

## Enclaves of the Transition and Chilean Democracy

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**Resumen.** La crisis actual del Gobierno de Michelle Bachelet y la crisis más generalizada del Gobierno de la Concertación, ha estado cada vez más vinculada a variables de liderazgo, el agotamiento de la coalición con respecto a sus ideales básicos, o a la necesidad de diversos tipos de reformas institucionales. Este trabajo contempla la posibilidad de que el modelo mismo de transición, que ha sido considerado como tan exitoso, podría ser el origen de las dificultades que hoy invaden tanto la Concertación como la democracia chilena en general. Además argumenta que la interacción del sistema electoral y la estructura de la competencia post autoritaria han obligado a una política elitista que ayuda a explicar las dificultades actuales que sufre la Concertación, y ha forzado una crisis generalizada de representación. Para elaborar este argumento el autor se basa en el trabajo de Manuel Antonio Garretón, sobre los enclaves autoritarios, señalando que hay ciertos enclaves de la transición que dificultan el desarrollo de una democracia representativa de calidad. Estos enclaves de transición incluyen: el cuoteo, control de la élite en la selección de candidatos y la política electoral, dominación de los partidos en la política, formulación de políticas elitista y extra institucional, y la intocabilidad del modelo económico heredado del gobierno de Pinochet

**Palabras clave:** Chile, Michele Bachelet, enclaves de transición, Concertación, enclaves autoritarios.

**Abstract.** The current crisis of the Michelle Bachelet Government and the more generalized crisis of Chile's governing Concertación coalition have increasingly been tied to leadership variables, the exhaustion of the coalition with respect to its core ideals, or the need for various types of institutional reform. This paper considers the possibility that the very model of transition which has been lauded as so successful might actually be at the root of the difficulties that today plague both the Concertación and Chilean democracy more generally. This paper argues that the interaction of the electoral system and the structure of post-authoritarian competition have forced an elitist form of politics that helps to explain the current difficulties plaguing the Concertación coalition and fueled a generalized crisis of representation. To make this argument it builds on the work of Manuel Antonio Garretón concerning authoritarian enclaves, arguing that there are certain enclaves of the transition that get in the way of the

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development of a high quality representative democracy. These transitional enclaves include: el cuoteo, elite control of candidate selection and electoral politics, party dominated politics, elitist and extra-institutional policy-making, and the untouchability of the economic model inherited from the Pinochet government.

**Key words:** Chile, Michelle Bachelet, transitional enclaves, Concertación, authoritarian enclaves

Chile is often lauded for its successful democratic transition and high quality democracy. The Concertación (now Nueva Mayoría) coalition which has governed Chile for all but four years of the post-transitional period beginning in 1990, grew from a disparate collection of seventeen parties, initially formed to defeat Pinochet in the 1988 plebiscite on his continued rule. It eventually whittled down to five major parties, managing to overcome divisions to forge the longest lasting coalition in Chilean history, and one of the longest in South America. Four Concertación presidents followed: Christian Democrats Patricio Aylwin (1990-1994) and Eduardo Frei (1994-2000) and Socialist Presidents Ricardo Lagos (2000-2006) and Michelle Bachelet (2006-2010). Beginning in 1989 the Concertación won every presidential and legislative election until bested by the Alianza with the victory of Renovación Nacional's (RN; National Renewal) Sebastián Piñera in 2010. The Concertación also managed to win every subsequent legislative election at least with respect to the popular vote (it dropped below the Alianza in the number of seats in the 2009 election), and sometimes by margins as large as 18 percent. Finally, the alliance returned to power as the Nueva Mayoría coalition with the second Bachelet Administration that began in 2014.

For many years the coalition was considered an unparalleled success, managing the economy and civil military relations handily. In political terms the coalition crafted a model for democratic transition and governance that relied on elaborate forms of consensus building between political parties, between the government and opposition, and between political parties and powerful social groups. This model of consensus government is interpreted by most as the key to the success of the coalition in managing the inevitable conflicts and tensions that arise in the course of democratic transitions.

Nonetheless, increasingly the country's traditional image as Latin America's democratic poster child is being replaced by one of protest, conflict and corruption, suggesting for some that the country is experiencing a crisis of democracy. Student protests that began in 2006 have become a permanent fixture. Traditionally a country always assumed to be among the cleanest in

Latin America, Chile now has been making headlines with the emergence of scandal after scandal. There are increasing levels of citizen dissatisfaction with the functioning and quality of democracy in the country. Few have considered the possibility that the very model of transition which has been lauded as so successful might actually be at the root of the difficulties that plague both the Concertación and Chilean democracy today. That is the fundamental argument of this paper.

To make this argument the paper develops the idea of *enclaves of the transition*. Building on the work of Manuel Antonio Garretón<sup>2</sup>, who argued that certain *authoritarian enclaves* left over from Chile's authoritarian regime interfered with the optimal functioning of the democratic system, this paper argues that interaction of the electoral system and the structure of post-authoritarian competition has created a similar set of *transitional enclaves*.

