten minste een van de geïdentificeerde dimensies van de kieswet (bijv. de verkiezingsregeling, districtsomvang, omvang van de vergadering, effectieve drempels, herbenoeming van zetels, districtsgrenzen, toegang tot het stemmen, stemregistratie en het soort stemming, stemstructuur, verkiezingsniveaus, verkiezingsprocedures, kandidaat-nominaties (quota), aantal zetels, kandidaat-vereisten, stemvereisten en financiering).

Het tweede deel van hoofdstuk 2 is gewijd aan de evaluatie van de determinanten van electorale hervorming in de context van de in dit onderzoek bestudeerde casus, te weten die van Chili in de periode van 1989-2015. Electorale hervormingen worden waarschijnlijk veroorzaakt door variabelen die zich op twee verschillende analyiseniveaus bevinden. Het theoretische kader is gebaseerd op het idee dat electorale hervorming voortkomt uit een complexe combinatie van oorzaken die in inherente en contingente niveaus liggen. Het fundamentele uitgangspunt is dat zelfs als er een zekere opeenstapeling van inherente oorzaken is, electorale hervorming niet kan plaatsvinden tenzij zij wordt geactiveerd door een combinatie van andere contingente variabelen. Terwijl HI de inherente oorzaken van electorale hervormingen beoogt te analyseren, tracht RCI hetzelfde doen voor de contingente factoren.

Vanuit het perspectief van HI kan electorale hervorming worden veroorzaakt door verschillende factoren, die zowel in het domein van structuur, als van agentschap kunnen liggen. Hoewel de focus van de benadering voornamelijk op de eerste lag, is HI altijd alert geweest op de rol van individuen in het proces van institutionele verandering. Uitgaand van de meest relevante, hebben academici de impact van factoren, als de universalisering van het kiesrecht, de groei van het aantal partijen, het verschijnen en de inclusie van nieuwe (socialistische) partijen, onzekerheid, veranderlijkheid en andere normatieve vraagstukken, op electorale hervormingen onderzocht. Hoewel het bovenstaande belangrijke casussen heeft verduidelijkt, wordt in dit proefschrift een andere reeks mogelijke determinanten voorgesteld die, in combinatie met de factoren afkomstig uit de RCI-benadering, deel uitmaken van de oorzaken van de electorale hervorming van Chili.

Als inherente factoren worden factoren beschouwd die hervormingen mogelijk maken. Vanuit het perspectief van HI, is het bestaan van faciliterende hervormingen cruciaal voor het scheppen van de inherente voorwaarden waaronder electorale hervormingen kunnen gedijen in Chili. Faciliterende hervormingen zijn hervormingen die andere hervormingen mogelijk maken. In het geval van de Chileense casus waren er verschillende inherente omstandigheden die zich in de loop van de tijd opstapelden en een cruciale rol speelden bij de uiteindelijke 'ontketening' van de hervorming van 2015.

In dit proefschrift worden 5 faciliterende hervormingen behandeld die plaatsvonden tussen 1989 en 2014: (1) de verhoging van het totale aantal senatoren van 26 naar 38, (2) de verlaging van het vereiste quorum voor constitutionele organieke wetswijzigingen, (3) de afschaffing van benoemde en voor het leven benoemde senatoren, (4) de eliminatie van de verwijzing naar het aantal "13" uit artikel 45° van de Grondwet van 1980, waardoor het totale aantal senatoren werd bepaald op basis van de 13 regio's, en (5) de eliminatie van de verwijzing naar het aantal "120" uit artikel 43° van de Grondwet van 1980.

Vanuit het perspectief van RCI worden de determinanten bestudeerd die verband houden met contingentie. Aansluitend wordt geanalyseerd hoe de volgende determinanten een causale rol speelden bij het teweegbrengen van electorale hervormingen in een faciliterende context: (1) de verbetering van de mogelijkheden tot herverkiezing van wetgevers, (2) verbetering van de mogelijkheden tot het delen van partijzetels en de

coalitiekansen, en (3) andere niet-instrumentele drijfveren van wetgevers, partijen en coalities in het licht van een specifieke reeks gebeurtenissen die destijds de sociale en politieke context markeerden, te weten: (a) de sociale onrust tijdens de regeringsperiode van Piñera (2010-2014), (b) het interne conflict binnen de regerende *Alianza*, (c) de parlementsverkiezingen van 2013, (d) de toetreding van president Bachelet tot de regering, en (e) het wittebroodswekenefect van de '*Nueva Mayoría*' coalitie.

