

Crisis of representation and the opportunity for change

A case study of women's representation in Chile between
2015-2022

Albin Lundholm

Abstract

This thesis is a descriptive case study of the institutional measures to improve women's representation in Chile between 2015 and 2022. Women in Chile have historically been underrepresented because of two institutions introduced by former dictator Pinochet: the 1980 constitution and the binomial electoral system.

In 2015, Chile reformed its electoral system to replace the binomial system with a system of proportional representation (PR), while also introducing a national gender quota. Following national protests in 2019, the country began the process towards a new constitution. The convention elected to draft this constitution was the first in the world to ensure gender parity among its members.

The theoretical framework applies Hanna Pitkin's four dimensions of representation to examine the electoral reform and the constitutional convention. These are formal (meaning the electoral system), descriptive (meaning the numerical presence of women), substantive (meaning policy responsiveness) and symbolic (meaning institutional trust) representation.

The electoral reform and introduction of a gender quota is ultimately found to have limited effect on descriptive representation, and none on symbolic representation. Descriptive representation in the constitutional convention had significant substantive effects, but also failed to influence trust as the constitution failed to pass.

Key words: Chile, constitution, women's representation, gender quotas, institutional trust.

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1 Introduction

1.1 Background

Following the removal of military dictator Augusto Pinochet from office in 1989, Chile once again became a democracy. Its transition to democracy and record of governability is recognized by many as one of the most successful in the region (Siavelis 2016), having developed a stable party system with a rich economy. Despite this, satisfaction with the functions of democracy and its political institutions has been decreasing, party identification is low, and citizens have taken to the streets to show their distrust. A crisis of representation eventually culminating in the 2019 protests (Castiglioni & Rovira Kaltwasser 2016; Navarette & Tricot 2021). Thus, the democratic system might look healthy on the surface, but it lacks a connection with the citizenship (Heiss 2018). This paradox is what makes Chile such an interesting case study.

Chile also stands out in its severe lack of women's representation in the legislature compared to the rest of Latin America (Franceschet 2018). Between 1989 and 2013, women have comprised only 11% of the total number of candidates for Senate elections (the upper house of congress), with 6.4% becoming elected in the 1989 election. In elections for the Chamber of Deputies (The lower house of congress), only 15.4% of total candidates were women, with 5.8% gaining a seat in 1989. In 2013, the number of elected women had risen to 18.4% for the Senate and 15.8% for the Chamber of Deputies. Although an increase, this was still below the Latin American average (Gamboa & Angel Lopez 2019, pp. 96-97; Schwindt-Bayer 2015). Since 2015, institutional measures have been taken to improve women's representation, which is the process that this thesis aims to understand.

The structure of the thesis is as follows: First, an introductory discussion on the institutional legacy of Pinochet and its consequences for women's representation. Second, the research question and main purpose of the thesis is presented. The section after that presents the theoretical framework, followed by a literature review. The last introductory section discusses the methodology and material used. Then, a results section that applies the theoretical framework empirically. Lastly, a discussion of the results connecting back to theory and suggestions of future research.

1.1.1 Legacy of Pinochet & the underrepresentation of women

Two institutions created under Pinochet ensured that his neoliberal policies lived on after the return to democracy. Within these were several institutional (formal and informal) constraints protecting the status quo. Firstly, the constitution established in 1980, which is still in place today, was designed with the purpose preventing the left-wing opposition of enacting major change without the approval of Pinochet's political heirs while shielding the political process from majoritarian rule (Heiss 2018).

In order to reform any important parts of the constitution, a quorum of two-thirds of parliament was required, while the basis of the economic and institutional system was regulated by supra-majoritarian laws (Charney & Marshall 2021). Furthermore, members of the military, as in allies of Pinochet, had guaranteed spots in the Senate up until 2005 (Heiss 2018).

Regarding women's rights, the 1980 constitution is particularly weak. The purpose of constitutions is to structure political and social power, providing rules for the regulation of state power and protection of individual rights. To protect women's rights, gender provisions can be put in place. These provide legitimacy and a legal basis for the legislature to enact policy change and pursue court cases regarding women's rights. While a gender provision was implemented in 1999, Lambert & Scribner (2021) describe how the constitution neither promotes gender equality and motherhood nor address gender-based discrimination and violence. On abortion for example, article 19 stipulates the right for "a life to be born". As a result, it serves as a barrier to achieving progress on policies advocating women's rights. Instead aiding conservatives in being able to oppose policies addressing these issues by referencing the constitution (Lambert & Scribner 2021).

Besides the 1980 constitution, the longest legacy of Pinochet's regime was the binomial electoral system, introduced in 1989. It was designed with the goal of preventing landslide majorities of the left thereby equalizing the representation of the right, as well as undermining smaller parties and blocking the entrance of new ones (Guzmán-Concha 2022; Hinojosa & Franceschet 2012; Castiglioni & Rovira Kaltwasser 2016). One consequence of the system was the formation of two pre-electoral coalitions for multiple parties to successfully compete and win: The Concertación composed of center-left parties and Alianza composed of center-right parties (Castiglioni & Rovira Kaltwasser 2016; Siavelis 2016).

Under the binomial system, all electoral districts had only two seats for the Senate and the Chamber of Deputies. The party coalition with the most votes on election day won the first seat, and unless it reached the threshold of 66% and doubled the proportion of votes of the runner-up, the other seat went to the second biggest coalition. As a result, the election outcomes were highly disproportional and ensured the continued influence of the right-wing coalition (Schwindt-Bayer 2015; Siavelis 2016).

Furthermore, the candidate selection process within the coalitions was highly elite-driven and disadvantaged women in several ways. Firstly, even though all parties in the Concertación employed internal gender quotas ranging from 20 to

40%, party nominations had a high chance of getting overturned during the negotiations at coalition level, thus diluting the quota's effect. On top of this, weak enforcement rules meant that parties could get away with not following the quota in the first place. The party elites in the coalitions were almost exclusively men, and much of the negotiations were done behind closed doors. This made it difficult for female candidates to lobby for their inclusion, which they had successfully done in the implementation of internal quotas. The low presence of women in congress was partly a result of this (Hinosoja & Franceschet 2012).