### **Authoritarian Enclaves and Enclaves of the Transition**

The idea of transitional enclaves builds on the pioneering work of Manuel Antonio Garretón. When discussing the challenges posed to the democratic transition in Chile, he noted authoritarian enclaves as certain elements “of the previous regime” that persisted “in the democratic regime”<sup>3</sup>. He underscored that these were institutional (laws and the constitution), socio-cultural (authoritarian values, etc...), actor-based (armed forces or veto players), or ethical-symbolic (unresolved human rights issues). These enclaves, for Garretón, got in the way of the consolidation of democracy. This paper argues that a similar set of enclaves left over from the *transition* have interfered with the complete consolidation of a high quality democracy in Chile, and partly explain the difficulties plaguing the Concertación.

This discussion raises difficult definitional questions, some related to Garretón's original conceptualization of authoritarian enclaves and others related to transitional enclaves *per se*. An effort to carefully define transitional enclaves and provide some definitional caveats should help resolve some of these difficult questions and contribute to a more effective conceptualization of political enclaves more generally.

First, for an enclave to be an enclave it must have been born of the political dynamic of a previous political model. The abrupt end of the Chilean military regime by way of the 1988 plebiscite provided a concrete ending point for the Chilean military regime and a clear

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<sup>2</sup> Garretón, Manuel Antonio, *Incomplete Democracy*, Chapel Hill, University of North Carolina Press, 2003.

<sup>3</sup> Garretón Manuel Antonio, *Op. Cit.*

delineation of a previous political period from which elites could inherit a legacy. Garretón referred to political artifacts inherited from a clearly delimited military regime in temporal terms. However, for transitional enclaves, the periodicity of a changed political model is less clear and must be defined. This paper considers, then, that the Chilean transition began with the 1988 plebiscite and ended with the 2005 reforms to the Pinochet Constitution, which eliminated most of the Constitution's non-democratic elements. After these reforms, Chile finally met the basic standards of democracy set out by Linz and Stepan, because "the executive, legislative and judicial power generated by the new democracy" no longer had to "share power with other bodies *de jure*".<sup>4</sup> Therefore, the transitional enclaves were born from political models and interactions consolidated during this period, that is to say between 1988 and 2005.

Second, Garretón's original conceptualization of enclaves worked quite well when it came to constitutional or institutional enclaves of military regimes. However, in expanding the concept to also include behaviorally based or symbolic enclaves, the concept of an enclave became somewhat stretched and less useful because Garretón did not differentiate enclaves from other potential forms of informal political activity. For example, one could argue that certain of these enclaves are simply informal institutions of the type identified by Helmke and Levitsky. What, then, is a difference between an informal institution and an enclave? The simple answer is that an enclave can indeed be an informal institution—there is no necessary contradiction between one concept and the other. However, not all informal institutions are enclaves. To differentiate between types of informal institutions (that is to say those that can be considered enclaves and those that should not), it is useful to return to the original etymology of the word enclave. Its origins can be traced to the Latin, *inclavare* or to lock up, [*in-* + *clavis* (key)]. While informal institutions abound in many political systems, an enclave is a type of formal or informal institution for which there are very strong practical or political obstacles to transforming it. For the case of transitional enclaves, in this paper, two primary variables are at the root of perpetuating each: the binomial system and the entrenched pattern post-authoritarian political competition. Indeed, the very *interaction* of these two variables makes it virtually (and practically) impossible to eradicate the enclaves short of a widespread political tsunami or a reform of the election system.

This discussion raises a third definitional point. Enclaves effectively preserve the prerogatives of political actors from the previous period and these actors have an incentive to maintain them (be it a self-interested incentive or one aimed at achieving loftier goals). The

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<sup>4</sup> Linz, Juan. J. and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, Baltimore, The Johns Hopkins University Press, 1996, 3.

enclaves identified by Garretón preserved the power and prerogatives of forces allied with the military regime and the right. However, transitional enclaves (intentional or otherwise) insulate the power and influence of entrenched democratic elites vs. those allied to the authoritarian regime. Therefore, while some of the transitional enclaves discussed here, and particularly the dynamic of candidate selection, might well be considered an authoritarian enclave because they grow out of the military designed electoral system, there is an important distinction that differentiates authoritarian enclaves from transitional ones. The dynamic of the candidate selection process is an enclave that protects the power and influence of transitional elites. In this sense, though the binomial system is an authoritarian enclave, the entire process and dynamic of candidate selection that grew from it it can better be considered and transitional enclave.

In sum, and following Goertz, this paper uses a conceptualization of enclaves based on a necessary and sufficient logic.<sup>5</sup> In order to be considered enclaves, formal and informal institutions and patterns of political behavior must: 1). have found their genesis in the dynamic of a previous political model; 2). be difficult to dislodge for practical or institutional reasons; and, 3). protect or preserve the political interests of major political actors who have an interest in maintaining them.

