



"A Tale of Two Latin American Congresses. Towards a Comparative Study of Institutionalization and Effectiveness"

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Abstract:

This paper is concerned with the characteristics, determinants and consequences of varying levels of congressional institutionalization. Our work can be traced back to the early work on congressional institutionalization done by Polsby (1968), which is complemented here by the game-theoretic notion that institutionalization is an equilibrium outcome that emerges from the beliefs and investments made by relevant political actors. The paper explores key characteristics and trends surrounding legislative careers and congressional assets such as organization and resources. It does so to uncover the effects of different belief systems and investment dynamics on levels of institutionalization and, ultimately, on policy outcomes. We approach our puzzle by analyzing two close yet contrasting cases: Argentina and Chile, which possess stark differences on many policy and institutional dimensions, despite relatively similar constitutional settings.

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I. INTRODUCTION

Congresses play a key role in policymaking, yet their role varies greatly across countries. In part determined by constitutions, their role is also linked, importantly, to other characteristics of congresses: how they are organized, how much legislators work, how professionalized legislators' jobs become, how long legislators remain in congress, how effective they are at their job. These traits help explain the quality of policy emerging in different countries. This paper argues that distinct configurations of specific congressional traits are indicators of levels of congressional institutionalization and lead to different outcomes in terms of the quality of policies.

Argentina and Chile provide very contrasting cases in terms of the stability, credibility, consistency, and technicality embedded in their public policies. In an aggregate index of quality of policies across 70 countries, constructed by the Inter-American Development Bank (IDB 2005, Stein and Tommasi 2007), Chile appears within the group of countries with relatively high quality –well ahead of its Latin American peers. Argentina, by contrast, is one of the countries at the bottom end, among those ranking lowest in terms of the quality of policies.

This assessment is buttressed by various comparative policy studies within Latin America. For instance, in a multi-country study of the design and implementation of reforms in public utilities, Bergara and Pereyra (2005) characterized the Argentine case as one of “institutional weakness and volatile results”, and the Chilean case as one of “institutional consistency and stable results.” Bergman (2003) claims that “Chile was able to enhance better tax compliance because it has implemented a permanent, stable and rational policy that allowed for the development of an effective tax administration – a process never fully accomplished in Argentina.” Tokatlian and Merke (2011) show the volatility of foreign policy in Argentina, which according to them is more dependent on the perceptual map of the executive of the day than on any long-term State decision undertaken in an exchange arena such as Congress. Aggarwal, Espach and Tulchin (2004) compare commercial policy in Argentina, Brasil, Chile, and Mexico, and argue that Argentina is the only country that does not have a commercial strategy because neither the State nor the private sector can resolve the differences among the actors.

Pension policy illustrates the contrast between both countries. In Argentina, reforms represented a pendulum swing from a national pay-as-you-go system, to privatization and the creation of individual accounts, then back to a nationalized pay-as-you-go scheme. All the while, some of the key problems of the system remain unsolved. On the other hand Chile is regarded as a case of gradual adjustment following deliberation and consensus building, with progress made in correcting the specific problems posed by the system. Rofman, Fajnzylber and Herrera (2008) provide an interesting contrast between pension policymaking in Argentina and Chile. They claim that “in recent years authorities in both countries coincided on identifying insufficient

coverage among the elderly and adequacy of benefits as the most critical problems. The authors argue that as a result of differences in the political economy and the institutional constraints in each country, responses were different. In Chile, a long and participatory process resulted in a large reform that focuses on medium-term impacts through a carefully calibrated adjustment. In Argentina, instead, reforms were adopted through a large number of successive normative corrections, with little public debate about their implications, and immediate impacts on coverage and fiscal demands.” (2008:1). Perhaps the most shocking evidence of the peculiar policymaking style of Argentina is provided by the unprecedented swing from wholesale privatization in the 1990s to re-nationalization in the 2000s.

Overall, Chilean policies seem to enjoy more of the characteristics that lend themselves to higher quality policy. These superior properties of Chilean over Argentine policies are not restricted to stability, but also to the capacity to adjust policies to changing circumstances and new information, the capacity to enforce, the quality of implementation, the coordination and coherence across policy areas and across functional units operating over the same socioeconomic issues, and other efficiency properties.¹ Argentine policies are characterized by wide swings, often forced by an overbearing Executive, with little consultation with society in general, and with Congress and the opposition in particular

Even though the workings and institutionalization of various political arenas are interrelated issues that influence one another, this paper focuses on the legislature, a central institution in the development of consistent and high quality public policies, and the most natural one for the consensual development of effective long term policies.²

The paper provides an in depth comparison of the National Congresses of Argentina and Chile since the return to democracy in 1983 and 1990 respectively. It suggests that the two countries have followed different paths in terms of congressional institutionalization and regarding the involvement of the legislature in the policy process.³

In this paper we draw from the organizational notion of institutionalization developed by Polsby and followers, and complement it with a game theoretic approach (drawn from Scartascini and Tommasi 2012), which views institutionalization as the result of actions and investments that

¹ This does not imply that there are not tensions surrounding specific policy areas in Chile. Recently, education policy has emerged as an area where gradual reforms have been perceived as inadequate, leading to turmoil on the streets. While we acknowledge the complexity surrounding specific policy areas, in the broader scope of things the characterization distinguishing Chile and Argentina seems to hold, and is worth uncovering its determinants.

² See Spiller and Tommasi (2007), Stein, Spiller and Tommasi (2003), and Scartascini and Tommasi (2012b) for arguments and references on this regard.

³ This paper complements previous work: Palanza et al (2012) present indicators of congressional institutionalization across a large number of countries and provide evidence that indicates that congressional institutionalization has important effects on the qualities of public policies and on economic and social outcomes.

actors undertake over time. These actions and investments, in turn, depend on what actors believe about the beliefs and actions of other players.

A game-theoretic equilibrium is a consistent and self-confirming configuration of actions and beliefs. Applying this abstract logic to Congress, we view its level of institutionalization as the outcome of investments undertaken by various relevant political actors, which in turn depend on beliefs regarding the relevance of this arena.

If Congress is considered a key arena for the political and policymaking game, the place where political careers are made, and the arena where the main policy negotiations and decisions are made, actors have the incentive to (individually and collectively) invest in Congress. But it turns out that these very investments, over time, are likely to make Congress such a place, so that the logic is self-fulfilling. On the contrary, if Congress is undervalued, most people imagine that the President will side-step Congress, aspiring politicians see other career moves more desirable than being a legislator, investments in Congress are not undertaken, and its weakness is reinforced.

The objective of this paper is twofold. First, it provides a basis to assess congressional institutionalization by bringing together our understanding of the role of the interdependent nature of beliefs and behavior in producing institutional configurations, Polsby's organizational understanding of institutional assets, and Alemán's (2010) notion of effectiveness as competence. Second, it traces some of the dynamics and investments which this combined approach suggests to be at the heart of congressional institutionalization. This enables us to illustrate key differences between legislatures in two countries of apparently similar constitutional settings: both presidential, both conveying strong legislative prerogatives upon the president. In carrying out the empirical task, we assemble a wealth of evidence accumulated over several decades of legislative studies on Latin America.

The paper is organized as follows. We start by presenting theoretical guidance regarding the main components affecting congressional institutionalization. Next, we zero-in on Argentina and Chile, providing detailed information on the characteristics associated with congressional strength and institutionalization (i.e., characteristics of legislators and of the organization of congress). We also place each legislature within the broader political context of each country. After providing that archeological description, the paper moves into a more speculative vein, relating to a more ambitious agenda of institutional analysis, providing some theoretical speculations about the dynamic interrelation between various of the aspects described, as well as about the potential circumstantial and deep roots of the divergence. We close the paper pointing to the agenda ahead.

II. ON INSTITUTIONALIZATION AND EFFECTIVENESS

Institutions and levels of institutionalization, affecting how different polities function, are key determinants of countries' outcomes, be they political, social or economic. In line with this assumption, prior work has analyzed how institutions and the incentives they put in place shape differences across countries in Latin America. A vast literature has looked into specific aspects of the legislative process, and the understanding of how legislative institutions work in Latin American countries has taken great strides in the past decades.

Why legislative institutions operate differently across countries, however, is still an unsettled matter. Prevalent explanations tend to link differences to constitutional determinants or to the electoral system, an understanding this paper shares. Yet the puzzle remains, as electoral and constitutional rules can only go so far in explaining legislative (policymaking) performance.

This section provides theoretical guidelines to understand why institutions (legislatures) may develop along different paths, with consequences for the way they perform. Our approach emphasizes actors' beliefs about their role, and their beliefs about what other actors believe about their role and actions. These beliefs, we argue, affect legislators' behavior in the legislative arena, the investments they make, as well as other actors' behavior and investments. Also, these beliefs are one point of connection between Congress as an organization with its role in the broader political scenario.

While tracing actors' beliefs (perceptions) empirically is not an easy task, these can oftentimes be inferred from elite surveys and opinion polls. We can also infer beliefs from iterated practices. There is, no doubt, a feedback effect from accomplishments to beliefs, to future behavior. Rules, vis à vis preferences, are perhaps the most often cited determinants of beliefs and behavior. While we intend not to ignore rules when explaining different paths of institutional development, variations are best explained by the feedback effect of actions (investments or lack thereof) only remotely set off by institutional determinants (rules).

Our work builds on valuable previous contributions, both theoretically and empirically. In what follows we highlight the approach to congressional institutionalization presented by Polsby (1968) and followers, and integrate them with our notions emphasizing beliefs and investment, drawing also from effectiveness metrics from recent work by Alemán (2011).

Early work done by Polsby (1968) brings an organizational perspective to bear on congressional institutionalization. Motivated by the development of the US House of Representatives between the late 1780s and the 1960s from a lackluster institution dominated by external forces, into a highly institutionalized organization with the capacity to live up to its constitutional role, Polsby specifies three dimensions along which institutionalization takes form. His seminal paper

identifies (a) the establishment of boundaries, (b) the growth of internal complexity, and (c) the transition to non-discretionary decision making as such dimensions, and provides indicators of each dimension.

Polsby's dimensions fit nicely with the account outlined above regarding beliefs and behavior. The development along the dimensions singled out by Polsby takes place, in our view, as a result of individual and collective investments set forth by what legislators and other relevant actors believe to be true and expect of the legislature. Boundaries are established, internal complexity grows, and decisions are made in a non-discretionary fashion when actors' perceptions provide incentives to make the necessary investments. Clearly, reinforcing dynamics may be set off that facilitate developments along different paths.

The *establishment of boundaries* is the process that leads to the differentiation of an organization from its environment. In Polsby's (1968) analysis regarding the US Congress, it refers to the channeling of career opportunities for congressional members. He points out that in a differentiated organization, leaders do not enter and exit frequently, and lateral entry from outside to positions of leadership is rare. As an organization institutionalizes, membership becomes stable, turnover diminishes, and entry becomes more difficult. In parallel, members professionalize and persist, such that recruitment to leadership occurs from within. Reelection rates and tenure, percentage of first term members, tenure before selection to leadership positions, and the emergence of careers specialized to congressional leadership, are indicators of the establishment of boundaries that separate, stabilize, and congeal the congressional role within the broader institutional environment.

In Polsby's work, the *growth of internal complexity* of a legislature implies a greater capacity to carry out the tasks and objectives associated to its main role. The internal organization of congress, later authors have argued, serves congress members to better carry out their goals –be they informational, distributional, or partisan (Cox and McCubbins 1993, Krehbiel 1992, Weingast 1984 and 1987). Polsby (1968:153) identifies aspects related to the organization of the committee system, along with the development of specialized agents of party leadership, and provision of emoluments and auxiliary aids to members of congress, as indicators of internal complexity.

The transition to non-discretionary decision making within congress refers to the move away from influence exerted by external forces (parties, interest groups, the executive) to the establishment of objective, internally inspired norms to regulate the organization's affairs: assignment to committee membership and leadership, among others.

In a similar vein, Alemán (2011) seeks to assess the role of congresses across countries, and brings attention to traits similar to those highlighted by Polsby (1968). Alemán points to

legislative effectiveness as one of the two central goals sought by legislatures.⁴ He interprets effectiveness “to mean competence regarding the fulfillment of its constitutional role, usually regarding lawmaking and oversight” (Alemán 2011:2). His work identifies three separate approaches for evaluating legislatures: (a) perception based, (b) competence based, and (c) output-based. Alemán assesses competence by analyzing congressional professionalization and careerism, which brings him to look at the same indicators Polsby identifies with the establishment of boundaries and the growth of internal complexity. The assessment of outputs, absent in Polsby’s work, provides indirect measures that may enable comparisons with congresses over time.

