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TEXTE

Introduction

1 Between 2015 and 2023, Chile undertook three ambitious and markedly different attempts to replace the 1980 Constitution enacted under Augusto Pinochet's dictatorship. These processes—the participatory initiative launched by President Michelle Bachelet (2015-2016), the Constitutional Convention (2021-2022), and the Constitutional Council (2023)—constituted a sequence of democratic experiments through which Chile tested new ways of designing, organizing, and legitimizing constitution-making.

2 This recent decade of Chilean constitutional politics has been described as a "constitutional laboratory", a setting in which diverse models of participation and representation were explored in rapid succession.[1] Scholars such as Jorge Contesse,[2] Natalia Morales-Cerda,[3] Tania Busch,[4] and Yanira Zúñiga together with Verónica Undurraga,[5] have emphasized that these experiences cannot be understood merely as isolated legal or political episodes. Rather, they should be seen as ongoing social experiments that prompted the Chilean political community to confront fundamental

questions about who counts as part of the constitutional demos, who is entitled to speak, and under what conditions democracy itself is considered legitimate. This experimentation was particularly significant in a country where, since the democratic transition of 1990, the institutional framework inherited from the dictatorship had long limited citizens' opportunities to participate meaningfully in debates over constitutional change.

3 This article takes these questions as its starting point. It does not seek to explain why Chile failed to enact a new constitution, nor does it evaluate the technical merits of the proposed constitutional texts. Instead, it focuses on the processes themselves as sites of democratic transformation. It argues that Chile's recent constitutional experiences reconfigured in a deep and lasting way who is recognized as a legitimate subject of constitutional deliberation, expanding the constitutional demos beyond traditional forms of political representation.

4 Central to this transformation are two elements that structure the analysis developed in this article. First, the incorporation of gender as a democratic criterion—most visibly through gender parity—which evolved from a mechanism of inclusion into a structural standard of democratic legitimacy in constitution-making. [6] Second, the emergence of new patterns of territorial and social mobilization that reshaped expectations regarding participation in constitution-making processes. [7] Territorial and social mobilization shapes constitution-making processes not only by generating demands for institutional reform but by redefining the political geometry of constitutional moments, altering who is considered a legitimate participant in constitutional deliberation and how participation is institutionally organized. [8]

5 By tracing how participation, representation, and inclusion were successively reconfigured across these three constitutional moments, this article shows how Chilean constitutional democracy has been reshaped not through institutional closure, but through an open and conflictive redefinition of its democratic boundaries. The article develops a situated analytic narrative of Chile's constitutional processes between 2015 and 2023. It is not conceived as a comparative study nor as a general theory of constitutionalism, but

as a context-sensitive account that seeks to interpret how democratic meanings are produced through constitution-making practices. The analysis draws on a combination of institutional reconstruction, normative interpretation, and qualitative evidence. One of the authors participated directly in the 2021-2022 Constitutional Convention as a legal advisor and later served as a member of the Expert Commission during the 2023 process. The second author has conducted long-term research on constituent processes in Chile and, within that framework, carried out qualitative interviews with women members of the Constitutional Convention. This dual positionality provides access to deliberative dynamics, institutional practices, and actors' experiences that are often absent from external accounts, while also requiring reflexive awareness of the limits of insider perspectives.

6 The remainder of the article proceeds as follows. Section I introduces the interpretive lens of Chile as a "constitutional laboratory", clarifying how the notion of democratic experimentation helps to foreground shifting standards of legitimacy in constitution-making. Section II examines the three constitution-making episodes that are best understood as successive moments of a broader constitutional cycle unfolding in Chile between 2015 and 2023. Building on this account, Section III analyses gender parity and feminist constitutionalism as a transformation in democratic legitimacy, focusing on parity, feminist pluralism, and backlash. Section IV examines how territorial and social mobilization reshaped participatory expectations and reconfigured the relationship between representation and participation in constitution-making. The conclusion then returns to the article's central argument, reflecting on how these processes expanded and contested the democratic boundaries of constitutional legitimacy in Chile.

