

# The Puzzle of Chile's Resilient Support for Gender Parity

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Chile's 2021–22 Constitutional Convention was the first in the world to feature mechanisms that guaranteed gender parity among constituents (Arce and Suárez-Cao 2021). This was not an easy win. Feminist activists and women politicians pushed for gender parity in 2020–21 in a country that had adopted gender quotas relatively late (Figueroa 2021; Reyes-Housholder, Suárez-Cao, and Le Foulon 2023; Suárez-Cao 2023; personal interview #1, April 21, 2023). Reserving seats for Indigenous groups and using other mechanisms to allow space for independent constituents further broadened the convention's ostensible inclusiveness. After the September 2022 rejection of the 2021–22 Constitutional Convention's draft, political parties immediately started over by crafting an elite-controlled process. Lawmakers—this time with surprising speed—again coalesced around the idea that an equal number of men and women should write the new draft.

Why did legislators vote once again to mandate gender parity throughout the 2023 process, a key feature of the failed 2021–22 draft? And why did they do so while simultaneously eliminating reserved seats and pro-independent mechanisms, two other previously popular provisions? We draw on past research linking gender quotas to elite concerns with legitimacy (Piscopo 2016; Towns 2012) to highlight the role of legislators' perceptions of the nation's political climate. We contend that parity “survived” because lawmakers viewed guarantees of an equal presence of men and women constituents as a relatively low-cost, legitimizing asset to this elite-driven constitutional process. We substantiate our arguments with interviews with influential congresspersons, survey data, and select media.<sup>1</sup> Integrating diverse case study data enables a close-up, fine-grained interpretation of legislators' incentives to support gender parity.

## THE NEED TO ENSURE “LEGITIMACY” DURING THE 2023 CONSTITUTIONAL PROCESS

We argue that legislators in the 2023 process continued to view legitimacy—that is, the appearance of an open, transparent

process, in step with public opinion—as key to future success. Citizens and scholars have long questioned the legitimacy of Chile's current constitution, penned under dictator Augusto Pinochet and ratified in a sham referendum in 1980. Demonstrations during the 2019 social uprising powerfully highlighted how Chile's constitution was impeding social reforms (Heiss 2020).

Legislators seemed convinced in 2020 that traditional political elites could not be the sole authors of a new constitution (Piscopo and Siavelis 2021). Civil society, academics, and lawmakers tended to view a trio of measures—low barriers to electing political independents, reserved seats for Indigenous groups, and gender parity—as tools to enhance public perceptions of the legitimacy of the 2021–22 process (Suárez-Cao 2021). A Cadem poll from December 18–20, 2019, showed that a whopping 88% of respondents wanted the convention to feature independents; 89% agreed that it should have reserved seats for Indigenous groups, and 92% thought that the constitutional convention should have “equal representation of men and women.” Thus, legislators concerned with public perceptions of the legitimacy of the constitutional process agreed to electoral mechanisms that enabled the unprecedented entry of independents, Indigenous groups, and women in 2021.

Two days after the draft's defeat in the referendum, President Gabriel Boric convened all political parties represented in Congress to explore “how to continue with the constitutional process.” Maintaining an aura of legitimacy remained a dominant concern for legislators.<sup>2</sup> Three months of negotiations culminated in the Agreement for Chile, which maintained gender parity but restricted independents' electoral possibilities and omitted a priori reserved seats for Indigenous groups.<sup>3</sup> In stark contrast to the “blank slate” approach of the previous attempt, this agreement outlined 12 constitutional bases and established three bodies to write the new draft. First, a popularly elected Constitutional Council was to have 50 members, far fewer than the 155 delegates of the previous convention. The second body, an Expert Commission, comprised 24 experts designated by Congress. The third organ, the Admissibility Technical Committee, was made up of 14 jurists responsible for resolving disputes. Each

of these entities was mandated to have an equal number of men and women.

Thus, party elites designed a system in which party-appointed experts would theoretically moderate citizens' more

21–25, 2023). However, our interviews collectively suggest that legislators viewed requirements for an equal presence of men and women constituents as a tool to convey legitimacy. A male leader in the negotiation of the Agreement for Chile told us:

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extreme views, such as impulses to reinvent the entire political system. Experts were instructed to produce a draft text that operated within the boundaries established by the 12 constitutional bases and provided mechanisms for minorities to block proposals approved in committees from reaching the floor.

