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The failure of the Chilean constitutional process in 2022

El fracaso del proceso constitucional chileno en 2022

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Abstract

This paper analyses the reasons behind the failure of the Constitutional Convention proposal in the 2022 referendum in Chile. Although the constitutional process was conceived as a way out of the 2019 political crisis, it ultimately became a manifestation of that crisis. Furthermore, the article demonstrates that contextual factors took precedence over substantive ones, and concludes that an unresolved crisis of legitimacy persists in Chile.

Keywords: Constitutional Convention; Social unrest; Compulsory voters.

Resumen

Este artículo analiza las causas del fracaso de la propuesta de la Convención Constitucional en el plebiscito de 2022 en Chile. Si bien el proceso constitucional se concibió como una salida a la crisis política de 2019, terminó por ser expresión de ella. Asimismo, se muestra que hubo un predominio de factores contextuales por sobre los de contenido y se concluye que en Chile persiste una crisis de legitimidad aún no resuelta.

Palabras-chave: Convención Constitucional; Estallido social; Electores obligados.



Introduction

October 18, 2019, marks a fundamental milestone in the recent political history of Chile, because, as a political and institutional crisis, it marked a radical questioning of Chilean neoliberalism and its legal-institutional expressions, shaping a “constituent rupture” (Gajardo Falcón, 2021) that allowed the initiation of a (double) constitutional process aimed at replacing the current text inherited from the dictatorship, which, however, concluded with the rejection of the two constitutional proposals in 2022 and 2023, respectively.

The intense social mobilizations during the October 2019 protests put the political system in general, and the government of Sebastian Piñera in particular, in check. Therefore, a broad spectrum of parties with representation in Congress, after a marathon session, reached, on November 15 of that year, the “Agreement for Peace and the New Constitution”, enabling the start of roadmap that established, ultimately, the possibility of replacing the current constitutional text. The Communist Party, the Social Green Regionalist Front and the Social Convergence Party, of the then-deputy Gabriel Boric, did not participate in this agreement; however, despite this, he individually affixed his signature to the final document. An ambivalent assessment is attributed to this agreement. On the one hand, it represented a significant change in the national political and social landscape, as the drafting of a new constitution was associated with the opportunity to address the country's serious inequality problems and to reformulate the political system to make it more responsive and socially inclusive. On the other hand, it was also understood as an institutional strategy to contain the protests (Garretón; Morales-Olivares, 2023).

Almost a year after the October 2019 protests, according to the roadmap outlined by said agreement, in the “entry plebiscite” (2020), in which the largest number of voters up to that moment in the country voted, and in the midst of the pandemic, voters at the polls predominantly manifested in favor of drafting a new Constitution (78.27%), through a Constitutional Convention (78.99%), that is, by means of a body with representatives elected exclusively for that function. Consequently, during 2021-2022, an unprecedented constitutional process for the country was initiated, the Constitutional Convention, which, along with initially having high levels of support and participation, was characterized by having parity in its composition (155 convention members), by the strong presence of



independents, a good part of them linked to social struggles, and by the presence of reserved seats for indigenous peoples (17).

However, despite proposing a cutting-edge drafting in matters of social rights, feminism, environmentalism, and recognition of indigenous peoples, and the high expectations it raised among the population, its draft was overwhelmingly rejected on September 4, 2022 (61.89% for rejection). Subsequently, a new constitutional text, after another equally paritary process that sought to correct some flaws of the first one and that had a majority control of the right wing, in particular of its most extreme sector, was also discarded (Toro; Noguera, 2024). Although the eyes of the world turned to Chile for the institutional way out of the 2019 crisis, through an innovative paritary constituent body, with high indigenous representation and a strong presence of independents linked to social movements, today the country draws attention for becoming the only country to successively reject two constitutional texts originated in representative bodies (García, 2024).

If a constitution is an autobiography of a country (Hoffmann-Riem, 2005), what place does the failed drafting of a constitutional text to replace one originated in the greatest political trauma of the nation: the 1973 Coup d'État, occupy in its political life? This paper explores and discusses the reasons that explain the failure of the text proposed by the Constitutional Convention in 2022, since, despite a right-wing text being discarded the following year, the rejection on September 4, 2022, has been indicated as a milestone in the reconfiguration of Chilean politics (Altman, 2025), marking a decline of progressivism in that country, which, after the “social unrest” (estallido social), had managed to win the government with the former student leader Gabriel Boric. Although the constitutional process of the Convention was conceived as a possibility of overcoming the fracture between the politics and society and a possibility of consolidating Chilean democracy, it ultimately became an expression of that crisis.

Through a systematic review of the literature published on the process, the analysis of secondary data, and the author's position as a member of the communication strategy team of the “Apruebo” campaign, the causes of the failure are explored, as well as its possible consequences for Chilean democracy. To this end, firstly, the article qualifies the tension between politics and society in Chile, specifying in a particular way the crisis of contemporary political modernity (Domingues, 2021). Next, it explains why, following the 2019 mobilizations, the initiation of a constitutional process was



consolidated as the way out of political crisis the country was experiencing. The third part reviews and discusses the way in which the social sciences have explained the failure of the Convention. Fourth, the culturalist attribution to the constitutional text as a cause of its rejection is questioned. The last section analyses the electoral campaign of the exit plebiscite to finish with some considerations by way of conclusion.

The assumption that supports the argument of the text is that Chile remains at a “constitutional crossroads” (Salazar, 2023), marked by the paradox of the need for a new constitutional pact and the undesirability of a new process for a large part of society and the political world. Thus, the irresolution of the constitutional question can contribute to amplifying the divorce between the politics and society; therefore, it becomes more necessary than ever, in the context of what Gonzalo Garcia (2024) calls “Chilean post-constitutionalism”, to review the constitutional failures, and especially that of the Convention.

1. The divorce between politics and society

As Manuel Antonio Garretón (2024) points out, politics has lost its centrality as a mechanism of social coexistence; therefore, it must necessarily be reinvented. Chile would be experiencing a historical-structural crisis as a society, marked by the absence of a historical project and without the capacity to organize sociopolitical processes of transformation. The consequence of this would be that politics ceases to be a cultural cement for society, as it was during a large part of the 20th century; politics disengages from society, and when it achieves some degree of imbrication, it does so in an unstable and intermittent manner, just as occurred with the agreement that enabled the constitutional process of the Convention.

The absence of a central conflict that allows the articulation of other contradictions would go hand in hand with a pluralization of social actors (Domingues, 2021), but without new mechanisms for the recomposition of the relationship between politics and society. In this framework, social movements in Chile have been fundamental in oxygenating democracy, not only by generating transformative demands, contributing to the politicization of the various discontents that have been cultivated within society, despite the fact that the post-dictatorial institutional design continued to identify them



as a threat to the democratic architecture originating from the pact with the Pinochet Dictatorship (Cortés, 2022b). It has been precisely their mobilizations that have made it possible to establish a grammar of social rights, mainly in education matters, or to grant centrality, in alignment with society, to environmental care, or to question patriarchal socio-cultural orientations through the feminist wave (Zerán, 2018). However, although they have opened favourable political conjunctures for change, through the confluence of mobilization cycles with political-electoral cycles (Cortés, 2022a), a large part of them reject party representation; in turn, large masses of the popular sectors coincide in their rejection of parties as forms of representation, but also of movements as interpreters of their own fragmented and dispersed demands (Luna, 2024). Although, this is a phenomenon that globally affects the action of social movements (Pleyers, 2018), it impacts Chilean society with particular force due to the design of a democratic transition, conditioned by a Magna Carta originating from the dictatorship itself.

The 1980 Constitution de-sovereignized the democratic exercise, contributing strongly to the configuration of a neutralized politics, limiting the State in its economic and administrative capacity, establishing counter-majoritarian clauses in areas that should properly belong to democratic deliberation. Finally, the current text normatively embodied the neoliberal and authoritarian project in its drafting (Atria, 2013; Bassa, 2020).