There is of course, one more important practical and, admittedly normative, proposition that is important to establish here. The enclaves of the transition, for the most-part, were not imposed by the military regime. In this sense, they enjoy greater democratic legitimacy and are qualitatively different from authoritarian enclaves. However, there are certain central similarities between the two sets of enclaves. The transitional enclaves, just like the authoritarian ones, are multidimensional (they consist of institutions, ways of thinking and ways of acting, etc...). In addition, both types are not entirely negative and in some sense make a positive contribution to the consolidation of democracy. For example, one could argue that in some senses the presence and influence of the military during the transition actually contributed to democratization by guaranteeing the fundamental interests of potential veto players. Similarly, it is important to acknowledge that many of the transitional enclaves played a very positive role in underwriting a successful democratic transition.

With these definitional and conceptual caveats established, analysis now turns to the transitional enclaves themselves. It then provides brief discussions of why each can be considered an enclave and why each is so difficult to eliminate.

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<sup>5</sup> This is distinct from the “family resemblance” logic outlined by Goertz in the sense that all of these conditions must be present for an enclave to exist. See Chapter 2 in Goertz.

## 1) El Cuoteo

The Concertación coalition, which has governed Chile since the return of democracy, is based on an elaborate form of party power sharing known as the “*cuoteo*.” The details of this bargain include careful division of ministerial portfolios among its constituent parties. Vice-ministers have generally been of a different party (and usually of a different ideological sector) than the minister. While there is no formal agreement for such an arrangement, the informal institution of widespread party input into ministerial decision-making has provided an incentive for coalition maintenance. What is more, throughout the ministries, and particularly in the “political” ministries, each post-authoritarian administration sought to provide representation for the complete constellation of the Concertación’s parties in upper level staffs. These agreements characterize most of the public administration and even extend to the sharing of legislative candidate seats. Different party factions within the coalition’s parties also appeal to the president to place a range of officials from each of the factions in positions of power throughout the executive branch and in other areas where presidents make appointments.<sup>6</sup>

The *cuoteo* was one of the keys to success of the democratic transition. This form of portfolio distribution and job sharing reinforced trust by insuring widespread party input into governmental decision-making. The dispersion of cabinet authority prevented the verticalization of particular ministries into patronage dispensing institutions for a single party. Patronage and influence has been dispersed throughout the coalition, spreading the spoils of electoral success, and transforming what could have been a zero sum game of party competition into a positive sum game. The *cuoteo* was designed as an informal institution aimed at assuring the widespread and complete representation of all parties in the coalition. Without this representation and voice, parties would have had little incentive to remain loyal to the coalition, it would have likely fallen apart, and Chile would not be the textbook successful democratic transition that it is today.

Nonetheless, despite the centrality of the *cuoteo* to the success of the democratic transition, this arrangement has outlived its usefulness. The *cuoteo* is often viewed derisively by the Chilean public and leaves the impression that ministerial positions are not awarded based on the talents or experience of would-be minister, but rather on the exigencies of party politics. Chileans increasingly view the *cuoteo* as a form of *politiquería* and as a way to insure political

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<sup>6</sup> “La ‘dedocracia’ de Lagos,” 12 March 2000, *El Mercurio on line edition* ([www.emol.cl](http://www.emol.cl)) and “Presiones por los cupos de subsecretarios,” 1 February 2000, *La Tercera on line edition* ([www.latercera.cl](http://www.latercera.cl)).

positions for politicians, some of whom have been unsuccessful in winning elections.<sup>7</sup> Indeed, Carey and Siavelis show that political positions within the public administration are often given as consolation prizes to those who are willing to run under the coalition banner in risky electoral districts<sup>8</sup>. Rather than a measure to build and maintain the coalitions, the *cuoteo* has gained a reputation as a form of corrupt deal-making.

The *cuoteo* has become an impediment to the establishment of more representative patterns of political recruitment in Chile, with important consequences for the ability of citizens to hold their leaders accountable. Perhaps more troubling, there are strong disincentives among politicians to eliminate this enclave given how central it has been to maintaining such a successful coalition and managing the often difficult combination of presidentialism and multipartism. In addition, the *cuoteo* is also reinforced by the existence of a parliamentary election system that, as will be explored below, obliges parties to form electoral alliances to win. Deals struck in the executive branch are tied to a wider dynamic of coalitional deals related to presidential candidacies and joint legislative lists. Negotiation of the *cuoteo* and continued maintenance of the *cuoteo* is one of the most important glues that help keeps this electoral alliance together and there are very strong disincentives to eliminating it.

## 2) Elite Control of Candidate Selection and Electoral Politics

The process of candidate selection and the dynamics surrounding electoral politics are the second transitional enclave. While the election system itself was bequeathed by the Pinochet government and is an authoritarian enclave, the political dynamics surrounding with respect to interparty negotiation and candidate selection were a response to the election system, which was profoundly conditioned by the transition and can, thus, be considered a transitional enclave.

The legislative election system, known as the binomial system, establishes two-seat districts for elections to Congress, for which each coalition can present two candidates. The details of the electoral system have been analyzed in depth elsewhere and need not be recounted here. However, in terms of the representative capacity of the election system, its most significant feature is that the highest polling coalition in a district can only win both seats if it more than doubles the vote total of the second-place list; otherwise, each list wins one seat. So within the context of Chile's post-authoritarian pattern of two-coalition competition, a coalition must poll

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<sup>7</sup> Salvador Valdés Prieto, *La Tercera*, sábado 7 de enero de 2006.