I. Chile as a Constitutional Laboratory

7 This article reads Chile's recent constitutional processes as successive democratic experiments rather than as isolated attempts at constitutional reform. Drawing on Domingo Lovera's characterization of Chile as a "constitutional laboratory", [9] the three

processes can be understood as distinct institutional configurations through which different combinations of participation, representation, and institutional control were tested. The laboratory metaphor highlights not only the experimental character of these processes—marked by institutional innovation, trial, and adjustment—but also the existence of organized frameworks within which specific mechanisms and design choices were deliberately assembled in pursuit of constitutional change. In this sense, Chile offers a paradigmatic case of contemporary constitution-making not because it successfully produced a new constitutional text, but because it systematically explored alternative ways of structuring democratic legitimacy through varying institutional designs.

8 The notion of a "laboratory" also implies an organized structure within which experimentation takes place. While these processes involved institutional innovation, adjustment, and learning, they did not unfold as a linear progression toward a predetermined outcome. Rather, they were open, conflictive, and contingent experiments carried out within institutional frameworks that combined different mechanisms and design choices under varying political conditions. As the analysis of the following section will illustrate, each process redefined the boundaries of the constitutional demos in distinct ways: from the participatory emphasis of the Bachelet initiative, to the expansive inclusiveness of the Constitutional Convention, and finally to the more constrained and expert-driven architecture of the Constitutional Council. These shifts did not replace one another cumulatively; instead, they formed what Tania Busch has described as a constitutional pendulum, oscillating between moments of democratic expansion and phases of institutional retrenchment. [10]

9 This laboratory perspective becomes particularly illuminating when examined through the two analytical dimensions that structure this article. First, the incorporation of gender as a democratic criterion evolved across the three processes in ways that reveal changing expectations about democratic legitimacy. Gender considerations played only a marginal role in the early participatory initiative, but gained institutional centrality during the Constitutional Convention, where parity rules and gender-sensitive deliberation reshaped both representation and agenda-setting. [11] In the subsequent process, although gender was no longer the organizing axis of institutional

design, parity persisted as a baseline democratic requirement, less a contested innovation than a minimum standard whose absence would have been politically difficult to justify. In this sense, gender moved from being an external demand to becoming part of the emerging common sense of democratic constitution-making.

10 Second, the evolving relationship between territorial dynamics and constitution-making shaped how participation was institutionally imagined and organized across the three processes. Rather than remaining a stable procedural feature, participation was configured differently in each constitutional moment: initially articulated through institutional channels that sought to incorporate citizen deliberation, later driven more forcefully by territorially rooted social mobilizations that pushed participation to the centre of constitutional debate, and subsequently reframed within a more controlled institutional design that limited the scope of participatory influence. These shifts did not eliminate participatory expectations but redefined how, and through which institutional mechanisms, participation could be expressed and recognized as democratically legitimate.

11 Reading these processes as democratic experiments allows us to move beyond narratives that focus primarily on whether a constitutional text was ultimately adopted, and instead to examine how the Chilean constitution-making trajectory of the past decade reshaped the conditions of democratic legitimacy. What matters, from this perspective, is not simply whether a new constitution was enacted, but how each process reconfigured the spaces of constitutional deliberation: who was able to participate, how different voices were recognized, and which democratic standards came to be considered legitimate. The laboratory lens thus redirects attention from constitutional texts to constitution-making practices, highlighting their ongoing reconfiguration through changing institutional designs and participatory mechanisms.

12 This interpretive framework provides the bridge to the analysis that follows. The next section examines three constitutional moments in which the constitutional demos was expanded, contested, and partially redefined, showing how gender, participation, and inclusion

became central to contemporary understandings of democratic legitimacy in Chile.

II. Chile's Constitutional Cycle

2.1. The Bachelet Process (2015-2016)

13 The constitutional initiative launched under President Michelle Bachelet between 2015 and 2016 marked the first contemporary attempt in Chile to expand constitution-making participation beyond traditional political institutions. The initiative, called the Constitution-Making Process Open to Citizens (Proceso Constituyente Abierto a la Ciudadanía), was designed as a nationwide participatory sequence that combined civic education, local deliberation, and the systematization of citizen inputs into a formal constitutional proposal. [12]