In this framework, the political system became increasingly closed off, closing in on itself and becoming ever more indifferent to social demands. On the one hand, the preservation of the pillars of the economic model inherited from the dictatorship, such as the subsidiary State, subordination to the mandate of external multilateral economic organizations, and deindustrialization, contributed not only to generating new forms of discontent (PNUD, 1998), but also to eroding the integrative role of politics, insofar as fundamental aspects of common life, such as the development model, were removed from the deliberative space. The economy became depoliticized, turning into a sphere of autonomous operation governed by supposedly natural laws that, when subject to decision-making, only concerned the expert knowledge of technicians. As long as economic growth accompanied this cycle, strongly driven by the social stability generated by the reversal of extreme poverty figures and the expansive, albeit targeted, social policies of Concertación governments, any potential criticisms of the economic-political arrangement remained marginal (Fazio, 1997).



On the other hand, the preservation of the authoritarian institutional framework, designed to neutralize the democratizing power of majorities and inhibit social change, gradually configures what Carlos Huneeus (2014) has termed a “semi-sovereign democracy”, that is, institutional and political limitations that have restricted the power of citizens, through a protected and authoritarian democracy, the privileging of economic performance over democratizing tasks, and a politics of consensus among the center-left government, the business sector, and the right-wing opposition (Moulian, 2002). The result was growing political disaffection, a decline in electoral turnout, a crisis of political parties, and a decrease in institutional trust. Additionally, the weakening of social actors such as trade unionism, the *pobladores*, or students contrasted with the empowerment of the business world, which held veto power in sensitive matters of social reform, having a high resonance capacity in the political world and public opinion (Pelfini, 2022).

Despite the exemplary character of this democratic transition, highlighted by its capacity to generate social and political stability along with economic growth (Castells, 2005), since the beginning of the new century, and especially in the intense period from 2011 to 2019, a social re-emergence of various actors began, with a notable leading role of the student movement (secondary and university) that allowed for the consolidation of a critique of the Chilean neoliberal model (Undurraga et al., 2023). Thus, movements such as the feminist, environmental, *pobladores*, or Mapuche movements regain centrality in the public sphere, contesting the economic and political model.

However, this capacity was not accompanied by the same intensity when stabilizing their demands in permanent institutional arrangements. In the terms employed by José Maurício Domingues (2007), a dissociation has prevailed between instituting citizenship and instituted citizenship, that is, between citizenship as aspiration, desire, demand, and imaginary, and citizenship as reality, concreteness, and institutional arrangement.

The beginning of the constitutional process was the most palpable and relevant result of the mobilization cycle that reached its peak in October 2019; however, the successive failure of two attempts at constitutional replacement, one heavily influenced by social movements (2021 – 2022) (Delamaza, 2025) and another marked by the dominance of the far right (2023), is a clear indicator of the difficulty of recomposing the rupture between politics and society.



2. The necessity of constitutional change

Why did a disjointed mobilization, without clear leadership, dissociated from institutional politics, and with a primacy of an emotionally negative expressiveness, end up being channelled as a constitutional process, that is, in the most institutionalist and rationalist way possible? A genealogy of the 2019 “social unrest” (*estallido social*) and subsequent processes cannot be traced without referring to the constitutional authoritarian enclaves and the restrictions of Chilean democracy, as extreme economic liberalization resulted in the loss of legitimacy of the country’s political and institutional system (Garretón; Morales-Olivares, 2023, p. 95). There was a constitutional pedagogy provided by the refractory role of the Constitutional Court in the face of institutional reform attempts in various fields: education (particularly free tuition), consumer rights, and social relief during the pandemic. In this way, it became clear that any attempt at transformation, however minimal, would always encounter a constitutional obstacle (Heiss, 2020). For Rodrigo Cordero and his team (2020), in Chile, the constitutional question did not open a field of possibilities for dealing democratically with the incompleteness of the institutional design. The Constitution was designed to foreclose other interpretations and, above all, the expression of the majority, as it served a messianic political project that refounded Chile during the dictatorship and sought to shield that legal order at the highest normative level. However, the “constitutional spell” was broken, and the massive sale of pirated copies of the 1980 Constitution during the “social unrest” (*estallido social*) was the ultimate expression of that attempt to reclaim the voice that had been shut down by that institutional refounding.

According to Jaime Bassa, a constitutionalist and member of the Constitutional Convention, the social discontent of the unrest was able to express itself as constitutional discontent, insofar as the constituent moment allowed for the recovery of the political agency that had been stripped from the people through the normative neutralization of the dictatorship’s text, reflecting the political project of a minority sector of society. The drafting of a new constitution was presented as the possibility of a positive expression of a new configuration of political and social power relations (Bassa, 2020, p. 37). The current constitutional text had to be changed because, as Roberto Gargarella (2020) stated, democracy must not be constrained by the grip of the *facto* norms imposed by the military dictatorship. For him, Jaime Guzmán, the dictatorship’s primary jurist, conceived a



constitution as a prison for democracy, with a “Spartan” and conservative bill of rights more characteristic of the 18th of 19th centuries (lacking sectorial collective bargaining or the right to strike for public servants, for example): “its list of rights enumerates such protections as if its drafters had felt compelled to recognize fundamental interests that people did not deserve” (Gargarella, 2020, p. 17).

However, following the intense “constitutional mobilization” (Rodríguez; Rojas soto; Cuadros, 2024) of recent years, Chile is currently experiencing “constitutional fatigue” caused by the weight of the failure of the two constitutional processes. There is no other country in the world that has successively rejected two constitutional drafts originating from representative bodies established for that specific task. Any political project that today suggested the reopening of the constitutional question in an electoral context would suffer punishment at the ballot box. To a large extent, this fatigue is explained precisely by the unfolding of the constitutional process led by the Constitutional convention, whose failure seemed to bury the possibility of establishing a new constitutional pact.

3. The failure of the Constitutional Convention

Why was an eminently social, ecological, and feminist constitutional proposal – three concerns that synthesize the discontent expressed in significant social mobilizations – resoundingly rejected by a substantial electoral majority? Why did constituent body, which brought together, like no other deliberative body in the country’s history, a group of representatives that mirrored society with almost no presence of the perpetual national elites, become synonymous with rejection and disappointment? Answering these questions is crucial because, until now, a reactionary interpretation of recent events has prevailed, in which the rejection of the Convention’s text on September 4, 2022, has been transformed into a historic defeat of the progressive project and a closure of the possibilities for overcoming the economic model that has been responsible for the social discontent expressed in multiple ways over recent decades.

Sociologist Pierina Ferretti (2023) has pointed out that September 4, 2022, was more than a defeat, as it demonstrated the inability of the left to lead the way out of the crisis in an anti-neoliberal direction. As synthesized by Claudio Alvarado Lincopi (2023, p.



13), the triumph of the rejection was a cultural reaction against the social movements that challenged the neoliberal consensus. Hence, he also raises the question: “to what extent were the paths to a new plural, feminist, anti-liberal, ecological, and decentralized Chile closed off?” (Alvarado Lincopi, 2023, p. 19).

Indeed, the constitutional process of the Convention had several potentialities, as Juan Pablo Luna (2021) has highlighted: firstly, as a way out of the institutional crisis revealed in October 2019, it allowed an elite that seemed doomed to institutionally channel the social conflict. Secondly, it allowed for the incorporation of the streets, discontent, and contestation into an institutional space, achieving an embodiment of society like no other instance. However, as he himself would acknowledge after its collapse: “Even without a tie, they failed at the exact same thing as the political system they so stridently opposed: beginning to articulate representation from below” (Luna, 2024, p. 251). It seems that Chile looked in the mirror and did not like what it saw in the reflection. The constitutional process of the Convention was an opportunity to establish a new intertwining between politics and social movements (Garretón; Morales-Olivares, 2023), but, as Rozas Bugueño (2024) pointed out, in his study on the constitutional convention members, the composition of the constitutional body was rather a reflection of the intermediation crisis in Chilean politics, rather than a way out.

As Rodrigo Espinoza (2023, p. 33) has pointed out: “The Chilean experience is one of the most innovative, inclusive, plural, and participatory, beyond the rejection of the proposed new Constitution”. It is likely that, as a procedure, it will become exportable for future cases due to the multiple mechanisms of participation and deliberation. The globally unprecedented parity representation in its composition, the high integration of indigenous people (17 out of 155, representing 11%), entry quotas (on candidate lists) for people with disabilities, and participation of lists of independents, constitute what Paola Díaz (2023) has described as the most participatory constituent process in history in comparative terms.