Another informal institution key to understanding the underrepresentation of women is the so-called "democracy by agreement" norm. This was the practice of intra-elite negotiating of key issues before the introduction of bills in the legislature. These negotiations were carried out both within the governing coalitions, but also with the opposition and external actors with interest in the matter. If an agreement were not reached with the opposition, the policy matter would be dropped. As a result, many women's issues like abortion, birth control and domestic violence either never reached congress or were highly amended to please the conservative opposition. Due to the lack of citizen input, this also contributed to the feelings of disaffection towards Chile's political institutions and democracy. This norm is however mainly relevant in understanding the historical underrepresentation of women, as it has been less prevalent in recent years (Siavelis 2016; Franceschet 2018).

Pinochet's institutional constraints have thus had their intended effect in many ways, leaving citizens with little influence on the political process and representatives unable to respond to social demands. Any legislature that has enacted major change, has been in congruence between the political and economic elite behind closed doors, not the people. The praised stability of Chilean system is just hiding the lack of representation and accountability it has produced. In turn, this has led to distrust of all political institutions and ultimately, mass protesting (Charney & Marshall 2021; Heiss 2017, 2018; Siavelis 2016).

1.1.2 2019 protests & a new constitutional process

On October 18th, 2019, a 30-peso hike in subway fares set off a series of student protests. Soon after, this had escalated into nationwide protests and riots against socio-economic inequalities as well as the unresponsiveness of political institutions to social demands. Bringing together members of all historically marginalized and disaffected groups; environmentalists, indigenous people, the financially poor, high-school and university students, and - most notably for this thesis - feminist activists (Guzmán-Concha 2022). While examining the causes of the protests is beyond the scope of this thesis, its consequences in the form of a new constitutional process and women's involvement are highly relevant.

After a month of protesting, a peace agreement between members of ruling and opposition parties in parliament was signed on November 15th. Attempting to end the protests and offer an institutional solution to the crisis, this agreement set in motion the process for a new constitution. The idea of a new constitution had long

been present in Chilean politics, with previous proposals of change having been rejected or ignored by the right-wing. It took a citizen uprising for it to finally be enacted and for a referendum to take place on whether the constitution should be rewritten (Suarez-Cao 2021). Initially, the options on the ballot were to either approve or reject changing the constitution, as well as a choice between a mixed constitutional convention half made up of parliamentarians and half by directly elected citizens, or a convention entirely of directly elected independent citizens (Muñoz-Rojas & Vergara-Saavedra 2021, p. 143). However, neither option ensured gender parity, which was a demand of feminist groups, having adopted the slogan “Never again without us!” during the discussions on constitutional reform. Their argument was both that it would ensure a gender composition of the assembly matching the population at large, as well as giving a voice to a historically excluded group relative to men. This would in turn increase the visibility and consideration of women’s issues (Dockendorff et al. 2022). Following this, continued protesting by feminist groups eventually lead to congress ceding to the pressure and including the option for gender parity in the referendum (McGowan 2021). In the referendum, Chileans overwhelmingly voted to approve the draft of a new constitution with an assembly entirely made up of directly elected independent citizens. The assembly designated to write this new constitution were then elected in May 2021, where the gender parity rule applied (Suarez-Cao 2021).

1.2 Research question & purpose

This thesis is a descriptive case study of the institutional measures to improve women’s representation in Chile between 2015 and 2022. Chile reformed their electoral system in 2015, implementing a proportional representation (PR) system and a national gender quota. These reforms have since then been in use for two congressional elections: in 2017 and 2021. The second unit of analysis is the constitutional convention elected in 2021. This convention was the first in the world to achieve gender parity among its members. Given the previous underrepresentation of women in Chilean politics, the combination of these two measures shows a desire to repair the damaged relationship between Chilean women and their political institutions. Because women cannot be confined to a single identity, intersectionality theory will also be incorporated as a critique of established theories.

The aim of the thesis is to analyze the consequences of these measures using theories on representation from a purely institutional perspective. The research question guiding this analysis is as follows: ***Which institutional measures to improve women’s representation have Chile taken since 2015?***

This gives the thesis a broad perspective on the Chilean case with a clear connection to the theoretical discourse in academia. Furthermore, while there is plenty of research on the underrepresentation of women in Chile prior to these reforms, post-reform research with a theoretical perspective is sparse. This thesis aims to fill that gap.

1.3 Theoretical framework

The theoretical framework for this thesis is an integrated model of Hanna Pitkin's (1967) four dimensions of representation, as well as literature that expands upon her work. These dimensions, which will be explained in detail below, are formal, descriptive, substantive, and symbolic representation. The choice of theory is primarily motivated by three factors: (1) its comprehensiveness, (2) its versatility, and (3) its academic influence. Firstly, Pitkin's theory covers all relevant dimensions of representation needed to understand how well institutions represent. Secondly, the theory is easily applicable to institutions beyond congress, such as the Chilean constitutional convention. Lastly, given the number of times Pitkin's work has been cited and studied since it was published, there is a plethora of research that builds upon her work. Which gives any study applying her theories a strong theoretical and empirical base. Although other theoretical frameworks of representation have been developed since, most notably the work of Mansbridge (2003), these fall short compared to Pitkin's framework on all three points.

The general idea of political representation is a linkage mechanism between the interests of voters and representatives. The strength of this mechanism determines the health of the democratic system. Theoretically, the extent to which voters feel that their interests are considered by the political establishment determines their satisfaction with and trust in political institutions. If trust were to be low, voters channel their concerns through other mechanisms than the formal electoral system, such as social movements and protests (Castiglioni & Kaltwasser 2016). The breakdown of this linkage mechanism in Chile became evident through the 2019 protests.

Pitkin separates the dimensions of representation into two categories: Representation as "acting for" someone and representation as "standing for" someone. Included in the former are formal and substantive representation, while the latter consists of descriptive and symbolic representation. The main difference between the two is that representation through "acting for" requires direct action of representatives, while "standing for" is a passive concept (Saward 2010, p. 12).

According to Pitkin (1967), a political institution that only focuses on one or two of these concepts cannot be considered representative. Neither a dictator impossible to sanction that adopts policies providing for the needs of the people nor a legislative body that only descriptively represents the population are truly representative (1967, p. 230-235). All dimensions must be achieved to some extent for institutions to be representative. This is why studying an integrated model of all dimensions is important (Schwindt-Bayer & Mishler 2005).