Indicators of Congressional institutionalization

We argue here that the development of legislatures along different paths of performance, while due in part to basic institutional settings, it is also due to actors’ beliefs acting interdependently, which promote or discourage investments in organization and resources such that legislatures may thrive or deteriorate.

The emphasis in this paper is placed on indicators of competence, resources and organization, which we believe to be aligned with congressional institutionalization. Here we outline the dimensions that we take to be key in configuring diverging paths taken by legislatures, and provide an argument as to why these indicators correlate with different outcomes in terms of congressional institutionalization.

Perceptions

We have argued that perceptions emerge as a response to past performance, but also reinforce patterns looking forward. In this view, the level of congressional institutionalization is the outcome of investments by various relevant political actors, investments that will be forthcoming only if these actors believe that Congress is a relevant arena for politics and for policymaking.

Perception-based indicators include opinion polls, as well as elite and expert surveys. Each of these has its limitations and is prone to bias. On one hand, the opinions of average citizens are less likely to be informed by the inner workings of congress (and more likely to be based on particular political context and policy outcomes). On the other, elite surveys may suffer from a different source of bias, which in turn will depend on the position of those interviewed (legislators, business people, others) with regards to policy stances taken by the legislature under scrutiny. Imperfect as they may be, perceptions reflect an important aspect of our subject of study. Furthermore, opinions are the best available empirical proxy for the notion of “beliefs” that is central to our view of institutionalization. The actors whose perceptions we will consider

⁴ The other goal that Alemán (2011) singles out is representativeness, which we do not take into account here as it is not directly in line with the purpose of this paper.

are business actors (with the added advantage that there are widely available international comparisons of their opinions), the general public, and legislators themselves.

Legislators, their Careers, and Professionalization

Legislative careers are the result of a process that begins with the selection of certain types of individuals to congress, the institutional/partisan constraints faced both in their initial selection as well as in decisions to remain in congress for additional terms, and the destinations of legislators once they leave Congress. Legislative careers provide valuable information regarding how bounded an organization is with respect to its environment, as suggested by Polsby (1968). An institution that is well bounded draws its members mainly from within and distinguishes itself clearly from other locus of political performance.

Legislative careers provide a natural point of entry for the study of congressional institutionalization (Hibbing, 1999). Legislative professionalization and career development (i.e. the retention of legislators) has been a central theme in U.S. centered Congressional studies. In the words of Hibbing “...individual congressional careers simply cannot be separated from the study of the institution. Careers are shaped by the institutional context just as they in turn feed back into that context.” (1991: 22).

Tenure and reelection rates inform us about the degree to which congress has become a place to build a political career. Term length is thought to influence legislative behavior, as longer tenures provide legislators with stronger incentives to invest in their capabilities.⁵ Also, Congresses in which the same legislators interact repeatedly over time are more likely to develop norms of cooperation that facilitate effective policymaking. On the other hand, the fact that legislators stay longer is an outcome measure that reflects the relevance of Congress as a policy arena and as a place to develop political careers.

Beyond tenure and seniority information, we also pay attention to other characteristics of legislators’ background and career that also reflect “investments in Congress” and professionalization, including time the legislature is in session, education and income.⁶

Congressional Leadership

We follow Polsby (1968) in assuming that congresses that are well bounded from their environment will tend to select their leaders from within, that is, more experienced or resourceful

⁵ Using a natural experiment on the first cohort of Argentine legislatures after re-democratization, Dal Bo and Rossi (2011) show that short tenures discourage legislative effort due to an investment logic: when effort gives returns over multiple periods, longer tenures yield a higher chance of capturing those returns.

⁶ Unfortunately we do not have such rich a data set so as to reproduce the illuminating work of Diermeier, Keane and Merlo on the U.S. Congress, where they use income, education, and other observable characteristics of legislators to make inferences about their unobserved abilities as lawmakers.

legislators will be chosen to leadership positions as opposed to legislators that are known for their linkages to the executive or to partisan leadership more broadly, but that lack experience inside congress. If congresses select their leaders from outside, one expects that the institution might lack adequate levels of differentiation from its environment, allowing partisan or other considerations to intervene in its management. Well-bounded congresses may be less acquiescent in the face of influential executives, as well as have more incentive to develop its own internal capabilities.

Internal Complexity, Specialization, and the Committee System

It is generally assumed that the technical capacity of a congress is related to the way in which it structures its work around the specialized committee system. An organized committee system allows for division of labor that is necessary given the demands placed upon members and the complex issues facing government (Polsby 1968, Squire 1992, Crisp et al 2009). There is some consensus about the conditions that are necessary for legislative committees to work effectively, so that they can increase the technical capacity of Parliament in the legislative process and in the supervision of the administration (Llanos and Nolte 2006).

These conditions include:

- A. The number of committees to which legislators are assigned, since too many committees vie for legislators' time and attention.⁷ In terms of the legislature's role in the policy-making process, a system with too many committees may overextend legislators and create duplication of their work, becoming an obstacle to the acquisition of specialized knowledge, and hindering competent performance.
- B. Other conditions include the size of committees in terms of membership (in order to facilitate the work and participation of individual legislators), that their areas of incumbency correspond to the jurisdiction of main executive offices, and that they have adequate staffing of technical advisors.
- C. We also look at measures of the importance of committee work for congressional careers and for lawmaking.

On Material Resources (and the Congressional Budget)

Polsby (1968) and the literature on the professionalization of legislatures, highlight the evolution of material resources available to congresses for their diverse needs. We provide some rough indicators of the quantity and quality of some of the inputs available to legislators.

⁷ Note that Polsby (1968) correctly notes that the sheer number of committees is not in itself a good indicator of internal complexity, yet it is a good place to start.

One natural aggregate measure of such resources could be the congressional budget, since it affects a range of issues, from legislators' salaries to resources for technical and administrative support. Polsby (1968) suggests that the level of expenditures made by congress is an indicator of internal complexity, growth in expenditures implying higher levels of internal complexity. Cross-national studies of the professionalization of parliaments (Z'graggen and Linder, 2004) have used indicators such as spending in other items than legislators' salaries. Beyond difficulties accessing, interpreting, and comparing legislative budget data, we have decided not to include it in this analysis because, in line with Llanos and Nolte (2006), it is questionable whether such methodology is applicable to Latin America. It does not seem very trustworthy to use spending figures as proxies for professionalization, since the risks of mismanagement of funds and outright corruption is always present in this context.⁸

Lawmaking Outputs

It is common to analyze the number of bills presented by legislators as an indicator of legislative effectiveness or productivity. As explained in Aleman (2011), "output based" indicators include bill production, but also other, more informative, indicators. Yet, as Aleman points out, there are problems with using these measures to evaluate effectiveness across countries. To begin with, it is not clear that a greater number of bills is indicative of more effective participation in lawmaking. While it can make sense from an electoral standpoint, initiating a large number of bills that are unlikely to pass can hardly be considered a sign of greater institutional effectiveness.⁹ The number of actual laws might be a better measure, but there are many country specific legal details that distort the possibility of cross national comparisons. One commonly used proxy for efficiency is the success rate (i.e., *batting average*) of bills introduced (Hibbing 1991, Squire 1998, Aleman 2011). Success rates are supposed to capture the ability of legislators to accomplish policy outputs.

In one of very few cross-national studies that provide comparable information on law production, Saeigh (2011) compares Argentina, Chile, Ecuador, and Uruguay, showing that Chilean deputies introduced fewer bills than their counterparts in the other three countries, while Argentine deputies introduced by far the largest quantity. The number of bills introduced per year per deputy in Argentina is 4.5 times that of Chile. The difference is less significant when looking at

⁸ Recent events in Argentina seem to point in this direction. According to press reports (based on CADAL 2012), the number of Senate employees increased 25% in a little over a year, since the inauguration of the new Vice-President of the country and President of the Senate (Amado Boudou). The reports suggest that most of these new positions went to members of "La Cámpora", a political group linked to Boudou and to the son of President Cristina Fernandez. The overall budget of the Argentine Congress has increased 871% (three times more than the cost of living) from 2004 and 2011 (CADAL 2012). While we lack evidence to formally test the claim, it seems difficult to argue that this important budget increase is related to investments that will strengthen the policymaking capabilities of the Argentine Congress.

⁹ As a matter of fact, Miccozzi (2009) finds that an important number of bills introduced by Argentine legislators, even though many of them do not pass, serve the purpose of signaling local constituencies for their post-congressional careers.

the number of bills passed per year, but Chile still exhibits the lowest number of the four countries. According to Aleman (2011), it is intriguing that looking at the share of total bills passed that originate in congress, the two congresses usually considered rather ineffective by most other measures – the Argentine and Ecuadorean ones – exhibit a much higher share than the two congresses usually considered rather effective – the Chilean and Uruguayan ones. Saiegh’s (2011) results also show that approval rates for all congressional bills introduced (i.e., success rates) are higher in Chile and Uruguay than in Argentina and Ecuador.

III. COMPARING THE ARGENTINE AND CHILEAN CONGRESS

In this section we provide a comparison of these two congresses. For reasons of brevity and data availability, the comparison is centered largely on Lower Chambers, with occasional reference to the Senate when secondary sources permit.

We begin with a summary comparison to place the two parliaments under study in a regional comparative context of 18 Latin American cases, before proceeding to present more detailed empirical indicators of the categories just described for the two countries.¹⁰

Over the course of earlier studies of policymaking in Latin America we have developed, in collaboration with other scholars, some rough indicators of characteristics of Latin American legislatures and legislators, which can be used as proxies for the idea of institutionalization. Following our theoretical notions, these variables attempt to capture investments (organization, education, resources), as well as appreciation by various actors. Table III.1 summarizes these indicators, which combine objective and subjective data from different sources. The first columns focus on characteristics of the legislators that are likely to influence their capability to constructively and effectively participate in policymaking. Later columns put the focus on some aspects of the institutional structure of the legislature which also affect such capabilities. The last columns reflect the extent to which Congress is appreciated by elites and by the general public. These variables were developed in number of comparative policymaking studies referred in Palanza et al (2012). We briefly explain each of the variables, some of which are discussed in more detail in what follows.¹¹

¹⁰ In the Appendix we provide some basic information on the two political systems.

¹¹ We provide detailed information on the variables in the Appendix of Palanza et al (2012).

Table III.1. The Institutionalization of Latin American Legislatures

Country	Technical Expertise	Percentage of Legislators with University Education	Average Experience of Legislators (Years)	Average Number of Committee Memberships per Legislator	Strength of Committees	Place to Build Career	Effectiveness of Lawmaking Bodies, Avg. 2002-2012	Confidence in Congress, Avg. 1996-2010	Index of Congress Institutionalization
Argentina	Low	69,6	2,9	4,5	Medium	Low	1,9	24,1	1,5
Bolivia	Medium	78,4	3,3	1,7	Medium	Medium	2,1	24,1	1,5
Brazil	High	54,0	5,5	0,9	Medium	High	2,6	28,1	1,8
Chile	High	79,4	8,0	2,0	High	High	3,8	35,8	2,3
Colombia	Medium	91,6	4,0	0,9	High	High	2,8	24,8	1,8
Costa Rica	Low	80,4	2,6	2,1	High	Medium	2,3	32,9	1,6
Dominican Rep.	Low	49,6	3,1	3,5	Low	High	2,4	40,1*	1,5
Ecuador	Low	83,1	3,5	1,3	High	Medium	1,7	15,5	1,5
El Salvador	Low	64,0	3,9	2,4	Medium	High	2,4	29,8	1,6
Guatemala	Low	68,4	3,2	3,2	Low	Medium	1,9	20,9	1,3
Honduras	Low	73,1	3,0	2,3	Low	Low	3,0	32,9	1,3
Mexico	Medium	89,5	1,9	2,4	High	Medium	2,3	29,3	1,7
Nicaragua	Medium	85,6	3,5	2,0	Low	Medium	1,9	22,7	1,4
Panama	Low	81,3	5,8	1,9	Medium	High	2,3	23,6	1,7
Paraguay	Low	75,4	5,5	3,2	Low	High	1,9	25,8	1,6
Peru	Low	92,9	5,2	2,4	Low	Low	2,0	19,6	1,3
Uruguay	Low	68,4	8,8	1,0	High	High	3,1	46,1	1,9
Venezuela	Low	74,6	4,9	1,0	Medium	Medium	1,6	37,0	1,4

Sources: IDB (2005) and Saiegh (2010) updated by the authors from Latinobarometer (1996-2010) and World Economic Forum (2002-2012)

Technical expertise is a qualitative assessment on the technical expertise of legislators by Saiegh (2005), based on results from the “Proyecto de Elites Latinoamericanas” (PELA) from the University of Salamanca and from the country studies of the Political Institutions, Policymaking Processes and Policy Outcomes project (PMP) of the Inter-American Development Bank Research network. *Percentage of Legislators with University Education* captures legislators’ levels of human capital, which are likely to affect the capacity of the legislature for analyzing and resolving problems. The measure of *Experience of Legislators* looks at the number of years legislators remain in office in average. Term length is thought to influence legislative behavior, as longer tenures provide legislators with stronger incentives to invest in their capabilities. Also, Congresses in which the same legislators interact repeatedly over time are more likely to develop norms of cooperation that facilitate effective policymaking. On the other hand, the fact that legislators stay longer is an outcome measure that reflects the relevance of Congress as a policy arena and as a place to develop political careers.