Despite the time constraints that prevented the existence of district weeks, contributing to the disconnect between the Convention and public opinion, 7 different participation mechanisms were implemented throughout the process (out of a total of 10 defined). Gonzalo Delamaza (2025) estimates that nearly 1.5 million people were involved throughout the entire process. Additionally, the Constitutional Convention featured an exceptional presence of social movements. As shown by the research of Juan Pablo



Rodríguez and his team (2024), the 2021-2022 Chilean constitutional process is an exemplary case of successful constitutional mobilization, resulting in the incorporation into the proposed text of demands collectively developed over the last decade. This influence was imprinted, for example, in the unprecedented parity design of its composition (Undurraga, 2020), showing the mark of the feminist movement, which managed to extend to the subsequent constitutional process. The presence within the Convention itself, not only of feminists but of renowned environmental and territorial activists, allowed for a drafting highly sensitive to those concerns. To such an extent that movements that did not manage to elect convention members nevertheless succeeded in strongly influencing the drafting, as in the case of the *pobladores* movement regarding the right to housing and the city (Córtes, 2025), or the trade union movement regarding freedom of association and decent work. In this sense, this permeability to social demands by the constituent body contributed to increased expectations regarding the drafting in relation to overcoming social inequality and elitist political logics (Heiss, 2021). However, as Gonzalo Delamaza (2025) has shown, the movements, despite their influence, had difficulty transitioning between the different arenas that marked the process, because, while they were relatively successful in street mobilization and in institutional arena of the Convention, they were not in the electoral sphere of the plebiscite. For Nelly Richard (2023, p. 147), this was a translation problem, because, from the perspective of the left, the proposal “seemed more like a declaration of principles with a programmatic vocation of a vindictory manifesto of mistreated identities than a normative text that synthesized the comprehensive vision of a plural society”.

An exceptional constitutional process, due to its composition, its parity innovation, the broad and reparative presence of indigenous seats, and the high levels of participation it exhibited, produced and even more exceptional result: the rejection of the text. Although, as Gonzalo García (2024) notes, its rarity does not lie in popular rejection, since there were at least 11 previous cases. What is eccentric is that a draft elaborated by a body analogous to a Constituent Assembly was rejected. As Garcia points out, 93.3% of plebiscites have been successful, making ratification, therefore, the rule. What happened? The constitutionalist himself offers a political and procedural explanation of the constitutional failures. First, an asymmetry of electoral rules operated between the voluntary voting of the entry plebiscite and the compulsory voting of the exit plebiscite, generating an electoral dissociation among those who participated initially, granting a



significant majority to sectors identifiable with the left, who drafted a text consistent with the expectations of those who elected them, but which disconnected it from the new voters of the plebiscite. This has been defined by Claudio Fuentes (2023, p. 69) as an “illusion of representation”, because the convention members considered that they were still drafting rules for the 80% who had enabled the process and who had subsequently elected them, reducing the incentives to include the right in the constitutional pact. According to Francisco Zuñiga (2024), this irrelevance of the right within the Convention quickly led it to rejection, sabotage, and filibustering in the assembly. Consequently, García notes, the political center and the depoliticized sectors became reluctant toward the proposal and key players in the outcome. Consistently, this asymmetry was exacerbated by a temporal dissonance: the moment of constitutional rupture was different from the constituent moment for the eventual ratification.

As Tironi (2020) notes, the exit plebiscite held post-pandemic took place in a context of maximum anxiety and irritation, marked by a high inflation, more aggressive crime, and the end of the State’s economic aid to face the health emergency. Subsequently, García emphasizes that the logics of citizen participation tended to be co-opted by sectors with their own agenda, lacking broad appeal, which reflected partial worldviews. Furthermore, the inclusive and compensatory method for historically excluded agencies (independents, parity, and indigenous seats) inadvertently contributed to the loss of majoritarian legitimacy, or legitimacy before society, of the constituent body. The representation imbalance that, in the case of the Convention process, skewed representation toward the left, resulted in the draft being a progressive mechanism resisted by voters. Finally, the binary plebiscitary mechanism (Approve/Reject) served to reduce conceptually dense problems to a yes-or-no dichotomy, something that was exacerbated in the electoral campaigns. The Argentine constitutionalist Roberto Gargarella (2020) had already warned about the mechanism shortly before the plebiscite, as constitutional plebiscites would entail a certain “democratic extortion” by transforming a highly complex decision into an all-or-nothing choice.

The idea of an “illusion of representation” is consistent with the argument of Pierina Ferretti (2023), who highlighted the existence of an optimistic distortion of the left’s capacity to define the terms of the process and, consequently, an underestimation of the right’s strength to regain the political initiative in a context where it seemed to be defeated. Although the various transformative agencies present in the Convention



showed a high level of commitment to the process and placed their hope in it, they failed to integrate all the sectors present there, nor the society that would subsequently have to ratify or reject the proposal. According to Claudio Fuentes, this disconnect is largely explained by problems in the design of the process, both in the voting rules (voluntary voting at entry versus compulsory at exit) and the internal operating rules of the Convention, which tended to disincentivize compromise. Although a demanding majority (2/3) was achieved within the Convention, despite the context of high fragmentation, it was not enough to stitch together a social majority. These rules would have clouded the vision of the convention members, leading them to act as if they truly were the expression of broad majorities outside the Convention. While, in practice, an ever widening disconnect from society was being provoked.

The rupture between society and the Convention was gradual, but systematic. The loss of trust occurred incrementally, starting from an initially favorable position in terms of positive emotions, and concluding with the Convention being included among the institutions with the worst public evaluation. Particularly critical was the performance of some convention members, especially when a couple of them dressed up in full-body costumes of the characters with which they gained notoriety in the 2019 mobilizations, or when the fraud of Rojas Vade was discovered, who admitted that he lied when he pretended to suffer from cancer. This was noted in a study conducted by the think tank Espacio Público together with Ipsos Chile, which, between February 2021 and July 2022, administered six waves of surveys to a representative sample of the country. In August 2021, one month after the Convention began its work, five out of ten respondents gave the highest available ratings to evaluate their level of trust. These numbers endowed it with an inaugural legitimacy that was quite unusual by the parameters typical of Chilean political institutions today (Sajuria & Saffirio, 2024, p. 102).

However, by March 2022, those levels dropped to 31%, that is, a 17-point decrease compared to the first wave. The distrust toward political elites gradually transferred to the functioning of the Convention itself. The problem was not that the Constitutional Convention was more strident and questionable than the National Congress, but rather that, as a political expression, it failed to differentiate itself from a practice considered degraded and reprehensible. A gap gradually emerged between the expectations regarding the Convention's work, and the perceptions of how the convention members exercise their role. According to the cited study, respondents



expected the representatives to be willing to reach agreements and compromise on their positions, but the assessment of those who evaluate them was that this did not happen. Thus, there was a shift from a state of hope to one where the emotion describing the process was uncertainty.

These results are consistent with another longitudinal tracking exercise, this time qualitative, implemented by the Contexto platform of Diego Portales University, where they followed a panel of 12 participants in 12 meetings held every two months, divided into two groups (one of men and one of women), starting from before the entry plebiscite. Through these focus groups, they observed a shift in the narratives associated with the process from hope to uncertainty, and then to frustration. Thus, groups that acknowledged wanting a constitutional change ended up admitting that their vote would be for rejection in the plebiscite. The initial hope would be explained because it was conceived as an alternative to traditional politics (España & Fuentes, 2023), where the participation of independents and the inclusion of indigenous seats were highly valued. However, the very installation of the Convention, where some convention members engaged in acts at odds with society's expectations (especially the interruption of the national anthem sung by a children's choir), had a strong symbolic impact; it was a shock of uncertainty. When the draft was finally delivered, fatigue and uncertainty prevailed due to the failure to fulfil the promise of dialogue and agreement. The perception within the studied groups, the researchers acknowledged, was that of a revanchist process that failed to incorporate the opinions of others, where sectarian politicization and the imposition of one group prevailed throughout a text that divided rather than united the country. Hence, pluractionality began to be questioned as a privilege for a minority. The Convention, despite the predominance of independents, ceased to be seen as an alternative to the old politics, becoming just another expression of it.