<sup>8</sup> Carey, John M. and Peter M. Siavelis, "Insurance for Good Losers and the Future of the Concertación," *Latin American Politics & Society*, 2005, 47:2 1-22.

66% of the vote to win both seats, but can usually win one seat with only 33%. Because both major alliances almost invariably poll between 33% and 66% in each district, the outcome of elections is a foregone conclusion: except in a few cases one member of the Concertación and one member of the Alianza are likely to win in each district.

While the democratization of candidate selection processes has the potential to loosen elite control, the dynamics of the electoral system have also prevented any significant democratization of the candidate selection process. Party elite control of the candidate selection process has central to the maintenance of the coalition. Because the binomial system only provides 2 seats to each coalition, and the Concertación is composed of 5 major parties, the number of candidacies that each party in each coalition receives is subject to arduous negotiations before the elections. The complexity of this negotiation process necessitates strategic coordination that can effectively only be handled by elites.

However, the reality that list placement is also crucial pushes the selection process even more definitively into the hands of elites. All party actors know it is unlikely that any coalition can “double,” or two win two seats in a district, so one of the coalition’s two candidates is likely to lose. Parties, thus, seek to place their candidate on the same list either with an extremely weak candidate (who they can handily beat), or an extremely strong candidate (who can carry the list to an unlikely two seat victory). Negotiations are further complicated because smaller parties want to be placed not just on lists, but on lists where they can win. It is likely that representatives from major parties will trounce candidates from small parties, making small parties demand even weaker list partners. This complexity, and the political horse-trading involved in placing candidacies on individual lists leaves candidate selection completely in the hands of party elites, and works at cross purposes with any efforts to democratize the legislative candidate selection process, which has been dominated by party elites since the return of democracy<sup>9</sup>. The complexity of this negotiating environment in a multi-level game where considerations of coalition maintenance also come into play necessitates very purposeful intervention if parties are to achieve their goals. Party leaders become much more influential than the rank and file in choosing candidates. The incentives provided by the binomial system make a reform of the candidate selection process virtually impossible given the current pattern of partisan competition.

One could argue that voters could reassert control by ousting incumbents nominated by party elites. However, the binomial system also makes it almost impossible to defeat incumbents.

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<sup>9</sup> Navia, Patricio, “Legislative Candidate Selection in Chile.” In *Pathways to Power: Political Recruitment and Candidate Selection in Latin America*. Edited by Peter M. Siavelis and Scott Morgenstern. University Park: Pennsylvania State University Press, 2008, 92-118. Siavelis, Peter, “The Hidden Logic of Candidate Selection for Chilean Parliamentary Elections,” *Comparative Politics*. 34 (2): 419-38.

Barring incompetence or extreme indiscipline, Chilean parties consider incumbents to have a right of re-nomination. The election system in the context of two coalitions strongly limits the ability to unseat an incumbent. Rarely will one list contain two candidates from the same party, providing incumbents the luxury of not facing intra-party competition at least in the electoral arena. More importantly, if a voter seeks to unseat an incumbent there are two potential strategies. The voter can either completely abandon his or her ideological convictions and vote for an opposition list, or cast a likely more ideologically sincere vote for the list partner of the incumbent. However, because votes are pooled in determining seat distributions, a vote for one candidate on a list is in many respects a vote for both. Therefore by voting for an incumbent's list partner, a voter may actually be contributing support to the very incumbent the voter aims to defeat!<sup>10</sup>

Once again, the election system created very strong and positive incentives for coalition formation, and the selection of candidates by way of negotiations assured political voice for all members of the coalition in congress. Though this enclave has outlived its usefulness and become arguably counterproductive to representation, it is difficult if not impossible to eliminate. The simple reality of reconciling the political goals of multiple parties within the context of an extraordinarily strategically complex electoral system virtually guarantees the continued existence of this enclave of the transition.

### **3) Party Dominated Politics**

Strong parties were central to the success of the Chilean transition, because only strong parties with the capacity to discipline members could negotiate and enforce the agreements that sustained the democratic transition. However, increasingly, the domination of the Chilean political system by parties with low levels of popular adhesion is bordering on the development of a *partidocracia*. This argument may come as a surprise to those who have followed the coverage of the progressive erosion in support for parties among the Chilean population, both in the press and in academic literature<sup>11</sup>. However, while popular support has eroded for parties, they continue to be, in part as a legacy of the democratic transition, the major organizational actors in Chilean politics. What is more, parties continue to operate within the same patterns that

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<sup>10</sup> P. Navia, "La transformación de votos en escaños: leyes electorales en Chile, 1833-2003", *Política y Gobierno*, 12 (2), 233-276.