The legislature’s ability to effectively participate in policymaking is affected by its organizational characteristics. Given the unwieldy size and lack of specialization of the full congress, if legislatures are to play an active role they must find ways to develop specialized knowledge. The most common way to provide for such specialization is through the system of committees. Committee membership enables members to develop specialized knowledge of the matters under their jurisdiction. If legislators belong to too many committees, that limits their ability to concentrate efforts and develop specialized knowledge. The measure *Average Number of Committees per Legislator* attempts to measure the degree of specialization of legislative

committees, and thus their effectiveness. This is complemented by the subjective variable *Committee Strength* developed by Saiegh (2005) from PELA and the IDB-led –PMP- project (IADB 2005, and Stein et al. 2008).

The last three columns, from different sources, attempt to capture the degree to which the Legislature is an institution valued by politicians themselves, economic elites, and citizens in general. The variable *Place to Build a Career* (by Saiegh from PELA and PMP) attempts to capture the degree to which legislators themselves value their stance in Congress as an important position in their political careers. *Effectiveness of Lawmaking Bodies* is constructed from data collected by the World Economic Forum on the basis of the following question to business executives: How effective is your national parliament/congress as a lawmaking and oversight institution? *Confidence in Congress* was constructed as a multiyear average percent of (general public) respondents in the Latinobarometer survey that stated that they had much or some confidence in congress. Putting emphasis on these attitudinal variables comes from our game theoretic notion of institutionalization with emphasis on beliefs as determinants of equilibrium behavior, and is consistent with a similar emphasis in the pioneer comparative work of Mezey (1979) who suggested using indicators of support for the legislature in measuring congressional institutionalization.

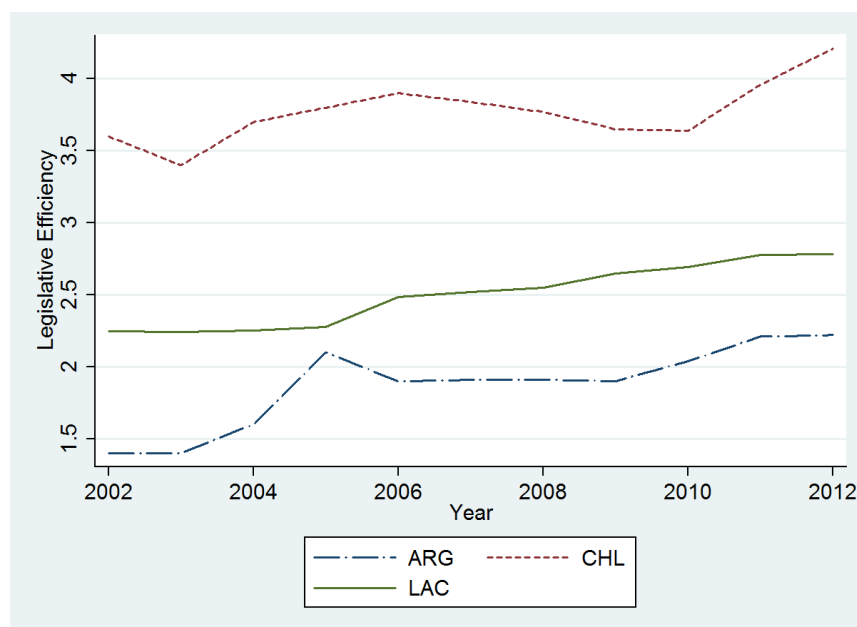
All of this information is summarized in the last column of Table III.1 in an overall index of the institutionalization of these Latin American legislatures. As it can be observed from Table III.1, there is a large variance across countries across different measures despite the fact that, by international standards, it is a relatively homogeneous set of countries in terms of their degree of development, basic political institutions (all presidential), and cultural and historical traits. Interestingly, and in line with our theoretical framework, the variance is not that high within countries. Countries tend to consistently score high (or low) across various different measures; that is, the measures tend to be highly correlated. This indicates the reinforcing nature of all of these processes, one of the points stressed in our theoretical framework. Notice, finally, that the Chilean and Argentine Congress stand close to the extremes of high and low institutionalization respectively. To a deeper comparison of these two cases we move now. Working backwards from Table 1, we start exploring perception-based information.

Perceptions about Congress

The Executive Opinion Survey conducted by the World Economic Forum and presented in the Global Competitiveness Report asks about the effectiveness of congress to a representative sample of business leaders in each country. The question “How effective is your national congress as a law-making and oversight institution?” is scored from 1 = “very ineffective” to 7 = “very effective, the best in the world”. Figure III.1 reports that indicator for Argentina, Chile,

and the whole of Latin America from 2002 to 2012. The Figure speaks for itself; the perception about legislative efficiency is always highest in Chile, while Argentina is below the Latin American average all the time.

Figure III.1
Evolution Legislative Efficiency: Argentina, Chile, and Latin America and the Caribbean



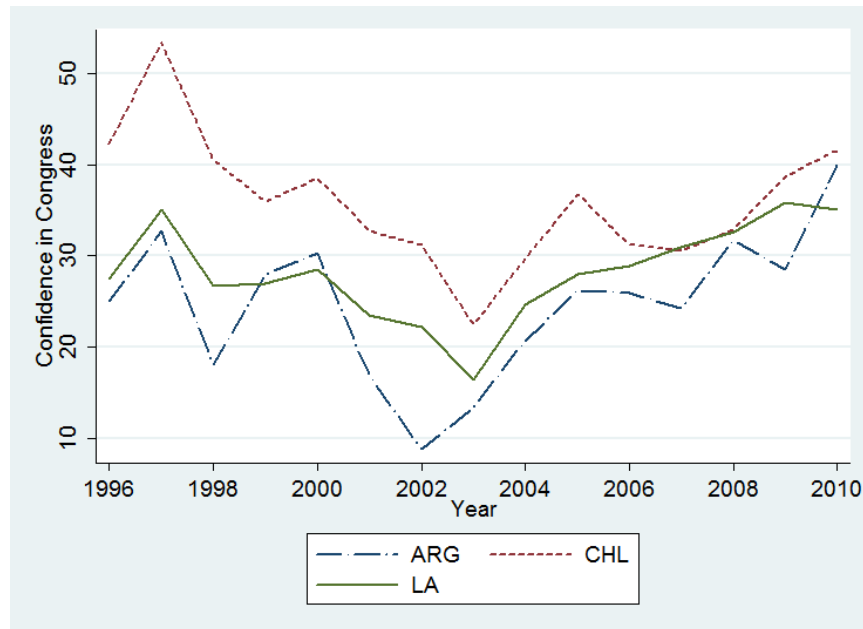
Legislative Efficiency: Effectiveness of lawmaking bodies.

Q: How effective is your national parliament/congress as a law-making institution? [1=very ineffective; 7=very effective—among the best in the world].

Source: The Global Competitiveness Report. World Economic Forum (2002-2012).

Moving into the views of the general public, Figure III.2 reports the evolution of confidence in Congress (the average percentage of respondents to a Latinobarometer survey who stated that they had “a lot” or “some” confidence in Congress) for Argentina, Chile, and the whole of Latin America from 1996 to 2010. Although this indicator tends to reflect a rather low esteem of Congress in the eyes of the public in most Latin American countries most of the time (and it is a fairly volatile measure), the Chilean Congress stands above the Argentine one in each year in the sample.

Figure III.2
Evolution Confidence in Congress: Argentina, Chile, and Latin America



Confidence in Congress: Average percentage of respondents who stated they had “a lot of” or “some” confidence in congress.

Source: Latinobarometro (1996-2010).

Looking into the perceptions about Congress of legislators themselves, we draw from elite surveys conducted for the Lower Chambers by the “Proyecto de Elites Latinoamericanas” (PELA) from the University of Salamanca who asks Deputies in both countries how much confidence do they have on the performance of parliament in public life. Table III.2 reports the average (in a scale from 1 to 100) from 1997 to 2008.

Table III.2.
How much Confidence Do You Have in the Performance of Parliament in Public Life?
 (Average 1997-2008, scale 0-100)

	Argentina	Chile
A lot or some	73	80
Little or none	27	20
Average N	114	89

Source: Own elaboration from Proyecto Elites Parlamentarias
 Iberoamericanas (Universidad de Salamanca)

We have equivalent information for the respective Senates. Comparing the self-assessments of Senators in Argentina, Brazil and Chile (Llanos 2003 and Nolte 2002), in a scale of 1 to 10, to

the question “¿How much do you value the overall performance of the Senate?” the average grade is 7.2 for Brazil, 6.2 for Chile, and 5.4 for Argentina.

All in all, and in spite the limitations of each of the indicators, it is clear that the opinion about the relevance and strength of parliaments is more favorable with respect to the Chilean Congress than with respect to the Argentine one, no matter whether one asks business executives, common citizens, or legislators themselves.

We move now to look into legislative careers and legislators themselves. We start by presenting a number of indicators of legislator turnover, or its opposite, the degree to which legislators develop long careers in Congress.

Legislative Careers and Legislators’ Experience and Work

Both partisan and electoral determinants influence which individuals achieve congressional nominations and end up being elected. Argentina and Chile differ greatly both in terms of the nature of their party systems as in the nature of their electoral systems.

The literature has identified each country as associated with one of two distinct trends: while Chile lies at the upper end of the Latin American scale for static ambition, with longer tenures, and legislators seeking voter recognition as they work to professionalize their workplace (Morgenstern 2002: 417), Argentina lies at the lower end in terms of legislator tenure, their careers guided by progressive ambition instead (Jones et al. 2002).

Among other things, the differential career paths of Chilean and Argentine legislators are reflected in the fact that legislative tenures are longer in Chile than in Argentina. As presented in the third column of Table III.1, Chilean legislators’ tenure is among the longest in Latin America, eight years on average (at the time of that study), against an average of only 2.9 years in the Argentine case, the third lowest in the sample of 18 Latin American countries.

Elaborating on that information, Table III.3 shows the number of terms served by Argentine and Chilean legislators since the return to democracy. The decline in first term members observed in the Chilean case implies that legislators entering congress end up staying there, likely increasing their abilities as legislators as they acquire experience. The opposite is true in the Argentine case, where almost 30 years after the return to democracy most deputies are freshmen, and very few have long tenures in Congress. We come back to these points below when analyzing the selection to different leadership positions.