Why was a highly participatory process insufficient to prevent the failure of the Constitutional Convention? According to sociologist Gonzalo Delamaza (2025), who was responsible for the participation secretariat of the process, there was a problem in the design, as it did not establish clear priorities or sequences, nor were they easily communicable. Time and resources were scarce, with a prevailing logic of acceleration that hindered the appreciation of the Convention. At the same time, he acknowledges the absence of a narrative regarding the role of participation for success, the lack of balance between simple, massive modalities and more complex ones, and the absence of a



mechanism that better linked participation with the Convention's decisions. Nevertheless, the process opened unprecedented participatory channels for any Chilean institution, but, at the same time, this increased society's expectations and demands regarding the process itself and its outcome. For the specialist, the fact that a country characterized precisely by the absence of participatory mechanisms that contribute to consolidating its democracy has applied them in such a diverse manner within such a limited timeframe leaves a participatory legacy that the country previously lacked, increasing the legitimation of citizen participation instruments as an inherent and regular component of the political process.

4. An identitarian constitution?

One of the most reiterated interpretations in the Chilean public and academic discussion is the identitarian character of the Convention's constitutional proposal. It is characterized as a post-material, experimental, and culturally radical Constitution. According to Tironi (2023), such an exercise would be analogous to the extremism that the 1980 Constitution imprinted on the economy. The inclusive language it incorporated and the performative and discursive logic of victimized minorities adopted by the representatives within it would be, for him, a sign of this shift. This would have provoked a fear even stronger than that of structural change. It was a text more characteristic of the young, urban, and progressive generation that was on the rise, and which found in radical feminism and pluractionality the best expression of that cultural revolution. According to the research by Claudio Fuentes, there was a predominance of convention members akin to an "identitarian left" (40% of the convention members), associated with specific demands: feminism, regionalism, environmentalism, indigenous peoples, and sexual identities, a situation favored by the low presence of political parties (32.4%). Intellectually, this left was of a "decolonial" nature, as Aldo Mascareño (2022) concludes after analyzing the speeches of the convention members. It would be a new strand that draws upon decolonial theoretical elaboration and finds its underpinnings in concepts such as: *buen vivir* (good living), plurinationality, dissidence, degrowth, and the rights of nature. According to this interpretation, such a shift generated mutual uncertainties and



misunderstandings, and affected the capacity for articulation typical of the traditional versions of the liberal, social democratic, and socialist left.

In the public debate, those who opposed the process associated that deliberative moment with an exercise of intemperate “octubrismo”; that is, the behavior of the convention members appears in these accusations as an extension of the October 2019 revolt. The failure of the Convention, therefore, would be the defeat of that movement and, above all, of its causes. Conversely, for Manuel Canales (2023), the problem of the Convention was not its excess of *octubrismo*, since that constitutional process would not only not be “October”, but rather its deviation. The words, terms, and concepts that circulated within the Convention were not those of the people who brought about October. This deviation ultimately led to the abandonment of the discussion on inequality and the material agenda of social rights, leaving aside the class perspective. Diamela Eltit concurs with this diagnosis, illustrating it with plurinationality, as: “it became one of the major stumbling blocks. In general, an identitarian excess was visible in the interventions of the convention members, which fragmented in a certain way, the unity around traditional rights” (Eltit, 2023, p. 81).

According to Alvarado Lincopi, the exercise of power in Chile is strongly associated with a cultural ethos expressed in its own forms; the popular invasion of that space through the stridency, iconoclastic deviation, and baroque style of the convention members provoked a shock that resulted in incomprehension, absurdity and the persistence of a destituent vocation at a time when what was expected was the institution of a new common sense. In this framework, plurinationality was an opportunity to rethink the relationship between the State and indigenous peoples. For them, it was a form of democratizing the State and building a new universality of a political community of equals who do not renounce their alterity nor are forcibly incorporated into a universality as abstract as it is empty. For this reason, he asks: “what were we supposed to have done? Renounce the democratizing drive or temper expectations?” (Alvarado Lincopi, 2023, p. 21). Similarly, for Claudia Zapata (2023), although there were rhetorics associated with “identity politics”, it would be reductionist to use that category to characterize what happened in the Constitutional Convention, since it would omit the heterogeneity of the trajectories of those who participated in it, and who do not necessarily represent the most culturalist or identitarian strands of the social sphere. In fact, specifically regarding plurinationality, its power lay in emphasizing territorial autonomy and political self-



determination, in contrast to multiculturalist perspectives, which are more politically accepted by the right and focus precisely more on symbolic and cultural issues, as well as on minor compensations.

Although the failure of the Convention and the rejection of the constitutional text it proposed constitute a defeat for the social movements that managed to influence its drafting, it is unfair to attribute the responsibility for this outcome to them and their demands. Should social movements have renounced their flagship demands in the constitutional debate to guarantee their acceptance? The paradox is that many of the movements' cause correspond to the social demands made visible in the long cycle of mobilization that preceded the constitutional process. It was precisely these demands that often led them to be elected as convention members. It is possible, however, that the language and terminology typical of the movements may have hindered communication with those who were beginning to distance themselves from the process, and with the new voters who would ultimately determine the negative outcome of the plebiscite.

The Convention's proposal did not neglect the classic charter of social rights, for example, in labor or social security matters, but it indeed incorporated innovations that sought to address the challenges of our time regarding rights, for example, concerning the climate emergency or regarding sexual and reproductive rights, such as the right to voluntary interruption of pregnancy. Could a constitutional text drafted in the 21st century, democratically, by a body as diverse as the Convention, remain silent on debates so relevant to the country's future? Nevertheless, the transactional logic of negotiation fostered by the high agreement quorum (2/3) resulted in an overloaded text that added rights without a unifying narrative that would give it meaning and allow for the reversal of the poor image that the process conveyed to the text submitted to the plebiscite. In other words, the high quorum, contrary to expectations, did not reduce the length of the text, as the incorporation of one right was conditioned upon the acceptance of another. Nevertheless, as I will attempt to show in the following section, the problem was not necessarily the content, but the inability to communicate the virtues of the text and to separate that product from a body that ended up transferring to it distrust and frustration that had been building throughout the process and, above all, the inability to speak to a new voter, compelled to vote, who, although wanting changes, viewed the constitutional



process with detachment, without distinguishing it from the traditional politics they condemn.

5. The “Apruebo” campaign, a defeat foretold

Electoral, what elements explain such an unfavourable outcome? This section attempts an answer, based on the author’s own experience in the “Apruebo” electoral campaign as part of the strategy team, combining elements of the political sociology of social movements with aspects of strategic communication.

The main argument is that the constituent process, although it attempted to overcome the political crisis of representation that triggered the constitutional change, ultimately deepened it; and, even though the New Constitution addressed the social demands of the “Estallido”, it failed to articulate a common narrative that demonstrated the need for such normative change for the construction of a just order in tune with the common sense of a new electorate. The Chilean case reaffirms the difficulty of transitioning from an instituent imaginary of social justice, typically promoted by social movements, to one that manages to establish itself stably through norms and institutions (Domingues, 2009).

The triumph of the “Rechazo” to the New Constitution rehabilitated a narrative that vindicates the political logic of the democratic transition that “Estallido Social” challenged. The search for consensus between left and right to favor stability over change, the nullification of social actors, and the prevalence of expert knowledge to the detriment of democratic deliberation. In parallel, an interpretative struggle began that discredits the October 2019 uprising as a criminal and politically exhausted event, an “Estallido Delictual” (Criminal Uprising) (Ortúzar, 2025).

Part of the narrative that has become dominant points out that the constituent process was the chronicle of a death foretold for that New Constitution. The proposed contents, being radicalized and refoundational, would make its approval impossible, according to its detractors. Among those who supported the process, particularly from the political sphere, the new constitution seemed inevitable, without understanding the dimension of the electoral change brought about by compulsory voting, and distrusting the research that showed the uphill battle of the plebiscite. The very same people who



claimed it was impossible to lose, with the result in hand, began to say it was impossible to win. Without claiming to provide an exhaustive review of the multiple factors influencing the result, this text seeks to highlight, in a self-critical manner, some keys regarding the “Apruebo” Campaign that can help understand what happened, in order to draw lessons to reverse a highly adverse situation for a social justice project.