<sup>11</sup> Luna, Juan Pablo, "Partidos políticos y sociedad en Chile. Trayectoria histórica y mutaciones recientes." In *Reforma de los partidos políticos en Chile. (Edited by A. E. Fontaine)*, Santiago, Chile, CIEPLAN, 2008. Rodríguez, Leticia M. Ruiz, "El sistema de partidos chileno: ¿hacia una desestructuración ideológica?" In *Chile: política y modernización democrática*, Edited by Manuel Alcántara and Leticia M. Ruiz Rodríguez. Barcelona, Edicions Bellaterra, 2006, 73-110.

they did during the transition, despite the fact that the population has gradually abandoned identification with them. In this sense, and as Luna has argued,<sup>12</sup> there remains a highly institutionalized and stable party system at the level of elites, but it has very weak ties to the population. This is a problematic enclave of the transition and a form of political activity that is also difficult to dislodge. Strong party government has underwritten a successful transition and strong party control continues to be necessary to strike the deals that have held the Concertación coalition together.

To understand this argument it is necessary to put the role of Chilean parties in historical perspective. Before the Pinochet government, parties were recognized as *the* central actors in the political system, with high levels of institutionalization and very high levels of citizen identification and social penetration—to such an extent that they were referred to as the “backbone” of the Chilean political system.<sup>13</sup>

With the return of democracy, and despite the Pinochet’s government efforts to transform it, the party system forcibly re-emerged with the same general physiognomy, and indeed the same leaders, following 17 years of authoritarianism (Valenzuela and Scully 1997; Siavelis 1997). By all accounts this was a party-led and party-centered democratic transition. At the outset of the democratic transition 17 political parties (5 of which could be considered major parties: the PS—The Socialist Party, PPD—The Party for Democracy, and PDC—The Christian Democratic Party, PR—The Radical Party and the PSD—The Social Democratic Party) joined to form the center-left Concertación coalition to face off against the Alianza on the right (made up of 2 major parties, the UDI—The Independent Democratic Union and RN—National Renewal). Parties realized that the only way to win post-authoritarian elections (especially in light of the majoritarian legislative electoral system bequeathed by Pinochet) was to join together in a negotiated transition characterized by power sharing between major parties. Political parties constructed a series of elite-negotiated formal and informal institutions aimed at power sharing and securing the democratic transition.<sup>14</sup>

At the elite level the party system seems remarkably like that of the pre-authoritarian period, and numerous studies attest to the extent of continuity. Given the continued centrality of parties one might be tempted, therefore, to argue that they still form the “backbone” of Chilean politics. However, while they have been the “backbone” for structuring elite politics and the

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<sup>12</sup> Luna, Juan Pablo, *Op. Cit.*

<sup>13</sup> For accounts of the preauthoritarian Chilean party systems see Garretón (1983, 1987) and Scully (1992; especially Chapter 5).

<sup>14</sup> For a complete analysis of informal institutions and democratization in Chile, see Siavelis (2006).

democratic transition, the nature of society-party relations is very different than in the pre-authoritarian period.

When surveys began immediately following the return of democracy in 1990, 62.5% of the Chilean public attested to identifying with a political party. By 1992, the number of Chileans self-identifying with political parties increased to 87%. From there this percentage has registered gradual declines, to the point that in 2008 only 43% of Chileans said they identified with a particular political party, and none of the parties registered a level of adherence above 10%.<sup>15</sup>

Nonetheless, at the elite level, parties—and in particular party elites—remain the most important political actors in Chile. First, parties are recognized as one of the central policy-making actors. Party elites in concert with the president bypass congress to work out legislative deals with major social actors and veto players before they are presented to Congress for approval. Members of parliament also recognize the centrality of party leaders to legislation. A series of questions drawn in three waves of surveys of members of parliament undertaken by the University of Salamanca (for the PELA—Parliamentary Elites in Latin America survey), asked whether the structures of deputies' parties “were continuous” or “merely mobilized for elections.” Over the three waves of questionnaires deputies pointed to the continuing structural importance of their parties by wide margins: 94.7% (1994-98), 88.8% (1998-2002) and 85.2% (2002-2006). With respect to the power and influence party elites in particular, Chile is the only country of the 15 included in the PELA study where party leaders are ranked as most important ahead of voters and party militants in terms of whose opinions deputies take into account when making decisions<sup>16</sup>.

Second, party elites are remarkably powerful actors within their own parties. As already noted, party elites exercise almost complete control over the legislative candidate selection process and in the few cases where primaries are undertaken party elites have overridden the decisions of popular contests to satisfy other deals related to coalition maintenance<sup>17</sup> (Siavelis 2002; Navia 2008). With respect to internal party democracy, legislators perceive it as quite low, albeit growing, when measured in terms of the power and influence of party militants. During the first three legislative periods of the democratic government, 16% of deputies termed

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<sup>15</sup> Data collected from the Centro de Estudios Públicos. See [http://www.cepchile.cl/dms/lang\\_1/home.html](http://www.cepchile.cl/dms/lang_1/home.html)

<sup>16</sup> Marengi, Patricia and Mercedes García Montero, “The Conundrum of Representation.” In *Politicians and Politics in Latin America*, Edited by Manuel Alcántara Sáez, Boulder, Lynne Rienner, 2008, 29-64.