1.3.1 Formal representation

Formal representation is the institutional structure by which representation occurs. It refers to how representation is initiated and terminated, rather than who the representatives are or how they represent. It incorporates two different views of

representation. First the theory of authorization, which is the idea that representatives are given the authority to act for the represented through democratic elections. Secondly, the idea that the represented must be able to hold the representatives accountable. For this thesis, formal representation is conceptualized as the rules and procedures that regulate the selection and removal process of representatives, meaning the electoral system. Included in this is the concept of gender quotas, which is a particular focus of this thesis. Another key aspect to representation is the degree of proportionality of the electoral system (Pitkin 1967; Schwindt-Bayer 2010a).

1.3.2 Descriptive representation

Descriptive representation is the extent to which the composition of the legislative body accurately mirrors the population it represents in certain social characteristics. The more accurate the resemblance between the population and the legislature, the greater is the representativeness of the political system. For this thesis, sex is the key characteristic. Women's descriptive representation is operationalized by the numerical presence of women in the legislative body. Thus, descriptive representation is the most visible form of representation and thereby the most easily measured (Pitkin 1967; Schwindt-Bayer & Mishler 2005; Schwindt-Bayer 2010a, p. 8).

The theoretical argument for the importance of women's descriptive representation is partly normative, and partly based upon the idea of microcosmic representation. The normative argument is that a political system that numerically underrepresents half the population is a clear sign of a democratic deficit and cannot be considered legitimate (Lawless 2004; Celis & Erzeel 2020). Microcosmic representation says that the composition of parliament should be roughly equal to the population it represents. This is different from the idea of principal-agent representation, related to the authorization theory, where elected officials simply act as agents of constituents' interests. This ignores socio-demographic factors and claims that men with strong interests in women's issues can represent women just as well (Connelly 2015). However, many theorize that female legislators do raise distinct concerns related to women's interests (Mansbridge 1999; Norris 2006; O'Brien & Piscopo 2019; Wängnerud 2009), which the section on the link between descriptive and substantive representation will explore further.

Because it is the easiest to study empirically, a lot of research focuses on descriptive representation in attempting to understand women's representation and the progress towards gender equality in politics. Schwindt-Bayer (2010a) and Celis & Erzeel (2020) warn that such an approach ignores the mechanisms of exclusion and marginalization within the legislature that decreases the ability of female legislators to substantively act for women.

Intersectional theories offer another critique of measuring gender equality through descriptive representation. Simply counting the number of women in parliament relative to men says very little about how equal it is and how well women are represented as it might ignore intersectional identities and their

marginalization. Therefore, this measure of representation only serves to invisibilize minority women. Furthermore, many gender quotas aiming to improve descriptive representation simply focus on one specific identity (women), and thus the presence of privileged, majority women might be prioritized at the expense of minority groups (Celis & Erzeel 2020; Hughes 2011). In the Chilean case, the primary minority group to consider are indigenous women.

1.3.3 Substantive representation

Substantive representation refers to how well representatives represent the interests of voters. It is most commonly operationalized as the policy responsiveness of the legislature (Schwindt-Bayer 2005). Within the legislature, this involves all the stages of the policy process, from policy proposals and mobilization behind-the-scenes to public debates, voting, and the passing of legislation (Franceschet et al. 2012a). Beckwith (2014) emphasizes the importance of making a distinction between policy initiatives and outcomes when studying substantive representation as it allows for the visibility of the legislators' interests and preferences, showing which legislators are actively representing the interests of women. Since policy outcomes depend on a range of institutional factors outside of representatives' control, it does not tell the whole story of representation (2014, p. 33; Childs & Krook 2009). For this thesis, the operationalization of substantive representation also includes the proposal for a new constitution presented by the constitutional convention in 2022.

In order to study women's substantive representation, we need to clearly define the concepts of women's interests and issues, and whether there are any universal (as far as we can stretch that term) values and priorities among women (Dockendorff et al. 2022). The idea of women having shared interests stems from their experiences of discrimination and exclusion, both in society and in politics. According to Baldez (2002), the historical exclusion from politics and collective status as political outsiders is something that unites all women. Therefore, all women share an interest in the access to political power and a voice, even if all women do not wish to run for office. Descriptive representation is thus a shared women's interest. The implication is not however that all women have the same particular experiences, but that the experience of being a woman in a society that subordinates them creates a bond and understanding between them. These experiences give female representatives a communicative and informational advantage to represent women's interests compared to men (Mansbridge 1999, pp. 629, 635-6, 641).

However, many feminist writers say that the notion of shared women's interests essentializes their gender identity (Young 2001), and reinforces the idea of women as a homogenous group inherently different to men. Instead, they point out that the difference between men and women is a social construct. The worry is that such a dichotomy of interests suggests women's interests are less important than men, which in turn reinforces the subordination of women (Schwindt-Bayer 2010a, p. 13). Some suggest that gender identities, and thereby gendered interests, are not fixed and established before entering the legislature, but produced and reproduced

within (Squires 2008; Towns 2003). Moreover, intersectional critics point out that women have an array of identities based on race, ethnicity, class, religion and ideology intersecting with their gender identity. Their interests might therefore be equally shaped by their other identities (Schwindt-Bayer 2010a, p. 13).

Regarding ideology, some question whether conservative women can substantively act for women's interests if they diverge with feminists on issues such as gender roles and abortion. This raises the important distinction between interest and issue. While all women might share an interest in addressing abortion, they differ on what they consider the issue to be depending on ideology and therefore on which policies should be enacted (Beckwith 2014).

Dahlerup (2014) argues that women's interests can only be understood in a context of challenging male dominance and the historical exclusion of women, which includes demolishing traditional gender roles. Following this, the conceptualization of women's interests should take women's historical subordination and its consequences into account, primarily emphasizing gender equality. Specifically, these issues relate to women's reproductive rights, divorce rights, discrimination, sexual harassment, violence against women, equal access to education and income as well as women's health, among others. Addressing these issues directly contributes to the political, social, and financial liberation of women.

Thus, women's issues can be broadly differentiated between those concerning women's traditional caregiving roles and family matters, and those concerning gender equality and the demand for individual rights. This classification allows for a non-essentialist perspective on women's interests by not assuming any policy concerns shared by all women (Celis & Childs 2012; Schwindt-Bayer 2010a, p. 13-14).