In de hoofdstukken 3 en 4 wordt ingegaan op de Chileense casus, maar beide hoofdstukken behandelen verschillende perioden en factoren en leveren complementaire conclusies op over het volledige proces van electorale hervorming. Deze strategie is gebaseerd op het idee dat, hoewel de Chileense electorale hervorming in 2015 werd aangenomen, het proces al lang daarvoor was begonnen. In lijn met het idee dat zowel inherente als voorwaardelijke factoren noodzakelijk zijn voor de realisatie van het resultaat van de electorale hervorming, stelt deze structuur het onderzoek in staat om zich op beide te concentreren.

In hoofdstuk 3 wordt geanalyseerd hoe, wanneer en waarom de obstakels die de inherente omstandigheden in de weg stonden, werden geëlimineerd door politieke actoren die hervormingen nastreefden. Het strategische ontwerp van de grondwet van 1980 en de kieswet hadden vijandige voorwaarden gecreëerd voor toekomstige pogingen tot electorale hervorming. Het institutionele equilibrium maakte het vrijwel onmogelijk om welke vorm van een noodzakelijke meerderheid dan ook te verkrijgen voor het doorvoeren van hervormingen. Zich bewust van dat feit, begon de oppositie, samen met hervormingsgezinde fracties van rechts, aan een lange termijn missie om geleidelijk de noodzakelijke voorwaarden te creëren waaronder de hervorming van het kiesstelsel ooit zou kunnen plaatsvinden. De context is van cruciaal belang voor het begrijpen waarom geleidelijkheid en de inspanningen om "te hervormen om te kunnen hervormen" een belangrijk onderdeel vormden van de manier waarop electorale hervormingen werden bereikt. Het onderzoek naar faciliterende hervormingen verschaft inzicht in de initiële voorwaarden waaronder hervormingen werden nagestreefd en de voorwaarden waaronder hervormingen, aan het einde van het faciliterende proces, werden bereikt. Het feit dat er tot de laatste hervormingen die werden overwogen, geen electorale hervorming had plaatsgevonden, bewijst de rol van de faciliterende hervormingen.

Hoofdstuk 4 behandelt de contingente voorwaarden die ertoe leidden dat de electorale hervormingen daadwerkelijk plaatsvonden zodra de inherente voorwaarden voldoende gunstig waren om hervormingen te laten gedijen. Contingentie functioneerde hier als de laatste katalysator. Hoofdstuk 4 dient te worden opgevat als een aanvulling op hoofdstuk 3. Het hoofdstuk laat zien hoe electorale hervorming het resultaat was van een reeks complexe contingente factoren die er in hun geheel toe dienden de hervorming op gang te brengen en goedgekeurd te krijgen. Van de geïdentificeerde factoren, wordt in dit hoofdstuk ingegaan op de impact die de regering van Piñera had op (1) de breuk van de *Alianza* coalitie en de daaropvolgende tactiek van RN waarin de PDC en de NM werden benaderd als reformistische partijen en (2) de aanpak van de sociale protesten en de vraag van de bevolking om grote hervormingen, hetgeen een sterke impuls was voor de kandidatuur van Michelle Bachelet en haar uitgebreide hervormingsprogramma. In het hoofdstuk wordt ook de relevantie van de verkiezingen van 2013 voor de configuratie van de nieuwe *status quo* in het Congres geanalyseerd. Het belangrijkste idee daarbij was dat deze meerderheid een van de cruciale factoren vormde die de hervormingen uiteindelijk mogelijk maakte, omdat de reformistische coalitie voor het eerst in de geschiedenis de vereiste meerderheid had om een hervorming van het binominale systeem goed te keuren.

Curriculum Vitae

Pamela Valentina Niemann Peralta was born 25 September 1987 in Valparaíso, Chile. She holds a bachelor's degree in Humanities with a Major in History from Adolfo Ibáñez University, obtained in 31 March 2011. She also possesses a master's degree in Teaching in Higher Education from Andrés Bello University, obtained in 12 September 2013. She is currently an associate researcher at the Instituto de Investigación en Ciencias Sociales (ICSO) at Diego Portales University at Santiago de Chile.