<sup>17</sup> Navia, Patricio, “Legislative Candidate Selection in Chile.” In *Pathways to Power: Political Recruitment and Candidate Selection in Latin America*, Edited by Peter M. Siavelis and Scott Morgenstern. University Park, Pennsylvania State University Press, 2008, 92-118. Siavelis, Peter. The Hidden Logic of Candidate Selection for Chilean Parliamentary Elections,” *Comparative Politics*, 34 (2): 419-38

levels of party democracy as “high” or “very high” during the first (1994-1998), 31% during the second (1998-2002) and 44.4% during the third (2002-2006). Overall, among the 15 countries included in the PELA study, Chile ranked 3<sup>rd</sup> from the bottom in terms of perceived internal party democracy, only behind Argentina and the Dominican Republic<sup>18</sup>.

Finally, and as been detailed throughout this paper, parties and considerations of party identification are central in determining which posts people receive, where parliamentary candidates run, and how the spoils of Chile’s coalition government are distributed. In writing on pre-Chavez Venezuela, a country previously touted as a “model” and island of stability in Latin America, Coppedge contended that “The institutions that make Venezuela a stable polity also tarnish the quality of its democracy”.<sup>19</sup> Coppedge noted that Venezuela’s highly institutionalized parties had come to completely dominate the political system in the form of a “partyarchy” or *partidocracia*. In a very similar way, the institutions and political dynamic which made Chile’s transition to democracy a success have also tarnished the quality of democracy, and many of these are tied to a developing *partidocracia*.

This is not to say that party institutionalization is a bad thing. Just as Coppedge noted the different forms of institutionalization and partisan power, Chile’s parties can play the vital role in democracy that they played in the past. In their study of Uruguay, Buquet and Chasquetti refer to the *partidocracia de consensos*, noting the extraordinary strength of Uruguayan parties. However, the crucial difference is that Uruguayan parties demonstrate many of the same prerogatives as Chilean parties, but unlike Chile, they enjoy extraordinarily high levels of cohesive support among the mass public.

Clearly, this pattern of party domination then can be considered an enclave. The electoral system has obligated parties to stand together if they have any chance of winning, and purposeful action in building coalitions and alliances is at the core of continuing to win. Without strong party elites who structure and enforce agreements, it is difficult to forge the types of collaborative efforts that have been central to maintaining the Concertación. As noted, the election system is key, because the striking of coalition agreements is necessary to continue to maintain the type of electoral alliances necessary to win under the binomial system. Perhaps the clearest demonstration of this reality was the decision by the center and the left to run separate lists in the municipal elections of 2008—this option was only possible because of the existence

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<sup>18</sup> Rodríguez, Leticia M. Ruiz, “El sistema de partidos chileno: ¿hacia una desestructuración ideológica?” In *Chile: política y modernización democrática*, Edited by Manuel Alcántara and Leticia M. Ruiz Rodríguez. Barcelona, Edicions Bellaterra, 2006, 73-110.

<sup>19</sup> Coppedge, Michael, *Strong Parties and Lame Ducks*. Stanford, CA, Stanford University Press, 1994, 2.

of a proportional election system provided a different constellation of incentives than that which underwrites this enclave. With a different legislative electoral system is likely that the party elite stranglehold will be moderated in a number of ways. The political dynamic of party domination grew out of the basic correlation of political forces characteristic of the transition period, coupled with the dynamics of the binomial system. There are very strong practical limitations to reforming this enclave, not the least of which is the potential for electoral disaster for major parties and ideological sectors if party elite negotiations for joint lists fail.

#### **4) Elitist and Extra-institutional Policy-making**

The post-authoritarian policy making process has been dominated by elites, and given the weakness of Congress, mostly by executive branch elites negotiating deals with the opposition and extra-parliamentary actors. The model also includes an informal arrangement known as the *partido transversal*, which refers to the informal group of key politicians in the first democratic governments who defined themselves more as “leaders of the Concertación” rather than leaders of their parties. Despite a lack of formal organization or formalized meeting of the *partido*, the actors themselves know who they are, and they structure informal relationships among themselves, between their parties and the coalition, and as discussed later, with social actors whose input has been central to the legislative success of presidents. Ignacio Walker, who served in the Ministry of the General Presidency (SEGPRES) under President Patricio Aylwin, notes that the *partido*’s members “correspond to informal networks that have...exercised a strong influence under the three administrations of the Concertación, both in terms of strategic design and the set of public policies that have been pursued”.<sup>20</sup> Policy was largely made by these elites working in the executive branch.

The post-transitional policy-making model also involved a series of deals between party and executive branch elites within the Concertación and between the Concertación and potential veto players on the right outside of Congress. In terms of the Concertación’s relationships with veto players on the right, the bargain included a tacit agreement that the president should negotiate with powerful economic actors and leaders on the right to arrive at consensus solutions for the most controversial legislation before it was presented to Congress. This model, dubbed “*democracia de los acuerdos*” (“democracy by agreement”), was used in reforming the tax code, expanding social welfare and anti-corruption legislation, and in the comprehensive constitutional

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<sup>20</sup> Walker, Ignacio, “Chile: Three Stories of Informal Institutions in a Limited Democracy,” paper presented at the conference, *Informal Institutions and Politics in Latin America*, University of Notre Dame, South Bend, ID, April 23-24, 2003.

reforms of 2005. These major policy deals involved very little popular or congressional involvement<sup>21</sup>.