1.3.4 Symbolic representation

Symbolic representation, like descriptive representation, refers to representatives "standing for" the represented. The difference is that representatives are symbols of representation evoking feelings and attitudes among citizens about how they are represented. It is not the symbol of representation itself that is interesting, but the reaction to that symbol, according to Pitkin (1967). Symbolic representation can be operationalized as citizen trust of representative institutions. The higher the trust, the greater is the symbolic representation (Schwindt-Bayer 2010a, pp. 27-28).

Institutional trust measures how much trust citizens have towards specific democratic institutions. A related concept is legitimacy, which Clayton et al. (2018) conceptualize as the belief that political institutions are acting competently and impartially in the service of all citizens. Using this, I conceptualize institutional trust as the belief that institutions are legitimate. If citizens trust their institutions, they are given legitimacy and can focus on long-term goals without fearing immediate sanctions and disruptions of the political system. Large-scale protests and riots are a clear example of such disruptions. Increased symbolic representation thus leads to greater democratic stability and effectiveness (Clayton et al. 2018; Lagos 2001; Schwindt-Bayer 2010c). Finally, the institutions in focus for this thesis

are congress and the party system, because that is both where the biggest deficit of women's representation in Chile can be seen and the institutions with the lowest trust (Schwindt-Bayer 2010c, pp 157-158).

1.3.5 The integrated model

In the integrated model, formal representation is especially important through its link to women's descriptive representation. By requiring a certain percentage of female candidates, gender quotas are a fast track to increased descriptive representation (Celis & Erzeel 2020; Schwindt-Bayer 2010a). Gender quotas also signal that institutions value gender equality, representativeness, and inclusiveness. This has both a symbolic effect, which increases the legitimacy of the democratic system and a positive effect on women's political participation. In turn, this increases the number of qualified women for the party's pool of candidates (Schwindt-Bayer 2010c, pp. 155-156). Thus, the effect of gender quotas on descriptive representation is both a short-and-long-term phenomenon. However, given that Chile's gender quota has only been in place for two elections, the long-term effects are not yet visible. As such, this thesis only focuses on the short-term effect on the presence of women in congress. Gender quotas might however have a negative effect on symbolic representation if citizens stigmatize quota-elected women as non-meritocratic token representatives, which would decrease institutional legitimacy (Park 2022; Verge et al. 2020).

Another link between formal and descriptive representation emphasizes the electoral system. The key variables in this are the degree of proportionality, district magnitude, and ballot structure (Celis & Erzeel 2020; Schwindt-Bayer 2010a, pp. 8-9).

Theoretically, women benefit more from PR systems with multi-seat districts than single-member majority systems. This is because it gives more space to include women on the lists. The same logic applies to the effect of district magnitudes, as in the number of winnable seats per district (Norris 2006). When the magnitude is large, and parties are able to present more candidates, they may be more inclined to present candidate lists that better mirror the diversity of the population in order to appeal to a larger variety of groups, which would benefit female candidates (Hinojosa & Franceschet 2012). Multi-seat districts also make room for female candidates without the displacement of male candidates as the election is no longer a zero-sum game where candidates compete for only one seat (Schwindt-Bayer 2010b, p. 46). From an intersectional perspective, both variables are key to increasing the number of elected minority women (Hughes 2011).

The final variable, ballot structure, refers to whether party lists are open or closed, and is only applicable to PR systems. Closed lists theoretically benefit female candidates because the ordering of candidates is not left to voters, and thereby potential anti-women biases. Instead, voters choose between different parties, who decide candidate order (Hinojosa & Franceschet 2012). How parties rank candidates does however depend on internal structures, which might disadvantage women. Because of this, ballot structure is a key variable in the

success of gender quotas. Closed lists ease the implementation of quotas because parties can directly control the ballot placement of quota candidates and enforcement mechanisms are more easily applied (Schwindt-Bayer 2009).

Gender quotas also facilitate the link between formal and substantive representation, though this link is not as theoretically strong. The so-called mandate effect says that quota-elected women are more likely to represent women substantively as a group because they feel obligated to (Park 2022). However, this effect might be undermined by the stigmatization of quota-elected women as non-merited representatives. Trying to avoid this, women might disassociate themselves from women's issues as much as possible, attempting to prove their "seriousness" as politicians (Franceschet et al. 2012a, p. 11). Within the legislature, gender quotas might also have the effect of marginalization of women by male party representatives. This backlash effect might occur because men feel their political futures threatened by the increased presence of women, thus marginalizing female legislatures' influence on policy procedures. As a result, this has a negative effect on substantive representation (Schwindt-Bayer 2010a, p. 26).

Regarding the link between descriptive and substantive representation, two questions need to be asked: (1) Are women more prone to represent women's interests than men? (This essentially asks whether women's interests can be represented without the presence of women); and (2) Does an increase in descriptive representation lead to an equal increase in substantive representation? (Celis & Erzeel 2020).

That women bring different concerns and priorities than men is argued by many and theoretically stems from their shared experiences of discrimination and subordination in society (Dockendorff et al. 2022; Mansbridge 1999; Norris 2006; O'Brien & Piscopo 2019; Wängnerud 2009).

The second question speaks to the so-called critical mass theory, first proposed by Kanter (1977). It says that for increased descriptive representation to have a significant effect on policy outcome, women need to reach a certain numerical threshold in the legislature of around 30%. The larger the presence, the more they are able to form alliances and change the internal culture to influence legislation. This theory thus serves as an argument for the implementation of gender quotas (Childs & Krook 2008, 2009).

The link between descriptive and symbolic representation says that, given the historical exclusion of women, purely the visible presence of women in politics might increase trust in political institutions and provide a symbolic benefit to women through a role model effect. Moreover, being able to identify with the representatives lends legislature legitimacy. According to this perspective, increased descriptive representation has a symbolic effect even without any substantive progress (Schwindt-Bayer 2010a, p. 30). Here, two questions arise: Is the effect on symbolic representation exclusive to women, and thus a negative one for men? Or does the increased presence of women in politics positively affect both men and women? The theoretical argument for the latter is that increased representation of women symbolizes greater general representativeness and inclusiveness of the democratic system, which affects men's evaluation equally. Another potential effect might however be the creation of resentment among men

who view increased women's representation as "unnecessary" (Schwindt-Bayer 2010c, p. 158).