#### LEGISLATORS' PERCEPTIONS OF GENDER PARITY AS A LEGITIMIZING TOOL

Why, then, did legislators deem parity to convey an aura of legitimacy to this fresh round of constitution writing? We show how party leaders, after they regained their monopoly on power over the constitutional process in the postrejection climate, had incentives to strategically use gender parity to signal legitimacy. The idea that deliberative bodies should feature an equal number of men and women arguably gained traction among elites after the 2018 resurgence of Chile's feminist movement.<sup>4</sup> National media figures wrote columns and spoke out on news programs in favor of gender parity (Escobar 2022). Political leaders from the Left and the Right responded to the wave of feminist protests by publicly embracing diverse feminist ideologies and promoting gender-oriented reforms (Reyes-Housholder and Roque 2019). Adherence to parity as an ideological principle has remained strong among Chile's progressive sectors; thus, it is the staunch support of conservative women leaders that remains key to understanding its resilience.

Polls conducted in the months prior to the 2022 referendum showed that Chileans would likely reject the convention's draft. Anticipating this outcome, a group of women legislators, mayors, and former ministers from the conservative Chile Vamos coalition wrote an open letter titled “Committed to Parity: Never again without Us Women” (Vargas 2022). They promised to defend gender parity in a new constitutional process should Chileans reject the draft. “Promoting the participation of women in all areas of society is not a political position; it is common sense,” the letter read. One woman senator from the Right described her support for parity and her sector's crucial role in its resilience: “I have always been in favor of parity. If we, many women and men from our sector, had not been (in favor), parity in the Constitutional Council (of 2023) would never have happened” (personal interview #2 April 25, 2023). Here the woman senator suggests that conservatives deserved credit for ensuring the survival of gender parity.

There are various reasons why individual lawmakers supported gender parity in 2023 (personal interviews #1–3, April

I believe that gender parity is here to stay, given that it fosters significant citizen support and is fundamental to achieving full gender equality. Additionally, it plays a crucial role in establishing the legitimacy of origin, ensuring that the perspectives of both genders are embedded in public decisions. This is particularly vital in the constituent decision, which is the bedrock of all laws and norms that govern our coexistence and political system (personal interview #1).

These words link perceptions of the legitimacy of Chile's constitutional process, responsible for draft a replacement for the illegitimate 1980 constitution, with gender parity. “It is related to the legitimacy of origin and with the perspectives of men and women enshrined in public decisions,” he added. Conservative male politicians in Chile in 2022, such as former minister Jaime Belloio, also expressed support for gender parity by evoking its usefulness in modernizing the country. Just a few days before the September 2022 rejection of the draft, he previewed how the Right would continue to accept parity in a new constitutional process: “It is a civilizing advance that has to be maintained,” he said on national television (Matamala 2022). The term “civilizing” suggests that this leader viewed the promotion of women leaders as aligned with Chile's cultural development goals.

Senator Ximena Rincón, a leader of the Rejection campaign, expressed her support for parity two days after the draft's defeat at the polls. She explained in a personal interview in April 2023 how she sensed broad citizen support for gender parity, even after *rechazo's* victory. Her responses also suggested that parity could help fuel socioeconomic and cultural advancements:

The citizenry has perceived the contribution that we women make to the political debate and the definition of public policy. (It is) the same as in the private world. I have confirmed this in many people, in all social strata. And some studies also say it. To achieve a better standard, societies require different visions, and in Chile, that has been acknowledged, fortunately.

The staging of the Agreement for Chile announcement resulted in a backlash. The national media featured a photo of three male politicians—Senate president Álvaro Elizalde, Chamber of Deputies president Vlado Mirosevic, and former Chamber of Deputies president Raúl Soto—holding up the Agreement for Chile. Although the agreement did include gender parity, some scrutinized the optics of the photo. CNN journalist Mónica Rincón tweeted this about *Las Últimas*

*Noticias's* front page: "Three problems with this front page. That the medium only asked men. That in the photo there are only men, without the women who negotiated. And that the three powers of the State are headed by men (the legislative in both its chambers). Is the importance of parity understood? (Rincón, Mónica. Twitter post. @tv\_monica December 13, 2022. [https://twitter.com/tv\\_monica/status/1602667761725046785](https://twitter.com/tv_monica/status/1602667761725046785)). This backlash showed the potential for criticism if legislators did not implement parity commitments. Only a constitutional process characterized by parity would be viewed as worthwhile.

We argue that legislators' calculations that parity offered a low-cost option to foster perceptions of legitimacy help explain its resilience. Neither political elites, observers, nor the citizenry identified parity as the cause or even a contributing factor to the failure of the 2022 constitutional draft; they singled out other aspects of that process as causing the popular rejection. Party elites doubted the efficacy of past efforts to bolster the legitimacy of the constitutional process by opening the door for party-less constituent candidates. Scholarly interpretations that excessive citizen participation, the oversized influence of independents, and the public writing process led to the rejection of the draft supported the decision to opt for an elite-centered approach to the 2023 constitution-writing. In particular, the absence of political parties in articulating and channeling constitutional discussions because of the dominance of "party-less independents" was cited as one of the main reasons for the referendum result (Larrain, Negretto, and Voigt 2023).