14 The process began with a national civic education phase aimed at familiarizing citizens with constitutional principles and institutional structures. This stage was followed by thousands of Local Self-Convened Meetings (*Encuentros Locales Autoconvocados*), organized in schools, community centres, workplaces, and private homes across the country. In these small deliberative forums, participants discussed constitutional values, institutional priorities, and rights frameworks, producing structured reports that were subsequently aggregated at provincial and regional levels. The results were later compiled by a Citizens' Council of Observers into the Citizen Bases Report, which served as the participatory foundation for the constitutional draft eventually submitted to Congress in 2018. [13]

15 Although the initiative remained institutionally controlled by the executive branch and did not culminate in legislative debate, its democratic significance lies in the participatory expectations it generated. For the first time in the post-authoritarian period, constitution-making was publicly framed as a collective deliberative exercise rather than an exclusively elite-driven negotiation. Territorial forums and decentralized deliberation introduced new participatory repertoires that would later shape the social demands surrounding the subsequent constitutional processes. At the same

time, gender considerations did not yet play a structuring role in the institutional design of participation, illustrating that the incorporation of gender as a democratic legitimacy criterion had not yet become an established expectation. [14] The Bachelet process thus inaugurated a participatory horizon that subsequent constitutional experiments would both expand and transform.

2.2. The Constitutional Convention (2021-2022)

16 The Constitutional Convention that followed the 2019 social uprising represented the most ambitious attempt to reconfigure constitution-making in Chile's recent history. After weeks of nationwide demonstrations demanding dignity, equality, and structural reform, political parties negotiated the Agreement for Social Peace and a New Constitution, which led to the 2020 plebiscite authorizing the drafting of a new constitution by a fully elected constitutional body. [15] Nearly 80 %of voters supported constitutional replacement, and 79 % chose a Constitutional Convention as the drafting mechanism. [16]

17 Elected in 2021, the Convention consisted of 155 members and became the first constitution-making body in the world to operate under a rule of full gender parity. Electoral rules required alternating male and female candidates on party lists, and a corrective mechanism adjusted results to ensure gender balance, resulting in a final composition of 77 women and 78 men. The Convention also included 17 reserved seats for Indigenous peoples and introduced accessibility rules requiring that candidate lists include at least 5 % of persons with disabilities. [17] Although the latter mechanism produced limited descriptive representation—only one person with a disability ultimately became a member of the Convention—these institutional arrangements collectively expanded the representational scope of the constitution-making process.

18 The Convention's work unfolded through thematic commissions, [18] extensive public hearings, and participatory mechanisms such as popular initiatives of norms, enabling civil society organizations and citizens to introduce proposals for constitutional deliberation. [19] The resulting draft constitution declared Chile a social and democratic state of rights, recognized plurinationality, strengthened gender

equality guarantees, and incorporated commitments to ecological protection and territorial decentralization. [20] Despite the proposal's rejection in the September 2022 plebiscite, the Convention's institutional design significantly reshaped democratic legitimacy expectations. Gender parity became a defining criterion of representative legitimacy, while the strong presence of territorial and social mobilization embedded participatory expectations that would continue to influence subsequent constitutional processes.

2.3. The Constitutional Council (2023)

19 Following the rejection of the 2022 proposal, Chile initiated a new constitutional process under a more tightly structured institutional framework negotiated by Congress. The 2023 process was organized around three bodies: a Commission of Experts appointed by Congress to prepare a preliminary draft, an elected Constitutional Council tasked with revising the proposal, and a Technical Committee for Admissibility responsible for ensuring compliance with twelve pre-established constitutional principles. [21] This institutional architecture reflected a deliberate effort to introduce greater procedural control and reduce the level of institutional uncertainty that had characterized the previous process. [22]

20 While the Constitutional Council preserved gender parity—composed of 25 women and 25 men—it substantially reduced Indigenous representation to a single reserved seat and limited participatory channels compared with the Convention. The Council, politically dominated by conservative parties, produced a draft that emphasized institutional order, property rights protections, and a more limited conception of state intervention. [23] In December 2023, the proposal was rejected in a national plebiscite by 55 % of voters. [24]

21 Despite the contraction of participatory mechanisms, the persistence of parity rules illustrates the degree to which gender had become embedded as a baseline expectation of democratic legitimacy in constitution-making. At the same time, although territorial and social mobilization played a less central institutional role in shaping the process, the participatory expectations generated during earlier constitutional moments continued to frame public debates regarding the legitimacy of constitutional change. Taken together, the three

processes reveal not a linear trajectory but a sequence of differently configured institutional experiments through which the boundaries of the constitutional demos were repeatedly negotiated and redefined.