The same effect can be found in the link between substantive and symbolic representation, where the passage of women-friendly legislation increases institutional trust of both men and women because of its symbolic effect on political equality (Schwindt-Bayer 2010c, p. 156). Pitkin (1967) and many others consider institutional performance, as in policy responsiveness, the most important factor in citizens' evaluation of institutions (Schwindt-Bayer & Mishler 2005). Leston-Bandeira (2020) problematize this by raising the point that no institution will ever please every single voter through policy responsiveness. Both because of the multiplicity of interests that exists among men and women, and because institutional trust often depends on external factors such as perceptions of corruption and evaluations of economic performance. So, instead of focusing on performance, institutions need to develop connections with citizens. Building on Pitkin's theory of symbolic representation, she argues that a lack of connection is most often the source of institutional distrust. For citizens to be able to identify with institutions, they need be visible and open. Descriptive representation of women is one way of signaling institutional openness and thereby achieving symbolic representation, as the integrated model shows.

1.4 Literature review

This section examines the empirical support of the theories in the integrated model. Research on Chile and other Latin American countries gives the most weight to formal institutions, such as the electoral system and gender quotas, as explanatory factors for women's descriptive representation. Other possible explanations are socio-economic and cultural factors. From a socio-economic perspective, a high level of economic and social modernization draws more women into the workforce and closes the education gap between men and women, which in turn means that women will have a bigger presence in the eligibility pool of party candidates (Hinojosa & Franceschet 2012).

The cultural perspective on the other hand emphasizes the correlation between societal views on gender roles and the importance of gender equality with the presence of women in representative bodies. This factor relates both to the likelihood of women seeking office and voters supporting female candidates (Hinojosa & Franceschet 2012). Neither of these have been found to be empirically significant in the Latin American context relative to institutional factors however (Hinojosa & Franceschet 2012; Schwindt-Bayer 2009; Schwindt-Bayer 2010b). Hence the analysis of this thesis only applies an institutional perspective. This is an especially important point in the case of Chile, given the country's high economic development. Schwindt-Bayer (2015) points out how increased participation in the workforce and near-parity in educational institutions has not translated into a higher presence of women in the legislature in Chile.

On the electoral factor, Norris (2006) notes how several studies confirm that systems of proportional representation elect women to a higher degree than majoritarian. Simply contrasting these two elements is too simplistic however, as Schwindt-Bayer (2010b) finds that PR systems are only a significant factor if district magnitude is removed from the model. Indeed, district magnitude emerges as a key factor in several studies, as more women are elected from larger, multi-member constituencies (Norris 2006). On the other hand, some studies find it to have no significant effect on women's descriptive representation. This suggests that the effect of district magnitude might be nonlinear, meaning that an increase in district magnitude from 2 to 5 increases the percentage of women to a larger degree than an increase from 149 to 150 seats (Schwindt-Bayer 2009), which Schwindt-Bayer (2010b) finds empirical support of.

Research on women's historical descriptive underrepresentation in Chile finds three key factors: small electoral districts, the high threshold of votes needed to win seats and the pre-election negotiations within coalitions. The small district magnitude of only 2 seats combined with the high threshold of winning both seats meant that competition for ballot lists was incredibly fierce. This disadvantaged female candidates because they both lacked the political resources and networks to prevail in close contests and were rarely viewed as safe enough bets by parties to get nominated (Franceschet 2018). Hinojosa & Franceschet (2012) and Roemhildt (2016) also emphasize the importance of the informal institutions in the shape of intra-elite negotiations governing candidate selection in understanding the Chilean case. Evidently, formal institutions do not tell the whole story.

Turning to research on gender quotas, Schwindt-Bayer (2009) focuses on three aspects that primarily determine their effectiveness: Quota size, placement mandates and enforcement mechanisms.

Quota size is defined as the minimum percentage of a party's candidates required to be women. Because of the nature of electoral quotas, the relationship between quota size and the allocation of seats to women is not one-to-one. As discussed, there are several factors that determine the number of seats that women actually win, such as the proportionality of the system, district magnitude, and voter preferences (Schwindt-Bayer 2009).

Placement mandates require parties to put candidates in ballot positions that maximizes the chance of getting elected. For two-seat districts, this would entail putting a female candidate in one of the top two ballot positions. The purpose of placement mandates is to avoid parties placing female candidates at the bottom of ballots, which greatly diminish their chances of winning seats. (Hughes 2011; Schwindt-Bayer 2009).

Lastly, enforcement mechanisms are stipulations in the electoral law that determine sanctions in the case of parties not abiding by the quota. By being able to punish parties in such a case, quota evasion should be avoided (Hughes 2011; Schwindt-Bayer 2009).

The strongest quota systems are therefore those with closed-list proportional representation, high quota sizes, placement mandates and strong enforcement mechanisms, which studies on Latin America have found to translate into the largest proportion of elected women (Schwindt-Bayer 2015). Given Chile has an open-list

system, meaning that the ranking of candidates is purely determined by voter preference, its electoral system is less compatible with quotas. As a result, Chile's 40% candidate quota is not expected to translate into a 40% seat share of women in congress. However, Roemhildt (2016) does not find a gender bias among Chilean citizens towards increased representation of women in politics. As such the open-list system might not be a detriment to the success of Chile's gender quota.

An important question for the issue of intersectionality is which women primarily benefit from gender quotas. Some research suggests it leads to the election of women with ties to the elite and to those who might only serve as tokens, thereby not taking on women's issues and only reinforcing the status quo (Franceschet et al. 2012). Furthermore, Hughes (2011) finds that minority women are elected through gender quotas to a much lesser degree than majority women. In the Chilean case it is therefore important to analyze how the gender quota has affected indigenous women.

Regarding critical mass theory, its empirical support is mixed. While some research finds that if the critical threshold in the legislature is reached, more attention is given to women's issues and more women-friendly policies are passed (O'Brien & Piscopo 2019; Schwindt-Bayer 2010b), others emphasize that the relationship between the number of women and policy responsiveness is not linear, and that there is no evident tipping point where substantive representation is produced (Childs & Krook 2009; Schwindt-Bayer & Mishler 2005). Rectifying this, Childs & Krook (2009) instead focus on "critical actors" that substantively represent. A noteworthy aspect is that these actors do not need to be women. Men can also play a prominent role in advancing women's issue policies. Thus, giving support of the principal-agent theory of descriptive representation. The key takeaway here is that an increased presence of women in the legislature creates a shared understanding of women's interests through individual interactions between men and women. As a result, male legislators start to speak for women's interests to a larger degree (Franceschet et al. 2012a; Childs & Krook 2008, 2009).