5.1. An asymmetrical campaign: A long “Rechazo” campaign versus a short “Apruebo” campaign

The “Rechazo” relied on a long-term design that began with the very installation of the Constitutional Convention. A significant part of the right wing, knowing that it would be a minority in that space and that it would not be able to influence the final text, sought to erode the process with a discourse that emphasized fear. The New Constitution would expropriate pension funds, homes, and privilege indigenous peoples, among other things (Cubillos, 2022). This narrative relied on enormous resources and a high level of receptivity from the media.

As is usual in Chilean election, there was a gigantic gap between the resources available to the right wing and, therefore, to the “Rechazo”, versus those of the left and the “Apruebo”. According to calculations based on data published by SERVEL, the “Rechazo” raised six times as much as the “Apruebo” (Velasco (LABOT), 2023). As demonstrated by a journalistic investigation by the media outlet Cíper (Segovia; Sepúlveda; Herrera, 2022), a grey area was detected outside SERVEL’s spending controls, where at least 36 organizations took an active part in the expenditure on Facebook and Instagram corresponding to the constitutional “Rechazo” option. One of the emblematic cases is that of the economist and former right-wing convention member Bernardo Fontaine, who also acted as one of the key players in the “Rechazo” campaign in 2022. Recent journalistic investigations (Gallardo et al., 2025) reveal that he used a foundation, “Ciudadanos en Acción”, to receive funds from the Association of AFPs to establish a network of trolls that, across different networks, were tasked with aggressively disseminating messages against any chance to the pension system, which also includes the Convention’s constitutional proposal.

In line with global trends of toxic flooding of the electoral debate through social media, the Convention and later the plebiscite campaign were marked by a wave of



disinformation. As Durán and Lawrence (2023) showed, with the functioning of the Convention, there was an immediate strategy of algorithm manipulation. Indeed, highly polarized environments – and a binary constitutional plebiscite is one by definition – are the perfect breeding ground for the dissemination of false content. Additionally, voters tend to be more loyal to their political identity than to the truth, which leads them to fail in discerning true from false news, being more prone to believe information that aligns with their ideology (Pennycook; Rand, 2021). Far-right politicians such as José Antonio Kast, Gonzalo de la Carrera, and Rojo Edwards were key, according to the aforementioned research by Durán and Lawrence, in amplifying the contents of the "Rechazo", as well as distorting messages, such as: that the convention members had their own salaries or that the Convention would do away with national symbols. Elisa Loncón, a Mapuche academic and the first President of the Convention, was a prime target of these attacks, which included false information about personal benefits and demeaning doctored images.

The research by Santos and Valdebenito (2025) describes the existence of a "conservative awakening" in Chile, characterized not only by the radicalization of its reactionary positions, but also by the intensive use of anti-democratic digital tactics, through the inorganic amplification of support for causes and persons (use of bots and cyborgs), disinformation, sabotage and the intimidation of adversaries. In particular, "during the constituent process (2021-2022), bot networks on Twitter acted in a coordinated manner to hollow out the deliberative process, employing vocabularies replete with negative adjectives, criticisms, and unfounded accusations" (Santos; Valdebenito, 2025, p. 56). Such a toxic environment was amplified by an "omnipresent" disinformation campaign in favor of the "Rechazo". One of the communicational effects of this situation was the impossibility for the "Apruebo" to free itself from the weight of the disinformation campaign; a large part of the communication efforts focused on trying to debunk the lies about the text, neglecting the contents that were indeed present in it. Thus, the "Apruebo" sectors failed to articulate a narrative that would allow them to dispute the framing that the "Rechazo" had established early on, nor did they have the tools to neutralize the spread of fake news.

In the traditional public sphere, right-wing think tanks also possessed an overwhelming capacity to flood the media with interventions that favored the framings that allowed the triumph of the "Rechazo". As we showed in previous research (Córtes et al., 2023), right-wing think tanks achieved a "chorus effect", due to the diversity of



personalities circulating through different media to establish their interpretative frames, while those on the left were limited to “soloists”, mainly those members of centers who achieved direct representation in the Convention. The media, such as television and the written press, showed a predilection, in their consumption of expert knowledge, for centers that promoted the “Rechazo”. This ecosystem leaning towards the “Rechazo” contributed to making some false messages more credible due to their affinities with the frames consolidated in the public debate.

5.2. The dispute over change

Unlike what the campaign for the “Apruebo” of the New Constitution intended, the framing of the election was not between “change” versus “everything staying the same”, since the “Rechazo” set out to dispute the idea of transformation with the “Apruebo”. For opponents of the text, it was about the “good change”, of a good new Constitution versus the bad change of President Boric’s Constitution and the radical left. The progressive world itself contributed to strengthening the framing of a bad text, and therefore, a bad change, since both some parties in the televised electoral broadcast, as well as some constitutional experts, with good intentions, entered the public debate to state that the text needed to be reformed if it were approved, acknowledging, in this way, that the text had problems.

Therefore, it can be stated that the outcome of the plebiscite was not against change, but against an expression of it. This is consistent with the study conducted by Mascareño’s team (2023), who, upon analyzing the open-ended responses in the CEP Public Opinion Survey (2022), concluded that change intersected both preferences, expressing itself among those who voted “Apruebo” as a broad expectation of social and political change; while among those who voted “Rechazo”, the preference was structured around a generalized disappointment regarding that shared aspiration for change: “they did not like the proposal”. The disappointment could be explained by the normative overload of the proposal and behavior of the convention members.

The “Apruebo” tried to associate the New Constitution with the generation of certainty, that is, the knowledge of a clear roadmap versus the uncertainty surrounding the victory of the “Rechazo”: more instability, more social crisis, and the possibility that nothing would change. However, the climate of economic insecurity and the growing



sense of fear of crime favored the establishment of the "Rechazo"'s messages. That option also managed to instill the idea that the "Apruebo" generated instability because it divided the country (plurinationality) and generated uncertainty because it put at risk maintaining the few things that ordinary citizens valued (homeownership, pension funds, school choice, private healthcare, etc.).

There was an attempt by the "Apruebo" to assert, as a core message, the urgency of change. The constitution had to be changed at that moment; otherwise, there was a risk that the entire process would be truncated and the country would be left without a new constitution, turning the social mobilization into a futile effort. However, this message lost its effectiveness with the declaration by the President of the republic that, if the text were rejected, a new constitutional process would begin. That announcement reduced the cost of voting against the text, as it opened an opportunity to draft a better proposal. Thus, the dilemma for part of the electorate was not between the 1980 Constitution versus the Convention's text, but between the latter and the hypothesis of a better process and drafting.

5.3. The transversal *Rechazo* versus an entrenched and divided *Apruebo*

The "Rechazo" was successful, because not only did it show itself to be united and articulated around messages that resonated with common sense ("if it is bad, it is bad"), but also because it managed to expand its own base, incorporating sectors coming from the old world of the center-left within the framework of a well-designed and consistent campaign. The right wing outsourced the political spokesperson roles of the "Rechazo" to these groups, silencing its most important leaders, former President Sebastián Piñera and José Antonio Kast. On the other hand, there was a design to highlight spokespersons from the social sphere, with leaders not associated with representative offices, even though many of them clearly came from the right. Meanwhile, the "Apruebo" prioritized spokespersons from the parliamentary world and from the constituent convention members themselves, even though both categories were poorly evaluated by the citizenry. One of the priority audiences was the "widows of the 'Apruebo'", that is, those who had voted enthusiastically in the entry plebiscite in favor of a New Constitution, but had become disappointed with the development of the Convention (Selume, 2024).



The "Rechazo" maintained a narrative that associated the constitutional change of the convention with the project of a single sector, the left, which did not represent the country and which would provoke more uncertainty with an almost apocalyptic tone (Barella, 2023). The "Apruebo" could not counter with the inverse exercise: associating the "Rechazo" with the right wing. Additionally, the "Apruebo" was unable to articulate a common narrative, and the effort to generate an agreement for subsequent reforms ("Apruebo to reform") to try to reach out to hesitant sectors ended up strengthening the "Rechazo"'s narrative that the New Constitution was bad, to such an extent that those who were willing to approve it were already patching it up.