Table III.3. Congressional Terms Served by Argentine and Chilean Legislators**III.3.a. Chilean Deputies**

Term	1994-98	1998-02	2002-06	2006-10	2010-14
1st	40%	33%	33%	35%	32%
2nd	60%	31%	25%	24%	27%
3rd	-	36%	23%	18%	16%
4th	-	-	19%	14%	9%
5th	-	-	-	9%	8%
6th	-	-	-	-	7%
Chamber					
Mean					
Experience	2.4	4.12	5.12	5.52	6

III.3.b. Argentine Deputies

Term	1987-91	1991-95	1995-99	1999-03	2003-07	2007-11
1st	72%	75%	77%	61%	71%	71%
2nd	24%	20%	15%	27%	18%	21%
3rd	3%	5%	5%	6%	7%	5%
4th	1%	1%	2%	5%	2%	2%
5th	-	-	-	2%	2%	1%
6th	-	-	-	-	-	-

III.3.c. Comparison of Last Cohort: Chile 2010-14, Argentina 2007-11

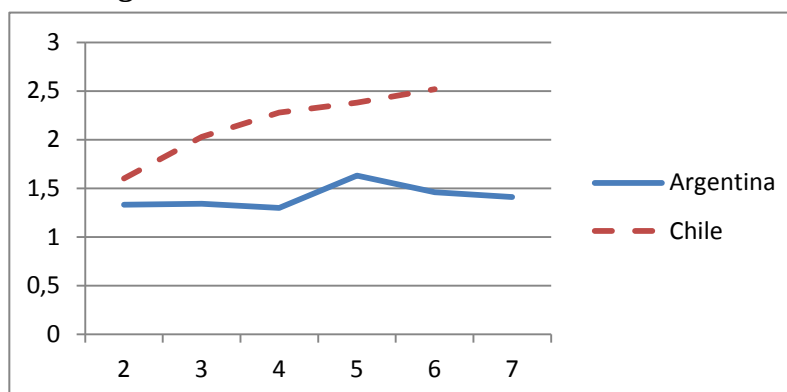
Term	Chile	Argentina
1st	32%	71%
2nd	27%	21%
3rd	16%	5%
4th	9%	2%
5th	8%	1%
6th	7%	-

Sources: Palanza (2012) based on information from www.camara.cl, and Alegre (2012)

One of the most used indicators of the maturity and institutional boundedness of any given Congress (Polsby 1968) is the percentage of first term members. In Argentina, more than two thirds of Deputies are freshmen, while the figure is less than one third in the case of Chile. Another key measure to analyze and describe congressional institutionalization according to Polsby (1968) and the subsequent literature are the mean years of member service. Following

that logic, Figure III.3 shows the mean number of terms in service of the sitting legislators of each Congress (starting from the second) after the return to democracy in each country.

Figure III.3. Mean number of terms in service



# Congress after return to democracy:	2nd	3rd	4th	5th	6th	7th
Argentina	1.33	1.34	1.3	1.63	1.46	1.41
Chile	1.6	2.03	2.28	2.38	2.52	

Source: own elaboration from tables above.

It is important to highlight that the difference in reelection rates between Argentina and Chile does not seem to come from citizen choice (De Luca, Jones and Tula 2002, Jones et al 2002, Navia 2008). That is, differences are not a consequence of citizens voting the rascals out, but rather of the decision of legislators (or of those responsible for placing legislators on lists) to seek reelection or not. In particular, it is the decision not to seek reelection that places Argentina in the lowest position within the broader sample of countries presented in Table III.4.¹² When Argentine legislators are placed again in electoral party lists, they have an average chance of 67% of being reelected, a figure that places them high in the comparison (only below the U.S. and Chile). According to authors such as Luna and Altman (2011) and Navia (2008) it is partisan control of this decision that has increased the length of legislative careers in Chile.¹³ Figure III.3.b provides an update of the number of legislators seeking and attaining reelection for both countries across political parties.

¹² The only two countries with lower reelection rates than Argentina, Costa Rica and Mexico, forbid reelection.

¹³ Clearly, the unitary organization of Chile, with fewer politically relevant positions along the country and very few positions decided by elections until recently, has also contributed to the concentration of politicians in congress.

Table III.4. Reelection Rates in Some Countries of the Americas

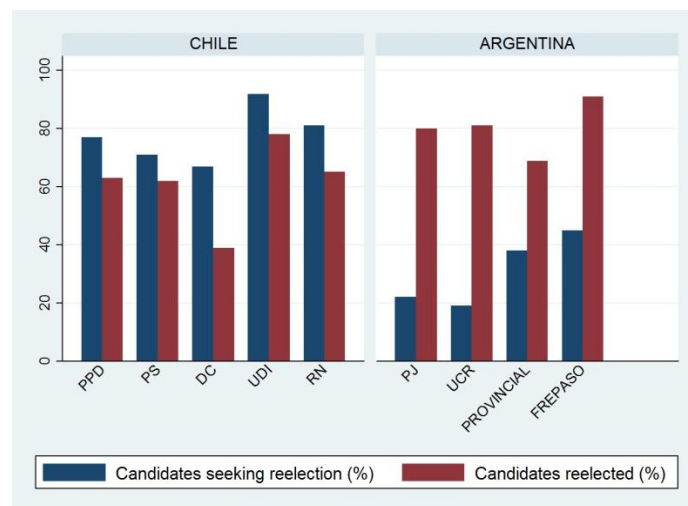
Country	Length of term	Percentage Seeking Re-election	Percentage Winning (of those seeking)	Percentage Returning to Office
United States (1996)	2	88	94	83
Panama (1999)	4	87.5	49.2	43
Chile (1993)	4	76	78	59
Colombia (1990)	4	n.a.	n.a.	48
Uruguay (1999)	5	72.3	64.9	47
Brazil (1995)	4	70	62	43
Venezuela (1993)	5	n.a.	n.a.	32*
Bolivia (2002)	4	n.a.	n.a.	22*
Argentina (1997)	4	26	67	17
Costa Rica (2001)	4	0	0	0
Mexico (1997)	3	0	0	0

Reproduced from Altman & Chasquetti 2005

*Represents the average of both chambers.

The tendency highlighted in Table III.4 has reinforced over time, with very low rates of reelection seekers and very high success rate of those in the Argentine case.

Figure III3.b. Renomination and Reelection Rates by Party in each country



In line with this analysis, various sources have shown that legislative careers are much more valued in Chile than in Argentina. One consequence of legislators' valuation of their job is how seriously they take it in terms of how much of their time they devote to it. Survey evidence collected by the Proyecto Elites Parlamentarias Iberoamericanas for deputies and by Nolte (2002) and Llanos (2003) for Senators, reproduced below in Table III.5, shows that in Chile only 20% of deputies and 13% of senators do not devote themselves full-time to their legislative job, whereas 32 and 26% are not exclusively dedicated to their job in Argentina.

Table III.5. Level of Dedication to Legislative Job, Percent

	Argentina	Chile
	Deputies (2008)	Deputies (2006)
Exclusively to my job as Deputy	68	80
Combine with other activities	32	20
	Senators (2002)	Senators (2002)
Exclusively to my job as Senator	74	87
Combine with other activities	26	13

Q: *Do you currently devote time exclusively to your job as Deputy/Senator, or do you combine it with other paid activities?* (percentage)

Sources: Proyecto Elites Parlamentarias Iberoamericanas (Universidad de Salamanca), Nolte (2002), Llanos (2003).

In the comparative literature, professionalization and institutionalization are often associated, among other things, with frequent congressional sessions. A legislature that spends a relatively short period of time in session is typically seen as more amateurish and less likely to act as an effective policymaking actor vis-à-vis the executive. Frequent sessions enhance legislators' understandings of the complexities behind lawmaking, and facilitate deliberation and policy development (Aleman 2011 and references there). Since the constitutionally mandated time of session could be a very imperfect proxy for reality in the Latin American context, we report in Table III.6 (from Aleman 2011) the actual number of days in session for seven Latin American lower chambers in 2010.

Table III.6

Time in Session in Seven Latin American Countries	
<i>Lower Chamber</i>	<i>Actual Days with Sessions in 2010</i>
Argentina	28
Chile	113
Costa Rica	163
Ecuador	63
Mexico	68
Paraguay	65
Uruguay	68

Source: Aleman (2011)

Chile appears in the high end of the spectrum, second to Costa Rica, with 113 days in session. At the other end of the spectrum we have the Argentine lower chamber which met in session only twenty eight times (and this number includes several “minority” sessions where quorum was not met, Aleman 2011).

According to all of these metrics, the evidence clearly suggests that the Chilean Congress has been institutionalizing more than the Argentine one. We continue the description of the characteristics of legislators looking into their levels of human capital and their income.

Legislators’ Education and Income

Among the personal characteristics of legislators deemed to influence their productivity and hence that of the legislature, a salient one is their level of education. Table III.7 reports the highest educational achievement of Deputies in both countries, and Table III.8 shows how many legislators did undertake studies abroad.

Table III. 7. Highest educational achievement
(Average percentage 1993-2008, self reported)

	Argentina	Chile
None	0	0
Primary	1.7	0.0
Secondary	13.9	5.6
Tertiary	11.2	9.2
Universitary	48.8	49.9
Graduate studies	24.5	35.4
<i>Average N</i>	<i>102</i>	<i>90</i>

Source: own elaboration from Proyecto Elites Parlamentarias Iberoamericanas (various years)

Table III. 8. Studies Abroad
(Percentage, self reported)

	Argentina	Chile
Average 1993-2008	17	30
Last cohort	20	35
<i>Average N</i>	<i>75</i>	<i>75</i>

Source: own elaboration from Proyecto Elites Parlamentarias Iberoamericanas (various years)

The tables indicate that Chilean legislators tend to be more educated than Argentine legislators. As common across legislators in the world, there is an increasing tendency in education levels, what creates some element of “bunching” in the upper end. On the other hand, these quantities say nothing about the quality of education. Quality of education is hard to measure in general, and at this point we have not direct information on the quality of education of individual legislators. Yet, in the PELA survey there is some information that could serve as proxy for the level of human capital of individuals, beyond their own level of formal educational achievement. In table III.9 we report on the education achievements of parents of legislators.

Table III. 9. Highest educational level attended by your father/mother
(Average percentage 1993-2008, self-reported)

	Father		Mother	
	Argentina	Chile	Argentina	Chile
None	5.2	1.1	6.2	0.5
Primary	32.8	14.1	38.5	16.5
Secondary	26.0	34.4	36.1	56.7
Tertiary	8.7	11.3	7.3	12.4
University	21.4	33.5	8.2	12.5
Graduate Studies	3.2	5.1	1.0	1.1
N.A.	2.4	0.3	0.2	0.3

Source: own elaboration from Proyecto Elites Parlamentarias Iberoamericanas (various years)

In both countries the educational background of the family increases steadily across the legislative cohorts, but in any moment in time the distribution for the Chilean case dominates the Argentine one. Clearly the educational background (of parents and of legislators) might be a reflection of society itself (although not in this case since overall educational attainments are higher in Argentina and the difference was even larger in previous generations), or they may be suggestive of representation biases. Yet, it is well known that productivity and knowledge of individuals is positively correlated with the educational background of their parents even after controlling for their own, so that these figures indicate that in principle Chilean legislators should be more capable (which is consistent with all the qualitative and informal evidence). Analyzing public policy issues, pondering adequate alternatives to deal with them, bargaining effectively, and legislating properly are very demanding tasks that require a heavy intellectual input.¹⁴

The previous literature has also associated congressional professionalization and effectiveness with having sufficient resources, including salaries and staff (Polsby 1975, Squire 2006). Also, higher salaries are likely to attract more talented individuals (Besley 2004, Caselli and Morelli 2004, Diermeier, Keane and Merlo 2005, Mattozzi and Merlo 2008, Messner and Polborn, 2004). Unfortunately at this stage we do not have comprehensive data on the compensation of legislators in these two countries, but we provide some rough information based on self-reporting. Table III.10 reports information on the distribution of monthly income of deputies in the two countries.¹⁵

Table III.10. Legislators' Income

Q: In which of these categories would you place your current monthly income?
(U.S. dollars, percentage self reporting that category)

Monthly income	Argentina (2008)	Chile (2006)
1000-4000	96.2	2.2
4001-7000	3.8	37.8
7001-10000	0	36.7
More than 10000	0	22.2

Source: Proyecto Elites Parlamentarias Iberoamericanas.

¹⁴ Gibbons (2012) reports that more educated legislators in Argentina tend to be more productive according to some metrics such as committee attendance and number of bills ratified.

¹⁵ We have chosen to use the last available year, among other things because those years correspond to rather "normal" exchange rate situations in both countries. GDP per capita those years was relatively similar between the two countries, and neither of them was too misaligned in terms of a sustainable real exchange rate (unlike Argentina during the Convertibility years).