Lawmakers also analyzed multiple national polls, which suggested that parity was not a liability in the upcoming attempt to rewrite the constitution. Surveys from the Centro de Estudios Públicos showed that the main reasons why Chileans rejected the 2022 draft constitution were the way the constitutional delegates worked (31%), its divisive nature (26%), and the plurinational state (14%). Women's rights were ranked low on the list of reasons; only 5% saw it as significant (Centro de Estudios Públicos 2022).

A Cadem poll conducted from September 13–15, 2022, asked respondents whether they agreed or disagreed with a strong gender parity statement; it found that 45% "prefer that gender parity be required for all positions in state organisms," versus 55%, who said, "I prefer that gender parity not be obligated for all positions in state organisms." The phrasing of the statement means that these answers could reflect a range of opinions concerning parity, from support for parity in elected positions to outright rejection. Despite this ambiguity, other results concerning support for plurinationality, a major demand from Indigenous constituents, suggest it has far less support: only 24% agreed with this statement: "It is preferable to declare Chile as a Plurinational State, where in the same State different nations live in the same territory." Finally, a *Tu Influyes* poll from December 2022 showed that 59% of Chileans supported the idea that "all the organs (experts, elected and committee) feature parity," whereas just 29% did not support the idea and 12% did not know. Public opinion polls helped inform legislators about which features of the 2021–22 process to maintain and which to modify.

Legislators, according to these indicators, had reason to view parity as a popular feature of the next constitutional process. One woman senator from the Right summarized public support for parity in the 2023 constitutional process: "Without a doubt, in the process [parity] was well-evaluated in a historic instance whose mandate was to write a new Constitution that had to be half men and half women. That was valued" (personal interview #2). To sum up, legislators tended to view gender parity as beneficial in conferring legitimacy and feared public disapproval for not maintaining gender parity. At the same time, gender parity was relatively low cost: unlike reserved seats and independent lists, gender parity applied within party lists; therefore, it was less threatening party leaders' control.

## CONCLUSIONS AND LESSONS

We argue here that Chilean legislators maintained gender parity at least in part because they viewed it as a low-cost instrument to legitimize the new elite-controlled constitutional process. Put differently, lawmakers reasoned that the public would prefer a set of constitution writers composed of an equal number of women and men to a majority-male set of writers. Counterfactual thinking further clarifies our argument: had public opinion and the media not reinforced the link between parity and legitimacy, then legislators likely would have scraped this innovation from the failed convention.

We are not asserting that all politicians who voted for gender parity did so for insincere reasons: some legislators' feminist declarations could be genuine. We instead contend that legislators' awareness of how parity could enhance public support for a precarious constitutional process influenced their decision making. The shared elite idea that parity could enhance legitimacy helps explain why legislators approved gender parity for the 2023 process much more quickly than they had in 2020.

Our interpretation of the Chilean case aligns with previous comparative scholarship, which has often portrayed national legislators as strategically calculating costs and benefits when deciding whether to back gender quotas (Piscopo 2016; Towns 2012). This article reveals how decision makers perceived there to be legitimacy-based incentives to adopt parity during an extraordinary constitutional moment.

Chile's recent experiences raise concerns about gender-washing. For example, its Expert Commission, comprised equally of men and women designated by political parties, included weak gender parity norms in the new constitutional draft. Constitutional delegates, at the time of this article's writing, aim to dismantle the few gender equality provisions advanced by the Expert Commission and further restrict women's rights. Future research on the Chilean case should examine the strategic uses of women's descriptive representation to the detriment of women's substantive interests.

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### CONFLICTS OF INTEREST

The authors declare no ethical issues or conflicts of interest in this research. ■

### NOTES

1. The second and third authors served as “feminist critical friends” (Chappell and Mackay 2021) during debates over the novel gender parity mechanisms from November 2019–March 2020, as well as during the speedy approval for parity from December 26–28, 2022. We received approval from the Ethics Committee of the Pontifical Catholic University of Chile to conduct interviews with legislators in April 2023 (#220504011).
2. Endemic political problems further moved legislators to worry about citizens’ perceptions of legitimacy. Polls have shown that Chileans lack trust in the main actors behind the agreement, namely political parties and Congress. The latest CEP survey conducted between November and December 2022 reported that only 4% of respondents have a lot or some trust in political parties, whereas only 8% have a lot or some trust in Congress (Centro de Estudios Públicos 2022). Moreover, survey data gathered immediately after the launch of the new constitutional process reveal that only 18% viewed the agreement positively (Criteria 2023).
3. Fewer indigenous groups participated in the 2023 than in the 2021 constituent elections.
4. The far-right Partido Republicano rejects gender parity, which is also contested by a handful of centrist conservatives. For example, Andrés Longton, a deputy from the mainstream Right, stated that “permanently establishing parity produces a distortion and affects basic principles of democracy” (Mellado 2023).

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