III. Gender and Democratic Legitimacy

22 The Chilean constitutional processes constitute both a global milestone and a revealing lesson about the limits of democratic inclusion. The introduction of gender parity transformed who could participate in constitution-making, while simultaneously exposing the depth of structural inequalities embedded in political institutions and political culture. More importantly, parity did not remain a mere mechanism of descriptive representation; it progressively evolved into a criterion through which democratic legitimacy itself came to be evaluated.

23 First, parity operated as a principle of democratic legitimacy. For the first time in Chilean constitutional history, women participated in constitution-making on equal institutional footing with men, not as a contingent outcome of electoral competition but as a structural requirement of institutional design. This transformation reshaped constitutional deliberation by altering who could speak, which experiences were recognized as constitutionally relevant, and how constitutional agendas were defined. As a result, parity began to function less as an inclusion policy and more as a normative benchmark against which the legitimacy of constitution-making processes would be assessed. [25] In the Chilean context, the expectation that a constituent body should be gender-balanced quickly became politically naturalized, rendering the prospect of a non-parity constitution increasingly difficult to justify. As scholars such as Yanira Zúñiga Añazco and Verónica Undurraga Valdés have argued, parity has become embedded in Chile's democratic expectations, influencing legal frameworks, political discourse, and public understandings of equality. Even without constitutional adoption, the Convention succeeded in constitutionalizing a powerful democratic principle: democracy without women is no longer perceived as fully democratic. [26]

24 Second, the Convention revealed the emergence of a plural feminist constitutionalism. The presence of diverse feminist traditions—including liberal, radical, Indigenous, ecofeminist, and grassroots perspectives—enriched constitutional debate while also generating tensions between competing normative visions, such as those between universal equality and collective autonomy, or between individual rights and community-based claims. [27] Rather than weakening the process, these tensions reflected the richness of feminist constitutional engagement, demonstrating that gender parity does not produce a single ideological outcome but opens the institutional space for competing feminist perspectives to shape public law. [28]

25 Third, the Chilean experience also illustrates the coexistence of institutional transformation and political backlash. Conservative sectors frequently portrayed parity and feminist constitutional proposals as excessive or ideological, actively mobilizing this language to frame the process as exclusionary, radical, or disconnected from broader societal concerns. [29] This discursive strategy contributed to the politicization of gender equality and helped structure a polarized public debate around the legitimacy of the Convention itself.

IV. Territorial Mobilization and Participation

26 Alongside the institutionalization of gender parity, Chile's constitutional processes were profoundly shaped by changing patterns of territorial and social mobilization that reshaped expectations regarding participation in constitution-making. The constitutional cycle initiated in the mid-2010s unfolded in a political context marked by the increasing prominence of territorially rooted movements, regional demands for decentralization, and local forms of collective organization that challenged traditionally centralized models of political representation. [30] These mobilizations did not merely generate claims for policy change; they transformed how participation itself was imagined and institutionalized within constitution-making processes.

27 Early participatory mechanisms, such as the local deliberative forums organized during the Bachelet initiative, introduced decentralized spaces of constitutional discussion but remained largely embedded within institutional frameworks designed from above. In contrast, the social uprising of 2019 and the territorial mobilizations that preceded it significantly altered the political conditions of constitution-making. Local assemblies, regional movements, and community-based organizations became central actors in shaping the constitutional agenda, pushing participatory expectations beyond consultative mechanisms toward more direct forms of citizen involvement in deliberative processes. These dynamics contributed to the adoption of participatory tools within the Constitutional Convention, including public hearings, [31] citizen initiatives of constitutional norms, [32] territorial dialogues, and the institutionalization of monthly territorial weeks, during which Convention members returned to their districts to hold meetings, gather citizen input, and report back to local communities. [33] Although the limited duration of these territorial periods constrained their full potential, they nonetheless reinforced an emerging expectation that constitutional representatives should remain in continuous interaction with their constituencies.