This evidence suggests that Chilean legislators earn more than Argentine legislators.¹⁶ In the analysis of compensations in the private sector, it is often assumed that income is related to productivity. The connection is dimmer in the public sector. Sophisticated econometric studies, such as that of Diermeier, Keane and Merlo (2005) for the U.S. Congress, go to great lengths in order to estimate underlying unobservable traits from observable data, and are able to make intelligent inferences about legislators' productivity both in their legislative seats and in private alternatives. We are very far to be able to provide such rich analysis here, but we take a very rough stab at this issue by looking into the (also self-reported) comparison with previous earnings. Table III.11 reports the comparison between current and previous income of legislators in Argentina and Chile.

Table III.11. Comparison with earnings before entering the Chamber

Q: How does your current income as Deputy compare to your previous earnings?
(Average 1997-2008)

	Argentina	Chile
Much greater	15.5	12.0
Somewhat greater	27.8	21.5
About the same	27.1	31.1
Somewhat smaller	19.9	24.6
Much smaller	9.1	10.5

Source: Proyecto Elites Parlamentarias Iberoamericanas

Even though the differences are not too large,¹⁷ they seem to suggest that larger remuneration of Chilean Deputies is in part related to the fact that they also have a higher opportunity cost (along the lines of Diermeier, Keane and Merlo 2005, and Mattozzi and Merlo 2008). This might be reflecting, as anecdotal and secondary evidence suggests, that Chilean legislators seem to have more human capital –consistently with the previous information on their educational background and that of their parents.

We move now to analyze some aspects of the organization of Congress. As highlighted before, several aspects of the internal organization of congresses are of relevance in determining levels of congressional institutionalization. In terms of Polsby (1968), how a committee system is organized provides indicators of the internal complexity that the organization has achieved,

¹⁶ We do not want to put too much weight on these numbers, though, and even less to emphasize sensitive and poorly measured issues such as corruption and illegal compensation. But it can't be denied that the Argentine political system is much more suspect of corruption than the Chilean one. Just to stay with the (self-reported) data sets of legislators we have been using in this section, when asked "Which are the reasons why most people has a rather negative view of the legislature?" 87.7% of Argentine Senators and 19.5% of Chilean Senators mention the corruption of some members as one of the problems. (Llanos 2003, and Nolte 2002)

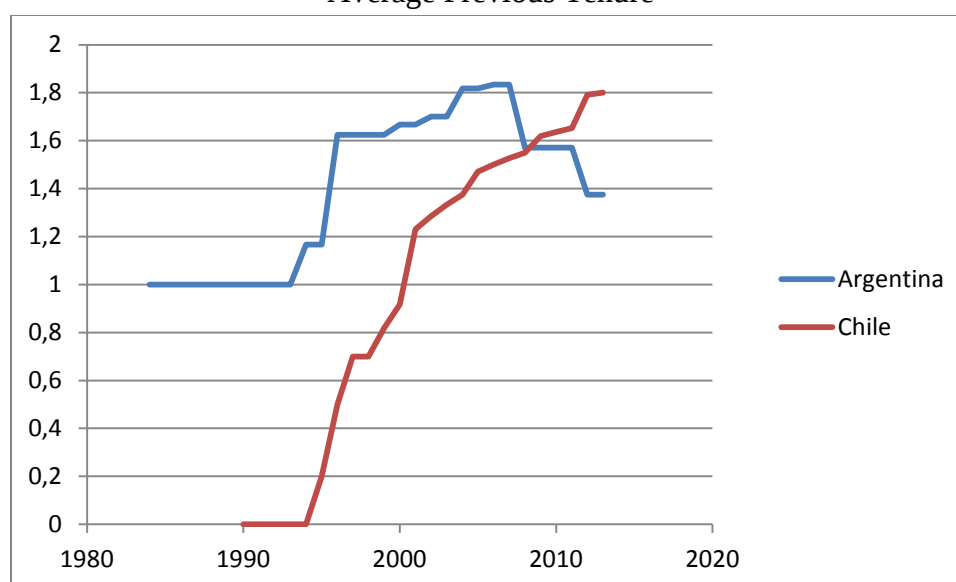
¹⁷ Past dollar income might be artificially inflated in the case of Argentine legislators, especially earlier in the sample, since it would correspond to private income during the Convertibility regime, when dollar income in Argentina was unsustainably high.

whereas how legislators are selected to leadership positions speaks also of the degree to which the organization is bounded with respect to its environment. We analyze these and other aspects of the internal organization of the Chilean and Argentine congresses next.

Congressional Leadership

As motivated above, the previous legislative experience of those occupying leadership positions in the chamber is a measure of the degree of boundedness from the outside of the organization, and also a good proxy of investments in congressional capacity. Leaders from without are less likely to protect the institutional sphere of influence of Congress, and less likely to have a long term horizon in the institution. Figure III.4 shows the evolution of seniority of the leader of the Chamber in both countries. It is clear that while the experience of the chamber president has increases steadily in the Chilean case, it had a more erratic behavior in the Argentine case, with a tendency in recent years to have Chamber presidents who are legislative neophytes as well as subservient to the Executive of the day..

Figure III.4. Experience of Leaders
Average Previous Tenure



Specialization and the Committee System

Table III.12 (from Llanos and Nolte, 2006) attempts to summarize information on the conditions regarding congressional committees that are usually considered more or less favorable for their effective participation in lawmaking and in executive supervision for 10 Latin American countries.

Table III.12. Parliamentary Committees in South America

Country	Chamber	Chamber's size	Committees (number of)	Members per Committee	Committees per legislator (minimum)	Mean Committees per Legislator	Correspondence Jurisdictions Committees Chamber / Senate	Ministries (number of*)	Correspondence Jurisdictions Committee /Exec. Offices
Argentina	Senate Chamber of Deputies	72 257	47 45	7 - 21 15 - 45	5 2 - 3	4.50	High	17 (13)	Medium
Bolivia	Senate Chamber of Deputies	27 131	10 12	3 - 5 3 - 5	1 - 2 1 - 2	1.66	High	15 (14)	Medium
Brazil	Senate Chamber of Deputies	81 513	8 19	17 - 29 25 - 57	1 - 2 1	0.92	Low	35 (29)	Low
Chile	Senate Chamber of Deputies	38 120	19 19	5 13	2 2	1.95	High	18 (16)	High
Colombia	Senate Chamber of Deputies	102 161	7 7	18 - 35 18 - 35	n/a	0.86	High	13 (13)	High
Ecuador	Chamber of Deputies	123	18	n/a	n/a	1.26	---	20 (20)	Low
Paraguay	Senate Chamber of Deputies	45 80	14 24	3 - 9 minimum 6	1 2	3.15	Medium	18 (16)	Medium
Peru	Chamber of Deputies	120	28	n/a	n/a	2.44	---	17 (15)	Medium
Uruguay	Senate Chamber of Deputies	31 99	16 16	5 - 9 3 - 15	2 - 3 1	0.98	High	11 (11)	High
Venezuela	Chamber of Deputies	165	15	11 - 25	1	0.97	---	16 (14)	High

Source: Llanos and Nolte (2006) and references there.

“The number of permanent committees in the Chambers of deputies runs from a minimum of 7 in Colombia to a maximum of 45 in Argentina, which in the latter case indicates an overextended and dysfunctional Congress.” (Llanos and Nolte, 2006: 46, our translation). Argentina is also an outlier in terms of the number permanent legislative committees in the Senate, which are 47, almost trebling Chile, that has 19. The number of committees per legislator varies between 1 or 2 in a majority of cases to 5 in Argentina. Only in Argentina and Paraguay legislators get assigned to more than 3 committees. Clearly, the Argentine Congress seems to be the one less favorable for the specialization of legislators.¹⁸ If we put this information alongside the previous analysis of the duration of Congressional careers, one gets the clear sense that it is unlikely that legislative committees in Argentina constitute strong and qualified policy-making arenas. The picture looks different in Chile, and it is consistent with what other scholars have noted; according to Carey (2002), “the Chilean Congress is highly professionalized (for a young legislature) and its committee system is accumulating substantial expertise.”

The fact that the existence of too many legislative committees is an obstacle for effective legislative work is well understood by legislators themselves, as suggested by Nolte (2002) and reproduced below in Table III.13, where 90% of Argentine senators agree with the fact that there are too many legislative committees making their legislative work less effective, against only 25% of Chilean senators agreeing with that statement. The table also shows that 90% of Chilean Senators believe that legislative policy committees serve as an instance for the technical discussion of *proyectos de ley*, while only 54% of Argentine legislators believe so.

¹⁸ The picture is similar if one looks at the degree to which legislative committees mirror the jurisdiction of main executive offices; that correspondence is high in Chile and not too high in Argentina.

**Table III.13: The Workings of Legislative Committees in the Upper Chamber
(Comparison of four Latin American Cases)**

	Argentina	Brazil	Chile	Uruguay
<i>Q: In response to the following sentences regarding the Senate Committee System, please indicate if you "mostly agree" or mostly disagree".</i>				
	Mostly Disagree (%)	Mostly Disagree (%)	Mostly Disagree (%)	Mostly Disagree (%)
Legislative committees are not instances where bills are debated on technical grounds.	53,8	87,9	89,2	69,6
Currently there are too many legislative committees, which hinders the workings of the system.	10,7	75,8	75	100
Committee work is not sufficiently valued by some senators, who limit their participation to signing documents rather than actively participating in legislative debates.	17,2	43,8	74,3	40,9
Total of respondents	N=52	N=35	N=37	

Source: Nolte (2002)

A similar image from the point of view of Deputies can be glimpsed from Table III.14 (from Huneeus, Berrios and Cordero, 2007).

Table III.14. Most attractive aspects of an MP's work: Argentine and Chilean Congress

Q: What aspects of your work as deputy is the most attractive to you? (multiple answers)

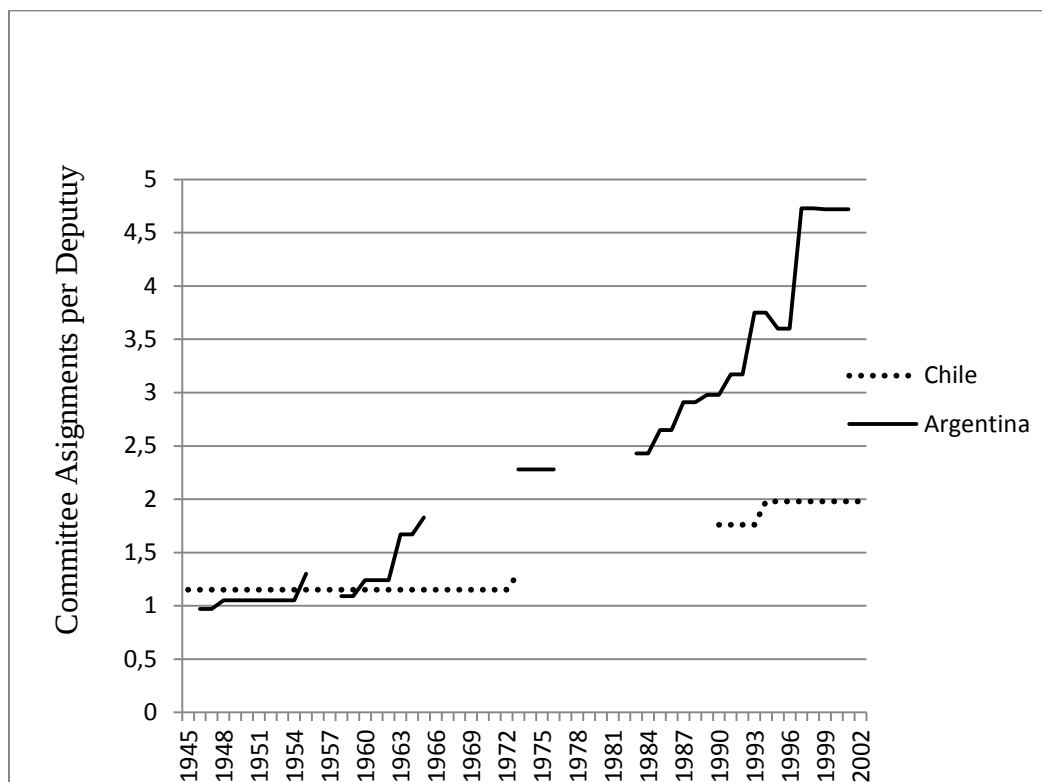
	CHILE			ARGENTINA
	Deputies	Former Deputies	Total Chile	Total
Committee work	76	81	78	33
Attend district problems	49	26	40	36
Solve constituency problems	24	34	28	30
Influence decision-making process	14	26	18	19
Presenting motions/bills	16	9	13	35
Contact with social sectors	11	13	12	37
Work on the floor	5	9	7	10
N	74	47	121	109
%	61	39	100	100

Source: Huneeus, Berrios and Cordero (2007)

Survey applied to deputies and former deputies, Chile 2004; Survey applied to deputies, Argentina 2005.