5.4. Failing to separate the process from the outcome

As shown in the previous section, the siege on the Constitutional Convention rapidly eroded its support. The image of the Convention gradually crumpled due to the actions of fair-right sectors within it and the mistakes made by some left-wing convention members themselves. Emblematic is the case of one of the elected constituents, who was an icon of the Uprising, who feigned having cancer during the mobilizations to embody the struggle for the right to healthcare. The "Rechazo" widely disseminated the images of these discredited convention members. In parallel, the Constitutional Convention functioned like a Chamber of Deputies and became indistinguishable from the type of politics that the citizenry rejected. The Convention ended up encapsulated, and what was discussed there became mere noise for a large part of society. Today, convention members from social movements are specifically accused of having been excessively identity-driven in their demands, but what is practically being asked of them is to renounce the banners and demands for which they were elected. It is true that there was a failure to better articulate the multiple demands expressed in the text, but the main problem was the lack of capacity to defend that it was a good Constitution, an avant-garde Constitution, fitting for the 21st century, which addressed the main problems of our time and country: social rights, the climate crisis, discrimination against women, territorial centralism, and economic abuse.

As the research by Gonzáles and Meléndez (2024) shows, contextual factors ended up being more decisive than the textual issues of the proposal. According to their vote choice model, second-order issues such as the unpopularity of the government, the



disapproval of how the process was handled, and the actions of the parties, were more important than the actual contents of the proposal. It is not that they were irrelevant, but they were not the dominant factors. The impact, in fact, was asymmetrical, since the themes of the text, more associated with the left, effectively explained the support, but did not have the same effect for the "Rechazo". Those who supported it, in fact, did so intensely, which is the why the campaign rallies of the sector were more massive, but a large part of the electorate was more or less indifferent to the contents. The CEP survey (2022), published after the plebiscite, is consistent with these findings. When asked what the first and second most important reasons were for voting "Rechazo" in the plebiscite, 31% indicated that it was "because of the way the convention members worked" (17% as a first option and 14% as a second); 26% answered "because it was going to create division among Chileans" (13% as first and 13% as second); and 20% "because it was going to affect the economy" (8% as first and 12% as second).

5.5. Association of the New Constitution with a government with no honeymoon

It was impossible to detach the "Apruebo" from the government. One of the reasons for Gabriel Boric's victory was his interest in protecting the constituent process against the right-winger Kast, a supporter of maintaining Pinochet's text. The opposition exploited it by voting against the proposal. Furthermore, government measures that could create a favorable climate for the "Apruebo" were quickly eclipsed by their own unforced errors, heavily amplified by the media. The Comptroller General of the Republic was especially rigorous in detecting any possible favorable action by the executive that could be considered electoral interventionism. In a focus group conducted by the "Apruebo" Command with 8 undecided voters from working-class municipalities in the Metropolitan Region (3 men and 5 women) who had voted "Apruebo" in the entry plebiscite, they showed themselves to be incredulous and dissatisfied with the proposed text. They all wanted changes, but did not believe they were possible; otherwise, the President would have already made them: "The country is going to remain the same". None of them knew what a constitution is for, nor did they remember the limitations that the current one placed on reforms that failed to be implemented: "Just because it is in a book is not going to make the changes". Another focus group, this time with "new voters", that is, people who did not vote and who would do so due to the compulsory nature of



the exit plebiscite, associated the text with the government, which they criticized for having denied the possibility of a new withdrawal of pension funds, even though its officials had supported them during the pandemic. For those voters, voting “Rechazo” was a way to express their anger against the government and against politics in general.

Finally, the “Rechazo” managed to speak to the new voter who was obliged to vote and who increased the electoral roll by a third. They leaned massively towards the “Rechazo” (Altman et al., 2023). The compulsory nature of the vote completely reconfigured the electoral landscape. The research by Stefano Palestini and Rodrigo Medel (2025) also highlights the importance of this voter to explain the outcome of the plebiscite. Through the mobilization of different quantitative data, they managed to characterize what they call a “withdrawn voter”, disconnected and disaffected from formal and informal politics and highly distrustful of institutions. A type of citizen who is the result of 4 decades of neoliberalism. For these obliged voters, the constitutional debate was alien; the very function of a Constitution was indistinguishable from the work of a government or a set of public policies. Due to their anti-party and anti-politician inclination, these sectors would probably have rejected any constitutional proposal, since their first inclination was distrust. They are sectors that wanted changes, although they were skeptical about the alternatives for achieving them, above all, because of their association with politics. Their emergence is not necessarily the death of the “Estallido”, since it is possible that they identify with its more destituent and challenging spirit. However, they continued to view the new 2023 constituent process with indifference and disaffection, and leaned in favor of voting for then also discarding the text proposed in 2023 (Toro; Nogueira, 2024). Although they are working-class sectors and strongly hit by neoliberalism, they distrust the discourse and the solidarity-based proposals of the left and social movements.

Although within a part of the left there was the idea that the new voters would consolidate progressive positions, as they came mainly for working-class sectors, the truth is that the left did not know how to win them over to vote in favor of the Convention’s constitutional project. In this sense, left-wing forces did misinterpret the juncture opened by the “Estallido Social” – at least initially – but, electorally, their image was distorted by the absence of a part of the people in the equation who did not vote in the entry plebiscite and who did not express themselves politically. However, contrary to what the right wing tried to establish, these voters are not moderates nor were they against the protest of



October 2019; rather, they were an expression of the most destituent sense of the “Estallido”: distrust of everything, including Gabriel Boric’s government and the left’s proposals.

Final considerations

The defeat of September 4, 2022, marked a turning point in Chilean politics, enabling the rise of the far right and the loss of initiative by the left. This led to a profound questioning exercise within the left and the progressive world; however, at times, this self-criticism has bordered on a self-inflicted wound, expressed as programmatic inhibition, largely by assuming that the defeat was of left-wing ideas, leaving the sector in programmatic orphanhood (Zerán, 2023). Thus, both the right and a part of the progressive world assumed that the failure of the Convention and its constitutional proposal signals the defeat of the ideas that the left supported in recent decades: feminism, environmentalism, regionalism, plurinationality, etc.

As discussed through the paper, it was not necessarily the contents that determined the failure of the process, but the inability to reflect a politically inclusive pact in the constitutional text and to maintain a behavior that lent prestige to the proposal that was being built. Above all, on the left, there was a total inability to connect the constitutional proposal with the obliged voter, who tipped the outcome towards the “Rechazo”. This depoliticized and distrustful voter, distant from institutions, has continued to lean towards the far right, but without this being accompanied by a recomposition between politics and society. Therefore, this warning is so relevant: “both the failure of the Convention and the design and results of the 2023 constitutional process left a crisis pending, which, therefore, will return sooner or later” (Delamaza, 2025, p. 23).

Chile still does not have a democratic constitutional text, so the gap between politics and society remains open, but now this dynamic of distrust and disaffection extends to the constitutional question itself, due to the fatigue produced after two failed processes. Does constitutional fatigue imply no longer considering the current text as a problem? Fernando Atria (2024) has revisited his own thesis by declaring the end of the “rigged constitution”, that is, a constitution full of locks, such as the high quorum, to prevent the expression of democratic majorities, since its fundamental principle of



neutralizing the political agency of the people would have been destroyed with the elimination of the meta-locks that had encased it. The end of the 2/3 and 3/5 quorums for constitutional reform and the adoption of the 4/7 quorum in 2022 is recognized as the main legacy of the emergence of the constituent power in 2019. The current text went from being the most shielded to one of the easiest to modify. Similarly, Domingo Lovera argues that constitutional reforms have been reconfiguring without replacing the current text, so if constitutional processes are also evaluated by the dynamic of constitutional reform that their processes open up, the most notable aspect of the recent constituent cycle is the opening to a constitutional redefinition, able to be channeled through ordinary politics:

This means that, unlike the locks that operated more or less mechanically while they were in place, the new scenario that is taking shape now allows us to maintain the legitimacy of the current constitutional model and its possible structural reforms, as well as the improbability of a future (new) constituent moment, depend on the willingness of the parties to allow legislative reforms to advance (Lovera, 2024, p. 21).