28 These practices also reshaped the meaning of representation itself. For many Convention members, territorial visits and local encounters transformed representation into a relational and socially embedded practice, in which representatives sought not only to speak for voters but to embody the experiences, demands, and histories of particular communities and social groups. The relationship between representative and represented thus became increasingly personalized and multi-layered, shaped simultaneously by territorial constituencies, social movements, thematic causes, and broader claims to represent "the people". In this way, territorial engagement did not merely expand participatory channels; it contributed to redefining who could legitimately claim representation and how representation itself was constructed within the constitution-making process.

29 Although the subsequent Constitutional Council operated under a more controlled institutional design, [34] the participatory expectations generated during earlier phases of mobilization did not disappear.

Instead, they continued to inform public debates about the legitimacy of constitution-making procedures, illustrating how mobilization can reshape democratic standards even when institutional arrangements become more restrictive. In this sense, the Chilean experience demonstrates that the expansion of the constitutional demos is not driven solely by institutional engineering but also by broader transformations in the social and territorial organization of political participation. Territorial mobilization does not simply demand inclusion; it redefines who must be included and through which institutional mechanisms participation is recognized as democratically legitimate.

30 Taken together, the interaction between institutional innovation and territorial mobilization reveals that constitution-making legitimacy in contemporary democracies is increasingly shaped by participatory expectations that extend beyond traditional representative frameworks. The Chilean case shows how these expectations, once activated through sustained social mobilization, can persist across successive constitutional processes, redefining the democratic parameters within which constitutional change is debated and evaluated.

Conclusion: An Ongoing Constitutional Conversation

31 After a decade of intense debate, three national referendums, and three ambitious constitutional efforts, Chile continues to be governed by the 1980 Constitution. Yet the country that emerges from this constitutional cycle is not the same. The successive processes analysed in this article reveal that constitution-making should not be understood solely through the lens of institutional outcomes. Even in the absence of a new constitutional text, the democratic parameters within which constitutional change is imagined and contested have been profoundly transformed.

32 Across these constitutional moments, the boundaries of the constitutional demos were repeatedly expanded, contested, and renegotiated. The institutionalization of gender parity reshaped expectations regarding democratic legitimacy, establishing gender-

balanced representation as an increasingly taken-for-granted requirement of constitution-making. At the same time, territorial and social mobilizations transformed participatory expectations, embedding the idea that constitution-making must involve broader and more continuous interaction between representatives and society. Together, these developments contributed to redefining who is recognized as a legitimate participant in constitutional deliberation and under what conditions constitutional authority is considered democratically valid.

33 As Tania Busch has observes, Chile remains suspended between the aspiration of democratic refoundation and the stabilizing pull of institutional continuity. [35] Yet, as Yanira Zúñiga Añazco and Verónica Undurraga Valdés remind us, something irreversible has already occurred: the meaning of democracy itself has expanded. [36] Over the past decade, the central constitutional question has not only been how to replace an inherited constitutional order, but also who belongs, who speaks, and whose voices are heard in the process of defining the rules of collective life. Chile may not yet have enacted a new constitution, but it has already begun to rewrite the democratic standards through which constitution-making legitimacy is understood. In this sense, the Chilean experience illustrates that constitutional transformation may occur not only through the adoption of new constitutional texts, but also through the gradual redefinition of the democratic expectations that shape constitution-making itself.

NOTES

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2 J. Contesse, "Constitutional Change from Afar Global Democratic Decay and the Rule of Law: The 2022 David J. Stoffer Lecture", *Rutgers University Law Review*, nº 76, 2023.

3 N. Morales Cerda, "Separating the Wheat from the Chaff: Disaggregating Failure in Constitution-Making" [Manuscript in preparation].

4 T. Busch Venthur, "Proceso constituyente chileno entre el ensueño democrático latinoamericano y el péndulo", *Verba luris*, nº 50, 2023.

5 V. Undurraga-Valdés and Y. Zúñiga-Añazco, "El proceso constituyente chileno 2021-2022: reflexiones desde el constitucionalismo de género", *Revista de Derecho (Valdivia)*, nº 37, 2024, 129.

6 *Ibid.*

7 G. Anderson *et al.* (eds), "Territorial Cleavages and Constitutional Transitions: Political Mobilization, Constitution-Making Processes, and Constitutional Design" in *Territory and Power in Constitutional Transitions*, Oxford, Oxford University Press, 2019.