Exploring the dynamics of Committee creation and committee assignments since the return to democracy, we find that the process was essentially a shift from a little over one to two committees per legislator in Chile, while in Argentina there was a steady increase throughout the 1980's and 1990's. Figure III.5 shows the evolution of the average number of committees per legislator over time.

Figure III.5: Committee Assignments through Time, Chile & Argentina



Source: Danesi (2010)

The explanation and dynamics behind the number and structure of committees is illustrative of both the reasons and the self-fulfilling dynamics leading to Congresses with different degrees of institutionalization and relevance in policymaking. In the case of Argentina, the number and size of legislative committees bear no correspondence with the size of the legislature, but also provide a poor match with the structure of the presidential cabinet (Jones et al. 2007). Although committees in the Argentine Congress have specific jurisdictions, each defined by subject matter, these definitions do not reflect the structure of administrative or cabinet agencies. In fact, while some committees have far too vast a focus, others have a far too narrow one (Jones et al. 2007: 63). Since the return to democracy in 1983, the number of standing committees increased from 27 to 45, while the number of deputies increased only slightly, from 254 to 257. Danesi (2004) argues that the creation of new committees in this period had more to do with the need to assign a committee chairmanship or other leadership positions to politicians of some importance, so that

they get some resources, than to legislative needs. This fact is reflected in the vague wording used to justify the creation of each new committee, a point made by several authors.

Material Resources

Following the notion of organizational institutionalization of Polsby (1968), the game theoretic logic of institutionalization as the result of investments, or a standard logic of capacity, it is clear that, beyond the organization, specialization, and skills of legislators themselves, it is very important that Congresses have adequate complementary resources to perform their tasks. Table III.15 provides a rough glimpse into information on that type of resources, on the basis of a comparative survey of Senators.

Table III. 15. Staff and other Inputs

Q: How much do you value the following services within the Senate?

(Scale of 1-10, average across senators)

	ARGENTINA	CHILE	BRAZIL
Assistance on legislative legal techniques	6,6	6,2	8,2
Office of Information	6,7	7,4	8,1
IT services	6,4	7,5	7,5
Library	7,1	8,1	8,8
Senate Committees	5,9	8,1	7,7
Infrastructure and Equipment	5,6	7,1	8,2
AVERAGE	6,4	7,4	8,1

Source: Llanos (2003) and Nolte (2002)

According to Llanos and Nolte (2006: 48), “today few Latin-American parliaments (Mexico, Chile, Venezuela and Brazil) have qualified staff and special entities in charge of specialized assistance, such as Congressional Budget Offices”.¹⁹ Santiso (2005) explores the role and the capabilities of Latin American legislatures in terms of budget discussion and supervision; in spite of the fact that the Chilean Congress has various constitutional limitations to participate in the budget process, its technical capabilities are superior to the Argentine one.

Congressional Bills

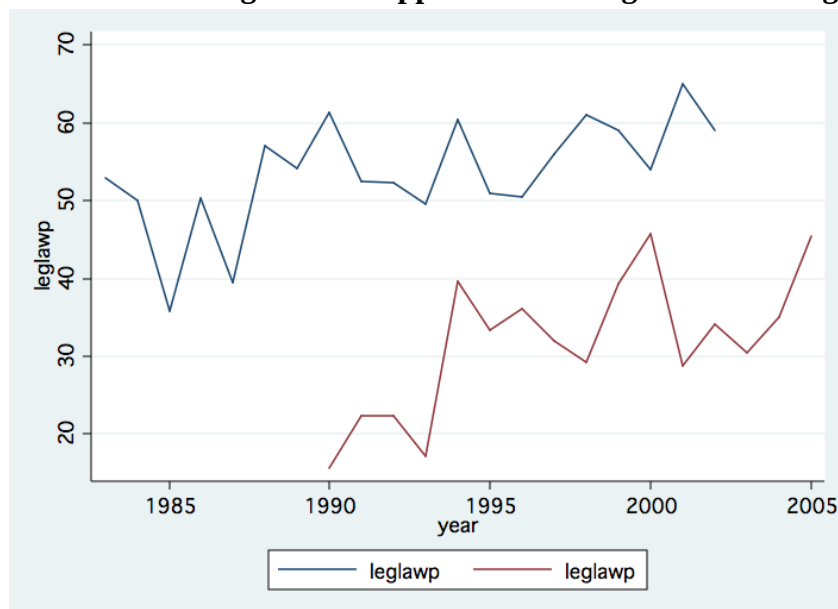
We present below some tentative measures of legislative “productivity”, from Saiegh (2011).²⁰ Figure III.6 shows the percentage of laws approved that originated in Congress. Figure III.7

¹⁹ It is worth noting that even though Venezuela had formally an Economic and Financial Advisory office, it has been under heavy pressure from the Executive (Rojas Zavarce 2004, Santiso 2005).

²⁰ We thank Sebastian Saiegh for sharing his data with us.

shows the “batting average”, the percentage of laws introduced by legislators that do become law. In both cases, Argentina is the blue line and Chile the red one.

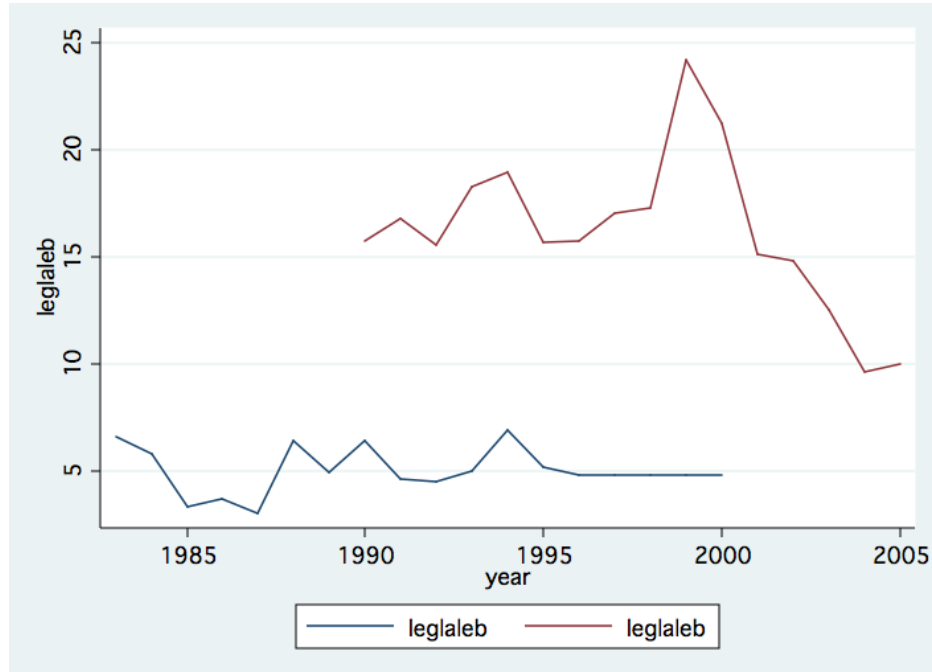
Figure III.6 Percentage of laws approved that originated in Congress.



Blue: Argentina. Red: Chile.

Source: Saiegh (2011)

Figure III.7 Percentage of bills proposed by Congress that became laws



Blue: Argentina. Red: Chile.

Source: Saiegh (2011)

As stated, we do not want to read too much into these figures. But, they might suggest that Argentine legislators tend to introduce many irrelevant initiatives, while Chilean legislators seem to be more focused and effective. This interpretation is consistent with the findings in Rossi and Tommasi (2012) who study legislative productivity across legislators within the Argentine Congress. They find that most of Argentine legislators introduced many bills, but get few of them approved, but there is a small cadre of more experienced and specialized legislators, who introduce fewer bills but gets a higher batting average. (In this sense, the average Chilean legislator might be more similar to the more effective legislators among the Argentine ones.)

IV. IMPLICATIONS: POLICYMAKING AND THE ROLE OF CONGRESS IN CHILE AND ARGENTINA

According to the evidence presented in the previous section the Chilean Congress is more institutionalized, stronger, and a more relevant institutional arena than the Argentine one. This has important implications for the role of these Congresses in the policymaking process of their respective countries, and for the overall properties of those policymaking processes.

In spite of the fact that the Chilean Congress has rather limited constitutional prerogatives, it has been consistently characterized as ranking highest in the region in terms of its technical capabilities and its role in the policymaking process (IADB 2005, Stein et al 2008). The importance of this institutional arena in the policymaking process is one of the factors that has lead Chile to have the most consistent and the most technically competent policies in the region, as summarized in the beginning of the paper. On the contrary, Argentina, a country of relatively high human capital and high levels of human development, is a basket case in terms of the quality of its public policies, which among other things tend to swing violently after each change of executive. The Argentine Congress has been characterized as more of a rubber stamp of agreements achieved in other (more obscure) political arenas (Spiller and Tommasi, 2007).

V. WHAT IS BEHIND (OR AROUND) ALL OF THIS

The evidence presented in the previous section strongly suggests that the Chilean Congress is a more institutionalized, stronger and more relevant institutional arena than the Argentine one. It seems to be a more attractive place to develop a political career, and to be populated by more educated, more informed, and more specialized legislators who are interested and able to develop longer congressional careers.

In providing the comparative description of Section III, our focus was obviously “inside” Congress itself; a bit in the “organizational institutionalization” logic of Polsby and others. We

departed a notch from that Polsblian focus when considering the appreciation and evaluation of Congress by “outside” actors such as business executives and the general public. That broadened view comes from the notion that the internal aspects of congressional institutionalization are in part a consequence (and a cause!) of the role it plays in the broader political sphere. The strength, relevance and “institutionalization” of Congress are also dependent on the beliefs and expectations of relevant actors in the broader political scenario. In the same spirit, Blondel’s (2006) emphasizes the need to bring “external” considerations into our understanding of the institutionalization of political institutions. According to him, it is necessary to take into account how the institution relates to the rest of society, to the polity at large. The strength of institutions in the political realm appears linked to the support they may enjoy outside their “borders”.²¹ Clearly, strength of internal organization and external perception are likely to reinforce each other. This view links naturally with our own, which takes cues from the literature on “institutions as equilibria” in rational choice institutionalism.

But, obviously, there are factors other than “opinion” in the broader political scenario that are quite relevant for what transpires inside the walls of Congress. Career paths of the individuals who at some point are legislators include previous and later stages, which take place at other sites, but that are crucial for their incentives within the legislature. Similarly, political parties outside the legislature are crucial for the structure and role of political parties inside the legislature, and this is important for the organization of Congress and the incentives of legislators. Even though there are important debates in the U.S. Congressional literature about the role of parties at different points in American history, by and large, the very rich literature on the organization of Congress has tended to maintain many implicit assumptions about broader careers, about parties, and about the importance and place of Congress in the broader political and policymaking game. These often-unstated assumptions need to be made explicit and placed in a comparative perspective once one goes beyond the U.S. case. Even though a broad exploration of the interactions between Congress and the broader political scenario is beyond the reach of this paper, in this section we provide some information on other aspects of the political landscape in Argentina and Chile which we deem relevant for the workings of Congress, with the hope of providing some bits of information for that comparative endeavor. The focus is on party-level factors and their impact on political careers.

One very important difference between the Argentine and Chilean political systems that casts a long shadow on the workings of their respective congresses relates to the role of “the provinces”

²¹ Recent and earlier work that focuses more explicitly on this connection between inside and outside aspects of Congressional institutionalization include Agor (1971) Garcia Arias (2007) and Patzelt (2011). A similar notion is developed by Keohane in his studies of international organizations. According to him, “the impact of an international organization on its environment depends upon the interactions between its own organizational characteristics (including attributes of its leadership) and the willingness of other actors (principally governments and other international organizations) to respect and where necessary to enforce its decisions.” (Keohane 1984)

in the Argentine case.²² Unlike Chile, in Argentina, the province is the crucial unit of construction of political power, and it is the center of most political careers.