It is true that today the Constitution is more open to the evolution of politics and the majority expressions regarding itself. The rigged constitution died, but the neoliberal constitution is still alive: the economic order continues to be marked by a super-right to property, the economic neutralization of the State is maintained, freedom of choice in healthcare makes classic models of social insurance impossible, and labor rights continue to be restricted and below the international standard. The rejection of the two proposals for constitutional replacement has led to the affirmation of the legitimacy of the current text, but, as Francisco Zúñiga (2024) argues, the “granted” Constitution of the dictatorship continues to lack legitimacy not only because of its authoritarian origin, but also because of its exercise. Because it does not establish the foundation of a social protection system that affirms a social democratic state of law, and because it restricts democratic exercise through a deeply authoritarian, neoliberal, and traditionalist ideological horizon, averse to politics and, therefore, anti-democratic. From the current text, the constitutionalist argues, a political regime that facilitates institutional arrangements for the future does not emerge. These elements continue to permeate its structure, despite the almost 70 reforms it has undergone, these vicissitudes have transformed it into a resilient Constitution, but not a more legitimate one, since it remains refractory to the social, political, and institutional evolution of the country.



The constitutional process of the Convention ended up being a reflection of the severe political crisis that has been gradually eroding a democracy that was already born with high restrictions due to the design of its transition from the dictatorship. Chile finds itself in a political labyrinth; to exit it will necessarily require a constitutional change that allows recomposing the relationship between politics and society, but after the failed processes, this debate has become undesirable in the public sphere.

References

Altman, D. et al. Citizens' Stability of Electoral Preferences in Chile Since the Social Upheaval. *Journal of Politics in Latin America*, p. 1866802X231213885, 13 nov. 2023.

Altman, D. *Restauración vs. Refundación: Cómo el ciclo 2019-2023 reconfiguró el conflicto político chileno* Rochester, NY Social Science Research Network, , 22 nov. 2025. . Disponível em: <<https://papers.ssrn.com/abstract=5929276>>. Acesso em: 21 dez. 2025.

Alvarado Lincopi, C. Reflexiones culturales sobre una derrota electoral y una crítica a la noción de <lo identitario>. Em: Zerán, F. (Ed.). *De triunfos y derrotas: narrativas críticas para el Chile actual*. Santiago de Chile: LOM, 2023. p. 13–29.

Atria, F. *La Constitución tramposa*. Santiago de Chile: LOM, 2013.

Atria, F. La Constitución y su negación. Em: Garretón, M. A.; Rivera, E. (Ed.). *Imaginar el futuro. La izquierda en una nueva época*. Santiago de Chile: Heinrich Böll Stiftung - La casa común - Pehuén, 2024. p. 35–47.

Barella, D. J. Marcos de los Valores y Cogniciones Políticas en los Discursos de la Franja del Rechazo en el Plebiscito 2020 por una Nueva Constitución Política en Chile y de sus Candidaturas a la Convención Constitucional 2021. *Revista Signos. Estudios de Lingüística*, v. 56, n. 113, 2023. Disponível em: <<https://revistasignos.cl/index.php/signos/article/view/1067>>. Acesso em: 5 mar. 2024.

Bassa, J. *Chile decide: por una nueva Constitución*. Santiago de Chile: Planeta, 2020.

Canales, M. El aguijón de octubre y la Constitución de la deuda. Em: Zerán, F. (Ed.). *De triunfos y derrotas: narrativas críticas para el Chile actual*. Santiago de Chile: LOM, 2023. p. 49–65.

Castells, M. *Globalización, desarrollo y democracia: Chile en el contexto mundial*. Santiago: Fondo de Cultura Económica, 2005.

CEP. *Encuesta Nacional de Opinión*. Santiago de Chile: Centro de Estudios Públicos, 2022. Disponível em: <https://static.cepchile.cl/uploads/cepchile/2023/01/CEP88_PPT_ANEXOS_CRUCES-1.pdf>.



Cordero, R.; Lobos, R.; Valenzuela, R. ¿Se rompe el hechizo constitucional? *Ciper*, 23 jul. 2020. Disponível em: <<https://www.ciperchile.cl/2020/07/23/se-rompe-el-hechizo-constitucional/>>.

Cortés, A. *Chile fin del mito. Estallido, pandemia y ruptura constituyente*. Santiago de Chile: RIL, 2022a.

Cortés, A. Los Touraine Boys y el movimiento social imposible de pobladores. *Revista Mexicana de Sociología*, v. 84, n. 2, p. 476–506, 30 mar. 2022b.

Cortés, A. et al. El Saber Experto en el Debate sobre la Nueva Constitución en Chile: Análisis Reticular de la Presencia de los Think Tanks en los Medios de Comunicación. *Revista Signos. Estudios de Lingüística*, v. 56, n. 113, 2023. Disponível em: <<https://revistasignos.cl/index.php/signos/article/view/1066>>. Acesso em: 16 jan. 2024.

Cortés, A. Derecho a la ciudad y a la vivienda en los procesos constitucionales de Chile (2020-2023). *Territorios*, n. 52- Esp., p. 1–26, 31 out. 2025.

Cubillos, M. *Leer antes de votar*. Santiago de Chile: Universidad San Sebastián Ediciones, 2022.

Delamaza, G. *Por un Chile diferente. Participación popular en el proceso constituyente (2019-2022)*. Santiago de Chile: LOM Ediciones, 2025.

Díaz, P. El proceso constituyente más participativo de la historia. Em: Fuentes, C. (Ed.). *El proceso fallido*. Santiago de Chile: Catalonia, 2023. p. 192–214.

Domingues, J. M. *Aproximações à América Latina: Desafios contemporâneos*. Rio de Janeiro: Civilização Brasileira, 2007.

Domingues, J. M. *La modernidad contemporánea en América Latina*. Buenos Aires: Siglo Veintiuno Editores, 2009.

Domingues, J. M. *Teoría crítica e modernidade política*. Rio de Janeiro: Hucitec editora - Editora PUC Rio, 2021.

Durán, P.; LAWRENCE, T. Desinformación y redes sociales en el proceso constituyente. Em: Fuentes, C. (Ed.). *El proceso fallido. La dinámica constituyente en Chile 2020-2022*. Santiago de Chile: Catalonia, 2023. p. 134–155.

Eltit, D. Escuchar, extender los saberes. Em: Zerán, F. (Ed.). *De triunfos y derrotas: narrativas críticas para el Chile actual*. Santiago de Chile: LOM, 2023. p. 75–83.

España, S.; Fuentes, C. El proceso constituyente desde la subjetividad. Em: Fuentes, C. (Ed.). *El proceso fallido. La dinámica constituyente en Chile 2020-2022*. Santiago de Chile: Catalonia, 2023. p. 117–133.

Espinoza, R. La Convención Constitucional de Chile en perspectiva comparada. Em: Fuentes, C. (Ed.). *El proceso fallido. La dinámica constituyente en Chile 2020-2022*. Santiago de Chile: Catalonia, 2023. p. 15–37.