On symbolic representation, there is overwhelming empirical support of a positive link between descriptive representation and institutional trust (Verge et al. 2020; Schwindt-Bayer & Mishler 2005; Schwindt-Bayer 2010c). Clayton et al. (2018) find that the presence of women increases legislative legitimacy regardless of policy outcome, speaking to the benefit of descriptive representation in of itself. Furthermore, several studies find that men and women perceive increased descriptive and substantive representation of women equally (Atkeson & Carrillo 2007; Clayton et al. 2018; Karp & Banducci 2008; Kittilson & Schwindt-Bayer 2008; Schwindt-Bayer & Mishler 2005; Schwindt-Bayer 2010c).

Verge et al. (2020) show how both men and women gain positive feelings about the political system with an increase in women's descriptive representation, even if the women in office are framed as being incompetent and unprepared. These results speak to the feminist theory that the promotion and protection of women's interests sends signals of representativeness and inclusiveness to all members of society, providing the democratic system with more legitimacy (Schwindt-Bayer 2010c).

One slightly surprising result does emerge from Schwindt-Bayer & Mishler's (2005) model, which is the lack of a statistical significance between substantive and

symbolic representation. There are two possible explanations for this: The policy areas included in the model and the focus on policy outcome. They included neither abortion rights nor domestic violence legislation, which might have more of a significant symbolic effect. This thesis builds on this by primarily focusing on the abortion issue to study substantive representation. Also, by not including the policy process, much of women's substantive work within the legislature is ignored. Schwindt-Bayer (2010c) rectifies this by focusing on the policy process and its effects on symbolic representation, resulting in a positive link.

Moreover, Schwindt-Bayer (2010c) finds little support for the presence of gender quotas increasing institutional trust but does however find that a more representative and proportional electoral system has a positive effect. The effects of gender quotas on symbolic representation might then be more indirect, as it increases descriptive representation and thereby substantive representation.

In support of the link between descriptive and substantive representation in Chile, Dockendorff et al. (2022) and Franceschet (2018) both find that female legislators more actively promote women's interests than men over the last 30 years. Despite the lack of resources and power in numbers, this shows the importance of women's presence. However, Franceschet (2018) also finds that much of the legislation failed to pass because of Chile's informal institutions, most notably the "democracy by agreement" norm. Furthermore, Dockendorff et al. (2022) find an ideological divergence in that left-wing women especially concern themselves with feminist claims regarding gender equality, while women of right-wing parties focus on fostering women's traditional family roles, speaking to the earlier ideological discussion. This study also only focuses on policy processes, not outcome. Aiming to expand upon this research, this thesis also focuses on the outcome of policy processes on the abortion issue.

1.5 Methodology & material

Because of methodological constraints, the material of the results section is not based on any independent research. As I am unable to neither conduct interviews with relevant people on substantive representation nor surveys on symbolic representation, I am reliant on material provided by previous research. One such data provider are national surveys on institutional trust conducted in Chile. The conclusions that can be drawn from these does of course depend on how respondents conceptualize trust. Moreover, while there is a theoretical link between women's representation and institutional trust, proving causality between the two is difficult because of the myriad of factors that might affect institutional trust. While increased descriptive representation over the last 5 years in Chile might correlate with an increase in institutional trust, descriptive representation cannot be claimed as a significant factor behind this. In order to establish causal links, small-scale surveys need to be conducted that directly ask respondents about women's presence in congress. As such, this thesis has no aims to establish causal links, and

the data on institutional trust is treated as an example of Chile's general crisis of representation.

Furthermore, the methodological challenge to studying women's representation is the time aspect. While the direct effects of gender quotas in Chile are evident through the 2017 and 2021 elections, the long-term effects on female participation and institutional trust are yet to be seen. Since symbolic representation theoretically depends on descriptive and substantive representation in the previous term, the effects on it are lagged (Franceschet et al. 2012b).

The unit of analysis for substantive representation is the legislative and constitutional debate on abortion. There are several reasons for this. First, reproductive rights are a concern for most women, as exemplified by numerous feminist mobilizations and protests calling for legal abortions in Chile in recent years (McGowan 2021; Muñoz-Rojas & Vergara-Saavedra 2021). As such, it fits well into the theoretical framework of women's interests, as previously discussed. While some progress has been made on the issue in the last 5 years, many demands are yet to be met. Although other areas of women's issues are highly relevant to the thesis, none have been as prevalent in recent debates both within the legislature and the constitutional convention. Because of this, there is also plenty of material to base the analysis on.

One potential weakness of the research design is the inclusion of both the legislature and constitutional convention as units of analysis. This might have produced a slightly disjointed thesis, with most of the theoretical framework best being suited to analyze the electoral reform, with the analysis of the constitutional convention thereby given a more secondary role. However, since the aim of the thesis is to give an overview of the Chilean case, the inclusion of the constitutional convention is justified because of its clear relevance to Chile's crisis of representation.

Finally, the material and methodological constraints raise the question of a potential validity issue. Essentially, does the results section answer the research question and is the material insightful enough to connect to the theoretical framework. This problem is alleviated by the material provided by Schwindt-Bayer (2015) on the electoral reform, Suarez-Cao (2021) on the constitutional process, and Lambert & Scribner (2021) as well as Maria et al. (2019) on the abortion issue. These authors offer deep insights into the Chilean situation, and therefore a strong material base for my analysis. In turn, this reduces the validity issue.

2 Result

In 2015, Chile reformed its electoral system, introducing a system of open-list proportional representation that replaced the binomial system. Under PR systems, seats are awarded to parties in direct proportion to their vote percentage, which was not the case in the binomial system. This reform also established gender quotas for congressional elections that prohibited parties from nominating more than 60% of one sex on the ballot. Given women's historical exclusion, this effectively required 40% of the ballot to consist of female candidates. Important to note that this only applies to ballot nominations, and therefore does not translate into a post-election 40% seat share because of the open-list system. These reforms were first implemented in the 2017 election (Schwindt-Bayer 2015).