8 *Ibid.*

9 D. Lovera Parmo, "¿Y ahora qué? Forma es fondo: el laboratorio constitucional y el proceso constituyente en Chile", *op. cit.*

10 T. Busch Venthur, "Proceso constituyente chileno entre el ensueño democrático latinoamericano y el péndulo", *op. cit.*

11 J. M. Piscopo and J. Suárez-Cao, "New Institutions, New Actors, New Rules: Gender Parity and Feminist Constitution Writing in Chile", *European Journal of Politics and Gender*, nº 1, 2024, p. 1.

12 See P. Figueroa Rubio and T. Jordán Díaz, "Convergencia Deliberativa: La Participación Ciudadana En El Cambio Constitucional, Chile 2016", *Polis*, nº 20, 2021, p. 78; M. Henríquez Viñas and J. Francisco García, "El Proceso Constituyente de Bachelet En Chile (2015-2018): Razones de Un Fracaso (Previsible)", *International Journal of Constitutional Law*, nº 21, 2023, p. 1496.

13 See P. Figueroa Rubio and T. Jordán Díaz, "El Proceso Constituyente Abierto a La Ciudadanía: El Modelo Chileno de Cambio Constitucional", *Hemiciclo*, nº 16, 2017, p. 46.

14 It should be noted that the absence of a strong gender component in the Bachelet process must be situated in a broader historical context. Women's political representation had long remained marginal in post-transition Chile, and although the 2015 quota reform marked an important institutional shift, gender parity had not yet crystallized as a democratic imperative; nor had the feminist movement yet acquired the political centrality it would reach after 2018. See Y. Zúñiga Añazco and V. Undurraga Valdés, "The Role of Chilean Constitutional Law in Gender (In)Equality" in F. Pou Giménez, R. Rubio Marín and V. Undurraga Valdés (eds),

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15 "Acuerdo Por La Paz Social y La Nueva Constitución", Biblioteca del Congreso Nacional, November 15, 2019, online: < https://obtienearchivo.bcn.cl/obtienearchivo?id=documentos/10221.1/76280/1/Acuerdo_por_la_Paz.pdf > accessed on June 14th, 2025.

16 See DecideChile, "Decide Chile – Plebiscito 2020", 2020.

17 Law no. 21,216 "Amends the Fundamental Charter to Allow the Formation of Electoral Coalitions of Independent Candidates and Guarantee Gender Parity in Candidacies and in the Composition of the Constituent Body to be Formed for the Creation of a New Political Constitution of the Republic" (available in Spanish only), 2020.

18 See Art. 61, "Unnumered resolution. General Rules of Procedure of the Constitutional Convention" (available in Spanish only), October 2021.

19 See "Rules on Mechanisms, Structure and Methodologies for Popular Participation and Constituent Civic Education" (available in Spanish only), 2021.

20 See Convención Constitucional de Chile, "Propuesta de Constitución Política de La República de Chile de 2022" (Available in Spanish Only), online: < https://www.chileconvencion.cl/wp-content/uploads/2022/07/Texto-CPR-2022.pdf. >, accessed on June 14th, 2025.

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23 C. Heiss, "El proceso constituyente en Chile: entre la utopía y una realidad cambiante", *Nueva Sociedad*, nº 305, 2023.

24 V. Undurraga Valdés, "The Chilean Constitutional Process: A Closed Chapter", *op. cit.*

25 V. Undurraga-Valdés and Y. Zúñiga-Añazco, "El proceso constituyente chileno 2021-2022: reflexiones desde el constitucionalismo de género", *op. cit.*

26 Y. Zúñiga Añazco and V. Undurraga Valdés, "The Role of Chilean Constitutional Law in Gender (In)Equality", *op. cit.*

27 See Y. Zúñiga Añazco, "Desafíos Del Feminismo En La Discusión Constituyente", *CIPER Chile*, December 30, 2020, online: < https://www.ciperchile.cl/2020/12/30/desafios-del-feminismo-en-la-discusion-constituyente/ > accessed on March 18th, 2026.

28 In this regard, see the concept of feminist constitutionalism as a discourse of contestation. See S. Atrey, "Feminist Constitutionalism: Mapping a Discourse in Contestation", *International Journal of Constitutional Law*, nº 20, 2022, p. 611.