- Fazio, H. *Mapa actual de la extrema riqueza en Chile*. Santiago de Chile: LOM Ediciones, 1997.
- Ferretti, P. Desde adentro, pero siempre en contra. Em: Zerán, F. (Ed.). *De triunfos y derrotas: narrativas críticas para el Chile actual*. Santiago de Chile: LOM, 2023. p. 85–96.
- Fuentes, C. El proceso fallido. La dinámica constituyente a dos niveles. Em: Fuentes, C. (Ed.). *El proceso fallido. La dinámica constituyente en Chile 2020-2022*. Santiago de Chile: Catalonia, 2023. p. 38–95.
- Gajardo Falcón, J. (ed.). *La ruptura constituyente. Razones, organización del proceso y sujetos constituyentes*. Santiago de Chile: Rubicón, 2021.
- Gallardo, R. et al. *El vínculo secreto de las AFP con fundación de Bernardo Fontaine que le pagaba a uno de los trolls que atacó en redes a Matthei y a Jara*. *Reportea*, 9 nov. 2025. . Disponível em: <<https://reportea.cl/2025/11/09/el-vinculo-secreto-de-las-afp-con-fundacion-de-bernardo-fontaine-que-le-pagaba-a-uno-de-los-trolls-que-ataco-en-redes-a-matthei-y-a-jara/>>. Acesso em: 24 mar. 2026.
- García, G. *El postconstitucionalismo chileno. Una radiografía del estado actual de la Constitución*. Santiago de Chile: Ediciones DER, 2024.
- Gargarella, R. Diez puntos sobre el cambio constitucional en Chile. *Nueva Sociedad*, n. 85, 2020. Disponível em: <<https://nuso.org/articulo/diez-puntos-sobre-el-cambio-constitucional-en-chile/>>. Acesso em: 9 dez. 2022.
- Garretón, M. A. Apuntes sobre el proceso de transformación en la sociedad chilena. Em: Garretón, M. A.; Rivera, E. (Ed.). Santiago de Chile: Heinrich Böll Stiftung - La casa común - Pehuén, 2024. p. 97–109.
- Garretón, M. A.; Morales-Olivares, R. Del “estallido social” de octubre de 2019 al cambio constitucional. El significado político de las movilizaciones sociales en Chile. *En débats*, v. 137, n. 2, p. 91–104, 2023.
- González-Ocantos, E.; Meléndez, C. Rethinking the Role of Issue-Voting in Referenda: Conjoint and Vote Choice Analyses of Preferences for Constitutional Change in Chile. *Comparative Politics*, v. 56, n. 2, p. 219–242, 1 jan. 2024.
- Heiss, C. *¿Por qué necesitamos una nueva Constitución?* Santiago de Chile: Aguilar, 2020.
- Heiss, C. Revuelta social y proceso constituyente en Chile. *Revista de Ciencias Sociales Ambos Mundos*, n. 2, p. 69–78, 2021.
- Hoffmann-Riem, W. Justice, Bundesverfassungsgericht (Constitutional Court) Germany. *International Journal of Constitutional Law*, v. 3, n. 4, p. 556–560, 1 out. 2005.
- Huneus, C. *La democracia semisoberana: Chile después de Pinochet*. 1. ed. Santiago: Taurus, 2014.
- Lovera, D. ¿Un laboratorio constitucional? *Rumbo*, n. 1, 2024.



Luna, J. P. *La chusma inconsciente: La crisis de un país atendido por sus propios dueños*. Santiago de Chile: Catalonia, 2021.

Luna, J. P. *¿Democracia muerta? Chile, América y un modelo estallado*. Santiago de Chile: Ariel, 2024.

Mascareño, A. Abandonar la modernidad. Discurso y praxis decolonial en la Convención Constitucional chilena. *Puntos de referencia*, n. 597, p. 1–55, 2022.

Mascareño, A. et al. Apruebo y rechazo en septiembre 2022. Expectativas, decepciones y horizontes comunes para el nuevo proceso constitucional. *Puntos de referencia*, n. 639, p. 1–35, 2023.

Moulian, T. *Chile Actual: Anatomía de un mito*. Santiago: LOM, 2002.

Ortúzar, P. Carnival and Revolt: The Political Ambivalence of the 2019 Chilean Estallido. *Bulletin of Latin American Research*, v. n/a, n. n/a, 2025. Disponível em: <<https://onlinelibrary.wiley.com/doi/abs/10.1111/blar.70056>>. Acesso em: 29 out. 2025.

Palestini, S.; Medel, R. M. The ‘Withdrawn Citizen’: Making Sense of the Failed Constitutional Process in Chile. *Bulletin of Latin American Research*, v. n/a, n. n/a, 2025. Disponível em: <<https://onlinelibrary.wiley.com/doi/abs/10.1111/blar.70019>>. Acesso em: 28 abr. 2025.

Pelfini, A. (ed.). *¿Son o se hacen? Las élites empresariales chilenas ante el cuestionamiento ciudadano*. Santiago de Chile: Ediciones Universidad Alberto Hurtado, 2022.

Pennycook, G.; Rand, D. G. The Psychology of Fake News. *Trends in Cognitive Sciences*, v. 25, n. 5, p. 388–402, 1 maio 2021.

Pleyers, G. *Movimientos sociales en el siglo XXI. Perspectivas y herramientas analíticas*. Buenos Aires: CLACSO, 2018.

PNUD. *Informe sobre Desarrollo Humano en Chile 1998: Las paradojas de la modernización*. Santiago de Chile: PNUD, 1998.

Richard, N. Fallas de traducción. Em: Zerán, F. (Ed.). *De triunfos y derrotas: narrativas críticas para el Chile actual*. Santiago de Chile: LOM, 2023. p. 139–155.

Rodríguez, J. P.; Rojas Soto, B.; Cuadros, E. The Dilemma of Constitutional Mobilization: The Housing and the Environmental Social Movements at the Chilean Constitutional Convention. *Current Sociology*, 14 maio 2024. Disponível em: <<https://doi.org/10.1177/00113921241250042>>. Acesso em: 15 maio. 2024.

Rozas-Bugueño, J. Between Hope and Disaffection: The Chilean Constitution-Making Process and the Intermediation Crisis. *PS: Political Science & Politics*, v. 57, n. 2, p. 274–281, abr. 2024.

Sajuria, J.; Saffirio, E. Se Nos Rompió El Amor: Cambios En La Opinión Pública Durante El Proceso Constituyente Chileno. 24 jun. 2024. Disponível em: <<https://qmro.qmul.ac.uk/xmlui/handle/123456789/97634>>. Acesso em: 15 nov. 2024.



Salazar, S. *La encrucijada constitucional de Chile*. Santiago de Chile: Ediciones Universidad Alberto Hurtado, 2023.

Santos, M.; Valdebenito, J. Estallido social y despertar conservador: tácticas antidemocráticas y contraofensiva digital en Chile. *Revista de Estudios Sociales*, n. 94, p. 45–63, 2025.

Segovia, M.; Sepúlveda, N.; Herrera, I. *La campaña sin control en las redes: 36 entidades han gastado \$119 millones sin fiscalización del Servel*. CIPER Chile, 9 ago. 2022. . Disponível em: <<https://www.ciperchile.cl/2022/08/09/la-campana-sin-control-en-las-redes-36-entidades-han-gastado-119-millones-sin-fiscalizacion-del-servel/>>. Acesso em: 23 mar. 2026.

Selume, J. *Tiempos mejores. Un relato personal sobre la política, el poder y de cómo (casi) todo se va al carajo*. Santiago de Chile: Planeta, 2024.

Tironi, E. *El desborde: vislumbres y aprendizajes del 18-O*. Santiago de Chile: Planeta, 2020.

Toro, S.; Noguera, A. Chile: la deriva del sistema político y el fracaso del nuevo proceso constitucional. *Revista de Ciencia Política*, v. 44, n. 2, 31 jul. 2024. Disponível em: <<https://revistacienciapolitica.uc.cl/index.php/rcp/article/view/83400>>. Acesso em: 11 ago. 2024.

Undurraga, T. et al. The Cultural Battle for the Chilean Model: Intellectual Elites in Times of Politicisation (2010–17). *Journal of Latin American Studies*, v. 55, n. 2, p. 293–321, 2023.

Undurraga, V. Engendering a constitutional moment: The quest for parity in the Chilean Constitutional Convention. *International Journal of Constitutional Law*, v. 18, n. 2, p. 466–470, 4 ago. 2020.

Velasco (LABOT), I. *Los nombres y nexos políticos detrás de las organizaciones que recolectaron donaciones para el plebiscito 2022*. CIPER Chile, 19 jul. 2023. . Disponível em: <<https://www.ciperchile.cl/2023/07/19/los-nombres-y-nexos-politicos-detras-de-las-organizaciones-que-recolectaron-donaciones-para-el-plebiscito-2022/>>. Acesso em: 23 mar. 2026.

Zapata, C. *Corolarios de una derrota: consideraciones críticas sobre la denostación de la “política identitaria”*. PALABRA PÚBLICA, 16 abr. 2023. Disponível em: <<https://palabrapublica.uchile.cl/corolarios-de-una-derrota-consideraciones-criticas-sobre-la-denostacion-de-la-politica-identitaria/>>. Acesso em: 21 dez. 2025.

Zerán, F. *Mayo feminista. La rebelión contra el patriarcado*. Santiago de Chile: LOM Ediciones, 2018.

Zerán, F. (ed.). *De triunfos y derrotas: narrativas críticas para el Chile actual*. Santiago de Chile: LOM, 2023.

Zúñiga, F. *Constitucionalismo. Pasado, presente y futuro*. Santiago de Chile: Thomson Reuters, 2024.



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