Once again, this transitional enclave was crucial to success of the democratic transition. Given number of parties involved in the coalition the *partido transversal* could facilitate agreement among parties. In addition, the fragility of the transition during much of the early years of democracy coupled with the controversial nature of many political issues and the existence of veto players made direct negotiation with those players a very smart strategy. However, over the years this politics of elite accommodation has created a perception among the public that citizen preferences matter little, and that politics is a negotiated rather than representative game. Finally, in negotiating directly with social actors outside of the congress, presidents have consistently ignored the country's principal representative institution and created the perception (even among legislators) that the president bypasses congress<sup>22</sup> (Siavelis 2000). Elite and extra-institutional negotiations of this type grew out of the dual imperative of maintaining policy coherence for a coalition forced to compete together to win elections, and of maintaining a consensus form of democracy that could stem a negative reaction of potential veto players. These imperatives remain and, once again, are reinforced by the election system and the dynamic of partisan competition, making the reform of this enclave quite difficult.

## 5) Untouchability of the Economic Model

Even more than its political model, Chile's economic model has been lauded around the world for its success, with high rates of growth and impressive achievements in eliminating poverty. Still, the country's neoliberal economic model has been a contentious issue. The question of the underlying roots of economic success and where to place the credit or blame are still divisive in Chile. For supporters of Pinochet, it was his neo-liberal economic policies which transformed Chile into the free-market dynamo that it is today, and Concertación governments have managed the success without altering the Pinochet model. Many of Pinochet's critics, on the other hand, acknowledge that he set the country on the economic course it is on today, but are more critical of the process of reform and its outcome. They contend that Concertación governments have improved the imperfect model that they inherited from Pinochet, but the fundamentals of the model remain intact. In addition, they argue, despite impressive

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<sup>21</sup> Silva, Eduardo, "Capitalist Regime Loyalties and Redemocratization in Chile", *Journal of Interamerican Studies and World Affairs*, 1992, 34(4): 39-76; Boylen, Delia, "Taxation and Transition: The Politics of the 1990 Chilean Tax Reform," *Latin American Research Review*, 1996, 31(1): 7-31.

<sup>22</sup> Siavelis Peter, *The President and Congress in Post-Authoritarian Chile*, University Park, PA, Pennsylvania State University Press.

macroeconomic indicators, Chile is one of the most unequal countries in the world, and the Pinochet government's comprehensive privatization of the health, education and social security systems has created an effectively two-tiered system where those with access to privatized social goods enjoy much higher standards of quality and access.

In essence, political actors across the spectrum agree that part of the unwritten deal underwriting the transition was that the neo-liberal economic model inherited from Pinochet should remain untouched in its essentials. Early democratic leaders recognized that the economy was the Achilles' heel of the transition. Had a substantial change in economic course taken place, the integrity of the democratic transition would have been compromised. The commitment of presidents to leave the economic model untouched calmed powerful economic elites whose reaction to a potential change in policy could have been extraordinarily destabilizing. International investors were assured of economic stability and a dependable investment panorama. Finally, the process of veto player consultation on the economy facilitated later more widespread agreement on other issues with groups whose sympathies lay with the right. In sum, this enclave, like all of the others, was central to maintaining the democratic transition.

Nonetheless, the unwillingness of democratic governments to enter into a discussion of the economic model (beyond some minor piecemeal reforms like the plan AUGE—a limited reform of the healthcare system undertaken by President Ricardo Lagos to address the most egregious inequalities in the healthcare system), has left the Concertación open to charges that nothing has changed with democracy. Despite success at fighting poverty, levels of inequality in Chile are among the highest in the world, and weaknesses in lines of citizen representation paper leave citizens with few avenues to affect the political economy of the country. Once again, high level negotiations, rather than popular or legislative consultation have been the norm in making economic policy.

The political system shows signs of dissatisfaction with the lack of fundamental economic change. President Bachelet campaigned on a platform of social inclusion. However, despite words to the contrary—and a number of citizen commissions largely convened for show—she continued to pursue the elitist pattern of policy-making that has characterized the entire transition. In May of 2006, and only weeks into her term, small scale student protests began in response to an increase in the price for college aptitude tests and rumored limitations on free student transport pass. Protests quickly escalated to focus on inequality and the poor state of public education more generally. An estimated half-million students participated in the first protests, and in subsequent protests in early June the numbers swelled to over 700,000 as high

school students were joined by parents, university students, and unions. Throughout 2006 and 2007 labor, popular and student protests continued, often ending in violence and hundreds of arrests. Bachelet and her government failed to grasp the nature and scope of dissatisfaction with economics as usual in the country.