In the Chilean case, the key players in the nomination (and to a lesser extent re-nomination) decision are the national level party leaders. Political parties exert significant influence over the careers of individual legislators. Electoral rules empower party leaders to appoint congressional candidates. Chileans vote in an open list, selecting individual candidates rather than parties, but which two candidates end up being on the ballot is the result of bargaining among coalition party leaders. In order to be on the ballot, aspirants first need to receive their party nomination, and then they need their party to successfully bargain with other coalition members to secure a place in the two-member list for the given district. Yet, parties want to nominate candidates that can win and thus, aspirants need to show they are strong in that district.

The authors who have studied candidate the process of putting together the lists of candidates to the Argentine National Chamber, most notably De Luca, Jones and Tula (2002) and Jones (2008), have concluded that the process is heavily centered at the provincial level, with a very important role of local political machineries. Even though there is some interprovincial variation (with things slightly different in some of the largest districts), in the median Argentine province, a small click of provincial party leaders has the largest influence on candidate nomination. This influence is stronger in the cases in which the party dominates the provincial executive, in which case the provincial governor plays a central role (De Luca, Jones and Tula 2002 and Jones 2008). It is provincial party leaders who decide whether to “send” someone to the National Congress and, controlling re-nominations, for how long. The fact that electoral districts conform to provincial boundaries makes the province the locus of party competition and the base of political support for politicians and parties (De Luca, Jones and Tula, 2002; Ardanaz et al, 2012).²³ As a consequence, Argentina’s large national political parties have been born and have recently evolved in such a way that their national governing coalitions are best described as little more than (potentially volatile) confederate alliances between largely autonomous and quite powerful leaders of provincial party branches (Calvo and Escolar, 2005; Leiras, 2007). This, together with other peculiarities of the Argentine political system (Ardanaz et al 2012), leads to the fact that the median Argentine legislator owes obedience primarily to his/her provincial party political leader, more than to national party leaders or to citizens of their constituencies.

Another aspect of the Argentine political system that impinges on the workings of Congress (and that is influenced back in a reinforcing manner by the weakness of the National Congress), is the

²² Clearly this difference comes to some extent from the basic constitutional fact that Argentina is a federal republic and Chile a unitary one, but as argued in the text, there is a lot more than that. Argentina is a case in which the province (state) level plays a stronger role in the national level political game than in many other federations (Ardanaz, Leiras, and Tommasi, 2012).

²³ Until the Constitutional reform of 1994, provinces also sent representatives to the Electoral College to select presidents.

fact that a very important fraction of public spending (and in particular of politically sexy public spending) is decided at the provincial level (Tommasi, 2006). More generally, the structure of fiscal federalism in Argentina gives provincial governments various spending responsibilities, while most taxes are collected by the national government, and this is the source of many funny exchanges of fiscal funds for votes in the national congress between the national and the provincial executives.

Combining this with the fact that Argentine political campaigns are run largely utilizing the State apparatus (giving large incumbency advantages),²⁴ makes many positions at the provincial level potentially more politically desirable than a seat in the national legislature. A position in the national congress is sometimes even a punishment for important provincial figures. Lodola (2009) cites opposition Santa Cruz leader as saying “This happened twice. When Eduardo Arnold was vice-governor and started to be a nuisance, [governor Néstor Kirchner] sent him as national Representative. That was it, he killed him. It didn’t matter that he was his deputy. At another time, Vice-governor Sergio Acevedo started to grow in the province. He was also sent as national Representative” (Lodola, 2009: 263).

Another piece of evidence on the dominance of subnational executive positions over national congressional ones and of the overall executive dominance, is the fact that sometimes in Argentina executive office holders (at various levels) “lend their names” to the top of the candidate lists for Congress, without the intention of actually stepping down to take their congressional seats. According to Burdman (2010), this is a reflection of the fact that legislative elections are often seen just as a plebiscite on the performance of the executive. Burdman also refers to the fact that, given that Congress is not a key place in the careers of professional politicians, it is not unusual for the most popular politicians (who tend to go at the top of lists) to quit their congressional seat two years after being elected.²⁵

The connection of Argentine legislators to the provincial level party bosses might be one of the reasons behind the lack of committee specialization. “It seems that provincial-level party leaders (who, given their prominent role in the candidate selection process should be conceived as very powerful constituencies) spread their limited resources (legislators) across different committees in order to increase the province’s access to rewards distributed by the national government.” (Crisp et al 2009: 46).

²⁴ On this issue, see for instance. Scherlis (2008).

²⁵ This is consistent with the findings in Rossi and Tommasi (2012). Rossi and Tommasi provide some evidence that there are (at least) three types of careers for Argentine legislators. The majority of them spend only one term in Congress and then move back to other (sometimes higher, sometimes lower) political jobs (mainly in their provinces or municipalities), a few of them stay longer in Congress and tend to work seriously there, and the hot shots, who tend to be at the top of the lists of candidates, are there very briefly on their way to more desirable political positions at the provincial or national level. Interestingly, these star politicians are the ones who work less as legislators (in terms of bill production, committee attendance, floor attendance, etc).

All of these factors highlight the systemic interconnection between various of the features and behaviors within Congress identified in the previous section and these aspects of the broader political game at the national and provincial level. The provincial centeredness of political careers, the fact that legislators are essentially chosen by provincial level party leaders that care much less about broad national policy issues than about getting some money to the province, the weakness and lack of specialization of Congressional committees, the fact that it is the National Executive who dominates the Budget decisions and especially execution, are all interrelated phenomena in the Argentine political equilibrium. (Spiller and Tommasi, 2007)

VI. WHERE DOES CONGRESSIONAL INSTITUTIONALIZATION COME FROM?

The evidence summarized above suggests that, since the return to democracy, the Chilean parliament has established itself as a stronger institutional player and more relevant arena in the policymaking process than the Argentine one. This is connected to a number of indicators of a higher level of institutionalization, such as the facts that: a legislative position is a more valued step in the career of Chilean politicians than of Argentine politicians, an important number of Chilean legislators have *static ambitions*, in the sense that remaining in their post in the legislature is a desirable career objective; while Argentine legislators tend to have *progressive ambition* towards a number of desirable positions in national and subnational political and policymaking positions; congressional committees are more institutionalized and powerful in the Chilean case; seniority is a more valued commodity in the Chilean Congress; Chilean legislators last longer and accumulate more experience and expertise within committees; and even though public view about legislatures in Latin America are everywhere low, the Chilean Congress always appears with a higher proportion of positive views than the Argentine one.

How did two countries with similar cultural backgrounds and comparable levels of socioeconomic development present such divergent patterns of institutional development? In this section we provide some tentative hints of the directions we believe need to be explored in further research to attempt answering these questions.

We list below a number of lines of explanation, which for brevity we present as alternatives, although it is probable that a complete answer engages a combination of various explanations. In particular, within the family of “institutional” explanations, we focus on the potential effects of one variable at a time, while the actual behavioral outcomes are likely to be the result of broader institutional configurations.

Different Institutional Rules?

By focusing on two “most similar” cases in a way we are already disposing of some potential explanations in which the independent variables take the same values in Argentina and Chile, such as constitutional factors as being presidential. Staying within the most aggregate “institutions as rules” line of thought, some of the most important “macro level” differences between the two countries are in the constitutional legislative and control powers of the legislature, their electoral systems, and the fact that Argentina is a federal country while Chile is a unitary one.

One constitutional factor of potentially direct impact on congressional institutionalization are the constitutional prerogatives of the legislature. These prerogatives are most often depicted in the literature as a zero sum distribution of powers between the Executive and the Legislature. There are various different ways of measuring such constitutionally endowed capabilities (Llanos and Nolte 2006 summarize and discuss various such measures and their application across Latin American cases). In Tables V.1 and V.2 we depict two commonly used combined indicators, one of the legislative powers of the President (the “complement” supposedly being the legislative powers of the legislature), and one of the formal political control capabilities of the legislature. In Table V.1 (from UNDP, 2004), the Chilean President appears as the most powerful of Latin America in terms of his/her legislative powers (0.66 in a scale 0-1),²⁶ while the Argentine President ranks 6th, with an average of 0.44, below the Presidents of Chile, Brazil, Ecuador, Colombia, and Peru. Table V.2 (from Alcántara et al. 2005) shows the Argentine legislature among the highest and the Chilean one as the third lowest in the region in terms of its formal prerogatives to control the Executive. So, by well-accepted metrics of constitutional powers, the Argentine Congress is, in terms of formal rules, more powerful than the Chilean one. These cases constitute, then, an important “puzzle” from the point of view of a naïve explanation centered on such formal rules. We come back to this point below, when we connect these institutional differences with equilibrium practices that go in a theoretically surprising direction.

²⁶ This is driven by a number of reactive (veto) powers, as well as some prerogatives in the budget process.

Table V.1. Legislative Powers of Presidents in Latin America

Country	Decree Powers	Budget Powers	Proactive powers subtotal	Package Veto	Partial Veto	Exclusive Initiative	Reactive Powers Subtotal	Legislative Powers
Chile	0.33	0.73	0.50	0.85	0.85	0.67	0.79	0.66
Brazil	1.00	0.91	0.96	0.15	0.15	0.67	0.33	0.62
Ecuador	0.33	0.73	0.50	1.00	0.69	0.33	0.67	0.59
Colombia	0.67	0.64	0.66	0.31	0.31	0.67	0.43	0.59
Peru	0.67	0.73	0.70	0.15	0.15	0.33	0.21	0.50
Argentina	0.33	0.45	0.38	0.85	0.85	-	0.56	0.44
Panama	0.17	0.55	0.33	0.77	0.77	0.33	0.62	0.43
Uruguay	0.17	0.64	0.37	0.54	0.54	0.33	0.47	0.38
El Salvador	-	0.82	0.35	0.77	-	-	0.26	0.33
Venezuela	0.33	0.64	0.46	0.08	0.08	-	0.05	0.30
Guatemala	0.33	0.18	0.27	0.77	-	-	0.26	0.29
Dominican Republic	-	0.64	0.27	0.92	0.15	-	0.36	0.27
Honduras	0.33	0.36	0.34	0.77	-	-	0.26	0.26
Mexico	0.17	0.36	0.25	0.92	-	-	0.31	0.24
Bolivia	-	0.27	0.12	0.85	-	0.33	0.39	0.23
Costa Rica	-	0.64	0.27	0.77	-	-	0.26	0.23
Paraguay	-	0.64	0.27	0.23	0.23	-	0.15	0.19
Nicaragua	-	0.73	0.31	0.15	0.15	-	0.10	0.19

Source : UNDP (2004)

Table V.2. Potential Political Control Capability of the Legislature (formal)

COUNTRY	Index of Potential Control Capacity of Legislature+
Peru	10.90
Bolivia	10.70
Venezuela	10.40
Colombia	10.30
Costa Rica	10.05
Uruguay	9.80
Argentina	9.80
Ecuador	9.05
Paraguay	8.85
El Salvador	8.55
Honduras	8.00
Nicaragua	8.00
Panama	7.80
Guatemala	7.80
Brazil	6.80
Chile	6.30
Dominican Republic	6.20
Mexico	6.05

Source: Alcántara et al (2005). Note: The index is constructed from nine parliamentary oversight instruments: control over presidential nominations, interpellations of government officials, creation of investigative committees, presidential report, confidence vote, inquiry of information from the executive, parliamentary questions, interpellations and instruments that imply political responsibility (impeachment).

+ 0 = min; 15 = max

Important strands of literature have emphasized a number of differences in political and policy outcomes emanating from basic characteristics of the electoral system. Applied to the issue that concerns us here, features of the electoral system that lead to a more or less personalized vote might in turn impact on the way in which the different incentives of legislators impinge upon the tendency to make Congress a key political and policy arena. In their cross country empirical analysis of the institutionalization of congresses, Palanza, Scartascini and Tommasi (2012) find that proportional electoral systems are associated with lower levels of institutionalization.

As stated in the previous section, not only is Argentina a federal country, but there are a number of peculiar features of its federal organization that impinge upon the configuration of the party system and the incentives of key political players, in a way that has tended to make legislators more dependent on provincial level party leaders, and that might have influenced the relative weakness of the Congressional arena.