29 See C. Ortega Gustavo, "Legítima inquietud", *La Tercera*, February 23, 2022, online: < https://www.latercera.com/opinion/noticia/legitima-inquietud/FKSWDWT3ANHEFB4ZJFLTOBISEQ/ > accessed on March 31, 2026; M. Velásquez Loaiza, "Las Razones Detrás Del Rechazo a La Nueva Constitución de Chile y Lo Que Sigue", CNN, September 5, 2022, online: < https://cnnespanol.cnn.com/2022/09/05/razones-rechazo-no-plebiscito-nueva-constitucion-chile-lo-que-sigue-orix > accessed on March 31, 2026; F. Mayorga and J. Carvajal, "Valoraciones negativas y llamados al Rechazo: las jugadas de la Iglesia Católica y los evangélicos ante el plebiscito", *La Tercera*, July 26, 2022, online: < https://www.latercera.com/la-tercera-pm/noticia/valoraciones-negativas-y-llamados-al-rechazo-las-jugadas-de-la-iglesia-catolica-y-los-evangelicos-ante-el-plebiscito/C6O5C3MJ3ZDFPK3LD6HDUFE67A/ > accessed on March 31, 2026.

30 See J. Rozas-Bugueño, "Between Hope and Disaffection: The Chilean Constitution-Making Process and the Intermediation Crisis", *PS: Political Science & Politics*, nº 57, 2024, p. 274.

31 Art. 42, "Rules on Mechanisms, Structure and Methodologies for Popular Participation and Constituent Civic Education" (available in Spanish only).

32 Art. 31-35, *ibid.*

33 Art. 49, *ibid.*

34 V. Undurraga Valdés, "The Chilean Constitutional Process: A Closed Chapter", *op. cit.*

35 T. Busch Venthur, "Proceso constituyente chileno entre el ensueño democrático latinoamericano y el péndulo", *op. cit.*

36 V. Undurraga-Valdés and Y. Zúñiga-Añazco, "El proceso constituyente chileno 2021-2022: reflexiones desde el constitucionalismo de género", *op. cit.*

RÉSUMÉS

Français

Cet article analyse le cycle constitutionnel chilien entre 2015 et 2023 comme une succession d'expérimentations démocratiques ayant profondément reconfiguré les contours du *demos* constitutionnel. À travers trois processus distincts – l'initiative participative de Bachelet, la Convention constitutionnelle et le Conseil constitutionnel – les auteures montrent comment les critères de légitimité démocratique ont évolué. L'étude met particulièrement l'accent sur deux dynamiques majeures : l'institutionnalisation de la parité de genre comme standard structurel de légitimité démocratique, et l'émergence de nouvelles formes de mobilisation territoriale et sociale redéfinissant les attentes participatives. Au-delà de l'échec de l'adoption d'un nouveau texte constitutionnel, le cas chilien révèle une transformation durable des normes démocratiques encadrant les processus constituants. L'article soutient ainsi que le changement constitutionnel peut s'opérer non seulement par l'adoption d'un nouveau texte, mais aussi par la redéfinition progressive des critères de participation, de représentation et de légitimité démocratique.

English

This article examines Chile's constitutional cycle between 2015 and 2023 as a sequence of democratic experiments that profoundly reconfigured the boundaries of the constitutional *demos*. Through three distinct constitution-making processes—Bachelet's participatory initiative, the Constitutional Convention, and the Constitutional Council—the authors show how standards of democratic legitimacy evolved over time. The analysis focuses on two major dynamics: the institutionalization of gender parity as a structural standard of democratic legitimacy, and the emergence of new forms of territorial and social mobilization that reshaped participatory expectations. Beyond the failure to adopt a new constitutional text, the Chilean case reveals a lasting transformation of the democratic norms governing constitution-making processes. The article argues that constitutional change may occur not only through the enactment of a new text, but also through the gradual redefinition of participation, representation, and democratic legitimacy standards.

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Mots-clés
processus constituant, Chili, légitimité démocratique, parité de genre, participation, mobilisation territoriale, représentation, demos constitutionnel

Keywords
constitution-making, Chile, democratic legitimacy, gender parity, participation, territorial mobilization, representation, constitutional demos

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