With such clear signals of trouble with the inherited economic model, why have governments not acted more aggressively to more fundamentally transform its key aspects? Once again, the economic policy making process since the return of democracy has been based on two sets of tacit agreements that are enclaves of the transition and that are underwritten by the interaction of political party context and the election system. The first is a tacit agreement between the Concertación and the Alianza. The Concertación has agreed to preserve the economic and social security structures set up by the Pinochet dictatorship. Although the Concertación governments have significantly increased fiscal expenditure on social policies, for example, they have not in any way touched the privatized structures of healthcare and pensions, or attempted any form of redistribution that would even out the highly unequal structure of income distribution or educational opportunities. They have kept the state out of economic activities as far as possible, precluding the discussion or implementation of any kind of development strategy. What is more, even today the Concertación must avoid charges of irresponsible economic policy-making or populism and an unwillingness to engage in fundamental economic transformations is deeply entrenched in a habitually risk-averse group of political elites. The second agreement is within the Concertación. As repeatedly noted, the parliamentary election system obliges the Concertación to run as a coalition which requires at least limited policy consensus. Engaging in fundamental structural economic reforms risks fracturing the Concertación among its various ideological flanks,—a disastrous outcome—for either the center or the left—given the dynamics of a parliamentary electoral system that will exclude at least one ideological sector in the context of three bloc competition.

## **Conclusion**

This article has argued that a set of transitional enclaves born of the democratic transition continue to shape politics even after the end of the democratic transition. These institutions, beliefs and ways of doing things have coalesced into identifiable enclaves that are very difficult to root out. This analysis has shown that in many ways all of these enclaves were functional and contributed to the success of Chile's model democratic transition, but in a sense, are double edged swords. While forming a central part of the success of the democratic transition, it is

important to underscore that all of the enclaves explored here interact and combine to provide strong limits on representation and accountability. The success of the Concertación coalition (and, in turn, the democratic transition) was based on a complex power sharing arrangement; but it is one that increasingly brings charges of elite domination and politics by quota. At the system level, the dynamic interaction of coalition politics and the electoral system provided strong incentives for coalition formation, but in the process have provided Chile's two major coalitions an effective lock on power, where citizen preferences mean little. Each major coalition is provided an effective assurance of one of the two seats in each electoral district. The sharing of electoral spoils through negotiated assignment of legislative candidacies guaranteed peace between Chile's parties, but could only be undertaken through elite selection of candidates and precluded significant citizen input. Chile's highly institutionalized parties are credited with underwriting the success of the democratic transition and the stability of Chilean democracy. However, while party institutionalization has provided presidents workable legislative majorities, strong parties, and powerful party leadership, party elites dominate decision-making and candidate selection, with little citizen input. Party elites exercise strong control over legislative behavior. With respect to the policy-making process, party elites in concert with the president bypass congress to work out legislative deals with major social actors and veto players before for they are presented to Congress. This was certainly a stabilizing phenomenon, but one which sidelined congress and the public. When it comes to economic change, elites avoided destabilizing change, but have been loath to address deep public dissatisfaction by engaging in any reform of any of the fundamentals of the economic system inherited from Pinochet.

If so counterproductive, why do these enclaves remain? It is important to understand that the persistence of transitional enclaves in Chile is based on a concrete political logic underwritten by two primary and interrelated variables: the binomial electoral system and the post-authoritarian structure of party competition. Happily, Chile engaged in a comprehensive reform of the binomial system with the adoption of a proportional representation system that will go into effect for elections in 2017, so the incentives that maintain the enclaves will be to some extent transformed.

Electoral system reform is not a single-shot cure all, however. The representative capacity of the political system has been shaped in other ways by the fallout from these transitional enclaves. The traditionally positive role of Chile's relatively effective and representative parties has been perhaps irreparably damaged. However, it is difficult to imagine substantive representation taking place any other way than via political parties. Indeed, it is ironic how effective parties were in the past, only to have their effectiveness diminished by the

experience of authoritarian rule, and further diminished through adherence to a less than representative transitional political model that served to maintain the transition but undermine deeper democratization. Chilean parties must regain some of the support and levels of identification they enjoyed historically by attempting to reconnect with the citizenry. However, improving the representative capacity of parties is a multi-dimensional task, and when the electoral reform goes into effect additional efforts to ameliorate the collateral damage produced by the transitional enclaves will also be necessary. New forms of connection between the citizenry and parties, more real power for legislators in the legislative process, enhanced levels of internal party democracy and a real debate on the future of Chile's economic model are all elements of a much needed and new form of post-transitional politics that better underwrites democracy in all of its dimensions including representation, legitimacy and accountability.

There are additional less tangible variables that also contribute to the maintenance of these enclaves. Undoubtedly the transitional model of politics was successful, and regularized patterns that are successful in the past tend to be repeated. Until a new political model is devised, elites continue to rely on what has worked in the past. The entire elite political generation governing Chile was forged during the pre-authoritarian period and profoundly shaped by the process of democratic transition while most of the mass public was born after Pinochet came to power. The spectacular triumph of the democratic opposition over Pinochet has provided the fundamental narrative on which the Concertación has based its government. The problem is that as Chilean elites look back, the Chilean public is looking forward to a post-transitional pattern of politics that will shed these transitional enclaves.

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