The new PR system saw an increase in district magnitude for most district. In elections for the Chamber of Deputies, seat per district now vary between three and eight depending on population. For Senate elections it varies between 2 and 5, leaving some districts unchanged from the binomial system (Gamboa & Morales 2016). While an increase in district magnitude empirically suggests an increase in descriptive representation, Schwindt-Bayer (2015) points out how the enlargement of most districts was still relatively small, meaning its potential effect is not significant.

To supplement the introduction of the gender quota, state reimbursement to parties for each woman elected was increased, while also introducing a gender bonus based on the number of women elected (Gamboa & Morales 2016; Klein et al. 2022). The idea was for parties establish programs that help increase the inclusion and participation of women in politics through these funds. Furthermore, to help the women running for election, their electoral expenses are partially reimbursed by the state (Schwindt-Bayer 2015). Despite this, male candidates still receive far more funding and donations than female candidates (Undurraga 2020).

The strength of the gender quota itself is heavily debated. Because parties and coalitions that do not comply with the quota have their ballots rejected, it has a strong enforcement mechanism (Schwindt-Bayer 2015). However, Undurraga (2020) points out that due to the quota only being applied at the national level, and not district-by-district, parties have found a loophole by nominating women in districts where they have little chance of getting elected, and mainly nominate men in safe districts while still filling the quota requirement. Furthermore, because the reform left the open-list system unchanged combined with not stipulating a placement mandate, parties are given complete autonomy on the ballot placement of candidates. Thus, nothing legally stops them from placing the female quota candidates at the bottom of ballot lists. Since some voters, due to limited political knowledge, might purely base their vote on the top candidates of each list, this lessens the electability of candidates at the bottom of the ballot.

Another aspect of the ballot introduced affecting women's electability is the N+1 rule. This rule says that in each district, parties can present as many candidates as there are seats, plus one additional candidate. A district of two seats then has three candidates from each party. The purpose is to give voters more options to choose from. However, it also has the effect of creating one unwinnable seat by spreading the votes across more candidates. In turn, this creates the opportunity for parties to nominate a token woman in the extra spot and still abide by the quota. At the same time, it also gives the opportunity to nominate more men who might outperform the female candidates (Schwindt-Bayer 2015).

These weaknesses of the quota system led to no women being elected in 8 of the 28 districts for the Chamber of Deputies in the 2017 election (Undurraga 2020). In this election, women comprised 41.4% of candidates for the Chamber of Deputies, an increase from 19.8% in the 2013 election (Becerra-Chávez & Navia 2022). However, the percentage of women elected only rose from 15.8% to 22.6%, well below the 40% quota mark and the Latin American average (Undurraga 2020). For the 2017 senate election, the numbers were significantly better. Comprising 40.9% of the total number of candidates, female candidates managed to win 43.5% of the available seats. An interesting development occurred in the 2021 election. For the Chamber of Deputies, female candidates won 35.5% of seats while the percentage of women elected to the Senate decreased to 22.2%. (IPU Parline). From an intersectional perspective, the 2017 election also saw an important development. Two women from the Mapuche tribe, who comprise 9% of the population, became the first indigenous women elected to congress (BBC News 2018).

Following the failure of the electoral system to translate the 40% candidate quota into an equal proportion of congressional seats in the 2017 election, several mechanisms were added to ensure women were adequately represented in the constitutional convention. Firstly, the gender parity rule. This ensured that half of the candidates and elected members of the convention were women, becoming the first country in the world to implement such a rule for a constitutional assembly. However, given Chile's open-list system, candidate list parity alone was insufficient to guarantee equality in seats. Learning from the implementation of the congressional gender quota, placement mandates were now included. Moreover, they were implemented district-to-district, as opposed to nationally like the congressional gender quota. This mechanism required that each candidate list be headed by a woman, while the rest of the candidates were alternately ranked by sex. Furthermore, if gender parity were not achieved through the initial election results a correction mechanism guaranteed that women would comprise at least between 45 to 55% of the convention (Suarez-Cao 2021; Undurraga 2020).

Ultimately, 77 of the 155 members elected were women. Interestingly, men received fewer votes nationally, with the correction mechanism favouring the election of 11 men and 5 women, showing the eagerness of the Chilean people for increased descriptive representation of women (Ríos Tobar 2021). 17 of the 155 seats were also reserved for indigenous citizens, who were elected separately. To secure gender parity, indigenous candidates ran with an alternative candidate of the opposing sex (Suarez-Cao 2021). On a last symbolic note, the person internally

chosen to head the draft of the new constitution was a woman from the Mapuche tribe (Laing 2021).

Turning to substantive representation, steps towards legalization of abortion have been made in recent years. In 1989, at the end of Pinochet's authoritarian regime, abortion was criminalized in all cases. This ban meant that women and doctors seeking or performing abortions could get imprisoned. Since then, attempts at decriminalization had been opposed in reference to article 19 of the constitution, which "protects the life of those to be born" (Lambert & Scribner 2021). 11 bills were presented between the early 2000s and 2012 that would have decriminalized in some capacity, but all were rejected (Maria et al. 2019).

Until 2017, when a breakthrough was made after two and a half years of congressional debate, and abortion was partially decriminalized. This legislative bill decriminalized it on three grounds: In case of risk to the mother's life, fatal fetal malformation as well as rape (Lambert & Scribner 2021; Maria et al. 2019). The debates leading up to this saw organizations and activists on both sides of the argument voicing their opinion, which ultimately led to a heavily amended and more restrictive bill than first proposed. While not an example of the "democracy by agreement" norm at play, it does showcase the continued influence of conservative forces on women-friendly legislation. Notably, the promulgation of the law by the constitutional court referenced the 1999 sex equality provision, showing the value of constitutional protection of women's rights (Lambert & Scribner 2021). Despite its limitations, the law was seen a milestone of women's rights in Chile, with important symbolic effects both culturally and politically (Maria et al. 2019).