Beyond the most standard macro-level institutional variables, there are a few more specific features of the lawmaking rules that need to be highlighted for their potential to contribute to the explanation of these diverging paths. In particular, there are two features of the Chilean institutional structure that are often considered as adding veto points to the lawmaking process: the supermajoritarian requirements to amend policies enacted as *Leyes Organicas Constitucionales* (a more restrictive legal status than that of ordinary statutes) and the inclusion of the Constitutional Tribunal in the lawmaking process, intended to hold back legislation conflicting with the Constitution. We definitively need to explore the nature and implications of these policymaking rules, but we can briefly speculate here over their potential impact on the issue at hand. Both features constitute veto-like instruments, making policy change more difficult, and they might be part of the explanation why Chilean policies are more stable than Argentine ones. Having said that, the expected theoretical connection between these further veto instances and the tendency of relevant actors to take Congress more seriously and invest more in Congress is far from obvious. At a very rough level, these further vetoes (focus on the Constitutional Tribunal, for simplicity), tend to weaken the legislative powers of both the Executive and Congress. A lineal interpretation of this fact would then, suggest a further reason why the Chilean Congress should be weaker and less relevant in policymaking than the Argentine one (given that there is no equivalent of this constitutional tribunal in Argentina).²⁷ If these features contribute somehow to the opposite result, it has to be through a more subtle connection that needs to be explored theoretically. For instance, it might be the case that in a two-player bargaining situation in which there is a dominant player (generally the Executive in Latin America), the addition of a third player with veto capabilities might alter the distribution of power among the original two players in such a way that it increases the relative weight of player “two” (the legislature).

Path Dependence and Self-Reinforcing Dynamics?

Another channel through which some of these institutional rules might lead to congressional institutionalization in equilibrium relate to another family of explanations that relate to specific circumstantial aspects of the transitions from military rule and early democratic experiences in these two countries. For instance, the supermajoritarian requirements in Chile have combined with the partisan and coalitional composition of Congress in the 1990-2010 period in such a way that it gave the conservative opposition the chance to veto, which forced the *Concertacion* government to negotiate in Congress, thereby increasing the centrality and relevance of this arena. More generally, this particular configuration of forces in the post-authoritarian democracy, which started under the shadow of the previous dictatorship and with a substantial number of relevant actors with affinity to the outgoing dictatorship, combined with a moderate and

²⁷ Further work should explore in more detail the intervention of the Judiciary in the policymaking of the two countries more broadly, to speculate on the way in which that “third player’s strategies affect the institutionalization of Congress. (See Magaldi de Souza, 2010)

measured style of the initial *Concertacion* presidents, lead to a careful and consensual policymaking style, in which negotiations in Congress became the norm.²⁸ This connects to the fact that early post-authoritarian Chilean presidents “chose the high road” in spite of their substantial constitutional powers. In the words of Siavelis (2002: 81): “Despite working within what has been characterized by scholars as one of the most powerful presidencies in the world, the first two postauthoritarian governments represent models of what should be done by executives in transitional situations.” “.. while Chile’s institutional structure is characterized by an exaggerated presidential system, its two postauthoritarian presidents Patricio Aylwin and Eduardo Frei, have been decidedly moderate and measured in the use of presidential prerogatives.” “... the unique characteristics of the party system, the extent of presidential support in the legislature, and the political situation created by the democratic transition have provided incentives for presidents to avoid resorting to the use of extreme presidential power. In the process, the legislature has emerged as a more powerful and significant actor than it might be in other contexts.” (See also Nolte, 2003)²⁹

This “good start” of the Chilean legislature might have “carried over” throughout the democratic period by the very reinforcing aspects of the investments that various actors have made in the institutionalization of Congress. The new and different configuration of forces (with a right-wing president) since 2010 constitutes an interesting test of the stability of such practices. Were the Chilean Congress to come out of the Piñera period as strong as it used to be, it would be *prima facie* evidence in favor of the “durable” lines of explanation. If this transition would lead to a more permanent decrease in the importance of Congress, then the conjunctural explanations (without much durability mechanisms) would gain credence.

In connection to this last observation, various authors have suggested anchoring explanations of modern Chilean political practices on longer term historical trends and “cultural practices.” Many of the features that we attribute to the 1990-2010 Congress might have been also present in earlier periods. If that is the case, further research will need to determine whether the outcomes remain similar because key explanatory factors also remain more or less the same, or for given historical causes, reinforcements and path dependency reasons lead to the current state. Such research efforts lay beyond the scope of this exploratory paper, but we reproduce from secondary

²⁸ The fact that the Chilean parliament played a vital role in the gradual integration into the democratic system of Pinochet supporters has been recognized by many scholars (see for instance Huneeus, Berrios, and Cordero 2007). The biases that lead to the overrepresentation of the factual powers close to the salient dictatorship in the new democracy might have been both a warrantee to protect democracy, as well as a reason for the institutionalization of the congressional arena: according to the model in Scartascini and Tommasi (2012) political arenas such as Congress are more likely to become institutionalized if the distribution of *de jure* power is similar to the distribution of *de facto* power.

²⁹ It remains to be explored whether this is a direct consequence of veto actors in congress and the judiciary, which was packed with conservative justices at least until 2005. Some evidence of this is the fact that the first “conservative” or right-wing president, Piñera, has been able to push forward reforms that were “stuck” under the previous administrations.

sources some evidence about the past strength and institutionalization of the Chilean Congress and about possible carryover mechanisms.³⁰

“The Chilean legislature is a long-standing legislature that has been able to function for more than a century-and-a-half, notwithstanding interruptions in 1924-1925, 1932, and 1973-1989. The fact that the Chilean legislature reemerged after these interruptions departing slightly from previous forms and routines, even under new constitutions, suggests that it has become a meaningful political actor in the Chilean polity over the years and points to earlier times when it gradually acquired stability, permanence and distinctiveness among Chile’s political organs.” (Obando Camino 2009 p. 2)

Montecinos (2003), referring to the post-democratization period argues that the great influence of technocratic cadres gained in pre-transition politics led to a spillover of technocratic policy conventions from the executive branch to the legislature, and that this may have fostered democratic accountability, raising the policy stature of the legislature and expanding its ability to challenge government actions and policy preferences in what the author characterizes as a “super-presidential system”. Referring to earlier eras, it has been argued that the high level of institutionalization that characterized the Chilean party system, the significant degree of interbranch co-operation, and more generally, the stability and legitimacy of Chilean democracy were anchored in Congress’s ability to serve as an arena of compromise. Particularistic legislation, clientelism and patronage effectively moderated ideological polarization and permitted Congress to participate in the policy process to a much greater extent than its formal constitutional prerogatives allowed (Valenzuela and Wilde 1979).

“To assess current concerns regarding the policy capabilities of the legislature, it is helpful to consider that, as stated in scholarly analyses, the Chilean Congress has long possessed the ability to influence policy making to a relatively greater extent than other legislative bodies in the region. In the early 1970s, members of Congress could proudly state that Chile was “the only Latin American country with a century and a half of continuous parliamentary life” (Agor 1971:146). Stable congressional careers, norms regulating the structure, membership and operation of congressional committees, as well as the existence of a capable staff contributed to the use of specialized knowledge, moderated partisan conflict and facilitated the scrutiny of government performance and considerable congressional control over budgetary matters.

The Chilean Congress of the past was usually described as a strong and influential legislature. For example, Federico Gil (1966: 117-118, cited by Nolte 2003: 44) writes: “Unlike many Latin American legislatures, the Chilean Congress is not a rubber-stamp body. It is an independent,

³⁰ See Obando-Camino (2009) for a very valuable dissertation on the institutionalization of Chilean Congress in the period 1834-1924.

properly elected, deliberative assembly, which often challenges the authority of the executive and participates actively in the determination of national policies”.³¹

According to Carey (2002), the Chilean Congress was a center of partisan compromise and dealmaking, and served as an effective counterweight to the presidency up throughout the 1960s, but a series of electoral and constitutional reforms undermined incentives for cooperation, but among parties and between the branches (Shugart and Carey 1992 and Carey 2002).

VI. CONCLUSION

This paper has provided substantial evidence indicating that the Chilean congress is more institutionalized and a more relevant political and policy arena than the Argentine one. It has highlighted the presence of reinforcing dynamics behind this picture. It has speculated on the theoretical connections and deep roots of this outcome. It has described some of the implications of having a stronger or weaker Congress for the quality of the public policies in both countries.

The paper also provides some preliminary steps towards the broader enterprise of developing a richer comparative analysis of the institutionalization of legislatures, which overcomes the “hidden assumptions” of the most studied cases (Morgenstern and Nacif, 2002).

The paper, as part of a broader agenda, needs to be extended in several dimensions. On the one hand, other Congresses need to be closely inspected with the types of metrics used here, in order to gather more stylized facts about the interconnection among these various measures of congressional institutionalization, and between these, and broader political characteristics of countries. Within the Argentina-Chile comparison, it is necessary to stretch the “Polsbian” and other indicators back in time, to study their evolution. This should serve the third dimension of further theorizing in order to ascertain the role of self-reinforcement and critical junctures, as well as the role of deep “structural” factors.

³¹ See Nolte (2003) and Valenzuela and Wilde (1979) for further description of the strength and capabilities of the Chilean Congress in the earlier periods, as well as for speculations on the reasons for that.

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APPENDIX

Basic Information about the Political Systems

Both countries have presidential forms of government and bicameral legislatures. Argentina, which returned to democracy in 1983, is a federal republic consisting of twenty four legislative districts: twenty three provinces and an autonomous federal district. The National Congress has two chambers, the Chamber of Deputies (i.e., the House of Representatives) and the Senate. The 257 Argentine deputies are elected using proportional representation in multimember districts (provinces) with a median district magnitude of 3 and a mean of 5. Deputies are allocated to the provinces based on their population (according to the 1980 census); every province receives a minimum of five deputies and no province receives fewer deputies than it held during the earlier 1973-76 democratic period. One half of the Chamber is renewed every two years, with each of the 24 electoral districts renewing one half of its delegation, or the closest integer approximation. Deputies are elected from closed party lists using the D'Hont divisor form of proportional representation. Each province has three Senators, which are elected for staggered six-year terms, with one third of the provinces renewing every two years. Two seats are allocated to the plurality party and one to the first runner up.³²

Since the return to democracy in 1983 Argentine politics has been dominated primarily by the Partido Justicialista (PJ, the Peronists) and secondarily by the Union Civica Radical (UCR, the Radicals). National level third parties, sometimes on the right, sometimes on the left, achieve some ephemeral success, but tend to vanish after one or two elections.³³ There are also a number of provincial-level parties that occasionally reach the provincial governorship and a few congressional seats at the national level. (Sin and Palanza, 1997).

The Chilean State is unitary while the territory is divided into regions, with its administration functionally and territorially decentralized. It has a bicameral Congress. The Senate is made up of 38 members elected from regions or subregions. Senators serve eight-year terms. The Chamber of Deputies has 120 members, who are elected to serve four-year terms from 60 electoral districts. Chile's congressional elections are governed by a unique binomial system that rewards coalition slates. Each coalition can present two candidates for the two Senate and two lower-chamber seats apportioned to each chamber's electoral districts. Typically, the two largest coalitions split the seats in a district. Only if the leading coalition ticket outpolls the second-place coalition by a margin of more than 2-to-1 does the winning coalition gain both seats.

³² Before the constitutional change of 1994, each provinces had two senators, elected by the provincial legislature.

³³ The main reason for that is that these metropolitan-based parties are not able to have the wide territorial reach of PJ and UCR, and given various biases in the electoral system (malapportionment in the Lower and specially upper House, majoritarian and partisan biases in the provinces – Calvo and Micozzi 2005) they are unable to translate one or two decent elections in enough public offices to become sustainable in a country in which the use of the (national, provincial, and municipal) state apparatus is crucial in the development of party politics.

In the period leading up to 1973, Chile was generally regarded as a multiparty system with 5-6 strong political parties. After 17 years of military dictatorship, Chile recovered democracy with the plebiscite of 1988. The outgoing military dictatorship of Pinochet left a new constitution which, by and large, it is the one that rules the current political system. Since the return to democracy, Chilean politics has organized around two broad coalitions Concertación on the left (comprised of the Christian Democratic Party, PDC, Radical Democratic Party, PRSD, Party for Democracy, PPD and Socialist Party, PS) and Alianza on the right (comprised of National Renewal—RN—and the Independent Democratic Union—UDI—parties). Concertación candidates won the Executive since the return to democracy until 2010.