Nevertheless, the fight for legalization continued outside and inside of congress. Feminist groups took to the streets demanding the protection of women's reproductive rights (McGowan 2021; Muñoz-Rojas & Vergara-Saavedra 2021), and in 2018 a new bill was proposed that took a further step towards legalization. This bill, which proposed to decriminalize abortion within the first 14 weeks of pregnancy, was however ultimately rejected in November 2021 (Al Jazeera 2021; Cambero 2021). Following this, the legalization of abortion was a key debate in the new constitutional draft. Despite opposition from conservative men and women, and the obstacle of the two-thirds majority needed to ratify proposals (Green Rioja et al. 2022), the draft presented by the convention enshrined the protection of women's reproductive rights. Specifically, article 61 of the new constitution said this: "(1) Every person is entitled to sexual and reproductive rights. These include, among others, the right to decide freely, autonomously and in an informed manner about one's own body, about the exercise of sexuality, reproduction, pleasure and contraception. (2) The State guarantees their exercise without discrimination and with gender perspective, inclusion and cultural relevance; as well as access to information, education, health, and to the services and benefits required for this purpose, ensuring to all women and persons who can get pregnant the conditions for pregnancy, voluntary termination, and voluntary and protected childbirth and maternity. It also guarantees their exercise free of violence and interference by third parties, whether individuals or institutions. (3) The law shall regulate the exercise of these rights. (4) The State recognises and guarantees the right of individuals to

benefit from scientific progress in order to exercise these rights freely, autonomously and non-discriminatorily.” (Dides 2022). The new constitutional draft, which included several other articles aiming to improve women’s rights, was rejected in a referendum in September 2022 (Buschschlüter 2022). As such, the fight for the legalization of abortion in Chile lives on.

Lastly, regarding symbolic representation, no progress has been made. A survey conducted in October 2022 found that 75.5% of respondents had no to little trust in congress, with 4.5% claiming congress to be trustworthy. For political parties, the numbers were even more dire. 86.5% had no to little trust while only 1.7% expressed any sort of trust in the parties (Statista 2022). This is a decrease compared to 2015, before the implementation of the new electoral system, when political parties enjoyed 3% of citizens’ trust, and congress 9% (Suarez-Cao 2021). The results are even more dire when compared to a 2010 survey, where political parties were trusted by 15% of the citizens, and congress by 28% (Jara 2014). This is a clear sign of the representational crisis that led to the 2019 protests.

3 Discussion

In the literature review, three factors were mentioned that historically explain women's numerical underrepresentation: small electoral districts, the high threshold of votes needed to win seats and the pre-election negotiations within coalitions. The electoral reform has addressed these formal obstacles to women's descriptive representation, and the gender quota does ensure that the male elite has less power in the candidate selection process. However, because of the flaws in the application of the quota, namely not applying it district-to-district or including a placement mandate, there are still ways for parties to circumvent it to benefit male candidates.

Nevertheless, the gender quota has ensured an increased presence of women in congress, including the first indigenous women, though not quite at the 40% mark yet. Any conclusions on which type of women have benefitted from the quota cannot be drawn however, due to material constraints. But with the reform, it might have opened opportunities for women outside of the political establishment. Both because of the decreased power of the male elite within coalitions following strong quota enforcement mechanisms and the increased space for smaller parties and independents to run because the electoral system was now more proportional.

The election of the constitutional convention showed a fervor among Chilean voters to elect women with no ties to the political establishment. Suarez-Cao (2021) points out how the gender parity, and thereby not applying the same electoral rules as the electoral reform, of the convention was a necessity to restore trust and enhance legitimacy. However, the overwhelming rejection of the constitutional draft and recent figures showing a majority of Chileans now prefer a mixed convention of both elected citizens and experts (Cadem 2022) raises questions of the inability of the constitutional convention to positively affect institutional trust. This is despite attempts to build a strong connection with the citizenship through openness and transparency, following the argument made by Leston-Bandeira (2012). It perhaps speaks to the theory of gender quotas having a negative effect on symbolic representation because it leads to the women elected through it being viewed as non-meritocratic and undeserving token representatives. In this case, this negative effect might be the result of the gender parity rule and reserved indigenous seats.

This thesis has only looked at intersectionality and the representation of indigenous women as an addendum. There is a huge academic gap on their historical exclusion from politics and opportunities for representation and participation in Chile that future research can fill. The symbolic effects of the recent increase in descriptive representation both in congress and the constitutional convention are especially interesting. A role model effect might be particularly significant in this case. Building on Hughes (2011), the possibility of a minority

quota in addition to the gender quota is also something that could be considered to further increase the descriptive representation of indigenous people in Chile.

On substantive representation, the gender parity rule of the constitutional convention did ensure substantive change. The constitutional draft was progressive in terms of women's rights, especially regarding abortion, highlighting the power of presence. While the legislative debate on abortion shows that the increased presence of women does produce greater attention to women's issues, the failure to legalize abortion exemplifies the continued power of conservative forces in Chilean politics restricting women's representation.

An area of potential for future research is whether the gender quota and increased descriptive representation has changed the legislative behaviour of men as well, relating to Childs & Krook (2008, 2009) theory of critical actors. This would in turn effect the possibilities of substantive representation on issues such as abortion. The same theory could be applied to the process of the constitutional draft. One way to test this theory is to look at voting records, and if the increased presence of women changes male legislators' priorities. Another interesting area of future research would be to test the significance of the mandate effect, and whether female legislators elected before and after the quota was enacted have different policy concerns and priorities.

Social movements and mobilizations emerge from this thesis as a key factor in inducing institutional change and influencing policy matters when representative institutions are deadlocked. The protests of 2019 forced the start of a new constitutional process after years of attempts within political institutions while feminist mobilizations ensured the convention's gender parity, as well as continuing to push for the legalization of abortion. This shows the limitations of a purely institutional perspective in trying to understand women's representation.

Ultimately, the limitations of attempting to improve representation in the legislature through an electoral reform while the constitution remains highly unrepresentative has become evident. This is particularly clear regarding substantive and symbolic representation. Progress on women's issues such as abortion is still constrained because the 1980 constitution offers weak support. Meanwhile, the demand for a new constitution and continued distrust of congress and political parties shows the reform had no significant effect on symbolic representation. To address these issues, the draft of a new constitution is the most important issue in Chilean politics. While there are strong theoretical arguments for gender parity and an indigenous presence to also form the base of this new convention, the question of how this new convention achieves legitimacy both through descriptive and substantive representation needs to be considered. This requires an understanding of why the constitution failed to pass, which is an interesting topic for future research.

4 References

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